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federal register

Thursday
September 27, 1979

Highlights

55562 **Rehabilitation Loan Program** HUD/CPD redefines when personal liability is required in the case of corporate or partnership borrowers; effective 10-24-79; comments by 11-26-79

55774 **Energy Technology Grants** DOE proposes regulations on Appropriate Technology Small Grants Program: comments by 11-26-79; hearing 11-14-79 (Part III of this issue)

55602 **Lead-Based Paint Poisoning Programs** HEW/CDC and PHS proposes to develop rules which will govern the award of grants

55660 **Medicare Hospital Insurance Program** HEW/Sec'y announces inpatient hospital deductible for spells of illness beginning in 1980; effective 1-1-80

55594 **Presidential Election Campaign Fund** FEC request comments on proposed rules regarding the eligibility of candidates who exceed the expenditure limitations; comments by 10-29-79

55574 **Cable Television** FCC specifies filing periods and other procedural requirements; effective 10-1-79

55573 **Equipment Authorization Program** FCC sets up a single system of identification; effective 10-29-79

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55592 **National Maximum Speed Limit** DOT/FHWA/NHTSA extends certification of monitoring requirements for one additional reporting period; comments by 11-26-79

55554 **Truth in Lending** FRS is publishing in final form an official staff interpretation

55553 **Truth in Lending** FRS creates an alternative in certain circumstances to the three-day cancellation right applicable to each individual under the open-end credit accounts

55766 **Highways** DOT/FHWA proposes revision of policies and procedures applicable to federally funded research and development projects conducted by the State highway agencies; comments by 11-26-79 (Part II of this issue)

55612 **Motorcycle Helmets** DOT/NHTSA proposes to establish a minimum level of performance; comments by 11-26-79

55603 **Communications** FCC proposes to eliminate the exception of UHF stations subject to multiple ownership rule; comments by 11-27-79

55679 **Privacy Act** Panama Canal Company and Canal Zone Government issue annual publication of systems of records

55658 **Privacy Act** GSA publishes annual notice of systems of records

55623 **Privacy Act** DOD/Navy publishes new system of records; comments by 10-29-79; effective 10-29-79

55676 **Privacy Act** OMB publishes report of agency systems of records

55622 **Privacy Act** Fine Arts Commission issues annual publication of systems of records

55572 **Freedom of Information** FCC states its policies regarding disclosure of information to other Federal agencies; effective 9-28-79

55731 **Sunshine Act Meetings**

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55766 **Part II, DOT/FHWA**
55774 **Part III, DOE**
55781 **Part IV, FEC**
55784 **Part V, Justice/LEAA**

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary and general officers of the Department to realign functional responsibility for the National Poultry Improvement Plan (NPIP).

EFFECTIVE DATE: September 27, 1979.

FOR FURTHER ACTION CONTACT: John C. Frey, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202-447-5335).

SUPPLEMENTARY INFORMATION: The National Poultry Improvement Plan is almost entirely a disease control program and its major objective is to provide a cooperative State-Federal program for the control of egg-transmitted and hatchery disseminated diseases. The responsibility for the NPIP was formerly delegated to the Assistant Secretary for Conservation, Research and Education and the Director of Science and Education. The Department believes this new alignment of functions conforms to the missions of the Agencies involved and that placing all of the responsibility for cooperative disease control programs in the Assistant Secretary for Marketing and Transportation Services and the Administrator of the Animal and Plant Health Inspection Service will enable the Department to serve the public more efficiently. Therefore, the delegations of authority by the Secretary of Agriculture and general officers are being amended to provide that the Assistant Secretary for Marketing and Transportation Services and the Animal and Plant Health Inspection Service (APHIS) are responsible for NPIP Federal coordinating functions.

This rule relates to internal agency management and, therefore, pursuant to 5 U.S.C. 553 it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management it is exempt from the provisions of Executive Order 12044, Improving Government Regulations, and, thus, does not require the preparation of a regulatory impact analysis.

Accordingly 7 CFR Part 2 is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.17 is amended by adding a new paragraph (b)(19) to read as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Transportation Services.

* * * * *

(b) * * *

(19) Improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

* * * * *

Subpart F—Delegations of Authority by the Assistant Secretary for Marketing and Transportation Services

2. Section 2.51 is amended by adding a new paragraph (a)(19) to read as follows:

§ 2.51 Administrator, Animal and Plant Health Inspection Service.

(a) * * *

(19) Improvement of poultry, poultry products, and hatcheries (7 U.S.C. 429).

* * * * *

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

For Subpart C.

Dated: September 21, 1979.

Jim Williams,

Acting Secretary of Agriculture.

For Subpart F,

Dated: September 21, 1979.

Jerry C. Hill,

Deputy Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 79-29962 Filed 9-26-79; 8:45 am]
BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 906

[Amdt. 20]

Oranges and Grapefruit Grown in Texas; Container and Pack Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment authorizes the use of the 8-pound bag for shipping Texas oranges and grapefruit to market, provided they are shipped in the authorized master container. It also permits the use of existing inventories of the 1⅔ bushel wirebound box during the 1979-80 season. This action is based upon recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. This amendment relieves restrictions on the handling of oranges and grapefruit, shipments of which are expected to begin in late September.

EFFECTIVE DATE: October 1, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This final rule is issued under the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon recommendations and information submitted by the Texas Valley Citrus Committee, and upon other available information.

This action reflects the Department's appraisal of the containers needed to ship Texas oranges and grapefruit to market. The amendment authorizes the

use of 8-pound bags, provided they are shipped in the authorized master container. Use of the 8-pound bag was no longer authorized after December 4, 1978, except that use of existing inventories was permitted until July 31, 1979. However, increased usage of the 8-pound bag last season by certain handlers and receivers stimulated the committee to recommend reauthorization.

The amendment also provides for the use of existing inventories of 1⅝ bushel wirebound wooden boxes through July 31, 1980. This container was not authorized for use after December 4, 1978, except to exhaust existing inventories until July 31, 1979. The short crop of last season failed to deplete these inventories. Therefore, this extension is necessary.

After consideration of all relevant matter presented, the recommendation of the committee, and other available information, it is hereby found that this amendment of the rules and regulations is in accordance with this marketing agreement and order and will tend to effectuate the declared policy of the act.

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 date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the amendment at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time. This amendment relieves restrictions on the handling of oranges and grapefruit, shipments of which are expected to begin in late September. No purpose would be served by delaying the effective date beyond October 1, 1979.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this amendment warrants publication without opportunity for further public comment. The amendment has not been classified significant under USDA criteria for implementing the Executive Order 12044. An Impact Analysis is available from Malvin E. McGaha, 202-447-5975.

Accordingly, it is found that the provisions of paragraphs (a) (iv), (v) and (ix) in § 906.340 should be and are amended to read as follows:

§906.340 Container, pack, and container marking regulations.

(a) No handler shall handle any variety of oranges or grapefruit grown in the production area on and after October 1, 1979, unless such fruit is in one of the following containers, and the fruit is packed and the containers are marked as specified in this section.

(1) Containers.

* * * * *

(iv) Closed fiberboard carton with inside dimensions of 20 x 13¼ inches and of a depth from 9¾ to 10¾ inches: *Provided,* That the container has a Mullen or Cady test of at least 250 pounds and the container is used only for the shipment of eight 5-pound bags or five 8-pound bags of fruit.

(v) Bags having a capacity of 5 or 8 pounds of fruit: *Provided,* That fruit packed in such bags shall be handled only when packed in the number and container specified in paragraph (a)(1)(iv);

* * * * *

(ix) Closed wirebound wooden box with inside dimensions of 24 5/16 x 11⅜ x 11⅜ inches, described in Freight Container Tariff 2G as container No. 3680: *Provided,* such containers are from inventories on hand, and used prior to July 31, 1980.

* * * * *

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

Dated: September 21, 1979, to become effective October 1, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-29929 Filed 9-26-79; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 908

[Valencia Orange Reg. 631]

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 28-October 4, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: September 28, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act.

The committee met on September 25, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia Oranges is fairly firm.

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 date until 30 days after publication in the Federal Register (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an opening meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Further, the emergency nature of this regulation warrants publication without opportunity for further public comment, in accord with emergency procedures in Executive Order 12044. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An impact analysis is available from Malvin E. McGaha, (202) 447-5975.

§ 908.931 Valencia Orange Regulation 631.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 28, 1979, through October 4, 1979, are established as follows:

(1) District 1: 378,000 cartons;

(2) District 2: 322,000 cartons;

(3) District 3: Unlimited.

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

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

Dated: September 26, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-30319; Filed 9-26-79; 11:58 am]

BILLING CODE 3410-02-M

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7 CFR Part 1030

Milk in Chicago Regional Marketing Area; Temporary Revision of Shipping Percentage

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rules.

SUMMARY: This action temporarily relaxes the shipping requirement for supply plants during October and November 1979 for the Chicago Regional marketing area as a means of preventing uneconomic shipments of milk to the market and of maintaining the pool status of producers who regularly supply the market. The revisions are made in response to a request by a cooperative association of producers supplying the market.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202–447–7311.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Proposed Temporary Revision of Shipping Percentage, issued August 31, 1979; published September 6, 1979 (44 FR 51991).

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(5) of the Chicago Regional milk order.

Notice of proposed rulemaking was published in the Federal Register (44 FR 51991) concerning a proposed decrease in the shipping requirement for supply plants for the months of October and November 1979. The public was afforded an opportunity to comment on the proposal by submitting written data, views and arguments.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views and arguments filed, and other available information, it is hereby found and determined that for the months of October and November 1979 the supply plant shipping percentage of 35 percent set forth in § 1030.7(b) should be decreased to 30 percent.

Pursuant to the provisions of § 1030.7(b)(5) the supply plant shipping percentages set forth in § 1030.7(b) may be increased or decreased by the Director of the Dairy Division by up to 10 percentage points during the months of August–March to encourage additional milk shipments to pool distributing plants or to remove the need for milk shipments to such plants merely for purposes of qualifying a supply plant.

The National Farmers Organization, representing a portion of the producers supplying the Chicago Regional market, requested that during October and November 1979 the supply plant shipping percentages be reduced 5 percentage points. The counsel for the cooperative association stated that the 35 percent shipping requirements for October and November 1979 would cause uneconomic shipments of milk.

For June, July, and August 1979, producer milk volume for the market was 5.5 percent greater than for the same months last year. From market data available, it is estimated that for the months of September through December, producer milk volume will continue to be 5.5 percent greater than the same months last year. For October and November 1979, specifically, it is estimated that producer milk volume for the market will be 5.6 percent greater than in the same months last year.

For the months of June, July and August 1979, the pounds of pooled Class I milk for the market were slightly less (0.1 percent) than for the same months last year. It is estimated that for the months of September through December 1979, the volume of pooled Class I milk for the market will average 1.0 percent less than for the same months last year. For the months of October and November 1979, it is estimated that the volume of pooled Class I sales will be 0.6 percent lower than for the same months last year.

It is evident from these data that producer milk supplies for the market currently and prospectively are increasing substantially more than Class I sales, and that consideration to lowering the supply plant shipping percentage temporarily is warranted.

The Central Milk Sales Agency, which represents six cooperative associations whose members comprise the majority of producer milk associated with the market, presented similar data relating to Agency supply plants. The Agency estimates that current projections of producer receipts for the two months under consideration indicate an increase of between 7 and 8 percent over the same months last year. The Agency estimates that for October, producer receipts for the Agency will be 414 million pounds, an increase of 28 million pounds (7.3 percent) over last October. Where the Agency had 370 million pounds of producer receipts in November 1978, it is anticipated that the receipts this November will be 400 million pounds, an increase of 8.1 percent. The Agency stated that without the requested reduction of 5 percent in the shipping percentage for October 1979, the Agency would not be able to pool all of the Agency's producer receipts.

The Agency is unable, at this time, to estimate closely what its Class I sales would be for November. An intangible factor in this is the volume of milk which would be ordered by other Federal milk order areas. It appears to the Agency at this time that a reduction of 3 percentage points would suffice for its operations.

For the market as a whole, however, it is apparent that the percentage reduction that was requested initially would reduce the volume of uneconomic milk movements that would occur if the action were not taken, and still provide the market with an adequate supply of milk for fluid use.

The projected volume of milk that will be received at supply plants for October and November is expected to be 766 million pounds and 732 million pounds, respectively. At a 35% shipping percentage the qualifying shipments from supply plants would have to be 268 and 256 million pounds, respectively, when projected Class I sales are anticipated to be 260 million and 255 million pounds respectively.

An additional consideration is that supply plant receipts account for about 92 percent of total receipts for the market. The remaining 8 percent is received directly at pool distributing plants from farms. Thus, at a 35 percent shipping factor the volume of uneconomic shipments from supply plants would approach 77 million pounds for October and 65 million pounds for November. By reducing the supply plant shipping percentage to 30

percent, about 230 million pounds would be required for qualifying shipments from supply plants in October. With projected Class I use at 260 million pounds, the difference would be made up from direct shipped milk. A similar situation would prevail for the market for November. At this level of shipments, distributing plants should be adequately supplied during these two months.

On the basis of available information, it is concluded that the supply plant shipping percentages should be reduced to 30 percent for the months of October and November 1979. Providing the reduction for both months at this time on the basis of current information will afford all parties adequate advance knowledge for adjusting their operations accordingly.

The proposed reduction was supported in data, views and arguments by two other cooperative associations supplying the market, and by 18 supply plants associated with the Trade Association of Proprietary Plants. In addition, the reduction was supported by two proprietary handlers.

One proprietary handler opposed the request on the basis that bottlers are faced with paying premiums to producers to compete with cheese plants for milk supplies. The handler apparently believes that a reduction in the shipping requirements would make it still more difficult to obtain milk supplies for Class I use.

The shipping percentage reduction is aimed at facilitating the delivery of milk to the market from supply plants for Class I use without requiring uneconomic shipments merely for pooling purposes. It is concluded that the supply-demand conditions in the market warrant a lowering of the shipping requirements on a temporary basis.

Another handler claimed that the action should be taken, if needed, for only one month at a time. In the handler's view, weather conditions, say in November, could change milk production so that a reduction in the supply plant shipping percentage might not be needed. In this connection, current indications are that the action is needed for October and November 1979. Further, by taking the action now, all supply plant operators are advised in advance of what the supply plant shipping percentages are to be. Should severe weather change the projections for November, consideration could be given to terminating the action at that time.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of October and November 1979;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunitity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the months of October and November 1979.

It is therefore ordered. That the aforesaid provisions of the order are hereby revised for October and November 1979.

(Secs. 1–19, 48 Stat. 31, as amended (7 USC 601–674))

Effective date: October 1, 1979.

Signed at Washington, D.C., on September 21, 1979.

Herbert L. Forest,

Director, Dairy Division.

[FR Doc. 79-29956 Filed 9-26-79; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q, Docket No. R-0247]

Interest on Deposits

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary suspension of the Regulation Q penalty normally imposed upon the withdrawal of funds from time deposits prior to maturity.

SUMMARY: The Board of Governors, acting through its Secretary, pursuant to delegated authority, has suspended temporarily the Regulation Q penalty for the withdrawal of time deposits prior to maturity from member banks for depositors affected by Hurricane Frederic in the States of Alabama, Mississippi, and Florida.

EFFECTIVE DATE: September 13, 1979.

FOR FURTHER INFORMATION CONTACT: Daniel L. Rhoads, Attorney, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202/452-3611).

SUPPLEMENTARY INFORMATION: On September 13, 1979, pursuant to section 301 of the Disaster Relief Act of 1974 (42 U.S.C. 5141) and Executive Order 12148 of July 20, 1979, the President, acting through the Director of the Federal Emergency Management Agency, designated the following counties of the States of Alabama, Mississippi, and Florida major disaster areas: Alabama—Baldwin, Mobile, Covington, Clarke, Geneva, Marengo, Escambia, Conecuh, Choctaw, Washington, and Monroe; Mississippi—Hancock, Forrest, Covington, Harrison, Perry, Lauderdale, Jackson, Greene, George, Wayne, Stone, Jones, Pearl River, and Clarke; Florida—Escambia, Walton, Santa Rosa, Bay, and Okaloosa. The Board regards the President's action as recognition by the Federal government that disasters of major proportions have occurred. The President's designation enables victims of the disasters to qualify for special emergency financial assistance. The Board believes it appropriate to provide an additional measure of assistance to victims by temporarily suspending the Regulation Q early withdrawal penalty.[1] The Board's action permits a member bank, wherever located, to pay a time deposit before maturity without imposing this penalty upon a showing that the depositor has suffered property or other financial loss in the disaster areas as a result of Hurricane Frederic. A member bank should obtain from a depositor seeking to withdraw a time deposit pursuant to this action a signed statement describing fully the disaster-related loss. This statement should be approved and certified by an officer of the bank. This action will be retroactive to September 13, 1979, and will remain in effect until 12 midnight March 31, 1980.

Section 19(j) of the Federal Reserve Act (12 U.S.C. 371b) provides that no member bank shall pay any time deposit before maturity except upon such conditions and in accordance with such rules and regulations as may be prescribed by the Board. The Board has determined it to be in the overriding public interest to suspend the penalty

[1] Effective July 1, 1979, section 217.4(d) of Regulation Q provides that where a time deposit with an original maturity of one year or less, or any portion thereof, is paid before maturity, a depositor shall forfeit at least three months of interest on the amount withdrawn at the rate being paid on the deposit. Time deposits with original maturities of greater than one year require the forfeiture of at least six months' interest when paid prior to maturity. With respect to time deposits issued prior to July 1, 1979, where such deposits, or any portion thereof, are paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed the current ceiling rate for a savings deposit under section 217.7 and the depositor shall forfeit three months of interest payable at such rate. Effective August 1, 1979, a member bank may apply the new, generally less restrictive, penalty to time deposits issued prior to July 1, 1979, with the consent of the depositor.

provision in § 217.4(d) of Regulation Q for the benefit of depositors suffering disaster-related losses within those geographical areas of the States of Alabama, Mississippi, and Forida officially designated major disaster areas by the President. The Board, in granting this temporary suspension, encourages member banks to permit penalty-free withdrawal before maturity of time deposits for depositors who have suffered disaster-related losses within the designated disaster areas.

In view of the urgent need to provide immediate assistance to relieve the financial hardship being suffered by persons directly affected by the severe damage and destruction occasioned by Hurricane Frederic in the designated counties of Alabama, Mississippi, and Florida, good cause exists for dispensing with notice and public participation referred to in section 553(b) of Title 5 of the United States Code with respect to this action and public procedure with regard to this action would be contrary to the public interest. Because of the need to provide assistance as soon as possible and because the Board's action relieves a restriction, there is good cause to make the action effective immediately.

By order of the Board of Governors, acting through its Secretary, pursuant to delegated authority (12 CFR 265.2(a)(18)), September 20, 1979.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 79-30049 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 226

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

Truth in Lending; Right of Rescission

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: Effective in August 1978, the Board amended Regulation Z by creating an alternative in certain circumstances to the three-day cancellation right otherwise applicable to each individual advance under open-end credit accounts secured by consumers' residences. This action rescinds that amendment. It also rescinds a Board interpretation that provided sample disclosures that creditors could use to meet certain of the amendment's requirements and rescinds an official staff interpretation of the applicability of the amendment to nonsale credit advances.

EFFECTIVE DATE: March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-3667).

SUPPLEMENTARY INFORMATION: On December 9, 1977 (42 FR 62146), the Board proposed an amendment to § 226.9(g) of Regulation Z (12 CFR Part 226) to provide an exception to the requirement that a customer have a three-day "cooling off" period in which to cancel each separate advance under an open-end credit plan (such as a credit card or cash advance checking account) where credit extended under the plan is secured by the customer's principal residence. The proposal was substantially modified based upon the comments that were received and was adopted effective August 3, 1978 (43 FR 34111). It permits a creditor that is not the seller of the goods or services being purchased on credit to extend open-end credit without each separate advance being subject to the right of rescission.

The amendment, incorporated in § 226.9(g)(6), was accompanied by Board Interpretation § 226.904, which sets forth model disclosures that creditors may use to comply with certain notice requirements of the amendment. A technical change, revising the language, but not the substance, of the model disclosures was adopted effective October 31, 1978 (43 FR 50672).

In addition, the staff issued Official Staff Interpretation FC-0159 (43 FR 56877), which states that the exception to the right of rescission in § 226.9(g)(6) is available to a creditor that extends essentially nonsale credit, for example, a cash advance loan in the form of traveler's checks. The staff interpretation has been suspended pending the Board's decision on the question of whether to retain the exemption in § 226.9(g)(6).

After the exemption was adopted, the Board was urged to reconsider the matter because interested parties may not have been aware of the proposal when it was initially published and may not, therefore, have submitted comments on the possible risks and benefits to customers that might result from the amendment. Accordingly, on February 15, 1979 (44 FR 9761), the Board asked for comment on whether it should suspend or repeal the amendment and Board interpretation, whether the amendment should be modified to provide additional protections to customers, and whether creditors that intend to offer open-end credit plans under the amendment should be required to notify the Board of that intention and provide the Board with a copy of the initial Truth in Lending disclosures to be made in connection with the plans. The Board also requested information about plans currently being offered pursuant to the amendment.

Some 160 comments were received from the credit industry, consumer representatives, government agencies, members of the Congress and the Board's Consumer Advisory Council, and others. After carefully considering all of the comments, the Board has decided to rescind the amendment and the related Board and staff interpretations. In reaching that decision, the Board took into consideration the concern expressed by some members of the Congress and the Board's Consumer Advisory Council, consumer representatives, and federal, state, and local government agencies that consumers might be led unawares into more debt than they could afford and might as a result lose their homes—a consequence that the right of rescission is intended to help prevent.

The Board also considered three other factors: the potentially unfair competitive advantage that the amendment gives to nonseller creditors; the fact that few creditors are offering plans pursuant to the amendment; and the fact that creditors can feasibly offer lines of credit secured by a customer's residence even if each use of the line is subject to the right of rescission.

Regarding that final point, while credit extended through conventional credit cards cannot practically be secured by the customer's residence given the three-day cancellation right for each advance, the convenience of flexible repayment under an open-end credit arrangement, as well as more favorable terms reflecting the existence of a security interest in a residence, can be made available in compliance with § 226.9 for customers who have specific, foreseeable credit needs. For example, a creditor could offer an open-end credit plan pursuant to which cash advances would be made to the customer after the notice of the right of rescission had been given and the three-day "cooling off" period had expired.

The Board's action revoking the amendment and interpretations will become effective on March 31, 1980, in order to provide ample time for the orderly modification or termination of the limited number of open-end credit plans now in existence that are secured by the customer's principal residence. In order to provide guidance to nonseller creditors during the transition, the Board is republishing Official Staff Interpretation FC-0159. FC-0159 will

take effect immediately and will remain in effect until March 31, 1980. The result of revoking the amendment and related interpretations will be to require that a notice of the right of rescission be given in connection with each credit advance occurring after March 30, 1980, pursuant to any open-end credit plan secured by a customer's principal residence.

Therefore, pursuant to the authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604 (1970)), the Board amends § 226.9(g) of Regulation Z (12 CFR Part 226) by deleting § 226.9(g)(6). It also revokes Board Interpretation § 226.904 and Official Staff Interpretation FC-0159. This action shall take effect on March 31, 1980.

By order of the Board of Governors, September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30055 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 226

[Reg. Z; FC-0159]

Truth in Lending; Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Official Staff Interpretation.

SUMMARY: The Board is publishing in final form official staff interpretation FC-0159 of Regulation Z, Truth in Lending, regarding the availability of the § 226.9(g)(6) exception to the right of rescission for a creditor that extends essentially nonsale credit. The agency is taking this action pursuant to its final rule concerning § 226.9(g)(6) of Regulation Z, which is published in this issue of the Federal Register.

DATE: FC-0159 is effective immediately, but it shall cease to be effective March 31, 1980.

FOR FURTHER INFORMATION CONTACT: Robert C. Plows, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, (202) 452-3667.

SUPPLEMENTARY INFORMATION: (1) For further information concerning this action, refer to the Board's final rule on the right of rescission, Docket No. R-0202, which is plublished in today's issue of the Federal Register.

(2) Official Staff Interpretation FC-0159, which follows, is effective immediately, but it shall cease to be effective March 31, 1980.

(3) Authority: 15 U.S.C. 1640(f):

§ 226.9(g) Creditor that extends nonsale credit directly to customer under open end credit plan may qualify for § 226.9(g)(6) exception to general rescission requirements.

September 19, 1979.

This is in response to your letter of . . . , in which you request an official staff interpretation of the Board's recent amendment to the rescission provisions of Regulation Z. That amendment, § 226.9(g)(6) of the regulation, provides an exception to the regulation's general requirements regarding the right of rescission for individual transactions under an open end credit account, provided the specific requirements of the amendment are satisfied.

Specifically, you ask for clarification of § 226.9(g)(6)(i). Under that provision, the exception from the right of rescission for individual transactions under an open end credit account applies (assuming the amendment's other requirements are met) provided "[t]hat the creditor and the seller are not the same or related persons." You are concerned that this provision may be interpreted to mean that, for the exception to apply, an open end credit transaction must involve a *seller* that is not the same person as the creditor or related to the creditor. Under such an interpretation, the exception could not apply to a nonsale open end credit transaction (e.g., a cash advance loan made pursuant to an open end line of credit).

The staff is of the opinion that, in adopting this amendment to Regulation Z, the Board intended to allow creditors to qualify for an exception to the regulation's general rescission requirements for any open end credit transaction, whether involving sale or nonsale credit, except for the limited class of transactions in which the creditor of an open plan is the same person as or is related to the seller of property or services purchased by means of the plan. Thus, for example, a creditor of an open end plan could extend nonsale credit under the plan directly to a customer (in which case the creditor and the *lender* would be the same person and there would be no *seller* involved in the transaction at all) and could still qualify for the amendment's exception.

This is an official staff interpretation of Regulation Z, issued pursuant to the Board's final rule concerning § 226.9(g)(6) of Regulation Z. It is effective immediately, but shall cease to be effective March 31, 1980.

Nathaniel E. Butler,

Associate Director.

By order of the Board of Governors, September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30056 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 700

Nonrisk Assets; Definition Amended

AGENCY: National Credit Union Administration.

ACTION: Final rule.

SUMMARY: Section 700.1(j) of the National Credit Union Administration Rules and Regulations is being amended to expand the definition of non-risk assets. The change defines two types of assets as non-risk assets: (1) loans insured or guaranteed by the Federal or a State government, and (2) guaranty accounts established in insured credit unions under the authority of Section 208(a)(1) of the Federal Credit Union Act. This amendment is promulgated pursuant to the Administration's authority to define risk assets for purposes of the reserve requirement set forth in Section 116 of the Federal Credit Union Act.

EFFECTIVE DATE: This rule is effective September 27, 1979.

ADDRESS: National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Jerry L. Courson, Office of Examination and Insurance, or Edward J. Dobranski, Office of General Counsel, at the above address or by telephone: (202) 254-8760 (Mr. Courson) or (202) 632-4870 (Mr. Dobranski).

SUPPLEMENTARY INFORMATION: The Agency reviewed the definition of risk assets in Section 700.1(j) of the National Credit Union Administration Rules and Regulations, and a decision was reached that two additional types of assets need not be considered as risk assets for purposes of Section 116 of the Federal Credit Union Act (reserve requirements).

The first type is a loan that is insured or guaranteed by the Federal of a State government or an agency of either. Regulation 700.1(j) in its present form already states that certain loans of this type are not considered risk assets. The loans presently excluded are those loans insured under Title I of the National Housing Act by the Federal Housing Administration (12 CFR 700.1(j)(6)). Section 700.1(j)(6) is now being amended to include all loans that are insured or guaranteed (in full or in part) by the Federal or a State government. Examples of such loans are real estate loans insured by the Veterans Administration or a State agency.

As in the case of FHA Title I loans, because of the government nature of the insurance or guaranty (whether full or

partial), the Administration has determined that there is little or no risk to the lending credit union in the event of default of the loan agreement.

The second type of asset which will be considered non-risk is an account established as a National Credit Union Share Insurance Fund Guaranty Account. Such an account may be established by the Administration to reopen a closed insured credit union or to prevent the closing of an insured credit union. When the account is established as a guaranty account, there is little or no risk to the insured credit union as the guaranty account is backed by the National Credit Union Share Insurance Fund.

Since this rulemaking relieves a restriction in an existing regulation, and because an immediate effective date will assist some Federally-insured credit unions in the calculation of the required transfer to Regular Reserve at the September 30, 1979, dividend period, the Administration has for good cause found that the notice and public participation provisions of 5 U.S.C. 553 are unnecessary and contrary to the public interest.

Accordingly, 12 CFR 700 is amended as set forth below.

By the National Credit Union Administration Board, September 20, 1979.

Rosemary Brady,

Secretary of the Board.

(Section 116, 91 Stat. 49 (12 U.S.C. 1762), Section 120, 73 Stat. 635 (12 U.S.C. 1766).)

Section 700.1(j) is amended by revising paragraph (6) and by adding new paragraph (15) at the end thereof, as follows:

§ 700.1 Definitions.

(j) * * *

(6) Loans that are fully or partially insured or guaranteed by the Federal or a State government or any agency of either.

(15) National Credit Union Share Insurance Fund Guaranty Accounts established with the authorization of the National Credit Union Administration under the authority of Section 208(a)(1) of the Federal Credit Union Act.

* * * * *

[FR Doc. 79-30004 Filed 9-26-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Airworthiness Docket No. 76-SW-19; Amdt. 39-3569]

Airworthiness Directives; Bell Model 204B and 205A-1 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD 76-12-07) applicable to Bell Models 204B and 205A-1 helicopters by decreasing the inspection interval of the pitch control chain from 25 hours' time in service to 10 hours' time in service for Model 205A-1 helicopters only. The amendment is needed because several tail rotor pitch control chain failures have occurred in flight and several reports of cracked chain links on Model 205A-1 helicopters have been received indicating a reduction in the inspection interval is necessary. Failure of the tail rotor pitch control chain would result in loss of helicopter directional control.

AD 76-12-07 is also amended to require removal of the chain and cable system and installation of the tail rotor push-pull control system in conjunction with the installation of the Model 212 type of tail rotor, within 100 hours' time in service after the effective date of the amendment for certain Bell Model 205A-1 helicopters only.

DATES: Effective date of the AD Amendment will be October 29, 1979. Compliance as prescribed in the body of the AD.

ADDRESSES: Bell service information may be obtained from Product Support Dept., Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, or from the Chief, Engineering and Manufacturing Branch, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, extension 516.

SUPPLEMENTARY INFORMATION: This amendment changes Amendment 39-2640 (41 FR 23939), AD 76-12-07, which currently requires at 25-hour intervals, repetitive inspections of the Bell Models 204B and 205A-1 helicopter tail rotor control chain, P/N 204-001-739-3. Because of an in-flight failure of the chain and because of other possible chain failures and cracked chain links, a notice was published in 44 FR 40649 on July 12, 1979, proposing to require repetitive inspections of the Bell Model 205A-1 tail rotor pitch control chains at 10 hour intervals and to require installation of the Model 212 type of tail rotor and the push-pull tail rotor control system in place of the cable and chain system, within 100 hours' time in service after the effective date of the amendment to Amendment 39-2640, AD 76-12-07. The amendment also provides for approval of equivalent means of modification and allows ferrying the aircraft for the modification work.

The Model 204B inspection interval and requirement is not affected by this amendment to Amendment 39-2640.

One comment was received in support of the proposal, but recommending a shorter inspection interval. This comment also noted the lack of service problems with the chain. No objections to the proposal were received. Therefore, the amendment is adopted as proposed except that the effective date has been changed from September 26, 1979, to not less than 30 days after publication in the Federal Register. Additionally, an information statement has been added to paragraph (f) stating that removal of the chain and cable system and installation of the push-pull control system is required in conjunction with use of the Model 212 type of tail rotor.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-2640 (41 FR 23939), AD 76-12-07 as follows:

§ 39.13 [Amended].

1. By revising the applicability statement to read as follows:

Applies to tail rotor pitch control chains, P/N 204-001-739-3, installed on all Bell Model 204B helicopters and on Bell Model 205A-1 helicopters, S/N 30001 through 30228, certificated in all categories (Airworthiness Docket No. 76-SW-19).

2. By revising the compliance statement to read as follows:

Compliance required for Model 204B helicopters within 25 hours' time in service after July 19, 1976, and thereafter, at intervals not to exceed 25 hours' time in service from the last inspection.

Compliance required for Model 205A-1 helicopters within 10 hours' time in service after October 29, 1979, and

thereafter, at intervals not to exceed 10 hours' time in service from the last inspection, until Bell Service Bulletin 205-78-5 dated May 16, 1978, is incorporated per paragraph (f) of this AD.

3. By revising paragraph (f) to read as follows:

Within 100 hours' time in service after October 29, 1979, modify Bell Model 205A-1 aircraft in accordance with Bell Service Bulletin 205-78-5 dated May 16, 1978, as appropriate. This, in part, requires removal of the chain and cable control system and installation of the push-pull control system in conjunction with use of the Model 212 type of tail rotor.

4. After paragraph (f), add new paragraphs (g) and (h) as follows:

(g) Aircraft may be flown in accordance with FAR 21.197 to a location where modification required by paragraph (f) of this AD may be accomplished.

(h) Equivalent means of compliance with paragraph (f) of this AD may be approved by Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, Fort Worth, Texas.

This amendment becomes effective October 29, 1979.

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

Issued in Fort Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29823 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Airworthiness Docket No. 79-ASW-25; Amdt. 39-3572]

Airworthiness Directives; Bell Models 204B, 205A-1, and 212 Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires an initial and then repetitive inspections at 2400-hour intervals and corrosion protection and sealing of the main rotor yokes on Bell Models 204B, 205A-1, and 212 helicopters. The AD is needed to detect or preclude possible cracks as a result of corrosion or damage in the main rotor yoke which could result in a crack and failure of the yoke and loss of the main rotor blade. The AD is prompted by several cases of cracked main rotor yokes found on Bell Models 205A-1 and 212 helicopters.

DATES: Effective October 31, 1979. Compliance schedule as prescribed in the AD.

ADDRESSES: The applicable maintenance manual revisions may be obtained from Publication Distribution, Logistics Department, Bell Helicopter Textron, P.O. Box 482, Fort Worth, Texas 76101, or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Extension 516.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring, for Bell Models 204B, 205A-1, and 212 helicopters, inspections for cracks, corrosion, a sharp radius, or mechanical damage on the yoke and requiring specific corrosion protection and sealing of certain yokes before December 1, 1979, or before attaining 1000 hours' time in service as specified in the AD as published in 44 FR 42219 dated July 19, 1979. The inspections and corrosion protection would be required, thereafter, at intervals not to exceed 1000 hours from the last inspection. Repair limits for the yoke, specified in the overhaul manuals, would also be imposed by the AD.

The proposal was prompted by several reports of cracks occurring in the main rotor yokes of Models 205A-1, and 212 helicopters as a result of corrosion pits or surface marks or damage in the main rotor yoke. Bell Helicopter Textron issued Service Bulletin Nos. 204-79-6, 205-79-8, and 212-79-14 to establish improved corrosion protection and sealing of the main rotor yokes for the Bell Models 204B, 205A-1, and 212 helicopters. Cracked or corroded main rotor yokes may exist or develop on other Bell Models 204B, 205A-1, and 212 helicopters which could result in failure of the yoke and loss of the main rotor blade.

Interested persons have been afforded an opportunity to participate in the making of the amendment. An operator and a foreign agency requested that subsequent inspection and sealing be accomplished at 1200 or 2400 hour intervals. Bell Helicopter Textron requested that the interval be 2400 hours to agree with a maintenance manual revision. The foreign agency suggested a calendar time interval may be appropriate. Therefore, the 1000-hour interval has been changed to a 2400 hour interval in the adopted rule. Bell also requested editorial changes to improve definition of the areas requiring inspection and to note sealing is a part of the maintenance manual procedures incorporated in the AD. Bell requests for editorial changes were honored in part by changes to paragraphs (b)(1) and (2), (c) and (d). A sharp radius was also changed to a radius less than .050 inch. Bell Helicopter Textron requested the FAA require initial compliance for all affected helicopter yokes by December 1, 1979, as provided by the Bell Service Bulletins. Based on the service information contained in the Notice (44 FR 42219) the FAA believes compliance as stated in the proposal will maintain airworthiness of the helicopters but acknowledges compliance by December 1, 1979, would be prudent for certain helicopter operators.

Adoption of the Amendment

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

Bell. Applies to Models 204B, 205A-1, and 212 helicopters, certificated in all categories equipped with main rotor hub assembly, P/N 204-012-101 and yoke assembly, P/N 204-011-102 (Airworthiness Docket No. 79-ASW-25).

For main rotor yokes having 500 hours or more total time in service on the effective date of this AD, compliance required prior to December 1, 1979, unless already accomplished, and thereafter at intervals not to exceed 2400 hours from the last inspection.

For main rotor yokes having less than 500 hours' total time in service on the effective date of this AD, compliance required prior to attaining 1000 hours' total time in service and thereafter, at intervals not to exceed 2400 hours from the last inspection.

To detect and preclude corrosion and possible cracks in the main rotor yoke, accomplish the following:

(a) Remove the yoke assembly from the main rotor hub assembly.

(b) Conduct the following inspections:

(1) Inspect yoke for corrosion pits, scratches, and damage in the pillow block bushing hole, in each spindle radius, and yoke web section and for a radius less than .050 inch in the bottom of the pillow block bushing holes by using a five power or higher magnifying glass.

(2) Inspect the yoke for cracks using a magnetic particle inspection method. Note: Special attention should be directed to the center section web, spindles, radius, and pillow block bushing holes.

(c) Remove corrosion pits, repair, refinish, and seal the yoke as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul Manual, or Revision 1, Model 205A-1 Component Repair and Overhaul Manual.

(d) Replace yokes having a crack, a radius less than .050 inch in a pillow block bushing hole, or that exceed repair limits specified in the appropriate model maintenance or repair and overhaul manual, with a serviceable yoke, before further flight. The serviceable yoke must have been refinished and sealed as prescribed by Model 212 Component Repair and Overhaul, Revision 4, Chapter 65 or Revision 12, Model 204B Maintenance and Overhaul Manual or Revision 1, Model 205A-1 Component Repair and Overhaul Manual.

(e) Equivalent means of compliance with this AD may be approved by Chief, Engineering and Manufacturing Branch, FAA, Southwest Region.

(f) The helicopter may be flown in accordance with FAR 21.197 to a base where inspections and repairs can be performed.

(g) Upon request of the operator, an FAA maintenance inspector subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Southwest Region, may adjust the repetitive inspection intervals specified in this AD if the request contains data justifying the increase.

This amendment becomes effective October 31, 1979.

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

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29871 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Airworthiness Docket No. 79-ASW-19; Amdt. 39-3568]

Airworthiness Directives; Brantly Models B-2, B-2A, and B-2B Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts an amendment to an existing airworthiness directive (AD 68-4-4) applicable to Brantly Models B-2, B-2A, and B-2B helicopters by limiting the AD to certain design tail rotor blades and to extend to 300 hours the inspection interval for the new improved strength tail rotor blades, P/N 111-11A, that use the spar, P/N D1783. Helicopters certificated in all categories are also included in the applicability statement of the AD. This amendment is needed to include restricted category helicopters and to recognize use of the new improved strength blades.

DATES: Effective date of the AD will be October 28, 1979. Compliance as prescribed in the AD.

ADDRESSES: Brantly service information may be obtained from Brantly-Hynes Helicopter, Inc., Box 697, Frederick, Oklahoma 73542 or from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southwest Region, P.O. Box 1689, Fort Worth, Texas 76101.

FOR FURTHER INFORMATION CONTACT: James H. Major, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas, telephone number (817) 624-4911, Ext. 516.

SUPPLEMENTARY INFORMATION: A proposal was published in 44 FR 37628 on June 28, 1979, to amend Amdt. 39-557 (33 FR 3371), AD 68-4-4 by specifying in the compliance statement a 100-hour inspection interval for blades, P/N 111-11 (spar, P/N 109), and a 300-hour inspection interval for blades, P/N 111-11A (spar, P/N D1783), on Brantly Models B-2, B-2A, and B-2B helicopters and by including helicopters certificated in all categories in the applicability statement. The FAA had determined that new design tail rotor blades, P/N 111-11A, should be noted in the AD and may be inspected at 300-hour intervals.

Amendment 39-557, AD 68-4-4 presently requires prior to flight after February 27, 1968, inspection and replacement where necessary of all Brantly tail rotor assemblies having 100 or more hours' time in service and requires repetitive inspections thereafter at 100-hour intervals.

The AD is also being further amended to reflect that the FAA Southwest Region, and not the FAA Central Region, is the current region responsible for Brantly type designs.

Interested persons have been afforded an opportunity to participate in the rule making. Brantly-Hynes Helicopter, Inc., supported the proposal and no other comments were received. Accordingly, the proposal is adopted without change. It is noted the 300-hour inspection interval for new design tail rotor blades is a relaxation of the inspection interval for these blades. Therefore, this interval for these blades may be used after August 15, 1979, as specified in the proposal.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by amending Amendment 39-557 (33 FR 3371), AD 68-4-4 as follows:

1. Revise the applicability statement to read as follows: Applies to Model B-2, B-2A, and B-2B helicopters, certificated in all categories (Airworthiness Docket No. 79-ASW-19).

2. Revise the compliance statement to read as follows: For tail rotor blades, P/N 111-11, with 100 or more hours' time in service after February 27, 1968, compliance required prior to further flight, unless already accomplished, and, thereafter, at intervals not to exceed 100 hours' time in service from the last inspection. For tail rotor blades, P/N 111-11A, with 300 or more hours' time in service after August 15, 1979, compliance required prior to further flight, unless already accomplished, and, thereafter, at intervals not to excees 300 hours' time in service from the last inspection.

3. Revise paragraph (a)(2) to delete phrase: ". . . , FAA, Central Region, Kansas City, Missouri . . . " and add phrase: ". . . , FAA, Southwest Region, Fort Worth, Texas 76101."

This amendment becomes effective October 28, 1979.

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

Issued in Forth Worth, Texas, on September 12, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29622 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-WE-25-AD; Amdt. 39-3576]

Airworthiness Directives; Lockheed L-1011 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires incorporation of an elevator drive system jam warning system and exterior visual checks of the elevator/stabilizer surface positions which are required until the warning system is installed and is operational on all aircraft of each operator's L-1011 fleet. This AD is necessary to provide a warning to the flight crew of an occurrence of a potentially hazardous jam in the elevator drive system prior to takeoff, and thus prevent takeoff with a

possible jammed elevator drive system on the horizontal stabilizer of the primary pitch control system which can result in degradation of the airplane controllability.

DATES: Effective October 11, 1979. Compliance schedule—As prescribed in the body of the AD.

ADDRESSES: The applicable service information may be obtained from: Lockheed-California Company, P.O. Box 551, Burbank, California 91520, Attention: Commercial Support Contracts, Department 63-11, U33, B-1.

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

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

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

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

SUPPLEMENTARY INFORMATION: Degradation of L-1011 aircraft controllability, during two separate incidents in 1977, resulted from jamming of the elevator drive system during the preflight controls check. The deterioration of the functional integrity of the upper and lower bearings in the elevator drive system quadrant unit was identified as the cause of the above two jams. The airworthiness directive (AD) 77-18-07, which has been accomplished throughout the L-1011 fleet, has eliminated the factors contributing to the deterioration of the bearings in the quadrant unit of the elevator drive system and provided an optional "fail-safe" journal bearing.

FAA requested the Lockheed-California Company to conduct a review of the elevator drive system to show whether the L-1011 does possess an inherent capability for continued safe flight and landing when experiencing an elevator drive system jam at any trailing edge position for possible cause(s) other than the above deterioration of the quadrant bearings. Specifically, FAA stated to Lockheed: "Since the conduct of the preflight controls check is a normally encountered operating procedure, the elevator drive system must comply with the requirements of the FAA Special Conditions No. 25-27-WE-6, Special Airframe Condition No. 1, Control System."

Lockheed reviewed the elevator drive system and concluded that the airplane is controllable with an elevator jammed at any angle normally encountered in flight. However, this conclusion was not considered to be valid for an elevator jam at angles normally encountered during the preflight control system check. Results of further analysis covering the conditions of elevator jams at extreme angles, which theoretically could occur during this preflight check, indicated that in extreme cases such a jam could cause serious pitch control problems. The modifications in the elevator drive system required by AD 77-18-07 have improved the integrity and reliability of this system. However, extreme improbability of an elevator jam was not established for certain specific failures in the system as well as arbitrary insertion of a foreign object into the elevator drive system at specific locations, which are conditions encompassed by the referenced special condition. The manufacturer has elected to show compliance with the above FAA Special Condition by proposing an elevator drive system jam warning system which would inform the flight crew of an occurrence of an elevator jam and which would permit a timely pilot action(s) to prevent takeoff, i.e., a jammed elevator system is indicated by an intermittent aural warning and is annunciated with a specific elevator identification light prior to start of the takeoff roll.

In consideration of the above, the FAA is requiring the incorporation of the elevator drive system jam warning system for all of the L-1011-385-1, L-1011-385-1-14, and L-1011-385-1-15 series aircraft. The Model L-1011-385-3 includes the elevator drive system jam warning system in its type design. Exterior visual checks of the elevator/stabilizer surface positions are required until the system is installed and is operational on all aircraft of each operator's L-1011 fleet. The exterior visual check of the elevator/stabilizer surface positions is considered to constitute an adequate means of detecting an elevator drive system jam prior to takeoff, pending installation and operation of the warning system throughout the L-1011 fleet.

Adoption of the Amendment

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

Lockheed-California Company. Applies to all L-1011-385-1, L-1011-385-1-14, and L-1011-385-1-15 series airplanes certificated in all categories.

Compliance required as indicated. To provide a warning to the flight crew of an occurrence of a potentially hazardous jam in the elevator drive system prior to takeoff, and thus prevent takeoff with a possible jammed elevator drive system on the horizontal stabilizer of the primary pitch control system which can result in degradation of the airplane controllability, accomplish the following:

(a) Within the next ten (10) days after the effective date of this AD, unless the elevator drive system jam warning system of paragraph (b) is installed and is operational on all aircraft of each operator's fleet, initiate the following check program:

(1) Prior to each takeoff, conduct an exterior visual check of the elevator/stabilizer surface positions after the full aft controls check and with the control column full forward to assure there is no obvious discrepancy between elevator positions. The pilot-in-command shall be informed of the results of this check.

Note.—This check can be accomplished with any one single hydraulic system pressurized by any main hydraulic system pump.

(2) If obvious discrepancy is noted, correct prior to further flight.

(3) No further full aft control column movement may be performed prior to takeoff. A placard must be installed in the flight station in full view of the pilot to inform the pilot of the requirements of this subparagraph.

(b) On or before July 1, 1981, unless already accomplished, install the elevator drive system jam warning system in accordance with FAA approved Lockheed-California Company Service Bulletin 093-27-174, dated August 3, 1979. The visual exterior checks of paragraph (a), above, may be discontinued upon installation and operation of the warning system on all aircraft of each operator's L-1011 fleet.

(c) All elevator surface jam conditions indicated by the warning system of paragraph (b) must be corrected prior to further flight.

(d) If the elevator drive system jam warning system is not fully operative prior to initiation of flight operations, the aircraft may be allowed to dispatch provided the visual exterior check of paragraph (a) is accomplished.

(e) Alternative checks, installations or other actions which provide an equivalent level of safety may be used when approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective October 11, 1979.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85)

Issued in Los Angeles, California on September 14, 1979.

William R. Krieger,

Acting Director, FAA Western Region.

[FR Doc. 79-29670 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-SO-57; Amdt. No. 39-3573]

Airworthiness Directives; Piper PA-31 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) which requires that 12 volt cigar-lighter circuits in certain Piper PA-31 series airplanes be disconnected at the circuit breaker. The AD is prompted by reports of an electrical circuit condition which has resulted in smoke in the cockpit.

DATES: Effective October 2, 1979.

Compliance is required within the next 25 hours of time in service or 30 days, whichever occurs first, after the effective date of this AD unless already accomplished.

ADDRESSES: The Rules Docket is located in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Whipple Street, East Point, Georgia.

FOR FURTHER INFORMATION CONTACT: Clarence W. Kaiser, Engineering and Manufacturing Branch, FAA, Southern Region, P.O. Box 20636, Atlanta, Georgia 30320, telephone (A/C 404) 763-7407.

SUPPLEMENTARY INFORMATION: There have been three reports of failures in the cigar lighter electrical circuit resulting in smoke in the cockpit of certain Piper PA-31 series airplanes which use 12 volt cigar lighters powered through a voltage dropping resistor network. These failures did not trip the circuit breaker. Since this condition is likely to exist on other airplanes of the same type design, an Airworthiness Directive is being issued which requires disconnecting the cigar lighter circuit on certain Piper PA-31 series airplanes.

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

Adoption of the Amendment

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

Piper Aircraft Corporation: Applies to the following Piper Models of airplanes, equipped with three 12 volt cigar lighters powered through a triplet of voltage dropping resistors, certificated in all categories; PA-31 and PA-31-325, S/N 31-7712074 through 31-7912098 and PA-31-350, S/N 31-7752096 through 31-7952197.

Compliance is required within the next 25 hours time in service or 30 days, whichever occurs first, after the effective date of this AD unless already accomplished.

To prevent smoke in the cockpit, accomplish the following:

a. For Models PA-31 and PA-31-325, S/N 31-7712074 to, but not including, 31-7912001, and PA-31-350, S/N 31-7752096 to, but not including, 31-7952001; disconnect wire CIG-1 from the 7 amp circuit breaker located at the voltage dropping resistor assembly under the instrument panel or disconnect wire CIG-1A from the 15 amp "Heater and Cigar Lighter" circuit breaker located on the pilot's circuit breaker panel.

b. For Models PA-31 and PA-31-325, S/N 31-7912001 through 31-7912098, and PA-31-350, S/N 31-7952001 through 31-7952197, except 31-7952191, 31-7952193, 31-7952195; disconnect wire CIG-1 from the 7 amp "Lighter" circuit breaker located on the pilot's circuit breaker panel.

c. After disconnection, protect the wire by insulating its disconnected end and fold the wire end back against itself or the bundle in which it is routed and secure it.

Compliance with the provisions of this Airworthiness Directive may be accomplished in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment is effective October 2, 1979.

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

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

Issued in East Point, Georgia, on October 2, 1979.

Louis J. Cardinali,

Director, Southern Region.

[FR Doc. 79-29634 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-GL-44]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near North Lima, Ohio to accommodate a new Very High Frequency Omni-directional Range (VOR) instrument approach into Youngstown Elser Metro Airport, North Lima, Ohio established on the basis of a request from the Elser Metro Airport officials to provide that facility with instrument capability.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42224 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at North Lima, Ohio. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposal Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

In Section 71.181 (44 FR 442) the following addition should be made to the existing transition area:

North Lima, Ohio

That airspace extending upward from 700 feet above the surface within a 5.5 mile radius area of the Youngstown Elser Metro Airport (latitude 40°57'30" N, longitude 80°40'30" W), within 2.5 miles each side of the Akron, Ohio VORTAC 110° radial extending from the 5.5 mile radius area to 7 miles northwest of the airport excluding that portion that coincides with the Youngstown, Ohio transition area.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-44, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 19, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-29821 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-41]

Designation of Federal Airways Area Low Routes, Controlled Airspace, and Reporting Points; Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate controlled airspace near Flora, Illinois to accommodate a new Non-Directional Radio Beacon (NDB) Runway 21 instrument approach into Flora Municipal Airport, Flora, Illinois established on the basis of a request from the Flora Airport officials to provide that facility with instrument approach capability.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace in this area will be lowered from 1200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42226 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Flora, Illinois. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA.

No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

In § 71.181 (44 FR 442) the following addition should be made to the existing transition area:

Flora, Illinois

That airspace extending upwards from 700 feet above the surface within a 5-mile radius of the Flora Municipal Airport (FOA) (latitude 38°39'55"N., longitude 88°27'10"W.), and within 3 miles each side of the 042° bearing from the FOA NDB, extending from the 5-mile radius to 8 miles NE of the NDB.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-41, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 19, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-29868 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-GL-42]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Alteration of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Gaylord, Michigan to accommodate a relocation of the Gaylord Very High Frequency Omnidirectional Range (VOR) and revised instrument approach procedures into the Otsego County Airport, Gaylord, Michigan.

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Telephone (312) 694-4500, Extension 456.

SUPPLEMENTARY INFORMATION: The intended effect of this action is to insure segregation of the aircraft using this

approach procedure in instrument weather conditions and other aircraft operating under visual conditions. The floor of the controlled airspace will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The development of the revised procedure necessitates the FAA to alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

Discussion of Comments

On page 42222 of the Federal Register dated July 19, 1979, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Gaylord, Michigan. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No objections were received as a result of the Notice of Proposed Rule Making.

Adoption of Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective November 29, 1979, as follows:

In § 71.181 (44 FR 442) the following transition area is amended to read:

Gaylord, Michigan

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Otsego County Airport, Gaylord, Michigan (latitude 45°01'00" N; longitude 84°41'45" W) and within an 8.5 mile radius of the Gaylord (GLR) VORTAC (latitude 45°00'45.3" N; longitude 84°42'14.5" W) and 4.0 miles south and 4.0 miles north of the 282° true radial of the GLR VORTAC extending from the 8.5 mile radius out to 13.0 miles, and within 5.0 miles north and 5.0 miles south of the 274° true bearing of the Alpine (ALV) NDB (latitude 45°04'58" N; longitude 83°33'25" W) extending from the 8.5 mile radius out to 13.0 miles.

(Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-42, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on September 19, 1979.

Wayne J. Barlow,

Director, Great Lakes Region.

[FR Doc. 79-29869 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-23]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Alteration of Transition Area: Lufkin, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Lufkin, Tex. The intended effect of the action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Lufkin Angelina County Airport. The circumstance which created the need for the action is the proposed establishment of a nonfederal partial instrument landing system (ILSP) to Runway 07.

EFFECTIVE DATE: November 29, 1979.

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

SUPPLEMENTARY INFORMATION:

History

On July 12, 1979, a notice of proposed rulemaking was published in the Federal Register (44 FR 40652) stating that the Federal Aviation Administration proposed to alter the Lufkin, Tex., transition area. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the Federal Aviation Administration. No objections were received to the proposal. Except for editorial changes this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Lufkin, Tex., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing instrument approach procedures to the Lufkin Angelina County Airport.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, November 29, 1979, as follows:

In Subpart G, § 71.181 (44 FR 442) the Lufkin, Tex., transition area is altered to read as follows:

Lufkin, Tex.

That airspace extending upward from 700 feet above the surface within 8.5 miles of the Angelina County Airport (Latitude 31°14'05" N., Longitude 94°45'00" W.) and within 8 miles east and 5 miles west of the Lufkin VOR 157° radial extending from the VOR to 12 miles southeast and within 3.5 miles either side of the 255° bearing from the LOM (Latitude 31°13'06.92" N., Longitude 94°49'31.52" W.), extending 11.5 miles west of the LOM.

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

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

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29826 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-EA-23]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, And Reporting Points, Designation of Transition Area: Clarion, Pa.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a Clarion, Pa., Transition, over Clarion County Airport, Clarion, Pa. A new VOR-A approach procedure has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 GMT November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Charles J. Bell, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, New York 11430, Telephone (212) 995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a new transition area. The rule resulted from the development of a new instrument approach for the airport. On page 39191 of the Federal Register for July 5, 1979, the FAA published a proposed amendment to designate the subject transition area. Interested parties were given time in which to submit comments. No objections were received.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 GMT November 29, 1979, as published.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Clarion, Pa. 700-foot floor transition area as follows:

"That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clarion County Airport (41°13'38" N., 79°26'30" W.)".

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

Issued in Jamaica, New York, on September 12, 1979.

Brian J. Vincent,
Acting Director, Eastern Region.

[FR Doc. 79-29825 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 510

[Docket No. R-79-708]

Section 312 Rehabilitation Loan Program; Interim Rule

AGENCY: Housing and Urban Development/Office of the Assistant Secretary for Community Planning and Development.

ACTION: Interim rule.

SUMMARY: The Secretary is amending the Section 312 Rehabilitation Loan Program regulations to redefine when personal liability is required in the case of corporate or partnership borrowers in connection with a Section 312 loan. In lieu of explicitly requiring personal liability of all corporate chief executives, as previously required, this amendment gives officials approving loans the option of requiring personal liability in the case of a corporate borrower where necessary to make the loan an acceptable risk. In the case of the borrower being a partnership, personal liability will still be required in all cases.

EFFECTIVE DATE: October 17, 1979. Comments due: November 26, 1979.

FOR FURTHER INFORMATION CONTACT: Craig Nickerson, Director, Rehabilitation Management Division, Department of Housing and Urban Development, 451 Seventh St., SW., Room 7162, Washington, D.C. 20410, Telephone Nr. Area Code 202, 755-5973.

SUPPLEMENTARY INFORMATION: There are no comprehensive published regulations for the Section 312 Rehabilitation Loan Program authorized by Section 312 of the Housing Act of 1964, as amended. On April 11, 1979, the Department published an interim rule implementing certain 1978 legislative amendments to Section 312. The interim rule specified in § 510.105(h) that on all Section 312 loans to corporate borrowers or partnerships, the Chief Executive Officer of the corporation and each partner of a partnership must assume personal liability for the loan in addition to the security provided by the mortgage of the property.

This requirement has discouraged and effectively prevented the submission of loan applications from corporate borrowers in cases where personal liability is not normally required by operation of state law and is neither necessary nor appropriate for the determination of acceptable risk required under Section 312(a)(3) in connection with making Section 312 loans.

This rule eliminates the requirement for personal liability in the case of a corporate borrower except in cases where it is determined by the approving officials to be necessary for the finding of acceptable risk. In view of the urgency in facilitating approval of loan applications involving corporate borrowers in rehabilitation efforts, the Secretary has determined that notice and public procedure with respect to this rule is impractical and contrary to the public interest.

A finding of inapplicability with respect to environmental impact has been prepared in accordance with Procedures for Protection and Enhancement of Environmental Quality. A copy of this finding is available for inspection and copying in the Office of the Rules Docket Clerk at the above address.

Accordingly, 24 CFR, Part 510 is hereby amended by replacing the existing § 510.105(h) with the new § 510.105(h) which reads as follows:

PART 510—SECTION 312 REHABILITATION LOAN PROGRAM

§ 510.105 [Amended]

* * * * *

(h) * * *

(1) In cases in which a corporation is a borrower on a Section 312 loan, the Area Manager or his designee, or the approving officer where a locality has local Section 312 loan approval authority, may require an officer of the corporation or a principal stockholder to personally guarantee the Section 312 loan or to cosign the loan note as a borrower, where necessary to make the finding of acceptable risk required under Section 312(a)(3) for approval of the loan.

(2) All partners of any partnership which is a borrower on a Section 312 loan shall be personally liable for repayment of the Section 312 loan. Limited partners shall assume personal liability by co-signing the loan note as a borrower or by personally guaranteeing the loan.

(3) Any personal guarantee or endorsement shall not relieve the

partnership or corporate borrower from securing the Section 312 loan by a mortgage or deed of trust on the property to be rehabilitated.

(Sec. 312 of the United States Housing Act of 1974 (42 U.S.C. 1452b), and sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., August 28, 1979.

Walter G. Farr, Jr.,

Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 79-29963 Filed 9-26-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 802

Air Force Technical Order System

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

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by adding a new Part 802 to Subchapter A of 32 CFR, consisting of §§ 802.0 through 802.27. The new part establishes and explains the Air Force Technical Order (TO) System, describes the devices and data to be included in a TO, and assigns basic responsibilities. It applies to all Air Force activities procuring, developing, managing, or using publications in the TO System. This part implements DOD Instruction 4151.9, January 7, 1975, and supersedes Air Force Regulation 8-2, November 23, 1971.

EFFECTIVE DATE: June 6, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. W. J. Stiegmann, phone: (202) 697-1525.

SUPPLEMENTARY INFORMATION: Chapter VII, Title 32 of the Code of Federal Regulations is revised by adding Part 802 to Subchapter A—Administration. This part deletes software from the technical order system, expands policy guidance on the use of TOs at the job site; explains terms; adds policy on changes in data support for new series of aircraft or equipment; states policy regarding exclusion of TOs from the Freedom of Information Act; describes new two-step TO verification concept; corrects security review requirements; adds AFTO Forms 22 report guidance; adds base DA as storage and issue agency; adds AFTEC responsibilities; corrects office symbols; and other minor changes.

Title 32 of the Code of Federal Regulations is amended by adding a new Part 802 to read as follows:

Part 802—Air Force Technical Order System.

Sec.
802.0 Purpose.

Subpart A—General Provisions

802.1 Applicability of TO system.
802.2 Air Force policy.
802.3 Terms explained.
802.4 Recommending improvements.

Subpart B—Explanation of TO System

802.5 General information.
802.6 Types of TOs.
802.7 Procuring material for TOs.
802.8 TOs for training.
802.9 Specifications and standards.
802.10 Joint procurement and use of other departmental publications.
802.11 Use of commercial instructions.
802.12 Budgeting and funding for TOs.
802.13 Revisions, changes, and supplements.
802.14 Security classification.
802.15 Distribution of TOs.
802.16 Technical manual cost information.

Subpart C—TO System Council

802.17 Composition and purpose of the council.
802.18 Method of Operation.

Subpart D—HQ USAF and Command Responsibilities

802.19 HQ US Air Force.
802.20 HQ Air Force Systems Command.
802.21 HQ Air Force Logistics Command.
802.22 HQ Air Training Command.
802.23 HQ Air Force Communications Service.
802.24 HQ Air Force Test and Evaluation Center.
802.25 Major Commands and Separate Operating Agencies.
802.26 Charter for the USAF Technical Order system council.
802.27 Specifications and standards application record.

Authority: 10 U.S.C. 8012.

Note.—This part is derived from Air Force Regulation 8-2, June 6, 1979.

Part 806 of this Chapter states the basic policies and instructions governing the disclosure of records and tells members of the public what they must do to inspect or obtain copies of the material referenced herein.

§ 802.0 Purpose.

This part establishes and explains the Air Force Technical Order (TO) System, describes the devices and data to be included in a TO, and assigns basic responsibilities. It implements DOD Instruction 4151.9, January 7, 1975. It applies to all Air Force activities procuring, developing, managing, or using publications in the TO system.

Subpart A—General Provisions

§ 802.1 Applicability of TO system.

The Air Force TO system is the only official medium for disseminating technical information, instructions, and safety procedures for the operation, installation, maintenance, and production or retrofit modification of Air Force equipment and materials. The following are excluded from the TO system:

(a) Contractor-operated experimental equipment, designed specifically for research purposes.

(b) The operation and maintenance of real property (RP) or real property installed equipment (RPIE), as defined in AFM 93-1 and AFR 400-41. However, all Air Force personnel must comply with TOs applicable to centrally procured and managed equipment, and those issued for equipment or systems interfacing with AFM 66-1 and AFR 66-5 (for example, TO 37-1-1 for fuel dispensing systems).

(c) The Air Force stocklist publications system, specified in AFR 72-8.

(d) Subjects more suitable for coverage in standard publications, as identified in AFR 5-1.

(e) Development program manuals (see § 802.3(c)).

(f) Computer programs and documentation managed according to AFR 800-14 and the 300-series regulations. However, computer program operator's manuals designated in the applicable Computer Resources Integrated Support Plan (CRISP) for Air Force Logistics Command (AFLC) management, are managed in the TO system.

(g) Equipment to be maintained by the manufacturer over its life cycle.

(h) Nonstandard cryptologic equipment operated, maintained, and managed by HQ US Air Force Security Service (USAFSS).

(i) Other forms of technical data specifically excluded by authority of HQ USAF.

§ 802.2 Air Force policy.

All Air Force systems and equipment except those excluded by § 802.1, will be operated and maintained according to the procedures described in TOs. For conditions under which TO compliance may be waived, see TO 00-5-1.

(a) Specific TOs, including Job Guide Manuals, that prescribe procedures for a repair or servicing action will be available at the job site; however, general-type TOs need not be at the job site. The TOs will be reviewed for familiarization with latest procedures, adjustment tolerances, and so forth, and

will then be referred to, as required, to ensure the accomplishment of the task, according to the TO. Appropriate 11N Series TOs must be referred to during the maintenance of nuclear weapons. Specific TOs will take precedence over general-type TOs. Major commands may, at the LGM (or equivalent) level, provide further definition of a job site for specific situations, or may delegate this authority to the unit DCS for maintenance (or equivalent). In defining the job site, the TOs must be readily available to personnel accomplishing work. For example, TOs in the maintenance office or library cannot be considered as available on the flight line or missile job site.

(b) TOs, or portions of TOs, published as checklists or inspection workcards must be referred to during the operation and maintenance of systems or equipment. Items on workcards will be referred to as the step is accomplished, and items on checklists will be performed in the prescribed sequence. AFR 60-9 establishes policy for exceptions to this rule, in the use of flight manual (—1) checklists during aircraft emergency operations. Further, in the case of munitions loading checklists (—16 and —33) several nondependent tasks, such as aircraft preparation and munitions preparation, may be performed simultaneously, as set forth in TO 00-5-1.

(c) The management of the TO system includes exploring and adopting promising new techniques and technology for technical data format and presentation; determining TO requirements, material content, and distribution procedures; printing and funding.

(1) Approval actions will be taken by technically qualified personnel at the highest level, consistent with good management.

(2) Major command (MAJCOM) and separate operating agency (SOA) headquarters will ensure that subordinate activities comply with TOs 00-5-1, 00-5-2, and 00-5-15.

(3) Annual inspections will be conducted to ensure the effective and economical operation of the TO system.

(4) Requirements for TOs and associated data are placed on contract according to AFR 310-1.

(5) Using commands will not supplement TOs, except as specifically authorized by TO 00-5-1.

(6) TOs and associated data will be printed according to AFR 6-1.

§ 802.3 Terms explained.

The following terms are explained for use in the TO system.

(a) Commercial Publications. Commerical publications contain technical information on the assembly, installation, operation, servicing, disassembly, overhaul, reassembly, and parts identification. These publications are manuals, booklets, or like data that are furnished by manufacturers to purchasers of their products.

(b) Contractor Data. Data relating to equipment designed specifically for the Air Force. It differs from commerical-type data, in that equipment and data are not available nor used on the commercial market. Contractor data usually consists of documents, pamphlets, or instructions, and contains technical information. This data may consist of, but is not limited to, specifications, schematics, wiring diagrams, drawings, checklists, and other data.

(c) Development Program Manuals (DPMs). Organized groupings of procedural support data by system, subsystem, or end item. DPMs are used by contractors, HQ Air Training Command, or Air Force test personnel during such programs as research and development prototype evaluation, and full scale development programs. DPMs provide information on assembly, installation, operation, maintenance, and procedures for explosive ordnance disposal and rendering the ordnance safe.

(d) Formal Technical Orders. Military specification TOs that have been sufficiently verified to make them usable for operation and maintenance. They may be fully verified, or when used under the two-step verification concept, they may be partially verified with only the safety and essential verifications accomplished. Until they are fully verified, they shall contain a verification status page, identifying those functions that have not been verified.

(e) Format Requirements. Configuration and text layout of TOs as prescribed in TO military specifications.

(f) Integrated Loading Manuals and Checklists. Manuals and checklists covering munition-loading configurations, consisting of two or more different types without regard to whether the munitions are nuclear or nonnuclear.

(g) Partially Verified Technical Orders. Formal military specification TOs on which all safety and essential verifications have been completed and that are acceptable for use in the operational environment. They are marked "Partially Verified" on the cover page and will include a verification status page, to identify unverified procedures.

(h) Preliminary Technical Orders. TOs reproduced in limited quantities, for use to test and verify maintenance and operation procedures, and for initial training purposes. They may be in any form, including manufacturers' in-house manuals, repair or test data, and so forth.

(i) Technical Orders. Publications described in this part and TO 00-5-1, which are distributed according TO 00-5-2. TOs prescribe procedures for operating and maintaining Air Force systems/equipment. § 802.6 explains the types of TOs authorized.)

(j) Technical Order Management Agency (TOMA). The Air Force Systems Command (AFSC) or AFLC activity responsible for ensuring, during the acquisition period, that TOs for a specific system, item of equipment, or modification are prepared and delivered according to contractual requirements.

(k) TO Publication Plan. A contractor-prepared plan according to the terms of the contract and data item description outlining the general procedures, terms, and conditions governing the planning, selection, preparation, validation, verification, and delivery of TOs. It will identify requirements for training, maintenance, and operational support of the system or equipment being procured. The TO Publication Plan is managed by the procuring TOMA, and includes both contractor and organic planning. While generally not included in TO system, RPIE manuals may be included in the TO plan for scheduling and control purposes (see § 802.1(b)).

(l) TO Supplement. Subsidiary TOs issued to update or complement the information in basic TOs. The criteria for application of supplements are defined in TO 00-5-1.

(m) Technical Content. The statement of technical requirement or instruction contained in TOs.

(n) Training Support Data. Data used when referring collectively to contractor-prepared drawings, in-house documents, commercial manuals, procedural support data, development program manuals, or preliminary TOs that are to be obtained for HQ Air Training Command (ATC) training purposes.

(o) Two Step Verification. A concept used when verification cannot be completed in time to provide fully verified TOs with first delivered operational systems/or equipment. Preliminary TOs are used to accomplish safety and essential verifications. Then, formal military specification TOs are prepared with the cover page marked "Partially Verified," and a verification status page is used to identify unverified procedures. A verification organization

is named by each affected operating command, with System Manager concurrence, to complete nonsafety and nonessential verifications during a period not to exceed 2 years. Management and distribution are according to TO 00-5-1 and 2, respectively, with the contractor responsible for correction of errors and deficiencies under warranty provisions.

(p) Validation. The process by which the contractor tests maintenance and operating procedures in the proposed TOs, for technical accuracy, adequacy, completeness, and compatibility with the requirement of the applicable military specifications. Validation is conducted at the contractor's facility or at the operational site, and intails the actual performance of operating and maintenance procedures. It includes configuration, inspection, circuit analysis, trouble shooting, checkout, calibration, alignment, fault isolation, removal, repair and replacement instructions, associated checklists, and computation of reading grade levels (RGL) according to MIL-M-38784 in conformance with RGLs specified by the procuring activity.

(q) Verification. The process (by which TOs are tested and proven by Air Force personnel under Air Force jurisdiction) to be clear, logical, and adequate for operating and maintaining associated equipment and for certifying that TOs are compatible with the pertinent hardware, tools, and support equipment. Verification consists of the actual performance of procedures by Air Force using command and testing personnel, in the operational environment, utilizing applicable maintenance instructions and checklist. Normally, initial technical orders are verified during Development Test and Evaluation (DT&E); however, verification may continue into Operational Test and Evaluation (OT&E) if necessary.

(r) Reading Grade Level (RGL). The level of reading commensurate with the reading capability of the target audience.

§ 802.4 Recommending improvements.

(a) The Air Force continually strives to improve format, presentation, and display techniques for use in the TO system. Duplicated efforts must be avoided in developing and preparing military specifications governing the format and technical content of TOs; developing procedures for joint usage of common data among the military departments (AFR 66-19); and developing and service-testing new techniques for data preparation and dissemination.

(b) All recommendations for improvements in the existing TO system, including proposals for new types of TOs or improvements in existing types, must be submitted by letter or message to HQ AFLC/LOLDT, Wright-Patterson AFB OH 45433, for review, comment, and submission to HQ USAF. When new techniques or new concepts requiring research and development (R&D) are identified, HQ AFLC must submit a Statement of Operational Need (SON) to HQ USAF for approval, according to AFR 57-1.

(c) Recommendations for specific TO improvements, corrections of errors, or omissions of a technical nature that prevent adequate performance of functions required for mission accomplishment, are reported according to TO 00-5-1, section VI.

(d) AFSC laboratories and program offices identifying requirements for new techniques or concepts must submit a study proposal with justification to HQ USAF/LEYE, for coordination and approval.

Subpart B—Explanation of TO System

§ 802.5 General information.

(a) Air Force instructions issued through the TO system are termed TOs. Each TO issued is identified by an assigned TO number. The detailed explanation of the TO system and its operation are covered by TOs 00-5-1, 00-5-2 and 00-5-15.

(b) A TO constitutes a military order, and is issued in the name of the Chief of Staff, USAF, and by order of the Secretary of the Air Force. Compliance with Air Force technical orders is mandatory. Noncompliance may result in court-martial or nonjudicial punishment under the Uniform Code of Military Justice, or administrative action according to AF regulations.

(c) Planning for TOs to support a system and associated equipment must begin during the earliest planning phases. Normally, this is during the conceptual and validation phases when technical publications are identified in gross design requirements. This is in the form of a TO publication plan. Technical publication coverage must agree with all other elements of the system such as maintenance concept, equipment, facilities, and personnel. To ensure comprehensive response to proposals, prospective contractors must be furnished as much detail as possible on these requirements. Many TO requirements are not defined until after the hardware is selected and the maintenance concept is analyzed. The bulk of the TOs required for a system fall into this category, and it is during this period that final requirements are defined. TO requirements are established by HQ AFLC through the designated Air Logistics Center (ALC), in coordination with the program office, HQ ATC and the using commands or activities, and are in consonance with established Air Force maintenance and logistics support concepts and plans.

(d) Data acquired to support R&D on a new system, which is or could be applicable to the TO system, must be procured in a format that is readily expanded for publication, according to a military specification. This simplifies publication efforts, if TOs eventually require preparation according to military specification formats. When TOs are required, in addition to commercial data and engineering data for support of R&D programs, these manuals are developed to be equivalent to preliminary TOs. TO data must be delivered in the format prescribed by contractual and planning documents, before or concurrently with the delivery of equipment. Corrected preliminary TOs may be provided instead of formal TOs, according to § 8027(h). All TO data procured must be according to military specifications or reviewed according to this part, to ensure that they provide sufficient detail to permit system support in the operational environment, through either the use of Air Force personnel or competitive contractor support.

(e) Policy for the sale and release of TOs is as follows:

(1) The Air Force must maintain a system for providing TOs to foreign governments who have purchased the system or equipment through the USAF or other US military departments. Controls must be established, to ensure that individual TOs are releasable to the requesting activity, that sanitization has been accomplished when necessary, and fees charged according to AFRs 400-3, 5-16, 12-32 (part 813 of this chapter) and interim TO price guidance.

(2) Other US government agencies must be provided TOs according to the provisions of AFR 66-19.

(3) Contractors and prospective contractors must be provided required TOs, necessary to accomplish an Air Force contract or to bid on an Air Force contract.

(4) TOs for specific systems and equipment in the USAF inventory must not be sold or released to the public. These TOs are an exploitable resource and due to high development costs are valuable Air Force property. As such, they are not to be considered "records," and are excluded from the provisions of the Freedom of Information Act (see part 806 of this chapter).

(5) The Air Force sells to the public: Methods and Procedures TOs, General TOs (such as welding or painting practices), and specific equipment TOs for those systems and equipments that are no longer in the USAF or Security Assistance (SA) Program countries' inventory. Fees must be charged according to Part 813 of this chapter. (These TOs are normally retained for a period of six years after the equipment phases out of USAF and SA program countries' inventories.)

(f) The assignment of a new series designator to a model of a system or equipment indicates a significant change in configuration. When this occurs, a separate set of basic or supplemental manuals must be procured. This refers to the basic TOs for the system or equipment (for example, the Flight/Operation Manual, the Organizational Maintenance Manuals, the Structural Repair Manual, Illustrated Parts Breakdown and Inspection Requirements Manuals, or Workcards). Even though these publications may repeat information contained in the manuals for the previous series, presenting the information in separate or supplemental manuals makes it easier to understand and use, and simplifies the control of classified or restricted information. It also facilitates the inclusion of the changes and explanations, required as a result of numerous retrofit changes to the system and installed equipment.

(g) The narrative material of all TOs must be written at a reading grade level (RGL) commensurate with the capability of the target audience. The RGL applicable to each Air Force Specialty Code (AFSC) is identified in MIL-STD-1752 (USAF). Procuring activities must determine and notify contractors in advance of the RGL applicable to each manual. MIL-M-38784 prescribes the methodology for determining and validating the readability of TO narrative material. If the Overall Grade Level (OGL) is exceeded, the manuscript must be rewritten as required, to meet the RGL specified for the TO.

§ 802.6 Types of TOs.

Types of TOs authorized for issue are:

(a) Technical Manual (TM). A TM contains instructions designed to meet the needs of personnel engaged or being trained in the operation, maintenance, service, overhaul, installation, and inspection of equipment and material. The TM may deal with specific aircraft, missiles, communications, electronics, and meteorological (CEM) systems and items of equipment, or may be a "General TO" dealing with a subject area, such as welding or painting procedures, and so forth.

(b) Methods and Procedures Technical Order (MPTO). An MPTO is a TM that establishes policies and provides information and instructions on maintenance management or administration, configuration management, and so forth. Examples are all 00-5 series, most 00-20 series, 00-25 series, 00-35 series, and D-series publications.

(c) Time Compliance Technical Order (TCTO). A TCTO sets forth instructions for accomplishing a modification to equipment, performing or initiating special "one time" inspections, imposing temporary restrictions on aircraft flight, missile launch or usage of airborne, ground communications-electronics equipment, and support equipment. Policy and procedures for management of the TCTO system are in TO 00-5-15.

(d) Index (Type) TO. An index TO shows the status of all TOs, and provides personnel with a means of selecting needed publications. Examples are "Numerical Index and Requirement Table (NI&RT)," and "List of Applicable Publications (LOAPS)."

(e) Abbreviated TO. This is primarily a work-simplification device such as a checklist, inspection workcard, lubrication chart, or sequence chart.

(f) Preliminary TO. These TOs are prepared in a limited quantity to test and verify the procedures contained therein, against first text or early production models of the equipment for which procured. These TOs may be used for training purposes; however, they are not used for operation or maintenance by operating commands, except as set forth in § 802.7(h).

(g) Joint Nuclear Weapons Publications (JNWPs). These technical publications, which carry an Air Force TO 11N, 60N, or 60NR designator and also bear other Service, Defense Nuclear Agency (DNA), or Department of Energy (DOE) designators, are published under the provisions of a Memorandum of Understanding between the DOE and the Department of Defense. JNWPs are designed to preclude the necessity for issuance of separate Service; DNA, and DOE manuals on the same subject, which relate to nuclear ordnance and ancillary equipment in areas such as operation, maintenance, Explosive Ordnance Disposal (EOD), supply, transportation, safety, and stockpile accounting. The JNWPs system is managed by Field Command Defense Nuclear Agency for the Department of Defense in coordination with the DOE. The HQ AFLC Albuquerque office performs the function of Air Force executive agent for JNWPs, as directed by a Department of the Air Force letter, and must staff, coordinate, and approve these publications for the Air Force.

§ 802.7 Procuring material for TOs.

Material for preparing TOs to support a new system is procured on a time-phased schedule. This schedule is formally imposed on contractors to meet the requirements for acquisition, review, validation, verification, and delivery to the operating unit, concurrent with the delivery of the hardware.

(a) While the TO is in preparation, the Air Force must conduct in-process reviews to furnish detailed guidance to the contractor and to evaluate his or her progress and understanding of contractural requirements.

(b) Preliminary TOs may be produced to meet special training requirements, only when it is in the best interest of the Air Force from the standpoint of economy and timely development of a personnel system. Preliminary and formal TOs are developed and delivered, consistent with the development testing program and operational need dates. To permit printing and distribution before or concurrently with delivery of the equipment, reproducible copies or negatives of formal TOs must be delivered not later than 60 days before the equipment is delivered.

(c) Government inspection and selective prepublication technical reviews are completed before TOs are delivered, to ensure conformance with format, style, and other specification requirements and to review the technical content.

(d) Preliminary TOs must be verified by the pertinent government agencies, to determine that the manuals have been prepared according to applicable military specifications, that the content is technically accurate, and that they contain adequate instructions for accomplishing the operation or maintenance function. Verification may take place during DT&E or OT&E testing, at a point when the system or equipment is comparable to, or similar to, the production article. With approval of the procuring agency and using command, verification may be accomplished, concurrent with validation; but it must take place before the preparation and acceptance of formal TOs or reproducible materials used to print formal TOs.

(e) Government verification of TOs must be completed in time to permit necessary correction, publication, and delivery of final, formal TOs to the operating unit, before, or concurrent with, delivery of equipment to the using command.

(f) When verification is not completed in time to ensure concurrent delivery of final TOs with the equipment, a two-step verification process must be used. Safety and essential verification of essential day-to-day operations must be completed during the first phase, using preliminary TOs. Formal military specification TOs, marked "Partially Verified" on the front page, must be used for operation and maintenance during the second phase. These partially verified TOs must have a verification status page, which states that the safety and essential verification has been completed, and lists all procedures that have not been verified.

(g) A verification plan must be developed by the TOMA, with ALFC, using command, and Air Force Test and Evaluation Center (AFTEC) participation. It must identify the activity or activities responsible for the two-step verification, and must ensure that verification is completed at the earliest possible time. The verification time specified in the plan must not exceed two years after delivery of the first production article. That plan must describe the TOMA role in the distribution of partially verified TOs and any peculiar procedures for reporting TO deficiencies. Contracts must ensure that contractors are responsible for issuing timely corrections to all TO errors and deficiencies identified during the verification period and for updating the verification status page. TO deficiency reporting during this period must be according to TO 00-5-1, section VI. After verification is completed, the cover page is removed from the "Partially Verified" marking and the verification status page is also removed.

(h) In exceptional cases when formal military specification TOs are not printed and distributed in time to meet operational needs, the verified preliminary TOs are used pending the receipt of formal TOs, provided they support the production configuration and their use is concurred in by the MAJCOM, HQ AFLC, and HQ AFSC. In such cases, the preliminary TOs must be manually distributed and controlled by the TOMA.

(i) Post publication review of TOs is made after the operating command has possessed the system and supporting equipment long enough to permit an adequate evaluation of the instructions.

§ 802.8 TOs for training.

The primary purpose of procuring TOs is to support operation and maintenance requirements; however, TOs should be used for training purposes, to the extent possible. HQ ATC must identify the specific TOs or preliminary TOs required. Where HQ ATC special courses begin before the programmed delivery of TOs, the system program office or Air Force procuring agency must arrange to obtain copies of procedural support data, development program manuals, or preliminary TOs compatible with production configuration, to meet training requirements.

§ 802.9 Specifications and standards.

(a) Military specifications and standards related to the TO system must receive coordination of all interested activities, and approval by HQ USAF/LEYE before publication. Participation of industry in reviewing specifications and providing comments is encouraged. There are two types of specifications for TOs: those containing format requirements and those containing technical requirements. Specifications containing technical requirements should not contain format requirements, unless it is necessary to meet a specific technical requirement. Standardize format requirements, when possible. Standardization between the Services is encouraged, when maintenance concepts permit.

(b) All TO specifications are identified by Federal Supply Classification area Technical Manual Specifications and Standards (TMSS). After HQ USAF has approved a specification for Air Force application, no deviations are authorized without advance written approval of the designated preparing activity. Supplement specifications only by a formal specification amendment, as authorized in DOD Manual 4120.3-M. Do not use exhibits instead of an existing approved specification or as an expedient to defer the preparation of a new specification.

(c) If a requirement for a new type of technical manual is identified during the contract negotiation period, and the need-date is such that formal specification coordination could not be obtained, provide a draft copy of the proposed specification to HQ AFLC/LOLD for approval, for one-time application. At the time of this approval, HQ AFLC must establish a TMSS project and designate the activity to complete the specification preparation and approval requirements, for follow-on applications.

(d) The Air Force participates in the DOD Specification Standardization Program and HQ AFLC/LOLDT (Code 16) is the assigned departmental participating activity for TMSS.

§ 802.10 Joint procurement and use of other departmental publications.

TMs from other departments or agencies are used (when available) to satisfy Air Force requirements, if they meet the Air Force operational and maintenance needs. When integrated into the system, these TMs are assigned an Air Force TO number, indexed, distributed, stocked for filling requisitions, reprinted as needed, and deleted from the system in the same manner as any other TO (see AFR 66-19). The present and future configuration of the equipment is considered when determining the usability of the manuals. Under joint procurement programs, common source data are used to the maximum, to provide TOs for each Service. Source data are converted into the most usable form, to meet operational and maintenance requirements.

§ 802.11 Use of commercial instructions.

When feasible from technical usability and economical points of view, commercial-type operating instructions, parts-breakdown handbooks, and overhaul manuals may be used instead of formal (military specification) TOs, if no degradation in system operation, support, or reliability will result. Commercial publication or contractor data will be reviewed by the designated AFLC management agency and personnel from the using command activities to determine the extent of acceptability for Air Force application using specification MIL-M-7298C. Data determined as being acceptable for utilization, instead of TOs prepared to military specifications, will be identified by a TO number and will be controlled and distributed according to TO 00-5-1 and TO 00-5-2. All TO data procured must be in sufficient detail to permit system support in the operational environment, through either the use of Air Force personnel or competitive contractor support. Operational requirements and usability by maintenance personnel must not be sacrificed to use commercial instructions. MIL-M-7289C will not be used to order the preparation of technical manuals for Air Force use. When commercial manuals are used in support of a system, an overall integrating manual should be considered, to ensure the proper interface of individual units. Commercial instructions that provide adequate technical coverage will be used, where standard commercial types of support equipment are utilized.

§ 802.12 Budgeting and funding for TOs.

TO materials encompass writing, editing, preparing reproducible copy, and printing. The cost of acquiring TO material is charged to the applicable budget program or activity, according to the following criteria:

(a) Initial Procurement. When HQ AFSC has program management responsibility, it budgets and funds for all initial TO requirements and changes, until Program Management Responsibility Transfer (PMRT) occurs. AFLC budgets and funds for initial TO requirements for equipment procured by AFLC, and on a reimbursable basis, procurements made for Military Assistance Program (MAP), Foreign Military Sales (FMS), and other agencies.

(b) Items in Service. (Out-of-production weapon support systems and equipment items for which HQ AFSC and HQ AFLC PMRT has been accomplished.) After the completion of the acquisition phase, the cost of preparing a master reproducible copy for revisions of existing TOs—except for changes attributable to modifications or replenishment spares—is financed with Operation and Maintenance (O&M) funds. The printing of multiple copies of such revised TOs is also charged to O&M funds.

(c) Production and Retrofit Change Program. Generally, any change to a weapon system or equipment causes changes in operational and maintenance procedures which, in turn, require changes to TOs. These TO requirements must be identified as a part of the production or retrofit change and funding must be from the procurement appropriation that funded the change requirement.

(d) Replenishment Spares. If replenishment spares procurement involves accepting a substitute item—from either a different manufacturer of the item or as the result of using new specifications—new TOs or the revision of existing TOs may be required. In such cases, both the cost of reproducible copy and printing are chargeable to the same funds used to procure the spare item to which the TO applies.

(e) Commercial Manuals. The initial procurement of commercial manuals is included in the equipment or item cost. If the procurement of commercial manuals becomes necessary after the item procurement contract is closed, the cost is chargeable to O&M funds.

(f) Research and Development Projects. Generally, the requirements for TMs pertinent to R&D is minimized. Quantities are limited to meet specific purposes, such as testing validation and engineering. Applicable costs are charged to the same account that covers a related effort, pertinent to the approved programs. The procuring activity may refine and further develop preliminary data to military specification, for use by operating commands.

§ 802.13 Revisions, changes, and supplements.

TOs may be completely revised, changed, or supplemented. The publication of changes, revisions, and supplements is restricted to meeting criteria set forth in TO 00-5-1. Contracts must not provide for the automatic revision, change, or supplement of TOs.

§ 802.14 Security classification.

TOs may contain classified information up to and including Top Secret-Restricted Data (see AFRs 205-1 (Part 850 of this chapter) and 205-49). The classification of each paragraph and page containing classified information must be based on its contents and indicated in the prescribed manner. The title pages are marked to show the highest security classification of material contained in the TO. Classified TOs are reviewed by the issuing agency once each 12 months, and when they are changed, revised, or supplemented. The purpose of this review is to downgrade as much of the content as possible, consistent with security.

§ 802.15 Distribution of TOs.

The distribution of TOs must be controlled according to TO 00-5-2. To reduce reproduction and shipping costs, only units having a specific requirement for the information may requisition TOs.

§ 802.16 Technical Manual cost information.

The Air Force maintains a system to determine or estimate the cost of TOs. HQ AFLC and HQ AFSC must gather the cost information in sufficient detail to ensure management control and to permit more precise negotiation of TO costs, to effect reductions in the cost of acquisition, distribution, and revision. TO personnel use this data to identify areas requiring intensified management actions and application of new concepts. The data are made available to HQ USAF and other DOD agencies, upon request. When directed, the OT&E management command or agency use this data to assess the operating and support cost of TOs. Data must be collected by application of the proper Data Item Description (DID) to the Contract Data Requirements List (CDRL). The Office of Management and Budget approval number 21-R235 applies to the data required of contractors.

Subpart C—TO System Council

§ 802.17 Composition and purpose of the council.

The TO System Council, composed of knowledgeable personnel and chaired by HQ AFLC, serves as an advisory panel to HQ USAF/LEYE, in the management and improvement of the TO system.

§ 802.18 Method of Operation.

The organization, frequency of meetings, and operation of the council is described in the TO System Council Charter (see § 802.26).

Subpart D—HQ USAF and Command Responsibilities

§ 802.19 HQ US Air Force.

(a) HQ USAF/LEYE will:

(1) Manage and approve changes to the TO system.

(2) Issue all Air Force policy for the management of the TO system and provide the final authority for that policy.

(3) Approve all TO specifications and amendments thereto.

(4) Approve all service tests and studies of new techniques for use in the TO system.

(5) Approve all revisions and changes to TOs 00-5-1, 00-5-2, 00-5-15, 00-20-8, 00-20-14, and 00-25-108.

(6) Review and approve the TO System Council Charter.

(7) Review AFR 60-9, to ensure consistency with the TO system, and coordinate TO policy changes affecting the Aircrew Flight Manuals Program with the manager of the program.

(b) HQ USAF/LEYPM will approve all revisions and changes to TOs 00-20-1, 00-20-2, 00-20-2-2, 00-20-2-4, 00-20-2-5, 00-20-2-6, 00-20-2-7, 00-20-2-8, 00-20-2-10, 00-20-2-13, 00-20-3, 00-20-4, 00-20-5, 00-20-5-1, 00-20-6, 00-20-7, 00-20-9, 00-20-10, 00-25-4, 00-25-107, 00-25-172, 00-25-189, 00-25-240, and 00-35D-54.

(c) HQ USAF/LEYF will approve all revisions and changes to TOs 00-25-172 and 00-25-212.

(d) HQ USAF/LETN will approve all revisions and changes to TOs 00-20B-5, 00-20D-1, 00-25-246, and 00-25-249.

§ 802.20 HQ Air Force Systems Command.

HQ AFSC will:

(a) Budget and fund for TOs, according to § 802.12 and maintain cost information, according to § 802.16.

(b) Prepare specifications for:

(1) Aircraft flight manuals.

(2) Missile operation and countdown manuals and related checklists.

(3) Cargo loading.

(4) Basic weight checklist and loading data.

(5) Nuclear munitions loading, delivery, and transport manuals and checklists.

(6) Nonnuclear munitions delivery manuals and checklists.

(7) Air refueling manuals.

(8) Integrated loading manuals and checklists, when nuclear munitions are involved.

Note.—For specifications listed in (1) through (8) above, HQ AFSC will prepare the draft of part 3 (Requirements) of the specification, including all known technical requirements and ensure technical content accuracy. HQ AFSC will forward the draft part 3 to HQ AFLC, Code 16, for review and format completion of parts 1, 2, 4, 5 and 6 according to DOD Manual 4120.3-M. HQ AFLC will coordinate as necessary with using commands, industry, and HQ AFSC; resolve all differences; and forward the coordinated specifications and copies of HQ AFSC comments to HQ USAF/LEYE for approval. HQ AFLC will send all technical differences, received during coordination, to HQ AFSC for resolution.

(c) Procure TOs according to Air Force approved specifications designated by HQ AFLC, and will be responsible for technical accuracy of all TOs during the production phase. Contracts will be written to ensure that correction of TO deficiencies and errors is a contractor responsibility.

(d) Comply with AFR 66-19, when Joint Service TOs or systems are procured.

(e) Ensure, through collaboration with AFLC Program managers that invoked specifications, Standard and Data Item Descriptions are selectively tailored to apply only those requirements that are necessary for imposing the minimum essential needs for the particular application. Further, according to DOD Directive 4120.212, Specifications and Standards Application, will ensure that the manner and degree of tailoring accomplished during contract performance, is documented and fed back to the respective specification preparing activity, as material to be considered during the next document improvement process. The feedback material will be formatted according to § 802.27.

(f) Monitor the validation and supervise the verification of TOs that are in acquisition and under technical management of HQ AFSC, according to TO 00-5-1. Also, will accomplish or administer the contractual acceptance inspection of TOs acquired for the Air Force.

(g) Make special arrangements to provide HQ ATC with preliminary TOs, training support data, and other materials specified in § 802.8 for special training. This will be accomplished by contractual arrangements, to procure only essential copies of the operation and maintance TMs and training support data to satisfy HQ ATC requirements. Revisions to this material, as a result of normal revision actions during the acquisition process, will be incorporated to provide the latest information available, at the time the data is required for training classes. The cost of procuring training support data, required for classes beginning before these manuals normally are available, will be weighted against the number and type of students to be trained and the urgency for the early training.

(h) Furnish the AFLC system manager (SM) or item manager (IM), at earliest possible date, with analysis data and background information required by him or her to determine Air Force TO requirements.

(i) Provide for the publication of all TOs, under HQ AFSC management, during the production phase, according to Air Force current publication and printing policy (AFRs 5-1, 6-1, 9-5, and this part).

(j) Ensure that all TOs, under HQ AFSC management, concurrently reflect all changes generated by production changes.

(k) Ensure that development program procedural support data, and other data pertinent to TO development, are managed as an intregral part of the total weapon system or equipment acquisition. The development of TOs and supporting development data should be accomplished and phased relative to design stability; the support of other acquisition efforts (such as test, integration, and so forth), with objective of minimizing duplication and TO revision cost.

(l) Schedule delivery and provide controls, to ensure that TOs are available at using activities before or concurrently with the delivery of applicable systems and equipment.

(m) Include in PMRT agreements, the mutually agreeable and positive dates on which the TOMA responsibility for TOs will be passed to HQ AFLC for each aerospace vehicle or system.

(n) Develop and maintain currency of TO inputs to all system program documentation.

(o) Ensure command-wide compliance with TOs 00-5-1, 00-5-2, and 00-5-15.

(p) Coordinate with the proper AFLC activity to ensure compatibility of TOs, tapes, and computer programs used in the maintenance and operation of systems or equipment.

(q) Provide membership to the Interservice Group on the Exchange of TM Technology (AFR 66-19) and to the TO System Council.

(r) Provide timely replies to major command AFTO Forms 22, Technical Order System Publication Improvement Report and Reply, when HQ AFSC is the TOMA. Provide AFTO Forms 22 action status to HQ AFLC for the TO Improvement System Report (TO 00-5-1), except during the two-step verification period. During the two-step verification, provide control information to AFLC GO-22 system, to maintain TO distribution control by the System Program Office.

(s) Provide OT&E management agency and commands with TOs, to be used during OT&E.

(t) Establish controls to ensure that individual TOs are releasable to foreign governments; international organizations, eligible to participate in the Air Force Security Assistance program; and to Air Force contractors.

§ 802.21 HQ Air Force Logistics Command.

HQ AFLC will:

(a) Prepare all specifications, in coordination with AFSC and interested MAJCOMs and SOAs (including general format), for all TOs, except those identified in 802.20(c). All revisions or changes to technical order specifications will be coordinated with HQ AFSC, using commands, and industrial associations accorded an opportunity to comment on the specifications before they are forwarded to HQ USAF/LEYE for approval. A copy of HQ AFSC comments will also be forwarded with the request for approval.

(b) Act as the Participating Department Activity in the Technical Manual Specifications and Standards (TMSS) Program for the Air Force. This responsibility will include management of the Air Force portion of the DOD-wide TMSS program.

(c) Review deviations and waivers to military specifications, for which HQ AFLC is the preparing activity. Grant approval of deviations or waivers and assist in solving specification problems, as appropriate.

(d) Develop and maintain current 71-531-series Air Force Acquisition Documents (AFAD) for use in contractual procurement of TOs and obtain HQ AFSC coordination on these documents and changes or revisions thereto.

(e) Develop, coordinate, and maintain currency of TO inputs to Section 8 (Logistics) of all System Program

Documentation and participate in preparation of Request For Procurement (RFP) and Statement of Work (SOW).

(f) Determine and furnish HQ AFSC with the coordinated Air Force requirements for TOs pertaining to operational systems, equipment, and support equipment (SE). (This includes identification of TO format and content specifications to be used.)

(g) Participate in conferences and furnish recommendations to HQ AFSC regarding the planning for, development of, and acceptance of TOs.

(h) Budget, fund, and procure all TO material and printing for systems, equipment items, and SE that are not undergoing acquisition or that have been formally transferred to HQ AFLC. Coordinate PMRT agreements with HQ AFSC, and determine the exact date of the assumption of TOMA responsibility for each aerospace vehicle, system, or associated equipment.

(i) Comply with AFR 66-19 when Joint Service TOs or systems are procured.

(j) Establish and operate the Air Force system for TO numbering, indexing, storing, requisitioning and distribution. Indexing will be organized to permit interservice use of TMs. Work with other services to permit crossfeed of TOs.

(k) Participate in DOD directed programs to develop joint procedures for the military departments, ensuring maximum joint use of TMs. Provide a representative to cochair the Interservice Group On The Exchange of TM Technology, according to AFR 66-19.

(l) Prepare, coordinate with using commands, and publish method and procedures TOs, including a detailed explanation of the TO System (TO 00-5-1, TO 00-5-2, and TO 00-5-15), after receiving HQ USAF approval on the TOs identified in § 802.19(a)(5), § 802.19(b); § 802.19(c), and § 802.19(d).

(m) Furnish necessary assistance, in coordination with HQ AFSC, for Government review and verifications of TOs.

(n) Acquire and maintain an internal capability for preparing TOs that pertain to an Air Force maintenance management system. This includes inspection requirements TCTOs, TMs, checklists, missile receipt-to-launch sequence charts, and similar instructions.

(o) Integrate into the system other Government agencies' publications that apply to equipment used by the Air Force.

(p) Control the distribution costs of TOs and maintain cost information, according to § 802.16.

(q) Receipt, store, and issue TOs, according to TO 00-5-2. (Base, Chief of Administration at the Air Logistics Centers.)

(r) Comply with the publishing and printing policies of AFRs 5-1, 6-1, 9-5, and this part.

(s) Continually review existing TOs to detect errors, deficiencies, and obsolete or nonessential material (such as TOs covering equipment phased-out of the Air Force inventory). The review should ensure that data still required for support of international logistic programs is not deleted.

(t) Operate and maintain a TO improvement reporting system.

(u) Forward to HQ USAF/LEYE, for approval, valid proposals received according to § 802.4 (a) and (b).

(v) Provide a representative to chair the TO System Council and additional membership as necessary.

(w) Determine the number of copies of TOs to be printed or procured, to satisfy the known distribution demands.

(x) Ensure command-wide compliance with TOs 00-5-1, 00-5-2, and 00-5-15.

(y) Evaluate new methods for data presentation, storage, and retrieval. Maintain a capability to evaluate or service test new techniques recommended by either Air Force activities or Department of Defense agencies. Review contractor proposals to determine the applicability to Air Force requirements.

(z) Provide the normal TO acquisition functions, when the system or project management is assigned to HQ AFLC. This includes functions described in § 802.20(g).

(aa) Retire on issuance, a permanent record copy of each TO according to AFM 12-50.

(bb) Include procedures in TOs prepared organically by AFLC to minimize the amount of air and water pollution generated by normal base industry type operations (corrosion control, engine repair, plating, chemical waste handling, and so forth), as required by AFRs 19-1 and 19-2.

§ 802.22 HQ Air Training Command.

HQ ATC will:

(a) Provide HQ AFSC and HQ AFLC with a time-phased requirement for operation and maintenance TOs, preliminary TOs, development program manuals, procedural support data, or training support data for developing and accomplishing special training courses. Notify the appropriate ALC/SM or IM of TO requirements, when HQ AFLC is responsible for TO acquisition (for example, nonsystem TOs or equipment procurement).

(b) Assist HQ AFSC in budgeting for operation and maintenance manuals, by identifying types and quantities that must be procured early to support training requirements before these manuals normally are available. This requirement is coordinated to prevent duplication of procurement of information.

(c) Collaborate with HQ AFSC in planning for the acquisition of training data required for initial training, as indicated in § 802.8.

(d) Provide membership to the TO System Council.

(e) Provide training to support the TO system. Training will include the varied aspects of TO acquisition, system operation, TO distribution, TO requisition, organizational use, and file maintenance.

§ 802.23 HQ Air Force Communications Service.

HQ AFCS will:

(a) Prepare TMs of the following types, in support of the ground Communications-Electronics-Meteorological (CEM) program, for inclusion in the TO system:

(1) General engineering and planning.

(2) Facility, subsystem, and system installation-engineering and installation.

(3) Standard Installation Practices Technical Orders (SIPTOs).

(b) Coordinate with the proper ALC and HQ AFSC to ensure compatibility of above TOs with CEM equipment TOs and to ensure timely budgeting, printing, and distribution by the ALC.

(c) Comply with AFRs 5-1, 6-1, 9-5, and this part regarding publications, policies, joint usage publications, forms, and printing policies.

(d) Comply with all provisions of § 802.25.

(e) Provide membership to the TO System Council.

§ 802.24 HQ Air Force Test and Evaluation Center.

HQ AFTEC will:

(a) Serve as an associate member to the TO System Council for test matters.

(b) Participate in the preparation of TO verification plans, make OT&E test resources available, and participate in TO verification, when specified in the verification plans.

(c) Evaluate system TOs as a part of all AFTEC managed OT&E.

(d) Report TO deficiency recommendations, through channels as early as possible, in the acquisition cycle.

(e) Provide a summary of the TO program in the OT&E final report, when directed by the Program Management Directive (PMD).

(f) Assume the lead in the development of TO evaluation criteria and procedures for Air Force-wide OT&E application.

§ 802.25 Major Commands and Separate Operating Agencies.

These activities will:

(a) Ensure timely compliance with the policies of this part and all applicable TOs.

(b) Conduct programs to familiarize command personnel with the TO system.

(c) Ensure that command organizations establish and maintain only those TO files that are essential to the primary mission of the respective units. Establish within each command the necessary procedures to ensure a recurring review of requirements, control, and distribution of TOs.

(d) Submit recommended changes to the TO system, according to § 802.4(b).

(e) Participate in the preparation of Request For Procurement (RFP) and data calls, and assist HQ AFSC and HQ AFLC in determining the scope of technical data, to be included in specifications used for procuring TOs.

(f) Assist HQ AFLC in determining requirements for TOs.

(g) Assist in reviewing and verifying TOs for systems, equipment items, and SE, to determine adequacy and accuracy.

(h) Assist HQ AFSC and HQ AFLC in controlling and reducing costs of TOs.

(i) Provide membership to TO System Council meetings.

(j) Provide the following, when hosting a TO System Council meeting.

(1) Adequate conference facilities.

(2) Administrative support, including:

(i) Billeting arrangements.

(ii) Transportation arrangements.

(iii) Stenographic support.

(iv) Typing.

(v) Reproduction capability.

(vi) Audio-visual equipment.

(vii) Communication facilities.

§ 802.26 Charter for the USAF Technical Order System Council.

(a) TO System Council. This council is chartered as an advisory group to identify problems related to the management of the TO system and to recommend solutions to HQ USAF.

(b) Composition. The council will be composed of representatives from each MAJCOM, SOA, specified and unified command (for example: HQ USAF, AFLC, AFSC, AFCS, ADCOM, AFRES, AAC, ATC, MAC, NGB, PACAF, SAC, USAFE); and associate members.

(1) HQ AFLC will chair the council.

(2) HQ USAF will be an advisor to the council.

(3) Each primary organization will provide a principal and should also provide an alternate representative to the council, with the senior representative having authority to act for the command. Additional attendees necessary to represent the various functions of the respective commands will be at command discretion.

(4) Associate members will provide their special expertise and experience. Examples are: The Air Force Logistics Management Center (AFLMC), the Air Force Human Resources Laboratory (AFHRL) the AFLC/Air Force Acquisition Logistics Division (AFALD), the Air Force Test and Evaluation Center (AFTEC), and the Air Logistics Centers (ALCs). Associate memberships will be reevaluated at each council meeting.

(c) Frequency of Meetings. The council will normally meet twice a year. The frequency will be based on council requirements. The location of meetings will be determined by the chairperson.

(d) Method of Operation

(1) The council will:

(i) Periodically review and evaluate the soundness of TO system management and the policy of this part, TOs 00-5-1, 00-5-2, and 00-5-15.

(ii) Identify areas requiring additional study and establish working groups to develop recommended solutions.

(iii) Evaluate improved techniques for data presentation.

(iv) Forward all recommendations for changes and improvements in the TO system, which require a policy change, to HQ USAF/LEYE for staffing.

(v) Consider user's needs to be paramount in recommending changes and improvements to the TO system.

(vi) Initiate cost trade-off studies, when recommended improvements introduce significant new costs.

(vii) Provide participation in symposia and conferences relative to the TO system, and industrial associations' technical publication meetings.

(2) Members will prepare themselves before the council meetings by reviewing past minutes, task group recommendations, and present agenda items.

(3) The chairperson will:

(i) Before the council meeting:

(*a*) Review minutes from the past meeting.

(*b*) Remain up-to-date on open study items.

(*c*) Collect and review working group inputs.

(*d*) Propose agenda items 60 days before the council meeting, for coordination with members.

(*e*) Call meetings and publish agenda at least 30 days before the council meeting.

(ii) During the meeting:

(*a*) Open each TO council meeting with a review of the minutes of the previous council meeting. If an agenda item is open due to working group action, the chairperson will call for the working group report. Pursue all recommendations to a proposed solution, identify and action agency, establish a suspense or direct further working group action.

(*b*) Ensure that all items are resolved or an action agency identified and a suspense established.

(*c*) Forward all council positions to HQ USAF/LEYE for proper action, and specify that the position was unanimous or was a majority position, with minority reports from dissenting command/organization(s) attached.

(*d*) Ensure that all open items from the previous minutes are discussed before new business is addressed.

(*e*) Present agenda items for discussion.

(*f*) Assign a recorder and summarize remarks, as required.

(*g*) When problems arise requiring more time than can properly be allotted, activate task groups as required. Task group chairperson, members, objectives, and suspenses will be assigned.

Note.—Task groups will submit their recommendations to the council members 30 days in advance of council meetings, to permit staff coordination within the commands.

(*h*) Designate participants to symposia, conferences relating to the TO system, and industrial associations' technical publication meetings.

(*i*) Convene an executive session with the designated members to finalize the council actions, before closing the meeting. Action on council policy matters will be discussed and finalized.

(iii) After the meeting:

(*a*) Disseminate minutes to attendees and HQ USAF/LEY, within 30 days.

(*b*) Monitor action agencies and working groups to ensure suspenses are met.

§ 802.27 Specifications and standards application record.

A permanent record will be maintained as a management review tool documenting the manner and degree in which the referenced specifications and standards have been tailored. This record will:

(a) Identify the system or equipment and corresponding Solicitation/Contract Number.

(b) Identify and list separately by number and title each document that is

cited in the System Specifications and Statement of Work.

(c) Provide the following information for each document:

(1) Identify where the document is referenced in the solicitation.

(2) List (as minimum by paragraph number) all requirements appearing in the document that are not applicable, and those that have been modified. For convenience, if most requirements in the document are not applicable, list only those requirements that are applicable and have been modified. If all provisions of the document are applicable, so indicate.

(3) Provide a simple, short entry for each requirement that has been excluded (for example, not applicable) or modified, limited to reasons such as the following:

(i) To accommodate state-of-the-art technology.

(ii) To accommodate industry capability and/or practice.

(iii) To accommodate the specific system or acquisition phase.

(iv) Alteration of requirement to match specific mission, application, or operation.

(4) Identify the applicable Data Item Description (DD Form 1664) and whether these have been tailored to conform to the governing document.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-29939 Filed 9-26-79; 8:45 am]

BILLING CODE 3910-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 762

[FRL 1300-2; OTS-62001]

Fully Halogenated Chlorofluoroalkanes; Toxic Substances Control Act; Inkless Fingerprinting Systems

Correction

In FR Doc. 79-29182, published at page 54297, on Wednesday, September 19, 1979, the agency's docket number in the heading of the document, reading "[FRL 1300-2; OTS-6200]" should be corrected to read "[FRL 1300-2; OTS-62001]".

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 5694]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

Correction

In FR Doc. 79-28357 appearing on page 53163 in the issue of Thursday, September 13, 1979, in the table on page 53164, the first entry, now reading "Arizona, Montgomery, city of Norman, 0001B" should have read, "Arkansas, Montgomery, city of Norman, 0001B."

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 79-525]

Stating the Commission's Policy Regarding Disclosure of Information To Other Federal Agencies

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: To call attention to policies which guide the Commission in acting on requests by other Federal agencies for the inspection of papers accepted by the Commission with assurances against disclosure to public under the Freedom of Information Act, the FCC has set those policies out in its rules. The request will be granted if (1) specific assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law. With one exception a person who furnished records to the Commission in confidence will be notified when the request for disclosure is submitted and will be afforded ten days in which to oppose disclosure. Notice will not be given if the agency requesting the records satisfies the Commission that notice will interfere unduly with its law enforcement activities and agrees to give notice when the potential for such interference is eliminated.

EFFECTIVE DATE: September 28, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION: Upton Guthery, Office of General Counsel, (202) 632-6990.

Order

Adopted: September 13, 1979.

Released: September 21, 1979.

In the matter of amendment of Part 0, rules and regulations, to state the Commission's policy regarding the disclosure of information to other Federal Agencies.

1. We are hereby adopting a rule to codify and to make public the standards that guide the Commission in acting on requests by other federal agencies for the inspection of Commission records and, in particular, the inspection of papers accepted by the Commission with the assurance against public disclosure provided by §§ 0.457, 0.459 and 0.461 of the Freedom of Information rules.

2. The disclosure to other federal agencies of materials that have been obtained from the public (in confidence or otherwise) is generally governed by 44 U.S.C. 3512 and 3508(a). In the interest of minimizing the burden on agencies of making, and on the public in responding to, multiple requests or demands by differing agencies for the same information, Section 3512 encourages agencies to share information they have obtained. Section 3508(a) subjects the agency to which the information is furnished to the same restrictions on disclosure of the information as apply to the agency that originally obtained it. The limitations on disclosure of information to another agency set out in Section 3508(b) do not apply to "independent Federal regulatory agencies." See the definition of "Federal agency" in 44 U.S.C. 3502.

3. Under § 0.442, as set out in the attached appendix below, information submitted to the Commission in confidence will be disclosed to other agencies provided: (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law. [1] This section also provides that staff

[1] This policy applies to all information obtained by the Commission, and not only to the limited types of information falling within the definition of that term in 44 U.S.C. 3502. This policy is not intended to govern disclosure of information to Congress where somewhat different considerations may apply. See, e.g., *Exxon Corp.* v. *FTC*, 589 F.2d 582 (D.C. Cir. 1978), *cert. denied*, 47 U.S.L.W. 3749 (U.S. 1979); *Ashland Oil, Inc.* v. *FTC*, 548 F.2d 977 (D.C. Cir. 1976).

assurances against disclosure of information to other federal agencies may be given only with the prior written approval of the General Counsel. Advance assurances against release will not be given if submission of the information is required by statute or Commission regulation; but the person supplying such information will ordinarily be notified of a disclosure request, given an opportunity to file an objection with the Commission and, if necessary, seek a judicial stay.

4. When a request from another agency for records submitted to the Commission in confidence is received, the party who submitted the records to the Commission will be notified and afforded 10 days in which to oppose disclosure, provided the other agency has not satisfied the Commission that notice would interfere unduly with its law enforcement activities and has agreed to provide notice when the potential for such interference has been eliminated. Any request that notice not be given and any opposition to disclosure of the records will be acted on by the Commission *en banc*. If notice is given and disclosure is not opposed, the staff will make the records available to the other agency.

5. The amendment is set out in the attached Appendix. Because it concerns only Commission policies and procedures and implements Congressional policies set out in the Federal Reports Act, as amended by Pub. L. 93–153, November 16, 1973, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable. Authority for adoption of these rules is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), and in 44 U.S.C. 3508(a) and 3512.

6. Accordingly, it is ordered, effective September 28, 1979, That Part O of the rules and regulations is amended as set out in the Appendix below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Federal Communications Commission.
William J. Tricarico
Secretary.

Appendix

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Section 0.422 is added, to read as follows:

§ 0.422 Disclosure to other federal government agencies of information submitted to the Commission in confidence.

(a) The disclosure of records to other federal government agencies is generally governed by 44 U.S.C. 3512 and 3508(a) rather than the Freedom of Information Act. The acceptance of materials in confidence under § 0.457 or § 0.459 does not provide assurance against their disclosure to other agencies.

(b) Information submitted to the Commission in confidence pursuant to § 0.457(c) (2) and (3), (d) and (g) or § 0.459 will be disclosed to other agencies of the federal government upon request: *Provided* (1) Specific Commission assurances against such disclosure have not been given, (2) the other agency has established a legitimate need for the information, (3) disclosure is made subject to the provisions of 44 U.S.C. 3508(a), and (4) disclosure is not prohibited by the Privacy Act or other provisions of law.

(c) The Commission's staff may give assurances against disclosure of information to other federal agencies only with the prior written approval of the General Counsel. In no event will assurance against disclosure to other agencies be given in advance of submission of the information to the Commission if submission is required by statute or by the provisions of this chapter; but the notice provisions of paragraph (d) of this section will apply to such information.

(d)(1) Except as provided in subparagraph (2) of this paragraph a party who furnished records to the Commission in confidence will be notified at the time that the request for disclosure is submitted and will be afforded 10 days in which to oppose disclosure.

(2) If the agency requesting the records states to the satisfaction of the Commission that notice to the party who furnished the records to the Commission will interfere unduly with its law enforcement activities and further states that it will notify that party of the Commission's disclosure once the potential for such interference is eliminated, the Commission will not give notice of disclosure.

(3) If notice is given to the party who furnished the records to the Commission in confidence and disclosure is not opposed, the staff is authorized to make the records available to the agency which requested them.

(4) If disclosure is opposed and the Commission decides to make the records available to the other agency, the party who furnished the records to the Commission will be afforded ten (10) working days from the date of the ruling in which to move for a judicial stay of the Commission's action. If he does not move for stay within this period, the records will be disclosed.

(e) Nothing in this section is intended to govern disclosure of information to Congress.

[FR Doc. 79-29923 Filed 9-26-79; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 2

[Docket No. 20790; FCC 79-522]

Setting up a Single System of Identification for all Devices Covered Under the Equipment Authorization Program

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Amendment of rule in re acceptability of nameplates. Instituted because of petition for reconsideration filed by Electronic Industries Association Consumer Equipment Group. Relaxes and clarifies requirements.

EFFECTIVE DATE: October 29, 1979.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Milton C. Mobley, Laboratory Division, Office of Science and Technology, (301)–725–1585.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

Adopted: September 13, 1979.

Released: September 21, 1979.

By the Commission: Commissioner Jones not participating.

In the matter of revisions of Parts 2, 15, 18, and 83 of the rules and regulations to set up a single system of identification for all devices covered under the equipment authorization program, Docket No. 20790.

1. On February 28, 1979, the Commission adopted a Report and Order in this proceeding which was published in the Federal Register (44 FR 17175) on March 21, 1979; and which adopted new rules (effective April 25, 1979) providing a single system of identification for all devices covered under the equipment authorization program.

2. On April 20, 1979, the Consumer Electronics Group of Electronic Industries Association (EIA/CEG) filed a petition for reconsideration of § 2.925(d) in this rulemaking.

3. Section 2.925(d) as adopted reads as follows:

"(d) The nameplate shall be permanently affixed to the equipment and shall be readily visible to the purchaser at time of purchase.

(1) As used here, "permanently affixed" means that the required nameplate data must

be etched, engraved, stamped into, indelibly printed, or otherwise permanently displayed on a permanently-attached part of the equipment enclosure, or displayed on a durable metal nameplate of at least 0.020" (or 0.5 mm) in thickness attached to such part of the equipment enclosure by means of rivets, spot welding, or other method that would make removal of the nameplate difficult. Paper nameplates and/or nameplates attached with a soluble glue are not acceptable. The nameplate must be of a permanent nature capable of lasting the expected lifetime of the device and attached so that it cannot readily be detached.

(2) As used here, "readily visible" means that the nameplate or nameplate data must be visible from the outside of the equipment enclosure. It is preferable that it be visible at all times during normal installation or use, but this is not a prerequisite for grant of equipment authorization."

4. Section 2.925(d)(1) and 2.925(d)(2) were not included in the text of the original Notice in this proceeding. They were added in the final rulemaking to clarify the intent of the Commission with regard to the meaning of the terms "permanently attached" and "readily visible."

5. Petitioner contends that inclusion of these sections in this manner did not afford any parties opportunity to comment thereon. They also contend that changing nameplates to conform to the rules cited will entail extra costs and cause production line difficulties, delays, and other problems. Their specific objections are to the prohibition of use of paper nameplates or use of soluble glue for attachment of nameplates, and to the specification of a minimum thickness of 0.020" (or 0.5 mm) for metal nameplates. Although cited in their petition, no objection was raised to § 2.925(d)(2), which had to do with visibility of nameplates.

6. Petitioner requests that the Commission reconsider its action in the Report and Order and amend § 2.925(d) to "permit use of paper nameplates if it can be shown that they cannot be removed and will last the product's lifetime, and that where metal nameplates are used that they be permitted to be less than 0.020" in thickness." They point out that the majority of EIA/CEG members now use paper nameplates attached with pressure sensitive adhesive. From the language in their petition, it appears that this method applies primarily to television and FM broadcast receivers.

7. As stated in the Report and Order adopted February 28, 1979, § 2.925(b) as proposed in the NPRM was revised to be more specific as to location and method of attachment of nameplates, in response to comments by Land Mobile Communications Section, Electronic Industries Association (LMCS/EIA). Due to rearrangement of sections in the final report, this section was renumbered as § 2.925(d).

8. Taking into account both the original comments of LMCS/EIA and those in the instant petition, we now believe that our objective of assuring reasonably permanent identification of equipment can be achieved with less restrictive language in the rules. The revised rules in the Appendix, while not identical in language to the changes proposed by EIA/CEG in their petition, will accomplish this.

9. The petition for reconsideration filed by EIA/CEG is granted to the extent discussed above. The rules adopted in the Report and Order are amended effective October 29, 1979, as set out in the Appendix below.

10. Authority for this action may be found in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended.

11. For further information on this proceeding, contact Milton C. Mobley, Laboratory Division, OST (301) 725-1585.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, Sec. 302, 82 Stat., 290; (47 U.S.C. 154, 302, 303))

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS GENERAL RULES AND REGULATIONS

1. Section 2.925 is amended by revising paragraph (d)(1) as follows:

§ 2.925 Identification of Equipment.

* * * * *

(d) * * *

(1) As used here, "permanently affixed" means that the required nameplate data is etched, engraved, stamped, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment enclosure. Alternatively, the required information may be permanently marked on a nameplate of metal, plastic, or other material fastened to the equipment enclosure by welding, riveting, etc., or with a permanent adhesive. Such a nameplate must be able to last the expected lifetime of the equipment in the environment in which the equipment will be operated and must not be readily detachable.

* * * * *

[FR Doc. 79-29992 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

[FCC 79-538]

Providing Rules of Procedure Governing Petitions to Initiate Forfeiture Action Against Cable Television Systems and Related Pleadings

AGENCY: Federal Communications Commission.

ACTION: Amendment of § 76.9 of the Commission's rules.

SUMMARY: The Commission is amending its rules to specify filing periods and other procedural requirements for parties requesting the Commission to fine a cable television operator and for parties wishing to file pleadings in response to such requests. The new rules closely follow existing provisions for petitions for orders to show cause.

DATE: Effective October 1, 1979.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bob Ratcliffe, Cable Television Bureau, (202) 254-3407.

SUPPLEMENTARY INFORMATION: None.

Order

Adopted: September 13, 1979.

Released: September 21, 1979.

In the matter of: amendment of Part 76, Subpart A of the Commission's rules and regulations to provide rules of procedure governing petitions to initiate forfeiture action against Cable Television Systems and related pleadings.

1. Effective March 23, 1978, the Commission was empowered to impose monetary penalties on cable television systems for willful or repeated failure "(T)o comply with any of the provisions of (the Communications) Act or any rule, regulation or order issued by the Commission under (that) Act * * *."[1] Since that time the Commission has received numerous petitions from outside parties seeking to initiate forfeiture actions against cable television systems pursuant to this new authority. In dealing with these requests, we have closely followed the procedural provisions governing the analogous show cause petitioning process found in § 76.9 of the rules and have found this approach to be quite appropriate. Because these rules do not expressly encompass forfeiture proceedings, however, some uncertainty has arisen

[1] Communications Act Amendments of 1978, 92 Stat. 33 (1978), *amending* 47 U.S.C. 503(b).

among participants concerning their applicability. In order to eliminate this uncertainty and conform the rule to what has been the practice, we have decided to amend § 76.9 of the rules to include specific references to petitions for forfeiture action.

2. The amended language of § 76.9 will require parties filing petitions to initiate forfeiture proceedings or submitting responsive pleadings thereto to comply with the same time frame and other filing requirements already in effect for show cause petitions. Consistent with existing show cause practice, the Commission may in appropriate circumstances establish a shorter period for the submission of pleadings than specified in the rule.

3. Due to the alternative hearing and notice of apparent liability mechanisms by which forfeiture matters may be pursued [2] we have added Note 3 to the provisions of § 76.9 requiring petitioners to specifically justify any request to proceed by hearing in a forfeiture action in lieu of the more usual notice of apparent liability. This requirement reflects our determination that forfeiture actions will ordinarily be handled through the hearing process only when an adjudicatory proceeding is being conducted for reasons other than the assessment of a fine. *See* § 1.80(g) of the rules. In any event, of course, the Commission retains discretion to proceed by whichever approach it deems will better serve the ends of justice.

4. Since the rules we are adopting today relate only to Commission procedure, the prior notice and effective date provision of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, do not apply.

Authority for the rules adopted herein is contained in Sections 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That effective October 1, 1979, Part 76 of the Commission's rules and regulations is amended as set forth in the attached Appendix below.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317, 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1088, 1089; (47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317.))

[2] *See* §§ 1.80(f) and 1.80(g) of the rules.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 76.9, the caption is amended, paragraphs (a), (b), (c), (f), and note 2 are amended, and a new note 3 is added, to read as follows:

§ 76.9 Order to Show Cause; Forfeiture Proceeding.

(a) Upon petition by any interested person, the Commission may:

(1) Issue an order requiring a cable television operator to show cause why it should not be directed to cease and desist from violating the Commission's rules;

(2) Initiate a forfeiture proceeding against a cable television operator for violation of the Commission's Rules.

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any interested person who may be directly affected if an order to show cause is issued or a forfeiture proceeding initiated. An original and two copies of the petition and all subsequent pleadings should be filed.

(c) The petition shall state fully and precisely all pertinent facts and considerations relied on to support a determination that issuance of an order to show cause or initiation of a forefeiture proceeding would be in the public interest. Factual allegations shall be supported by affidavit of a person or persons with actual knowledge of the facts, and exhibits shall be verified by the person who prepares them.

* * * * *

(f) The Commission, after consideration of the pleadings, shall determine whether the public interest requires the issuance of an order to show cause or the initiation of a forfeiture proceeding.

* * * * *

Note 2.—Nothing in this Section is intended to prevent the Commission from initiating show cause or forfeiture proceedings on its own motion; *Provided, however,* That show cause proceedings and forfeiture proceedings pursuant to § 1.80(g) of the rules will not be initiated by such motion until the affected parties are given an opportunity to respond to the Commission's charges.

Note 3.—Forfeiture proceedings are generally nonhearing matters conducted pursuant to the provisions of § 1.80(f) of the rules (Notice of Apparent Liability). Petitioners who contend that the alternative hearing procedures of § 1.80(g) of the rules should be followed in a particular case must support this contention with a specific showing of the facts and considerations relied on.

[FR Doc. 79-29920 Filed 9-26-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 9; Notice 79-18]

Standard Time Zone Boundary in the State of Alaska; Relocation of Time Zone Boundary

AGENCY: Department of Transportation.

ACTION: Final rule.

SUMMARY: The Department of Transportation is relocating the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau, Alaska, and a portion of the surrounding area, from the Pacific to the Yukon Zone. This action which has been requested by the governing body of the city and borough of Juneau, is taken because it appears that relocation would serve the convenience of commerce, which is the statutory standard.

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

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

SUPPLEMENTARY INFORMATION: Pursuant to a formal petition from the assembly of the city and borough of Juneau, Alaska, the Department of Transportation (DOT) proposed to relocate the boundary between the Pacific and Yukon Time Zones in the State of Alaska so as to move Juneau and parts of the surrounding area from the Pacific to the Yukon Time Zone. (44 FR 28696; May 16, 1979). Interested parties were given until July 16, 1979, to submit comments on the proposal; additionally representatives of DOT conducted a public hearing in Haines on June 6, 1979, and in Juneau on June 7, 1979. Comments were received, at the hearings and to the docket, from approximately 60 persons.

Under Section 4 of the Uniform Time Act of 1966 (15 U.S.C. 261) (The Act) the Secretary of Transportation has the authority to modify the boundaries between time zones in the United States so as to move an area from one time zone to another. The Act's standard is "regard for the convenience of commerce and the existing junction points and division points of common

carriers engaged in interstate or foreign commerce."

The State of Alaska is in four of the eight time zones that are formally recognized under the Act and that span the United States. From east to west the four are Pacific, Yukon, Alaska-Hawaii, and Bering. Juneau, the capital city of Alaska, has been in the Pacific Time Zone since 1937. There is currently a difference of three hours between Nome, in the Bering Zone, and Juneau; there is a two hour difference between the Anchorage-Fairbanks region, in the Alaska-Hawaii Zone and Juneau. The decision by the Secretary endorsing the request by the Juneau Assembly will have the effect of moving Juneau and the surrounding area, on the north and east reaching to the Canadian border, and abutting the Yukon Time Zone on the west, one hour closer to these major cities.

The preponderance of the evidence indicates that the convenience of commerce would better be served if Juneau were to observe Yukon Time and not, as in the past, Pacific Standard Time. On balance, the record supports the Assembly's petition to the effect that Juneau would become more accessible to the other major cities in the State, will be better able to provide services to those cities and to the parts of the population living in the rest of the State, and that government and its related activities constitute Juneau's largest business. The change to the Yukon Time Zone has also received support because the move places Juneau in the geographically correct time zone.

A number of significant issues were raised in the written comments and oral testimony received on this matter. A number of commenters stated their belief that a change of the Capital's time zone would not have any effect on the Capital move issue or induce the advocates of the Capital move to change their minds. We do not take any position on the ultimate location of the State Capital, since that is a State matter. However, we do agree with the position of the Assembly of the City and Borough of Juneau that the change in time would make Juneau more accessible to the large population centers in the western part of the State, and that such accessibility is important to Juneau's commerce for as long as Juneau is the State Capital.

Another group of commenters argued that, by breaking up the southeastern part of the State into two time zones, a great deal of confusion would be created and commerce would be adversely affected. We acknowledge that this change could potentially be somewhat disruptive to the traditionally close commercial ties existing in the southeastern part of Alaska. Nevertheless, at the time that the Juneau Assembly originally made this proposal, inquiries were sent, by the Juneau Assembly, to the city governments of all the other municipalities in southeastern Alaska seeking their comments on the proposal. Though all the cities south of Juneau declined the invitation to join in the proposed time zone move, support for Juneau's proposal was received from several of the other major cities, including Petersburg and Ketchikan, which preferred themselves to remain on Pacific Time, but concurred in a change for Juneau. No comments were received from any of these localities opposing the creation of the two time zones in this southeastern area.

A number of commenters also raised the question of whether commerce between the affected area and the continental United States, especially Seattle and the west coast, as well as neighboring portions of Canada, would be adversely affected. In particular, several commenters felt that by moving Juneau and the surrounding area to a more westerly time zone, political and business relationships with the rest of the country would be disrupted. The possible disruption of commerce between these areas and Juneau has been carefully considered in this rulemaking. However, we find that the probable benefits to Juneau outweigh these arguments at this time.

Several commenters questioned whether the new time zone boundaries proposed by Juneau would cross commercial fishing zone boundaries in a disruptive manner. Although the State Division of Commercial Fisheries indicated the result would be inconsequential, the boundary lines have been revised to minimize the problems that might have been caused by the boundary which was first proposed. The revised boundary line will include the following boroughs and cities in the Yukon Time Zone: Yakutat; Skagway; Klukivan; Haines; Gustavus; Juneau; and Hoonah. (Reference is Alaska Department of Community and Regional Affairs Map dated January 1, 1979.)

It was announced in the Federal Register notice of May 16, 1979, that, if adopted, the proposed time zone change would become effective on September 2, 1979. Several comments to the docket were received that cited possible confusion resulting from a change in time zones so shortly after a decision is announced. In the interest of minimizing disruption and easing the transition, the time zone boundary change will now take effect at 2:00 a.m. Pacific Standard Time on Sunday, April 27, 1980, the moment Daylight Saving Time begins. The effect will be that clocks in the Juneau area will not have to be changed.

Note.—The Office of the Secretary has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures published in the Federal Register on February 26, 1979 (44 FR 11034). Furthermore, the economic impact of the proposed regulation is so minimal that a full Regulatory Evaluation is not warranted.

In consideration of the foregoing, section 71.11 of Title 49 CFR, is amended to read as appears below. (Act of March 19, 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 260–267); section 6(e)(5) Department of Transportation Act (49 U.S.C. 1655(d)(5)).)

Issued in Washington, D.C. on September 19, 1979.

Neil E. Goldschmidt,

Secretary of Transportation.

§ 71.11-1 Boundary line between Yukon and Pacific Zones.

* * * * *

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

miles to a mountain with an elevation of 3,253 feet; thence westerly approximately 6 miles to Pyramid Peak; thence westerly to Crag Mountain; thence northwesterly to Mount Althorp; thence northwesterly to Column Point located on the northwest side of Althorp Peninsula; thence due west from Column Point until an intersection is reached with 137° west longitude.

[FR Doc. 79-29993 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-62-M

Research and Special Programs Administration

49 CFR Parts 171,173 and 178

[Docket No. HM-163C; Amdt. Nos. 171-50, 173-132, 178-57]

Transfer of Approval Registration and Reporting Functions

AGENCY: Materials Transportation Bureau (MTB), DOT.

ACTION: Final Rule.

SUMMARY: The purpose of these amendments to the Department's Hazardous Materials Regulations is to transfer from the Transportation Systems Center to the Bureau's Associate Director for operations and Enforcement (OE) responsibility for: (1) approving cigarette lighters or other ignition devices (§ 173.21(d)); (2) registering container manufacturers' mark or symbol; and (3) receiving and maintaining reports required to be filed in connection with hazardous materials shipping containers and packagings. Specifically, these changes to the regulations (1) provide that the Associate Director for OE will issue approvals for cigarette lighters and similar ignition devices based on his review and acceptance of the results of examinations and tests performed for the applicant by test facilities recognized by the MTB, and (2) require registration of container manufacturers' marks, symbols, and the filing of reports directly with the Associate Director for OE. As part of these amendments, MTB is also identifying the Bureau of Explosives as the initial recoginized test facility for the examination of cigarette lighters.

DATE: The effective date is September 27, 1979

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: On August 17, 1978, the Materials Transportation Bureau published a final rule, Docket HM-163; Amdt. Nos. 171-41, 173-119, 178-49 (43 FR 36445) which assigned certain regulatory responsibilities to the Transportation Systems Center. This action reassigns those responsibilities. The MTB is taking this action because it believes that it can more effectively employ TSC's capability on other than basic testing activities and record keeping, and because it sees an opportunity to make its approvals system more responsive through giving recognition to more than a single test facility.

Since these amendments do not impose additional requirements, public notice has not been provided and this amendment is effective upon publication in the Federal Register (September 27, 1979). The MTB has determined that the environmental and economic impact associated with these amendments is minimal. Primary drafters of this document are Darrell L. Raines, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, and George W. Tenley, Office of Chief Counsel, Research and Special Programs Administration.

In consideration of the foregoing, 49 CFR Parts 171, 173, and 178 are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

§ 171.8 [Amended]

1. In § 171.8 the paragraph containing the definition of "MTB-TSC" is deleted.

2. §171.18 is revised to read as follows:

§171.18 Continuation of effectiveness of existing Bureau of Explosives registrations.

A registration filed with the Bureau of Explosives in compliance with a requirement of this subchapter, which is valid at the time that registration function is assumed by MTB remains valid to the same extent as if it had been filed originally with MTB.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In §173.21 paragraph (d) is revised to read as follows:

§173.21 Prohibited packing.

* * * * *

(d) The offering for transportation of any package containing a cigarette lighter or other similar ignition device charged with fuel and equipped with an ignition element, or any self-lighting cigarette, is forbidden unless design of the device and its packaging insofar as they affect safety in transportation have been examined by the B of E or another test facility recognized by the MTB and, based on the results of that examination, approved by the Associate Director for OE. (An approval which was issued by the B of E before August 17, 1978, remains valid to the same extent as if it had been issued by MTB.) For lighters containing flammable gases, also see §173.308.

§ 173.24 [Amended]

4. The abbreviation "MTB-TSC" is changed to read Associate Director for OE in §173.24(c)(1)(ii).

§§ 173.34 and 173.119 [Amended]

5. The abbreviation "MTB-TSC" is changed to read Associate Director for OE each time it appears in the following sections:

§ 173.34(1)(2)
§ 173.34(1)(3)
§ 173.119(b)(3) Note 1.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

6. The abbreviation "MTB-TSC" is changed to read Associate Director for OE each time it appears in the following sections:

§ 178.1-4(a)
§ 178.1-9(f)
§ 178.2-6(a)(2)
§ 178.3-8(a)(2)
§ 178.4-4(b)
§ 178.4-8(f)
§ 178.5-9(f)
§ 178.6-10(f)
§ 178.7-7(a)(2)
§ 178.8-7(a)(2)
§ 178.12-9(a)(2)
§ 178.13-5(a)(2)
§ 178.14-7(a)(2)
§ 178.15-7(b)
§ 178.19-6(a)(3)
§ 178.24-5(a)(2)
§ 178.33-9(a)(2)
§ 178.35-3(b)(2)
§ 178.36-4(d)
§ 178.37-4(d)
§ 178.38-4(d)
§ 178.39-4(d)
§ 178.40-4(d)
§ 178.41-4(d)
§ 178.42-4(d)
§ 178.43-4(d)
§ 178.44-4(d)
§ 178.47-4(d)
§ 178.48-4(d)
§ 178.49-4(d)
§ 178.50-4(d)
§ 178.51-4(d)
§ 178.52-19(a)(2)
§ 178.53-18(a)(2)
§ 178.54-20(a)(2)
§ 178.55-20(a)(2)
§ 178.56-19(a)(2)
§ 178.57-20(a)(3)
§ 178.58-21(a)(2)
§ 178.59-18(a)(2)
§ 178.60-22(a)(2)
§ 178.61-20(a)(2)
§ 178.68-19(a)(2)
§ 178.81-11(a)(2)
§ 178.83-11(a)(2)
§ 178.85-10(a)(2)
§ 178.88-10(a)(2)
§ 178.1-8(a)(2)
§ 178.2-4(a)
§ 178.3-4(a)
§ 178.3-9(f)
§ 178.4-7(a)(2)
§ 178.5-7(a)(2)
§ 178.6-8(a)(2)
§ 178.7-3(a)
§ 178.7-8(f)
§ 178.9-7(a)(2)
§ 178.13-2(a)
§ 178.14-3(a)
§ 178.14-8(f)
§ 178.18-8(a)(2)
§ 178.21-2(b)(2)
§ 178.27-2(c)(2)
§ 178.33a-9(a)(2)
§ 178.35a-2(c)(2)
§ 178.36-20(a)(3)
§ 178.37-20(a)(3)
§ 178.38-20(a)(2)
§ 178.39-19(a)(2)
§ 178.40-20(a)(2)
§ 178.41-19(a)(2)
§ 178.42-14(a)(2)
§ 178.43-20(a)(2)
§ 178.44-23(a)(2)
§ 178.47-21(a)(2)
§ 178.48-19(a)(2)
§ 178.49-19(a)(2)
§ 178.50-19(a)(2)
§ 178.52-4(d)
§ 178.53-4(d)
§ 178.54-4(d)
§ 178.55-4(d)
§ 178.56-4(d)
§ 178.57-4(d)
§ 178.58-4(d)
§ 178.59-3(c)
§ 178.60-3(c)
§ 178.61-4(d)
§ 178.68-4(d)
§ 178.80-11(a)(2)
§ 178.82-11(a)(2)
§ 178.84-11(a)(2)
§ 178.87-11(a)(2)
§ 178.88-9(a)(2)

§ 178.90–10(a)(2)	§ 178.91–11(a)(2)
§ 178.92–12(a)(2)	§ 178.97–9(a)(2)
§ 178.98–9(a)(2)	§ 178.99–9(a)(2)
§ 178.100–9(a)(2)	§ 178.101–9(a)(2)
§ 178.102–4(a)(2)	§ 178.103–6(a)(3)
§ 178.107–9(a)(2)	§ 178.108–9(a)(2)
§ 178.109–9(a)(2)	§ 178.110–8(a)(2)
§ 178.111–8(a)(2)	§ 178.112–10(a)(2)
§ 178.115–10(a)(2)	§ 178.116–10(a)(2)
§ 178.117–11(a)(2)	§ 178.118–10(a)(2)
§ 178.119–10(a)(2)	§ 178.130–8(a)(2)
§ 178.131–9(a)(3)	§ 178.132–9(a)(3)
§ 178.133–9(a)(2)	§ 178.134–4(a)(2)
§ 178.135–8(a)(3)	§ 178.136–9(a)(2)
§ 178.140–6(a)(2)	§ 178.141–7(a)(2)
§ 178.146–15(a)(2)	§ 178.147–15(a)(2)
§ 178.148–5(a)(2)	§ 178.149–7(a)(2)
§ 178.150–7(a)(3)	§ 178.156–12(a)(2)
§ 178.165–13(b)	§ 178.168–18(d)
§ 178.169–18(d)	§ 178.170–17(d)
§ 178.171–17(d)	§ 178.172–19(b)
§ 178.176–6(b)	§ 178.177–6(b)
§ 178.181–11(b)	§ 178.182–4(a)(2)
§ 178.185–19(b)	§ 178.185–22(c)(2)
§ 178.186–19(b)	§ 178.187–5(b)
§ 178.190–9(a)(2)	§ 178.191–9(a)(2)
§ 178.193–6(a)(2)	§ 178.194–6(b)
§ 178.196–15(a)(2)	§ 178.197–14(a)(2)
§ 178.198–4(a)(2)	§ 178.205–18(a)(2)
§ 178.206–18(a)(2)	§ 178.207–18(a)(2)
§ 178.208–12(a)(2)	§ 178.209–13(a)(2)
§ 178.209–14(a)	§ 178.210–12(a)(2)
§ 178.211–8(a)(2)	§ 178.212–8(a)(2)
§ 178.214–17(a)(2)	§ 178.214–18(a)
§ 178.218–10(a)(2)	§ 178.218–11(a)
§ 178.219–13(a)(2)	§ 178.219–14(a)
§ 178.224–4(a)(2)	§ 178.225–3(a)(1)(ii)
§ 178.225–3(a)(2)(ii)	§ 178.226–4(a)(2)
§ 178.230–8(a)(2)	§ 178.233–9(a)(2)
§ 178.234–9(a)(2)	§ 178.236–7(b)
§ 178.237–7(b)	§ 178.238–7(b)
§ 178.239–7(b)	§ 178.240–10(a)(2)
§ 178.241–5(b)	§ 178.245–7(a)
§ 178.255–15(a)	

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1.)

Note.—The Materials Transportation Bureau has determined that this document will not have a major impact under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C., on September 24, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 79–30005 Filed 9–26–79; 8:45 am]

BILLING CODE 4910–60–M

National Highway Traffic Safety Administration

49 CFR Part 525

[Docket No. FE 76–04; Notice 4]

Exemptions From Average Fuel Economy Standards; Final Rule

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule makes several amendments to the requirements governing the contents of petitions by manufacturers of fewer than 10,000 passenger automobiles annually for exemption from the generally applicable fuel economy standards and in the procedures followed by the National Highway Traffic Safety Administration (NHTSA) in processing those petitions. These amendments will require that petitions for exemption contain more information concerning the fuel economy testing of the vehicles, but otherwise simplify the general content requirements for these petitions. In addition, the notice of receipt of the petitions and the proposed decision on the petitions will now be combined into one notice. These changes will simplify and expedite the preparation and processing of these petitions.

EFFECTIVE DATE: This rule is effective with respect to petitions for exemption for 1980 and subsequent model years.

FOR FURTHER INFORMATION CONTACT: William Devereaux, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, DC 20590 (202–755–9384).

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the NHTSA establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one who manufactures fewer than 10,000 passenger automobiles in the model year for which the exemption is sought (the affected model year) and who manufactures fewer than 10,000 passenger automobiles in the second model year preceding the affected model year.

To implement section 502(c), NHTSA issued Part 525, Exemptions from Average Fuel Economy Standards. Part 525 prescribes the content of exemption petitions and sets forth the agency procedures for processing those petitions. In connection with the processing of petitions submitted by low volume manufacturers, several problems with the process for handling exemption petitions became apparent. The most obvious problems were the amount of time needed to obtain a complete petition from the petitioners and the amount of time needed to publish a final decision on the petitions. To reduce these problems, NHTSA published a notice of proposed rulemaking to amend Part 525 at 44 FR 21051; April 9, 1979.

Two comments were submitted in response to this proposal. One comment addressed the issue of the fuel economy improvements to be expected from improved lubricants, but did not address any of the issues raised in the notice. Accordingly, that comment will not be discussed further in this notice.

The other comment was submitted by Aston Martin Lagonda, a low volume manufacturer. Aston Martin suggested that the rule be amended so that low volume manufacturers not be required to submit petitions two years before the affected model year. This suggestion has not been adopted. For the same reasons set forth in the final rule originally establishing Part 525 (42 FR 38374; July 28, 1977), NHTSA believes that retention of the two year requirement is more consistent with the energy conservation purposes of the Act. Early submission allows NHTSA to set standards at levels that require maximum fuel economy improvements by the exempted manufacturers. The agency also believes that it is essential that low volume manufacturers know the fuel economy standard which they will have to meet as far in advance of the affected model year as possible, so that the manufacturers can make any necessary changes in their product plans with a maximum of efficiency and a minimum of expense and disruption.

Aston Martin went on to argue that it should not be expected to make any significant alterations to its vehicles. This does not relate to the issues raised in the proposal, but on how NHTSA should determine a manufacturer's maximum feasible average fuel economy. As such, the comment is not relevant to the issues raised in the notice.

Neither of these commenters responded to NHTSA's request for comments as to means of avoiding an annual submission and processing of petitions for exemption, and the request for comments on extending the duration of the exemption from the current three year maximum to a longer period. Since no commenter has raised any objection to the proposed amendments, they are being adopted without change.

In consideration of the foregoing, 49 CFR Part 525 is amended to read as follows:

PART 525—EXEMPTIONS FROM AVERAGE FUEL ECONOMY STANDARDS

1. Section 525.4(b) is revised to read as follows:

§ 525.4 Definitions.

* * * * *

(b) *Other terms.* (1) The term "base level" and "vehicle configuration" are used as defined in 40 CFR 600.002-77.

(2) The term "vehicle curb weight" is used as defined in 40 CFR 85.002.

(3) The term "interior volume index" is used as defined in 40 CFR 600.315-77.

(4) The term "frontal area" is used as defined in 40 CFR 86.129-79.

(5) The term "basic engine" is used as defined in 40 CFR 600.002-77(a)(21).

(6) The term "designated seating position" is defined in 49 CFR 571.3.

(7) As used in this Part, unless otherwise required by the context—

"Act" means the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163);

"Administrator" means the Administrator of the National Highway Traffic Safety Administration;

"Affected model year" means a model year for which an exemption and alternative average fuel economy standard are requested under this Part;

"Production mix" means the number of passenger automobiles, and their percentage of the petitioner's annual total production of passenger automobiles, in each vehicle configuration which a petitioner plans to manufacture in a model year; and

"Total drive ratio" means the ratio of an automobile's engine rotational speed (in revolutions per minute) to the automobile's forward speed (in miles per hour).

2. Section 525.6 is amended as follows: Paragraph (b) is revised and paragraph (e) is amended.

§ 525.6 Requirements for petition.

* * * * *

(b) Be submitted not later than 24 months before the beginning of the affected model year, unless good cause for later submission is shown;

* * * * *

(e) State the full name, address, and title of the official responsible for preparing the petition, and the name and address of the manufacturer;

* * * * *

3. Section 525.7 is amended as follows: Paragraph (a) is revised, paragraph (d) is revised, paragraph (e) is amended, and paragraph (h) is amended.

§ 525.7 Basis for petition.

(a) The petitioner shall include the information specified in paragraphs (b) through (h) in its petition.

* * * * *

(d) For each affected model year, the petitioner's projections of the most fuel efficient production mix of vehicle configurations and base levels of its passenger automobiles which the petitioner could sell in that model year, and a discussion demonstrating that these projections are reasonable. The discussion shall include information showing that the projections are consistent with—

* * * * *

(e) * * *

(1) Frontal area;

* * * * *

(4) Basic engine, displacement, and SAE net horsepower;

(5) * * *

(6) Drive train configuration and total drive ratio;

(7) * * *

(8) Dynamometer road load setting, determined in accordance with 40 CFR Part 86, and the method used to determine that setting, including information indicating whether the road load setting was adjusted to account for the presence of air conditioning and whether the setting was based on the use of radial ply tires; and

(9) Use of synthetic lubricants, low viscosity lubricants, or lubricants with additives that affect friction characteristics in the crankcase, differential, and transmission of the vehicles tested under the requirements of 40 CFR Parts 86 and 600. With respect to automobiles which will use these lubricants, indicate which one will be used and explain why that type was chosen. With respect to automobiles which will not use these lubricants, explain the reasons for not so doing.

* * * * *

(h) Information demonstrating that the average fuel economy figure provided for each affected model year under paragraph (g) of this section is the maximum feasible average fuel economy achievable by the petitioner for that model year, including—

(1) For each affected model year and each of the two model years immediately following the first affected model year, a description of the technological means selected by the petitioner for improving the average fuel economy of its automobiles to be manufactured in that model year.

(2) A chronological description of the petitioner's past and planned efforts to implement the means described under paragraph (h)(1) of this section.

(3) A description of the effect of other Federal motor vehicle standards on the fuel economy of the petitioner's automobiles.

(4) For each affected model year, a discussion of the alternative and additional means considered but not selected by the petitioner that would have enabled its passenger automobiles to achieve a higher average fuel economy than is achievable with the means described under paragraph (h)(1) of this section. This discussion must include an explanation of the reasons the petitioner had for rejecting these additional and alternative means.

(5) In the case of a petitioner which plans to increase the average fuel economy of its passenger automobiles to be manufactured in either of the two model years immediately following the first affected model year, an explanation of the petitioner's reasons for not making those increases in that affected model year.

4. Section 525.8 is amended as follows: Paragraph (a) is deleted, paragraphs (b) through (f) are redesignated as paragraphs (a) through (e), respectively, and the paragraph redesignated as (d) is revised.

§ 525.8 Processing of petitions.

* * * * *

(d) Any interested person may, upon written request to the Administrator not later than 15 days after the publication of a notice under paragraph (c) of this section, meet informally with an appropriate official of the National Highway Traffic Safety Administration to discuss the petition or notice.

* * * * *

Note.—The agency has reviewed the impacts of this rule and determined that they are minimal, and that the rule is not a significant regulation within the meaning of Executive Order 12044.

The program official and attorney principally responsible for the development of this proposed regulation are William Devereaux and Stephen Kratzke, respectively.

Authority: Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 USC 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 USC 2002); delegation of authority at 41 FR 25015, June 22, 1976.

Issued on September 19, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79-29683 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-59-M

49 CFR Part 571

[Docket No. 1-18; Notice 14]

Federal Motor Vehicle Safety Standards; Controls and Displays

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Response to petitions for reconsideration.

SUMMARY: This notice responds to petitions for reconsideration of Federal Motor Vehicle Safety Standard (FMVSS) 101–80, *Controls and Displays,* published June 26, 1978. Several aspects of the petitions are granted, most notably those relating to clarification of the references to other vehicle safety standards and additional symbols. The other aspects of the petitions are denied.

EFFECTIVE DATE: September 1, 1980, except that the amendments to Federal Motor Vehicle Safety Standard No. 208 (49 CFR 571.208) become effective on September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Nelson Erickson, Office of Vehicle Safety Standards, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–2720.

SUPPLEMENTARY INFORMATION: On June 26, 1978, the NHTSA published (42 FR 27541) a final rule establishing new requirements in FMVSS 101–80 for the location, identification, and illumination of controls and displays in passenger cars, multipurpose passenger vehicles, trucks, and buses.

Petitions for reconsideration of FMVSS No. 101–80 were received from the following organizations: Ford Motors Company, American Motor Corporation, British Leyland UK Ltd., Volkswagen of America, Blue Bird Body Company and Mack Trucks, Inc. A discussion of the issues raised by the petitions and their resolution follows. All petitions are denied except as otherwise noted.

Ford requested that vehicles over 10,000 pounds gross vehicle weight rating (GVWR) be excluded from the control requirements. Blue Bird made a similar request, asking that school buses over 10,000 pounds GVWR be excluded. The notice of proposed rulemaking, issued on October 21, 1976 (41 FR 46460) would have required all passenger cars, multipurpose passenger vehicles, trucks, and buses to meet its control and display requirements. The agency, however, found merit in the comments of truck manufacturers who objected to the application of display requirements to heavy duty vehicles. As a result, the final rule provided that heavy duty vehicles need not comply with the display requirements, but must meet the control requirements. Ford and Blue Bird believe that the reasons for excluding these vehicles from the display requirements are equally applicable to the control requirements. They indicated that the operators of these vehicles are professionals who are familiar with the controls and their functions. They further stated that compliance would impose unwarranted redesign and expenditures.

Neither Ford nor Blue Bird addressed the issue of applicability to heavy duty vehicles in commenting on the proposed rule. No other manufacturers of these vehicles have petitioned for reconsideration of those requirements.

The agency draws a distinction between controls and displays in regard to the safety significance of drivers' being able to quickly and correctly locate and identify them. Controls are typically far more important than displays in driving safely and responding to emergency operating conditions. Further, while drivers do become familiar in time with control location, the identification of controls can be critical during the period of familiarization and continues to promote safety even after that period. The agency notes that it has plans for examining the desirability of further regulating controls and displays by standardizing their location and, in the case of some controls, their manner of operation. If rulemaking is undertaken on this matter, the requirements for controls would be put into effect first. The agency concludes that the task of complying with the existing control requirements is not so difficult as to justify foregoing the benefits of those requirements.

British Leyland petitioned for the ISO symbol for the Manual Choke to be added to Table 1 and the ISO symbol for the Brake System to be added to Table 2. No amendment of the standard is necessary to permit use of these two symbols since FMVSS 101–80 does not specify any requirements regarding symbols for those items. Amendment of the standard to require the use of those symbols would require a new proposal to be issued since such an amendment would be beyond the scope of the October 12, 1976, proposal which led to the June 26, 1978 final rule. Treating this part of British Leyland's petition as a petition for rulemaking instead of a petition for reconsideration, the agency grants it. It should be understood that granting the petition does not necessarily mean that an amendment will ultimately be adopted.

American Motors Corporation petitioned to have the requirement for the turn signal control symbol deleted from the final rule because it was not part of the 1976 proposal and they did not have an opportunity to comment. The commenter stated also that there was no safety need because the column mounted lever was in common usage and standardized through accepted industry practice. The commenter's suggestion that there was no notice for the turn signal control symbol lacks merit. Under the Administrative Procedures Act, notice may be given for a requirement by generally raising the issue in the preamble of a proposal or by setting forth the text of the proposed requirement. While the turn signal control symbol was inadvertently omitted from Table I (concerning control symbols) in the proposed rule, S5 of that rule required use of a turn signal control symbol. The symbol to be used could have been determined from the preamble which expressly provided that the proposal would require use of the ISO turn signal control symbol. Further, that symbol was shown in Table II (concerning display symbols) of the proposed rule.

The location and operation of the turn signal control has over the past several years, become standardized as a finger tip operated lever mounted on the left side of the steering column. There are no reported incidents of accident causation because of the driver's unfamiliarity with the position and use of this control. NHTSA is, therefore, granting AMC's petition to delete the requirement for symbol identification with regard to those vehicles that have a single standardized finger tip operated lever mounted on the left side of the steering column.

American Motors also objected to the use of the highbeam telltale, stressing that it was already uniquely identified by a blue color. It further stated that most vehicles have the highbeam located in the same area as the speedometer dial. This position is in the normal line of sight of the driver, thereby minimizing the time of diversion from the roadway. AMC indicated that an additional graphic representing the highbeam would require its relocation to an area further from the normal line of sight because of the limited area near the speedometer. Such a relocation, AMC argued, would offset any potential benefit. It, therefore, urged that the highbeam telltale symbol be optional.

The NHTSA believes that the highbeam telltale symbol is necessary to alert drivers to the fact that their highbeams are on. Its presence would educate new drivers and act as a reminder to all drivers, especially those who drive infrequently. As to the alleged uniqueness of the use of blue to indicate highbeams, there is no regulation prohibiting its use for telltales other than highbeams. In fact, the color blue is also being proposed by Working Group 5 of Subcommittee 13 of the ISO Technical Committee 22 to the ISO as the color that would be used to indicate spot lamp, long range lamp, cold air, and cold. Therefore, it is possible that

further use of the color blue could lead to confusion unless the highbeam symbol also is required. The NHTSA also believes that the space in the area of the speedometer face is sufficient to allow the symbol for the highbeam to be located there. Therefore, AMC's petition is denied with regard to the highbeam telltale symbol.

In a related vein, Mack, British Leyland, and Mercedes Benz petitioned the agency to substitute the ISO master lighting switch symbol (an illuminated light bulb) for the headlamp and tail lamp symbol (an illuminated headlamp) specified in Table 1 of FMVSS 101–80 or to add the ISO symbol as an optional alternative to the currently specified symbol. The commenters indicatd that the European Economic Community's (EEC) Directive 78/316 requires use of the ISO symbol and that Canada allows either that symbol or the one specified by FMVSS 101–80. Mack argued that use of the ISO symbol should be permitted to enable the company to avoid expensive changes in vehicles that are shipped overseas.

If a vehicle contains a master lighting control in addition to a headlamp and tail lamp control, the ISO symbol may be used for the master lighting control. The agency recognizes, however, that most vehicles presently sold in this country have one control that operates all lights, including the headlamps and tail lamps. On those vehicles, the single control must be identified by the headlamp and tail lamp symbol specified in FMVSS 101–80. The agency believes that this requirement should be retained because the headlamps and tail lamps are the more important lights controlled by a master light control. Further, the agency believes that the headlamp and tail lamp symbol is more easily recognizable as related to those lamps than is the ISO master lighting symbol. However, in the agency's forthcoming proposal on controls and displays, the agency will propose that the ISO symbol be required on master lighting controls in vehicles having both a master lighting control and a headlamp and tail lamp control. We will, however, request comments on allowing the ISO symbol as an optional alternative to the headlamp/tail lamp symbol and or requiring the ISO symbol instead of the headlamp/tail lamp symbol.

American Motors raised a final question about the phase-in of the requirements of the final rule. It noted that S4 of the existing Federal Motor Vehicle Safety Standard (FMVSS) 101 was amended to allow any manufacturer to meet the requirements of that standard with regard to the location, identification and illumination of the listed controls or to meet the requirements of FMVSS 101–80 with respect to such controls. Although the amendment did not expressly provide for early compliance with the display requirements of FMVSS 101–80, early compliance is nevertheless permissible. Early compliance with a new FMVSS is always permissible unless the requirements of the new FMVSS conflict with those of an existing FMVSS. If early compliance is to be allowed in the case of a conflict, then the existing standard must be amended to permit compliance with the new FMVSS in lieu of compliance with the existing FMVSS. As to display requirements, there is no conflict since FMVSS 101 does not regulate displays.

Volkswagen of America petitioned to allow the use of yellow as an alternative color for the telltale indicator for the headlamp highbeam. It maintains that the designated blue color or alternative blue-green will prohibit the use of light emitting diodes (LEDs). VW submitted supporting documentation that blue LEDs are not currently in production and technically will not be feasible for a number of years. They also stated that several European countries are permitting the color yellow, as well as red, as alternatives for the highbeam indicator. VW stressed the reliability and longer service of LEDs as reasons for installing them in vehicles rather than the current incandescent lamps. VW also alleged that the color yellow is more desirable for the telltale than blue or blue-green.

The NHTSA does not believe that the available information justifies granting VW's request. Presently, the activation of the highbeam indicator is conveyed primarily by the colors blue or red. The ISO and EEC are currently undergoing an effort, like that of the NHTSA, to further standardize the color to blue, thereby improving driver performance. The introduction of a yellow indicator is likely to result in greater driver confusion. Further, VW's contention that reliablility is an important design criterion for the highbeam telltale is not of great significance. The highbeam is in use approximately 5 percent of the total driving time. Given this small usage rate, current incandescent lamps are capable of lasting many years. Replacements are also inexpensive and readily available. The NHTSA also disagrees with VW that yellow is more desirable than blue or blue-green. As the eye becomes more adapted to the dark it is more sensitive to blue, not yellow. For these reasons, Volkswagen's petition is denied.

Several minor technical changes have also been made in the rule. In Table I, the abbreviations "Mfg" are changed to "Mfr". In Column 3 of Table 2, the cross reference for Brake Air Pressure is changed from FMVSS 108 to FMVSS 121, the cross reference for Malfunction in Anti-Lock is changed from FMVSS 121 to FMVSS 105–75, and the cross reference for Malfunction Brake System is changed from FMVSS 121 to FMVSS 105–75. Footnote 5 to Table 2 is changed to read "Framed areas may be filled."

Federal Motor Vehicle Safety Standard 208 is also amended to permit the seat belt telltale symbol specified in FMVSS 101–80 to be displayed in place of the words "Fasten Seat Belts" or "Fasten Belts."

In consideration of the foregoing, Part 571 of Title 49 of the Code of Federal Regulations is amended as follows:

1. The first sentence of S4.5.3.3(b)(1) of § 571.208, *Occupant Crash Protection*, is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S4.5.3.3(b) (1) At the left front designated seating position (driver's position), be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (A) exists simultaneously with condition (B).

2. The first sentence of S7.3 of § 571.208, *Occupant Crash Protection*, is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S7.3 Seat belt warning system. A seat belt assembly provided at the driver's seating position shall be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (a)

exists, and a continuous or intermittent audible signal when condition (a) exists simultaneously with condition (b).

3. The first sentence of S7.3.1 of § 571.208, *Occupant Crash Protection,* is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S7.3.1 Seat belt assemblies provided at the front outboard seating positions in accordance with S4.1.1 or S4.1.2 shall have a warning system that activates, for at least 1 minute, a continuous or intermittent audible signal and continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belt" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (a) exists, simultaneously with either of conditions (b) or (c).

4. The first sentence of S7.3a of § 571.208, *Occupant Crash Protection,* is amended to read:

§ 571.208 Standard No. 208, Occupant Crash Protection.

* * * * *

S7.3a A seat belt assembly provided at the driver's seating position shall be equipped with a warning system that activates, for a period of not less than 4 seconds and not more than 8 seconds (beginning when the vehicle ignition switch is moved to the "on" or the "start" position), a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belt" or the identifying symbol for the seat belt telltale in Table 2 of Federal Motor Vehicle Safety Standard No. 101–80 when condition (a) exists, and a continuous or intermittent audible signal when condition (a) exists simultaneously with condition (b).

5. Table 1 of § 571.101–80. *Controls and Displays,* is amended to read:

BILLING CODE 4910-59-M

TABLE 1
Identification and Illumination of Controls

Column 1	Column 2	Col. 3	Col. 4
Hand Operated Controls	Identifying Words or Abbreviation	Identifying Symbol	Illumination
Headlamps and Tail Lamps	Lights	[2 4]	—
Turn Signal	—		—
Hazard Warning Signal	Hazard	[4]	Yes
Clearance Lamps System	Clearance Lamps or Cl Lps	[3 4]	Yes
Windshield Wiping System	Wiper or Wipe		Yes
Windshield Washing System	Washer or Wash		Yes
Windshield Washing and Wiping Combined	Wash-Wipe		Yes
Heating and/or Air Conditioning Fan	Fan		Yes
Windshield Defrosting and Defogging System	Defrost, Defog or Def.		Yes
Rear Window Defrosting and Defogging System	Rear Defrost, Rear Defog or Rear Def		Yes
Engine Start	Engine Start[1]	—	—
Engine Stop	Engine Stop[1]	—	Yes
Manual Choke	Choke	—	—
Hand Throttle	Throttle	—	—
Automatic Vehicle Speed	(Mfr. Option)	—	Yes
Identification Lamps	Identification Lamps or Id Lps	—	Yes
Heating and Air Conditioning System	(Mfr. Option)	—	Yes

1. Use when engine control is separate from the key locking system.

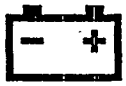
2. Use also when clearance, identification, parking and/or side marker lamps are controlled with the headlamp switch.

3. Use also when clearance lamps, identification lamps and/or side marker are controlled with one switch other than the headlamp switch.

4. Framed areas may be filled.

6. Table 2 of § 571.101-80, Controls and Displays, is amended to read:

TABLE 2
Identification and Illumination of Internal Displays

Display	Col. 2 Telltale Color	Column 3 Identifying Words or Abbreviation	Col. 4 Identifying Symbol	Col. 5 Illuminate
Turn Signal Tell-Tale	Green	Also see FMVSS 108	[1] [5]	—
Hazard Warning Tell-Tale	Red [4]	Also see FMVSS 108	[2] [5]	—
Seat Belt Tell-Tale	Red [4]	Also see FMVSS 208		—
Fuel Level Tell-Tale	Yellow	Fuel		—
Gauge	—	Fuel		Yes
Oil Pressure Tell-Tale	Red [4]	Oil		—
Gauge	—	Oil		Yes
Coolant Temperature Tell-Tale	Red [4]	Temp		—
Gauge	—	Temp		Yes
Electrical Charge Tell-Tale	Red [4]	Volts, Charge or Amp		—
Gauge	—	Volts, Charge or Amp		Yes
Speedometer	—	MPH and Km/h	—	Yes
Odometer	—	— [3]	—	—
Automatic Gear Position	—	Also see FMVSS 102	—	Yes
High Beam Tell-Tale	Blue [4]	Also see FMVSS 108	[5]	—
Brake Air Pressure Tell-Tale	Red [4]	Brake Air Also see FMVSS 121	—	—
Malfunction in Anti-Lock or	Yellow	Anti-Lock Also see FMVSS 105-75	—	—
Brake System	Red [4]	Brake Also see FMVSS 105-75	—	—

1. The pair of arrows is a single symbol. When the indicators for left and right turn operate independently, however, the two arrows will be considered separate symbols and may be spaced accordingly
2. Not required when arrows of turn signal tell-tales that otherwise operate independently flash simultaneously as hazard warning tell-tale.
3. If the odometer indicates kilometres, then "KILOMETRES" shall appear; otherwise, no identification is required.
4. Red can be red-orange. Blue can be blue green.
5. Framed areas may be filled.

BILLING CODE 4910-59-C

7. The first sentence of S5.2.1 of § 571.101–80, *Controls and Displays*, is amended to read:

§ 571.101–80 Standard No.101–80, Controls and Displays. (Effective Sept. 1, 1980.)

* * * * *

S5.2.1. Except for a turn signal control which is operated in a plane essentially parallel to the steering wheel by the only lever mounted on the left side of the steering column, any hand operated control listed in column 1 of Table 1 that has a symbol designated in column 3 shall be identified by that symbol.

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

Issued on September 19, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79–29619 Filed 9–26–79; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[S.O. No. 1364–A]

Wabash Valley Railroad Co., Illinois Terminal Railroad Co., and Consolidated Rail Corp. Authorized To Operate Multiple-Car Shipments of Less Than Number of Cars Required by Tariff

Decided: September 18, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1364–A.

SUMMARY: Service Order No. 1364 authorizes the Wabash Valley Railroad Company, Illinois Terminal Railroad Company and Consolidated Rail Corporation to operate multiple-car shipments of corn syrup in less than the number of cars required by tariff. Since the subject tariff has been amended to include smaller minimum shipments, Service Order No. 1364 is no longer required and will be vacated at the below published date and time.

EXPIRATION DATE: 11:59 p.m., September 21, 1979.

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

Upon further consideration of Service Order No. 1364 (44 FR 12039), and good cause appearing therefore:

It is ordered: § 1033.1364 *Wabash Valley Railroad Company, Illinois Terminal Railroad Company, and Consolidated Rail Corporation authorized to operate multiple-car shipments of less than number of cars required by tariff,* Service Order No. 1364 is vacated effective 11:59 p.m., September 21, 1979.

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

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

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–29984 Filed 9–26–79; 8:45 am]

BILLING CODE 7035–01–M

49 CFR Parts 1207 and 1240

[No. 36137 (Sub No. 1)]

Revision of Levels of Revenue Which Define Classes of Motor Carriers of Property

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Commission is revising the class revenue levels for motor carriers of property to: $5 million or more for Class I carriers; $1 million to less than $5 million for Class II carriers; and less than $1 million for Class III carriers. This revision will relieve small motor carriers of property from detailed accounting and reporting to the Commission.

DATES: Effective for the reporting year beginning January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–6236.

SUPPLEMENTARY INFORMATION: In our Notice of Proposed Rulemaking served 1/8/79, and published in the Federal Register January 11, 1979 (43 FR 2407), we proposed to increase class revenue levels for motor carriers of property. We estimated that the proposed revision would result in 700 Class II and Class I carriers, being reclassified downward to Class III and Class II carriers, respectively, and about 800 Class III carriers would remain Class III carriers. We received 40 responses to the NPR from motor carriers of property, a motor carrier holding company, rate bureaus (RBO's), and trade associations. Thirty-six respondents generally favored the new class revenue levels while four were opposed. The major issues, as viewed by the respondents, are considered in the following discussion.

Reduction or Loss of Data Base. The American Trucking Association (ATA) opposes the revision because it would curtail financial data availability and comparability. The ATA contends that the industry, the general public, and the Commission would be deprived of a data base for evaluating the consequences of economic regulation, especially at a time when its merits are under public scrutiny. The Central Analyses Bureau, Inc., representing the interests of insurance companies, contends the revision would reduce the flow of financial data used to evaluate and monitor carrier insurability. RBO's contend that the revision is inconsistent with the Commission's demand for more and better data in general rate increase proceedings. Further, they expressed concern that the Commission's cost studies might be jeopardized as a direct result of data flow reduction.

Financial and Statistical Reporting Policy. In the past, the Commission perceived data collection for external users as a public service. While that policy benefited some special interest groups, it was also responsible for some of the administrative and financial burden of small motor carriers. To remedy this situation, the Commission adopted a new reporting policy that only requires the reporting of basic and currently needed information. The Commission will no longer collect data beyond the nature and scope of its regulatory needs, merely to satisfy the needs of specical interest groups. Moreover, the classification of carriers as a means of collecting needed data and reducing carrier reporting burden has become a component of Commission policy on financial and statistical reporting.

Any reduction in the flow of financial data at the discomfiture of insurance companies, would be no less a public disservice than the enforcement of reporting requirements that are burdensome to small motor carriers. Insurance companies have been providing insurance coverage for cargoes of some 13,000 Class III carriers. These carriers do not file detailed reports with the Commission. If cargo insurance coverage hinges on the insurance companies' capability to evaluate and monitor carrier insurability, the insurance companies have been apparently unhampered by the lack of detailed reports for Class III

carriers. The insurance companies have shown a capability for relying upon their own resources and experience in assessing and monitoring the insurability of carriers. Therefore, we believe that relieving small motor carriers of property from a detailed reporting burden is a greater public service.

In general rate increase proceedings, the Commission demands accurate and reliable data. Requiring periodic reporting of data that has one time or occasional usage, would be inconsistent with the Commission's policy on financial and statistical reporting. This revision, in effect, implements a periodic reporting requirement geared to the needs of the Commission, without jeopardizing its ongoing cost studies and economic regulation of the industry.

Reporting Relief for Small Carriers. Thirty-six motor carriers of property summarily view this revision as relief from a detail reporting and financial burden. A group of nine motor carriers describes the revision as a ". . . meaningful effort to reduce unnecessary and burdensome rules." Another carrier viewed the benefits of this revision as a significant cost savings. It is estimated the initial cost of converting the accounting and reporting system of a Class III carrier to a Class II carrier was approximately $2,000. In addition, one carrier expected to incur an additional $12,000 expense for a bookkeeper's annual salary.

Two carriers, who strongly favor this revision, each suggested a balanced interval between carrier classes (i.e., Class I—$5 million or more; Class II—$2.5 million to not more than $5 million; Class III—less than $2.5 million). We reviewed this alternative but gave greater weight to revenue class intervals which could provide relief from reporting burden to small motor carriers at a minimum reduction in data flow and without disruption to ongoing cost studies and economic regulation of the industry. We believe these goals are met in the revised class revenue levels.

This decision does not significantly affect the quality of the human environment.

Accordingly, Part 1207 and Part 1240, Title 49 of the Code of Federal Regulations, are amended as shown below.

This revision is issued under the authority of 49 U.S.C. 11142 and 11145.

Decided: September 14, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,
Secretary.

Vice Chairman Stafford (dissenting):

I am opposed to the adoption of this proposal. While the benefit of reduced paperwork is commendable, I fear that we may be restricting the Commission's own ability to monitor important data. This data is especially relevant if we are to properly assess the results of many of our recent policy actions. The change in revenue classes will make it difficult to accurately compare future data with previous statistics. I would at least postpone action on this proposal until a later date.

PART 1207—CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Under instruction "1. Classification of carriers," paragraphs (a) and (b)(2) are revised to read:

1. Classification of carriers.

(a). For purposes of accounting and reporting regulations, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I: Carriers having annual carrier operating revenues (including interstate and intrastate) of $5 million or more.

Class II: Carriers having annual carrier operating revenues (including interstate and intrastate) of $1 million but not more than $5 million.

Class III: Carriers having annual carrier operating revenues (including interstate and intrastate) of less than $1 million.

(b) * * *

(2). A carrier is reclassified downward if for three consecutive years its annual operating revenue has declined below the minimum revenue level for its class. The carrier's new classification shall be based on the revenue level it has achieved in the preceding three years. The new carrier classification shall be effective on January 1 of the next year. In situations where carrier annual operating revenue fails to decline below the minimum revenue level for three consecutive years, the carrier shall retain its current classification.

* * * * *

2. Records. Under instruction "2. Records," paragraph (f)(2) is revised to read:

(f) * * *

(2). Agents shall prepare the required financial statements as follows:

(i) Agents with gross operating revenues (interstate and intrastate) of $5 million or more shall follow the form prescribed in Annual Report Form M for Class I motor carriers of property.

(ii) Agents with gross operating revenues (interstate and intrastate) of $1 million but not more than $5 million, shall follow the form prescribed in Annual Report Form M for Class II motor carriers of property.

(iii) Agents with gross operating revenues (interstate and intrastate) of less than $1 million, shall follow the form prescribed in Annual Report Form M-3 for Class III motor carriers of property.

* * * * *

PART 1240—CLASSES OF CARRIERS

3. Section 1240.5 is amended by revising paragraphs (a) and (b)(2) to read as follows:

§ 1240.5 Classification of motor carriers of property.

(a) Commencing with the year beginning January 1, 1980, common and contract carriers of property subject to the Interstate Commerce Act are grouped into the following three classes for accounting and reporting purposes:

Class I: Carriers having annual carrier operating revenues of $5 million or more.

Class II: Carriers having annual carrier operating revenues of $1 million but not more than $5 million.

Class III: Carriers having annual carrier operating revenues of less than $1 million.

(b) * * *

(2). A carrier is reclassified downward if for three consecutive years its annual operating revenue has declined below the minimum revenue level for its class. The carrier's new classification shall be based on the revenue level it has achieved in the preceding three years. The new carrier classification shall be effective on January 1 of the next year. In situations where carrier annual operating revenue fails to decline below the minimum revenue level for three consecutive years, the carrier shall retain its current classification.

* * * * *

4. Section 1240.5 is also amended in paragraph (b)(4), in lines 13 and 14, by changing "Section of Reports" to: "Section of Accounting and Reporting".

[FR Doc. 79-29983 Filed 9-26-79; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of Certain National Wildlife Refuges in Arizona, California and New Mexico

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting of migratory game birds will be permitted on portions of certain National Wildlife Refuges in Arizona, California and New Mexico.

DATES: Effective on date of publication from September 1, 1979 through January 31, 1980.

FOR FURTHER INFORMATION CONTACT: The Area Manager or appropriate Refuge Manager at the address or telephone number listed below:

Albert W. Jackson, Area Manager, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, AZ 85017. Telephone: 602-261-6833.

Wesley V. Martin, Refuge Manager, Cibola National Wildlife Refuge, P.O. Box AP, Blythe, CA 92225. Telephone: 714-922-2129.

Tyrus W. Berry, Refuge Manager, Havasu National Wildlife Refuge, P.O. Box A, Needles, CA 92363. Telephone: 714-326-3853.

Gerald E. Duncan, Refuge Manager, Imperial National Wildlife Refuge, P.O. Box 2217, Martinez Lake, AZ 85364. Telephone: 602-783-3400.

Ronald L. Perry, Refuge Manager, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, NM 87801. Telephone: 505-835-1828.

LeMoyne B. Marlatt, Refuge Manager, Bitter Lake National Wildlife Refuge, P.O. Box 7, Roswell, NM 88201. Telephone: 505-622-6755.

John H. Kiger, Jr., Refuge Manager, Sevilleta National Wildlife Refuge, Bosque del Apache National Wildlife Refuge, P.O. Box 1246, Socorro, NM 67801. Telephone: 505-835-1828.

SUPPLEMENTARY INFORMATION:

General

Hunting of migratory game birds on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps available at the above addresses. Vehicular travel is restricted to designated roads and trails.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

§ 32.12 Special regulations; migratory game birds for individual wildlife refuge areas.

Listed migratory game bird species may be hunted on the following refuges:

Arizona and California

Cibola National Wildlife Refuge. Ducks, geese, coots and gallinules. Special Conditions:

(1) Up to two dogs per hunter are permitted for the purpose of hunting and retrieving game.

(2) Hunting is prohibited within one-fourth mile of any occupied dwelling or within 250 yards of any farm worker or within 50 yards of any road or levee.

(3) Vehicles may not be driven onto or across any farm field.

(4) Pits or permanent blinds may not be constructed.

(5) Neither hunters nor dogs may enter closed areas to retrieve game.

(6) Only shotguns permitted for taking ducks, geese, coots and gallinules; however, no shot larger than "BB" may be in hunter's possession.

(7) Decoys of 36 inch dimensions or less are permitted.

(8) Special Use Permits are required for all hunting guides. These permits can be obtained from refuge headquarters in Blythe, California.

(9) Migratory game birds can be attracted by means of artificial bird decoys and/or mouth or hand operated calls only.

Havasu National Wildlife Refuge. Ducks, geese, coots, gallinules and Wilson's snipe. Special conditions:

(1) Hunting on the Pintail Slough Management Unit will be permitted only on Fridays, Saturdays and Sundays. This unit includes all refuge land north of the north dike and west of Arizona Highway 95.

(2) Only shotguns permitted—limited to 10 gauge or smaller.

(3) Hunting is prohibited within one-fourth mile of any occupied dwelling or concession operation.

(4) Unloaded firearms (dismantled or cased) may be transported through the closed area over established routes.

(5) Neither hunters nor dogs may enter closed area to retrieve game.

(6) Only two dogs per hunter are permitted for hunting and retrieving migratory game birds.

(7) Pits/permanent blinds prohibited.

(8) Entrance to Pintail Slough hunt area permitted only from the designated parking areas.

(9) Firearms are prohibited on observation towers.

(10) Decoys must be removed at the end of each day.

Imperial National Wildlife Refuge. Ducks, geese, coots and gallinules. Special Conditions: The construction or use of permanent blinds or pits is prohibited.

New Mexico

Bitter Lake National Wildlife Refuge. Ducks, geese, coots, common (Wilson's) snipe and lesser sandhill cranes. Special conditions:

(1) Steel (iron) shot shotgun ammunition only may be used for taking ducks, geese, coots, snipe, or sandhill cranes on the south refuge unit (area C). Further, it is not permissible to have shotgun ammunition other than steel shotshells in possession in area C during the waterfowl season.

(2) Up to two dogs per hunter are permitted for the purpose of hunting and retrieving game.

(3) Neither hunters nor dogs may enter areas closed to hunting to retrieve game.

(4) Pits may not be dug and permanent blinds may not be constructed. Hunters may not have possessory rights to any blind. Temporary blinds may be made of native dead vegetation. Any materials brought onto the refuge for blind construction must be removed at the end of each hunt.

Bosque del Apache National Wildlife Refuge. Snow, blue and Ross's geese. Special Conditions:

(1) Refuge hunting days will be November 24 through 28, 1979;

December 12 through 17, 1979; and December 27 through 31, 1979. Shooting hours will be from sunrise until 10:00 a.m., local time.

(2) For each day's hunt, each hunter will be limited to ten (10) steel (iron) shot shotshells. It will be illegal to possess any shells other than the ten (10) steel shotshells within the goose hunt area.

(3) Hunters will be required to apply by pre-season application for hunting dates. Applications are available from the New Mexico Department of Game and Fish, Albuquerque, Bosque del Apache National Wildlife Refuge; Area Office, U.S. Fish and Wildlife Service, 2953 West Indian School Road, Phoenix, AZ 85017; and Regional Office, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, NM 87103.

(4) Hunters may apply as a party of 1, 2, or 3 persons. If the application is for a party of less than three persons, the blind vacancies may be filled from other applications, or by a daily drawing. No substitutions for an original applicant will be permitted.

(5) A hunter's name may appear on only one application each season. If an applicant's name appears on more than one application, all applications containing his/her name will be voided.

(6) Applicants may indicate up to four choices of hunting days. All hunters will be limited to no more than two hunts by reservations. Only applications received at the refuge office before 10:00 a.m., October 1, 1979, will be accepted.

(7) All successful applicants and hunters wishing to hunt on a stand-by basis will be required to undergo and successfully complete, prior to the hunt, a migratory bird identification and hunter training program sponsored specifically for this hunt by the U.S. Fish and Wildlife Service. Hunters who successfully completed the course in 1978 need not retake the course. Individuals who completed the course in 1977 or previously will be required to retake the course. Locations for programs to be presented will be contained in material sent to successful hunt applicants and news releases sent to state news media.

(8) Hunters selected to participate in each day's hunt will be assigned to their blinds by lot.

(9) Hunting is permitted only from the assigned blinds with no more than three hunters per blind. Switching from assigned blinds is prohibited.

(10) Each Hunter will pay a special hunter service recreation fee of $3 on the day of the hunt. Holders of "Golden Age Passport" are entitled to a 50 percent discount on this $3 fee.

(11) The daily bag limit will be five of the permitted species, except that no more than one Ross's goose will be permitted in a daily bag.

(12) Hunters will be permitted to use only snow goose decoys.

(13) Hunters must check in through the middle refuge gate on New Mexico Highway 1, one and one-half (1½) miles south of the north boundary of the refuge. This gate is located on the east side of the A.T. & S.F.R.R. which parallels the highway. Check-in must be no later than 5:00 a.m., local time, on the day they are to hunt and must check out through the hunter check station by 11:00 a.m. of that same day.

(14) Dogs are prohibited.

(15) No alcoholic beverages will be permitted in the hunt area. Any individual obviously under the influence of alcohol will not be permitted to enter the hunt area.

Sevilleta National Wildlife Refuge. Ducks, geese and coots. Special conditions:

(1) No camping is permitted.

(2) Parking will be limited to areas as posted and designated on hunt map.

(3) There will be no entry to the hunt area earlier than 2 hours before sunrise.

(5) Hunters may not enter closed area to retrieve birds.

(6) Fires of any type are prohibited.

(7) Unloaded firearms that are dismantled or cased may be transported through the closed area over posted routes of travel.

(8) Pits and/or permanent blinds are prohibited.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11949 and OMB Circular A-107.

Albert W. Jackson,

Area Manager, Fish and Wildlife Service, Phoenix, AZ.

September 20, 1979.

[FR Doc. 79-29941 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Hunting; Oklahoma and Texas

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Area Manager has determined that the opening to hunting of certain National Wildlife Refuges in the states of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the approaching upland game hunting season.

EFFECTIVE DATES: September 1, 1979 through February 15, 1980.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

General

Public hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR 32 and the following Special Regulations. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G-121, Austin, Texas 78701.

The Refuge Recreation Act of 1962 (16 U.S.C. 460K) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that such recreational use will not interfere with the primary purpose for which the areas were established, and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Public hunting shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

§ 32.22 Special regulations; upland game; for individual wildlife refuge area.

Oklahoma

Sequoyah National Wildlife Refuge, P.O. Box 695, Vian, Oklahoma 74962, telephone 918–773–5251. Upland Game.

Special conditions: Hunting seasons are as follows: squirrel, September 1, 1979 through January 1, 1980; quail, November 20, 1979 through the last day of the regular 1979–80 waterfowl season; rabbits, October 1, 1979 through the last day of the regular 1979–80 waterfowl season. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail, squirrel, and rabbits, subject to the following special conditions:

1. Only shotguns without slug ammunition or longbow and arrow are permitted.

2. Firearms and/or archery equipment are prohibited in areas not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where they must be cased or broken down.

3. Dogs may be used for hunting quail or rabbit, but must be under immediate control or supervision and restrained from pursuit of protected species.

4. Camping or possession of firearms on the refuge from sunset to sunrise is prohibited.

5. All vehicles must be parked in designated parking areas as shown on maps available at refuge headquarters and at leaflet boxes throughout the public hunting area.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma 73460, telephone number 405–371–2402. Upland Game.

Special conditions: (1) Bobwhite quail, cottontail, and swamp rabbit hunting shall be in accordance with all applicable State regulations covering the hunting of these species. (2) Open season for hunting bobwhite on the refuge (Wildlife Management Unit) will vary according to the Zones within the Management Unit in order to limit conflicts with waterfowl hunting in the area, and are as follows: *Zones 1 & 2.* Bobwhite hunting is permitted from official sunrise to 11:45 a.m. on Tuesday, Thursdays, Saturdays, Sundays, and all national holidays except Christmas, beginning on the first day of the second half of duck season and ending at 12:00 o'clock noon on the last day of the duck season. Beginning at 12:00 o'clock noon on the last day of duck season and continuing through February 1, 1980, bobwhite hunting will be permitted every day from official sunrise to official sunset. *Zone 3.* No bobwhite hunting will be permitted until after the close of the 1979–80 goose season on the Management Unit. Starting at 12:00 o'clock noon on the last day of goose season on the Management Unit and continuing through February 1, 1980, bobwhite hunting will be permitted every day from official sunrise to official sunset. (3) Open season for hunting cottontails and swamp rabbits on the refuge (Wildlife Management Unit) will be the same as the regulations for bobwhite hunting except that cottontail and swamp rabbit hunting will continue through February 15, 1980. (4) Vehicular access for hunting upland game in Zone 1 & 2 during the period of half day quail and rabbit hunting is restricted to existing roads and trails. No vehicular access will be allowed after the close of waterfowl season in any of the three zones (Zones 1, 2, or 3); access will be by walk-in only. (5) Up to two (2) dogs per hunter may be used for the purpose of hunting and retrieving game. (6) Hunters, upon entering and leaving the hunting area, shall report at designated checking stations as may be established for the regulation of the hunt and shall furnish upon request information pertaining to their hunting activities.

Texas

Aransas National Wildlife Refuge (Matagorda Unit), P.O. Box 100, Austwell, Texas 77950, telephone number 512–286–3559. Upland Game.

Special Conditions: (1) Unless otherwise specified, all laws and regulations published by the Texas Parks and Wildlife Department concerning bobwhite quail hunting will be applicable. (2) Shot guns only will be allowed for quail hunting. (3) Hunting hours will be from 8:00 a.m. until 4:00 p.m. throughout the designated season. (4) All hunters must report to the island docks for briefing on endangered species and hunter conduct. Once hunters have arrived on the island they will be transported to or from the hunting area at 8:00 a.m., 12:00 p.m. and 4:00 p.m. only. (5) In the event whooping cranes begin using habitat within the hunt area, all or portions of that area will be closed to hunting.

The provisions of this special regulation supplement the regulations which govern public hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Joseph R. Higham,

Area Manager, Austin, Texas.

[FR Doc. 79-30138 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Groundfish of the Gulf of Alaska Fishery Management Plan Amendment #6; Final Implementing Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA/Commerce).

ACTION: Final Regulations.

SUMMARY: Final regulations are promulgated to implement amendment number 6 to the Groundfish of the Gulf of Alaska Fishery Management Plan. These regulations lower the estimates of domestic annual harvest (DAH) and commensurately increase the total allowable level of foreign fishing (TALFF).

EFFECTIVE DATE: September 24, 1979.

FOR FURTHER INFORMATION CONTACT: Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, Telephone (907) 586–7221.

SUPPLEMENTARY INFORMATION: At its June 28–29 meeting, the North Pacific Fishery Management Council (Council) submitted amendment 6 to the FMP for the Gulf of Alaska Groundfish fishery. The amendment lowers the estimates of DAH and commensurately increases the TALFF by 27,700 m.t. for all species of groundfish combined. (For specifications by species, see revised Table 61 which may be found in sec. 5.2.2.2 of the FMP.) The Assistant Administrator for Fisheries approved the amendment on July 26, 1979. Proposed regulations were published August 2, 1979 (44 FR 46904).

The lowering of DAH, by species and individual regulatory areas in the Gulf of Alaska, is based upon data gathered by the National Marine Fisheries Service and reviewed by the Council on (1) total domestic harvest through April 1979, and (2) processors' intentions to process during the remainder of the fishing year. The purpose of the amendment is to make available for foreign fishing, fish which will not be harvested by domestic vessels. No comments were received on the proposed regulation. A final reserve release was effective on August 31, 1979 (44 FR 52214). The amounts of fish made

available to TALFF as a result of this release are incorporated in the final regulations implementing this amendment.

The Assistant Administrator for Fisheries, under a delegation of authority from the Secretary, has determined that this amendment to the FMP (1) is necessary and appropriate to the conservation and management of Gulf of Alaska Groundfish resources; (2) is consistent with the National Standards and other provisions of the Fishery Conservation and Management Act of 1976; (3) does not constitute a major Federal action requiring the preparation of an environmental impact statement; and (4) does not constitute a significant action requiring the preparation of a regulatory analysis under Executive Order 12044.

The Assistant Administrator also finds that the 30-day cooling-off period required under the Administrative Procedure Act is unnecessary, impractical, and contrary to the public interest because it is desirable that foreign fishermen have the best opportunity possible to harvest their respective allocations.

Signed in Washington, D.C., this the 24th day of September 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

PART 611—FOREIGN FISHING

50 CFR Part 611 is amended as follows:

1. Section 611.20(c) Table 1, change the TALFFs for species in the Gulf of Alaska fishery to the following:

§ 611.20 Total allowable level of foreign fishing.

* * * * *

(c) * * *

Fishery	Species	Species Code	TALFF (Metric Tons)
	* * *	*	*
Gulf of Alaska Groundfish.	Cod, Pacific	702	[4][5]29,300
Do	Flounders, including yellowfin sole	129	[4][5]32,025
Do	Mackerel, Atka	207	[4][5]26,775
Do	Perch, Pacific Ocean (POP)	780	[4][5]22,750
Do	Pollock	701	[4][5]157,200
Do	Rockfishes, other than POP	849	[4][5]6,675
Do	Rattails	315	[4]11,868
Do	Sablefish	703	[4][5]8,805
Do	Squid	509	[4][5]4,975
Do	Other species	499	[4][5] 15,570
	* * *	*	*

2. Section 611.92(b)(1), remove Table I and replace it with the following Table I.

§ 611.92 Gulf of Alaska trawl fishery.

* * * * *

(b) * * *

(1) * * *

Table I—*Gulf of Alaska Groundfish Fishery: Talff and Reserve by Species and Regulatory Area for 1978/1979*

[Metric Tons]

Species	Regulatory Area[1] Western	Central	Eastern	Total
Pollock:				
TALFF	56,925	84,420	15,855	157,200
Reserve	50	5,400	50	5,500
Pacific Cod:				
TALFF	8,860	15,070	5,370	29,300
Reserve	500	850	150	1,500
Flounders:				
TALFF	10,250	14,300	7,475	32,025
Reserve	50	100	25	175
Pacific Ocean: [2] Perch (POP)				
TALFF	2,475	6,355	13,920	22,750
Reserve	200	1,250	400	1,850
Other Rockfishes: [3]				
TALFF	230	500	5,945	6,675
Reserve	25	100	100	225
Sablefish:				
TALFF	1,965	3,570	3,270	8,805
Reserve	35	130	30	195
Atka Mackerel:				
TALFF	4,395	19,390	2,990	26,775
Reserve	5	10	10	25
Squid:				
TALFF	995	1,990	1,990	4,975
Reserve	5	10	10	25
Rattails:				
TALFF	3,267	7,067	1,534	11,868
Reserve	0	0	0	0
Other Species: [4]				
TALFF	4,280	8,380	3,090	15,750
Reserve	20	120	10	150

[1] See figure 1 of this Section 611.92(b) for description of regulatory areas.

[2] The category "Pacific ocean perch" includes *Sebastes* species *S. alutus* (Pacific ocean perch), *S. polyspinus* (northern rockfish), *S. aleutianus* (rougheye rockfish), *S. borealis* (shortraker rockish), and *S. zacentrus* (sharpchin rockfish).

[3] The category "other rockfish" includes all fish of the genus *Sebastes* except the category "Pacific ocean perch" as defined above.

[4] The category "other species" includes all species of fish except (A) the other fish listed in the table, and (B) shrimp, scallops, steelhead trout, Pacific halibut, herring, and Continental Shelf fishery resources.

[FR Doc. 79-30066 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries Amendments to Final Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Amendments to final regulations.

SUMMARY: These amendments to the final regulations for the Atlantic surf clam and ocean quahog Fisheries implement the amendment to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP), approved by the Assistant Administrator for Fisheries, to regulate fishing during the period beginning October 1, 1979, and ending on December 31, 1979. These regulations basically extend regulations already in effect. They modify the record-keeping and data reporting requirements for surf clam and ocean quahog processors. They also modify the procedure for setting allowable times for fishing for surf clams.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, National Marine Fisheries Service, 14 Elm Street, Gloucester, Massachusetts 01930, Telephone (617) 281-3600.

SUPPLEMENTARY INFORMATION: The FMP was amended by the Mid-Atlantic Fishery Management Council (the Council) to extend the management program established in the FMP for three months until December 31, 1979. This was accomplished by establishing optimum yields and quotas for both surf clams and ocean quahogs identical to those established for the corresponding three-month period in 1978, and extending the moratorium on the entry of new vessels into the surf clam fishery. The amendment also requires additional record-keeping and data reporting by surf clam and ocean quahog processors to provide information necessary for the determination of U.S. capacity to process these species, and contains language bringing the FMP into conformity with the Fishery Conservation and Management Act of 1976, as amended (16 U.S.C. 1801 *et seq.* the Act). Finally, the amendment establishes a new procedure for determination and adjustment of allowable times for fishing for surf clams. The amendment to the FMP and these amendments to the regulations are intended to provide for interim management while the Council is preparing a more comprehensive amendment to the FMP.

Public Comments

These regulations were proposed on August 1, 1979 (44 FR 45227) and public comment was invited until September 16, 1979. No comments have been received from the general public concerning the proposed regulations. The only significant public comment received during the course of this amendment process concerned the additional reporting requirements which are to be imposed on processors of the regulated species. Additional information about the capacity, payroll and employment of those operations will facilitate analysis of U.S. capacity to harvest and process regulated species, which is necessary under Pub. L. 95-354, an amendment to the Act. The information will also greatly enhance the understanding of the fishery and will facilitate the analysis of future

management alternatives. A number of processors were initially concerned that the information requested would represent a burden in collection and a possible intrusion into their operations. The proposed regulations addressed that concern by minimizing the additional information requested, and establishing a reasonable reporting schedule.

The implementation of these amendments by the Assistant Administrator for Fisheries does not constitute a major federal action significantly affecting the quality of the human environment. A statement of negative environmental significance is on file with the Environmental Protection Agency. The Assistant Administrator has determined that this action does not require preparation of a regulatory analysis, nor does it meet the criteria of significance, under E.O. 12044.

The Assistant Administrator finds that there is good cause to make these regulations effective sooner than 30 days after their publication, because of the conservation needs of the fishery resource.

Signed at Washington, D.C., this 24th day of September, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 *et seq.*)

Accordingly, Part 652 is amended as follows:

1. Strike § 652.6 (a) and (b) and substitute the following:

§ 652.6 Catch quotas.

Catch quotas for vessels of the United States permitted to fish for surf clams or ocean quahogs are as follows:

(a) *Surf clams.* October 1, 1979, through December 31, 1979 * * * 350,000 Bushels

(1) If the actual catch of surf clams in any quarter falls more than 5,000 bushels short of the specified quota, the Regional Director shall add the amount of the shortfall to the next succeeding quarterly quota. If the actual catch of surf clams in any quarter exceeds the specified quarterly quota, the Regional Director shall subtract the amount of the excess from the next succeeding quarterly quota.

(2) The Assistant Administrator shall publish a notice in the Federal Register whenever the Regional Director adjusts the quarterly quota of surf clams under subparagraph (1) of this paragraph.

(b) *Ocean Quahogs.* January 1, 1979 to December 31, 1979 * * * 3,000,000 Bushels

If necessary, the Regional Director may establish quarterly quotas for ocean quahogs, and, in that event, the Assistant Administrator shall publish a notice of such quarterly quotas in the Federal Register.

2. Strike § 652.7(a) (2), (3), and (4) and substitute the following:

§ 652.7 Effort restriction.

(a) *Surf Clams.* (1) * * *

(2) Prior to the beginning of each quarter specified in § 652.6(a), the Regional Director, in consultation with the Surf Clam Committee of the Mid-Atlantic Council and in consideration of any public comment received concerning the matter, shall determine what level of effort will provide for the continued catch of surf clams throughout the entire quarter. That determination will be based both on the consultations and comments and on historical catch records with emphasis given to the data from the previous completed quarter. Any comments from members of the public concerning the appropriate level of effort for a quarter must be received by the Regional Director 30 days prior to the beginning of that quarter to allow for proper consideration. Each quarterly determination will be made in a timely manner, and published in the Federal Register.

(3) If the Regional Director determines during any quarter that the quarterly allocation (as adjusted under § 652.6 (a)(1)) of surf clams will be exceeded at the then-current level of fishing effort, he may reduce the number of hours per week during which fishing for surf clams is permitted in that quarter to avoid prolonged closure of the fishery.

(4) If the Regional Director determines during any quarter that the quarterly allocation (as adjusted under § 652.6 (a)(1)) of surf clams will not be harvested at the then-current level of fishing effort, and that the catch rate has not diminished as a result of a decline in abundance of stocks of surf clams, he may increase the number of hours per week during which fishing for surf clams is permitted during that quarter to facilitate the harvest of the full quarterly allocation.

* * * * *

3. Strike § 652.9(b) and substitute the following:

§ 652.9 Vessel moratorium.

(a) * * *

(b) The moratorium shall remain in effect until December 31, 1979, unless the Secretary determines, after public hearings and consultation with the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils to terminate the moratorium at an earlier date.

4. Strike § 652.13(a)(1) (viii), (ix), and (x), and § 652.13(a)(2) and substitute a new § 652.13(a) (2) and (3) as follows:

§ 652.13 Reports and records.

(a) *Dealers.* (1) * * *

(2) All persons required to submit reports under paragraph (a)(1) of this section shall also provide the following information to the Regional Director on an annual basis on forms to be supplied by the Regional Director:

(i) Number of dealer or processing plant employees during each month of the year just ended.

(ii) Number of employees engaged in production of processed surf clam and ocean quahog products, by species, during each month of the year just ended.

(iii) Total payroll of those employees in paragraph (a)(2)(ii) of this section during each month of the year just ended.

(iv) Plant capacity to process surf clam and ocean quahog shellstock, or to process surf clam and ocean quahog meats into finished products, by species, and

(v) Projection of paragraph (a)(2)(iv) of this section for the next year.

If the capacity in paragraph (a)(2)(iv) of this section increases or decreases more than ten percent during any year, the processor shall promptly notify the Regional Director of the change in capacity.

(3) All persons purchasing, receiving, or processing surf clams or ocean quahogs at sea for transport to any port of the United States must maintain records identical to those required by paragraphs (a) (1) and (2) of this section and provide those records to the Regional Director on the same frequency basis.

[FR Doc. 79-30063 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Sport Hunting; Correction to Special Regulations Concerning DeSoto National Wildlife Refuge, Iowa and Portion of Nebraska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; correction.

SUMMARY: This document contains information that was not contained in the original hunting regulations at DeSoto National Wildlife Refuge.

DATES: See below.

FOR FURTHER INFORMATION CONTACT:

Tom A. Saunders, Area Manager, U.S. Fish and Wildlife Service, 2701 Rockcreek Parkway, Suite 106, North Kansas City, Missouri 64116, Telephone: 816/374-6166.

George Gage, Refuge Manager, DeSoto National Wildlife Refuge, RR #1, Box 114, Missouri Valley, Iowa 51555, Telephone: 712/642-4121.

SUPPLEMENTARY INFORMATION:

General

Special Regulations were published in Volume 44, No. 165, pages 49459-61, dated Thursday, August 23, 1979. Those regulations are amended to include the following:

§ 32.12 Special regulations; migratory game bird hunting for individual wildlife refuge areas.

Iowa

DeSoto National Wildlife Refuge

Migratory game bird hunting will be permitted on DeSoto NWR, Iowa November 1 through December 7, 1979, both dates inclusive.

§ 32.32 Special Regulations, big game for individual wildlife refuge areas.

Nebraska

DeSoto National Wildlife Refuge

Muzzleloader hunting of deer on DeSoto NWR, Nebraska is permitted December 15 through December 19, 1979, both dates inclusive.

Dated: September 21, 1979.

Jefferson L. Fountain,

Acting Area Manager.

[FR Doc. 79-30269 Filed 9-26-79; 9:37 am]

BILLING CODE 4310-55-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

National Highway Traffic Safety Administration

23 CFR Part 658

[FHWA Docket No. 78-41, Notice 2]

National Maximum Speed Limit; Certification and Monitoring Requirements

AGENCIES: Federal Highway Administration (FHWA) and National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Amendment and extension to emergency final rule.

SUMMARY: This document extends the certification of speed limit monitoring requirements for one additional reporting period (through the 12 months ending September 30, 1980). Minor amendments governing the use of automatic speed monitoring equipment are also being made.

DATES: This amendment and extension becomes effective on October 1, 1979. Comments must be received on or before November 26, 1979.

ADDRESS: Anyone wishing to submit written comments may do so, preferably in triplicate, to FHWA Docket No. 78-41, Notice 2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: William F. Bauch, Office of Traffic Operations, 202/426-1993; or David C. Oliver, Office of the Chief Counsel, 202/426-0825.

SUPPLEMENTARY INFORMATION: Section 205 of the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689, amended 23 U.S.C. 154 to include criteria against which to judge each State's level of compliance with the 55 mile-per-hour national maximum speed limit. The Act also legislated a significant change in the speed monitoring data collection procedures. Title 23 U.S.C. 154 now requires that the "percent exceeding 55 miles per hour" figure, reported with each State's annual certification of speed limit enforcement, be based on the speeds of all vehicles, or a representative sample of all vehicles. This requirement is in contrast to the "free-flow" vehicle concept which had been the basis of the speed monitoring programs in effect previously.

The new legislation, which the President signed into law on November 6, 1978, made these new program features effective immediately and thus applicable to the certification period ending September 30, 1979. Recognizing that the legislation would require substantial modification of the governing regulation, and that these modifications would require a considerable lead time to finalize, the FHWA issued an emergency regulation (43 FR 59464) on December 20, 1978, to provide interim program guidance for the certification period ending September 30, 1979. The intent was to have a "final" regulation, which took into account all of the new requirements in place and effective October 1, 1979. A notice of proposed rulemaking is being issued and therefore a final regulation may not be issued for several months. Accordingly we are extending the effective period of the existing speed monitoring certification requirements in 23 CFR 658.7 for one additional certification period, i.e., through the 12 months ending September 30, 1980.

We are aware of the fact that a number of States already have taken delivery, or at least have placed orders for various types of automatic vehicle speed monitoring equipment. These actions are being taken in anticipation of probable future speed monitoring requirements. Since the majority of States have not reached this stage in equipment purchase, we feel that it is only reasonable to permit these States to follow current procedures for another year. However for the States that do attain automatic speed monitoring capability during the year, elimination of all "free-flow" monitoring and complete adoption of automatic monitoring may be implemented at the beginning of a calendar quarter. Analysis procedures should be altered to reflect the change in data collection, with "free-flow" conversion factors being used only for the period up to the equipment changeover.

Fifteen comments were received in the public docket on the December 20, 1978 emergency regulation. The consensus of the comments stressed two points. First, as an interim measure the regulation would be acceptable, with no specific comments received on the methodology itself; and second, the regulation should not be retained on a permanent basis. The substance of these comments was that some type of machine monitoring of all traffic at logically determined, representative sites should constitute the basis of a final regulation. The notice of proposed rulemaking which is being issued addresses this subject in detail.

Accordingly, the only revisions to 23 CFR 658.7(d) in extending its effective period will be:

1. To require that the supplemental data collection of paragraph (2) be accomplished during each quarter of the twelve month period ending September 30, 1980, that "free-flow" speed monitoring would be scheduled. The current wording requires that the supplemental data collection be accomplished during the third and fourth quarters of the twelve month period ending September 30, 1979; and

2. Allow changeover to automatic machine based all traffic speed monitoring during the speed monitoring year.

In consideration of the foregoing 23 CFR 658.7(d) (2) (i), (ii), (iii) and (5) are revised to read as follows effective October 1, 1979:

§ 658.7 Certification of speed limit enforcement.

* * * * *

(d) * * *

(1) * * *

(2) * * *

(i) *Use of automatic speed recording or speed classifying machines.* Using this method, data should be collected at a minimum of two locations on each highway type monitored by a State, during each quarter of the speed monitoring year. As a minimum, data should be collected during the same time period and cover the same traffic as that from which the "free-flow" data are collected.

(ii) *Supplemental radar data.* This method would require the commitment of additional personnel and equipment in order to monitor all vehicles during the same time period that "free-flow" data are being collected. This effort would be required at a minimum of two locations per highway type monitored by a State, during each quarter of the speed monitoring year.

(iii) *Supplemental radar data—sampling the traffic stream.* Where traffic volumes are large enough to make radar monitoring of all vehicles impractical, a sampling of the traffic stream may be monitored. This method would involve monitoring every nth vehicle in the traffic stream ("n" to be determined by site geometrics, i.e., number of lanes, traffic volumes, and data recording capability). If volumes warrant, data may be collected by lane, by 15-minute time periods, for the duration of "free-flow" collection period. As a minimum this method would be used at two locations per highway type monitored by a State, during each quarter of the speed monitoring year.

(3)(i)* * *

(ii)* * *

(4)* * *

(5) If a State attains automatic "all traffic" speed monitoring capability during the 12 months ending September 30, 1980, the State may commence use of this capability with the quarter following FHWA Division Administrator approval of this changeover. Procedures for calculating the annual statewide percentage exceeding 55 miles per hour should reflect the use of the two data collection methods during the year.

* * * * *

(23 U.S.C. §§ 141, 154; § 205 of the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689; 49 CFR 1.48(b)).

Note.—The Federal Highway Administrator and the National Highway Traffic Safety Administrator have determined that this document relates to a significant regulatory action according to the criteria established by the Department of Transportation pursuant to E.O. 12044. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Mr. William F. Bauch of the program office at the address specified above.

Issued on: September 26, 1979.

R. D. Morgan,

Acting Federal Highway Administrator.

Joan Claybrook,

National Highway Traffic Safety Administrator.

[FR Doc. 79-30300 Filed 9-26-79; 10:35 am]

BILLING CODE 4910-22-M

Proposed Rules

Federal Register
Vol. 44, No. 189
Thursday, September 27, 1979

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.

FEDERAL ELECTION COMMISSION

[11 CFR Parts 9032, 9033, 9035]

Presidential Election Campaign Fund and Presidential Primary Matching Fund

AGENCY: Federal Election Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Commission requests comments on proposed rules to govern the administration of the Presidential Primary Matching Fund Account provided for in Chapter 96 of Title 26 United States Code. The revisions of the regulations at 11 CFR Chapter I concern the eligibility of candidates who exceed the expenditure limitations set forth at 11 CFR Part 9035 prior to applying for certification under 11 CFR Part 9033.

DATES: Comments must be received on or before October 29, 1979.

ADDRESSES: Address comments to Office of General Counsel, Federal Election Commission, 1325 K Street, NW., Washington, D.C. 20463.

FOR FURTHER INFORMATION, CONTACT: Patricia Ann Fiori, Assistant General Counsel for Legislation and Regulations, (202) 523-4143.

SUPPLEMENTARY INFORMATION: The current regulations at 11 CFR 9033.2 stipulate that a candidate seeking to become eligible to receive Presidential primary matching fund payments must certify that the candidate and his or her authorized committee(s) will not incur qualified campaign expenses in excess of the expenditure limitations specified in 11 CFR Part 9035. The proposed regulations will require a candidate seeking to become eligible to receive public funds to certify that the candidate and his or her authorized committee(s) have not and will not incur qualified campaign expenses in excess of the expenditure limitations. Candidates who exceed the limitations will be ineligible to receive primary matching fund payments. The proposed regulations also establish a mechanism under which those candidates who have exceeded the expenditure limitations may become eligible for public funding.

11 CFR 9032.9(a) is amended to read as follows:

PART 9032—DEFINITIONS

§ 9032.9 Qualified campaign expense.

(a) "Qualified campaign expense" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value—

(1) Incurred by a candidate or his or her authorized committees from the date the individual becomes a candidate through the last day of the candidate's eligibility as determined under § 9033.4.

(2) Made in connection with his or her campaign for nomination; and

(3) Neither the incurrence nor payment of which constitutes a violation of any law of the United States or any regulation prescribed thereunder, or of any State in which the expense is incurred or paid, except that any State law which has been preempted by the Federal Election Campaign Act of 1971, as amended, shall not be considered a State law for purposes of this subchapter.

* * * * *

PART 9033—ELIGIBILITY

11 CFR 9033.2(b) is amended to read as follows:

§ 9033.2 Candidate Certifications; threshold amount

* * * * *

(b) The candidate and his or her authorized committee(s) shall certify that they have not and will not incur qualified campaign expenses in excess of the limitations under 11 CFR Part 9035.

* * * * *

The following new section is added to 11 CFR Part 9033:

§ 9033.3 Expenditure limitation certification.

(a) If the Commission makes an initial determination that a candidate or the candidate's authorized committee(s) have knowingly and willfully exceeded the expenditure limitations at 11 CFR Part 9035 prior to that candidate's application for certification, the Commission may make an initial determination that the candidate is ineligible to receive matching funds.

(b) The Commission shall notify the candidate of its initial determination, provide the legal and factual reasons for its initial determination and advise the candidate of the evidence upon which its initial determination is based. The candidate will be given an opportunity, within 20 days of the Commission's notice, to submit written legal or factual materials to demonstrate that he or she has not knowingly and willfully exceeded the expenditure limitations at 11 CFR Part 9035.

(c) The Commission will consider all written legal or factual materials submitted by the candidate under 11 CFR 9033.3(b) in making its final determination. These materials may be submitted by counsel on the candidate's behalf.

(d) A final determination of the candidate's ineligibility by the Commission shall be accompanied by a written statement of reasons for the Commission's action. This statement shall explain the reasons underlying the Commission's determination and shall summarize the results of any investigation upon which the determination is based.

(e) A candidate who receives a final determination of ineligibility under 11 CFR 9033.3(d) may establish his or her eligibility if the candidate pays to the United States Treasury an amount equal to the amount by which the candidate exceeded the expenditure limitation under 11 CFR 9035.

§§ 9033.3—9033.8 [Renumbered as §§ 9033.4—9033.9]

Renumber § 9033.3 through § 9033.8 as § 9033.4 through § 9033.9.

PART 9035—EXPENDITURES

11 CFR Part 9035.1 is amended as follows:

§ 9035.1 Qualified campaign expense limitation.

(a) No candidate shall knowingly incur qualified campaign expenses which, in the aggregate, exceed $10,000,000 (as adjusted under 2 U.S.C. 441a(c)) except that the aggregate expenditures by a candidate in any one State shall not exceed the greater of: 16 cents (as adjusted under 2 U.S.C. 441a(c)) multiplied by the voting age population of the State (as certified under 2 U.S.C. 441a(e)); or $200,000 (as adjusted under 2 U.S.C. 441a(c)).

(b) The expenditure limitations of 11 CFR Part 9035 shall not apply to a

candidate who at no time receives matching funds.

Dated: September 24, 1979.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 79-30054 Filed 9-26-79; 8:45 am]

BILLING CODE 6715-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-35]

Proposed Designation of Transition Area: Center, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Center, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Center Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport. Coincident with this action, the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received on or before October 29, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Center, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 29, 1979, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the office listed below.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Center, Tex. The FAA believes this action will enhance IFR operations at the Center Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Center, Tex., transition area as follows:

Center, Tex.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Center Municipal Airport, Center, Tex. (latitude 31°50'00" N., longitude 94°09'00" W.), and within 3.5 miles each side of the 321° bearing from the NDB (latitude 31°50'10" N., longitude 94°08'59" W.), extending from the 6-mile radius area to 8.5 miles northwest of the NDB.

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29395 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-36]

Proposed Designation of Transition Area: Winters, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Winters, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Winters Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by October 29, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Winters, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 29, 1979 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Winters, Tex. The FAA believes this action will enhance IFR operations at the Winters Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Winters, Tex., transition area as follows:

Winters, Tex

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Winters Municipal Airport (latitude 31°56'45" N., longitude 99°59'08" W.) and within 3.5 miles each side of the 187° bearing from the NDB (latitude 31°57'12" N., longitude 99°59'00" W.) extending from the 7-mile radius area to 8.5 miles south of the NDB.

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29894 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

[14 CFR Part 71]

[Airspace Docket No. 79-ASW-34]

Proposed Alteration of Transition Area: Sulphur Springs, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose alteration of the transition area at Sulphur Springs, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Sulphur Springs Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) located on the airport.

DATES: Comments must be received by October 29, 1979.

ADDRESS: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

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

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting Instrument Flight Rules (IFR) activity. Alteration of the transition area at Sulphur Springs, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before October 29, 1979 will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Sulphur Springs, Tex. The FAA believes this action will enhance IFR operations at the Sulphur Springs Municipal Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the proposed NDB located on the airport. Subpart G of Part 71 was republished in the Federal Register on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by altering the Sulphur Springs, Tex., transition area by adding the following:

Sulphur Springs, Tex.

. . . and within 3 miles each side of the 002° bearing from the NDB (latitude 33°09'30" N., longitude 95°37'05" W.) extending from the 5-mile radius area to 8.5 miles north of the NDB.

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979.) Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas, on September 13, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29327 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Parts 71 and 73]

[Airspace Docket No. 79-GL-10]

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the boundaries of the Lacarne, Ohio Restricted Area R-5502, divide it into two areas and include them in the Continental Control Area. This action would more accurately define the area that is presently in use and permit public use of a subarea when it is not in use for military purposes.

DATES: Comments must be received on or before October 29, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Great Lakes Region, Attention: Chief, Air Traffic Division, Docket No. 79-GL-10, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018.

This official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before October 29, 1979 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would rescind R-5502 and add R-5502A and R-5502B, thereby in essence, modifying and dividing the existing restricted area and changing it's hours of use. R-5502 is listed in § 71.151 which includes it in the Continental Control Area. R-5502A and R-5502B would replace R-5502 in this listing. This action would permit greater use of the area by the public when the military is using only a part of it. The Department of the Army is the lead agency for compliance with the Environmental Policy Act (NEPA). Chief, National Guard Bureau, Operating Activity Center, Attention: OCA-AYN-A, Aberdeen Proving Ground, MD 21010, is the agency to which comments on the environmental aspects can be addressed.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Parts 71 and 73 of the Federal Aviation

Regulations (14 CFR 71 and 73) as republished (44 FR 344 and 709) as follows:

Under § 71.151:
"R-5502 Lacarne, Ohio" is deleted.
"R-5502A Lacarne, Ohio" is added.
"R-5502B Lacarne, Ohio" is added.
Under § 73.55:
R-5502 title and text are deleted.
R-5502A is added as follows:

R-5502A Lacarne, Ohio

Boundaries. Beginning at Lat. 41°35'19"N., Long. 82°55'30"W.; to Lat. 41°32'30"N., Long. 83°01'00"W.; to Lat. 41°36'35"N., Long. 83°04'52"W.; thence via a 5 NM arc centered at Lat. 41°32'30"N., Long. 83°01'00"W.; to point of beginning.
Designated altitudes. Surface to 5,000 feet MSL.
Time of designation. 0800 to 1700 local time April 1 to November 30; 0800 to 1700 local time Tuesday, Wednesday and Thursday, December 1 to March 31; other times by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, Cleveland ARTC Center.
Using agency. The Adjutant General, State of Ohio.
R-5502B is added as follows:

R-5502B Lacarne, Ohio

Boundaries. Beginning at Lat. 41°41'30"N., Long. 83°00'00"W.; to Lat. 41°35'40"N., Long. 82°54'50"W.; to Lat. 41°32'30"N., Long. 83°01'00"W.; to Lat. 41°36'35"N., Long. 83°04'52"W.; to Lat. 41°41'30"N., Long. 83°07'30"W.; to point of beginning.
Designated altitudes. Surface to 23,000 feet MSL.
Time of designation. Tuesday, Wednesday, and Thursday, 0800 to 1700 local time; other times by NOTAM 48 hours in advance.
Controlling agency. Federal Aviation Administration, Cleveland ARTC Center.
Using agency. The Adjutant General, State of Ohio.
(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 USC 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 USC 1655(c)); and 14 CFR 11.65)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on September 19, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 79-29893 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-13-M

Federal Highway Administration

[23 CFR Part 655]

[FHWA Docket No. 70-17]

Traffic Control Devices on Federal-Aid and Other Streets and Highways; Proposed Revision

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to revise and consolidate the existing regulation which prescribes procedures for obtaining basic uniformity of traffic control devices on all streets and highways as prescribed in the Manual on Uniform Traffic Control Devices (MUTCD).

DATES: Comments must be received on or before November 26, 1979.

ADDRESS: Anyone wishing to submit written comments may do so, preferably in triplicate, to FHWA Docket No. 79-17, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, DC 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Donald P. Ryan, Chief, Signs and Markings Branch, Office of Traffic Operations, 202-426-0411, or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0761. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The MUTCD [1] has been approved by the Federal Highway Administrator as the national standard for all streets and highways open to public travel in accordance with 23 U.S.C. sections 109(b), 109(d) and 402(a). The MUTCD has also been specifically approved by FHWA for application on all Federal-aid highway projects (23 CFR 625.3(c)(1)).

The existing regulation on the MUTCD appears as Subpart F of Part 655 of title 23, Code of Federal Regulations (23 CFR Part 655F). The purpose of this proposed revision is to eliminate redundant and inapplicable material and to reorganize and consolidate the remaining provisions. The availability of funds under Chapter 1 (Federal-Aid Highways) or Chapter 4 (Highways Safety) of title 23, U.S.C., would not be affected by the proposed revision of this regulation.

The proposed revision would delete information pertaining to movable bridges, trail markers, and wrong-way traffic controls, since standards and guidelines for these devices have been incorporated into the MUTCD. Much of the material on project procedures, funding, and target dates which is no longer pertinent to the regulation would be deleted. Color specifications for sign materials which provide a method for determining the color of retroreflective sign materials would be added in an Appendix. References to standards for specific information signs, traffic control plans, and needs inventories would be outlined, as well as provisions for the use of higher cost materials on Federal-aid projects.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. A draft regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Donald P. Ryan, Office of Traffic Operations, at the address specified above.

In consideration of the foregoing and under the authority of 23 U.S.C. sections 101(e), 109(b) and (d), 114(a), 217, 315, and 402(a); 23 CFR 1204.4; and 49 CFR 1.48(b), the Federal Highway Administration proposes to revise 23 CFR Part 655, Subpart F to read as set forth below.

Issued on: September 18, 1979.

Karl S. Bowers,
Federal Highway Administrator.

PART 655—TRAFFIC OPERATIONS

Subpart F—Traffic Control Devices on Federal-Aid and other Streets and Highways

Sec.
655.601 Purpose.
655.602 Definitions.
655.603 Standards.
655.604 Achieving basic uniformity.
655.605 Project procedures.
655.606 Higher cost materials.
655.607 Funding.

[1] The MUTCD, Federal Highway Administration 1978, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (GPO Stock Number 050-001-90001-7). It is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

Appendix—Alternate method of determining the color of retroreflective sign materials.

Authority: 23 U.S.C. sections 109(b) and (d), 114(a), 217, 315, and 402(a); 23 CFR 1204.4; 49 CFR 1.48(b).

Subpart F—Traffic Control Devices on Federal-Aid and Other Streets and Highways

§ 655.601 Purpose.

The purpose of this regulation is to prescribe the policies and procedures of the Federal Highway Administration (FHWA) to obtain basic uniformity of traffic control devices on all streets and highways in accordance with the Manual on Uniform Traffic Control Devices [1] (MUTCD).

§ 655.602 Definitions.

The terms used herein are defined in accordance with definitions and usages contained in the MUTCD and 23 U.S.C. section 101(a).

§ 655.603 Standards.

(a) *National MUTCD.* All traffic control devices installed on any street, highway or bicycle trail open to public travel shall conform to the standards contained in the MUTCD.

(b) *State MUTCD.* Where State MUTCDs or supplements are required, they shall be in substantial conformance with the national MUTCD. Changes in national standards issued by the FHWA shall be adopted periodically by the States to maintain conformance. The FHWA Regional Administrator has been delegated the authority to approve State MUTCDs and supplements. States are encouraged to adopt the national MUTCD as their official manual on uniform traffic control devices.

(c) *Color specifications.* Color determinations and specifications of sign and pavement marking materials shall conform to requirements of the FHWA Color Tolerance Charts.[2] An alternate method of determining the color of retroreflective sign materials is provided in the Appendix.

(d) *Compliance.* (1) *Existing highways.* Each State shall establish a program for the systematic upgrading of substandard traffic control devices and for the installation of needed devices to achieve conformity with the MUTCD.

(2) *New or reconstructed highways.* Newly constructed or reconstructed streets and highways shall not be opened to the public for unrestricted use until all appropriate traffic control devices, either temporary or permanent, are installed and functioning properly. When temproary devices are used, they shall conform to the MUTCD.

(3) *Construction area activities.* All traffic control devices installed in construction areas shall confrom to the MUTCD. Traffic control plans for handling traffic and pedestrians through construction zones and for protection of workers shall conform to the requirements of 23 CFR Part 630, Subpart J, Traffic Safety in Highway and Street Work Zones.

(4) *MUTCD revisions.* Compliance with official MUTCD revisions shall be 2 years after publication of the revisions unless otherwise specified.

(e) *Specific information signs.* Standards for specific information signs are contained in 23 CFR Part 655, Subpart C, National Standards for Specific Information Signs.

§ 655.604 Achieving basic uniformity.

(a) *Programs.* Programs for the orderly and systematic upgrading of existing or the installation of needed traffic control devices on or off the Federal-aid system shall be based on inventories made in accordance with 23 CFR 1204.4, Highway Safety Program Standards. These inventories provide the necessary information for programming upgrading projects.

(b) *Inventory.* An inventory of all traffic control devices is required by Highway Safety Program Standard 13, Traffic Engineering Services (23 CFR 1204.4). Highway planning and research funds and highway safety funds may be used in statewide or systemwide studies. Also, metropolitan planning (PL) funds may be used in urbanized areas provided the activity is included in an approved unified work program.

§ 655.605 Project procedures.

(a) *Federal-aid highways.* Federal-aid projects involving the installation of traffic control devices shall follow normal procedures as established in 23 CFR Part 630, Subpart A, Federal-Aid Program Approval and Project Authorization. Simplified and timesaving procedures are to be used to the extent permitted by existing policy.

(b) *Off-system highways.* Certain federally funded programs are available for installation of traffic control devices on streets and highways that are not on the Federal-aid system. The procedures used in these programs may vary from project to project; but essentially, the guidelines as set forth herein should be used.

§ 655.606 Higher cost materials.

The use of signing, pavement marking, and signal materials (or equipment) having distinctive performance characteristics but costing more than other materials (or equipment) commonly used is considered to be in the public interest. Such requests for use may be approved by the Division Administrator when the specific use proposed is justified.

§ 655.607 Funding.

(a) *Federal-aid highways.* Funds apportioned under 23 U.S.C. section 104(b) are eligible to participate in projects to install traffic control devices in accordance with the MUTCD on newly constructed or reconstructed highways, or on existing highways to achieve basic conformity with the MUTCD, when this work is not construed to be maintenance. Funds apportioned by other sections of 23 U.S.C. are eligible for participation in improvements conforming to the MUTCD in accordance with the provisions of applicable program regulations and directives.

(b) *Off-system highways.* Federal-aid highway funds are eligible to participate in traffic control device improvement projects on off-system highways that will directly facilitate and control traffic flow on any Federal-aid highway.

Appendix—Alternate Method of Determining the Color of Retroreflective Sign Materials

1. The FHWA Color Tolerance Charts provide that conventional color measuring instruments such as spectrophotometers and tristimulus photoelectric colorimeters should not be used for measurement of retroreflective material colors and that such materials should be evaluated visually using the Color Tolerance Charts and paying strict attention to prescribed illumination and viewing conditions.

2. As an alternate to visual testing, the diffuse day color of retroreflective sign material may be determined in accordance with ASTM E 97, "Standard Method of Test for 45-Degree, 0-Degree Directional Reflectance of Opaque Specimens by Filter Photometry." Geometric characteristics must be confined to illumination incident within 10 degrees of, and centered about, a direction 45 degrees from the perpendicular to the test surface; viewing is within 15 degrees of, and centered about, the perpendicular to the test surface. Conditions of illumination and observation must not be interchanged.

Standards to be used for reference are the Munsell Papers designated in Table I or Table II, attached. The papers must be recently calibrated on a spectrophotometer. Acceptable test instruments are:

a. Gardner Multipurpose Reflectometer or Model XL 20 Color Difference Meter.

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[1] The MUTCD, Federal Highway Administration 1978, may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (GPO Stock Number 050-001-90001-7). It is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

[2] The charts are available for purchase through the Office of Traffic Operations, FHWA, Washington, D.C. 20590 and are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

b. Gardner Model AC-2a or XL 30 Color Difference Meter,

c. Meeco Model V Colormaster,

d. Hunterlab D25 Color Difference Meter, or

e. An approved equal.

Average performance sheeting is identified as Types I and II sheeting and high performance sheeting is identified as Types III and IV sheeting in Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects [3] (FP-79, Section 633).

BILLING CODE 4910-22-M

[3] This document is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

TABLE I

Color Specification Limits and Reference Standards
Types I and II Sheeting

Color	Chromaticity Coordinates* (Corner Points)								Reflectance Limits (%Y) Y		Reference*** Standard (Munsell Papers)
	1		2		3		4				
	x	y	x	y	x	y	x	y	Min.	Max.	
White**	.305	.290	.350	.342	.321	.361	.276	.308	35	--	6.3GY 6.77/0.8
Red	.602	.317	.664	.336	.644	.356	.575	.356	8	12	8.2R 3.78/14.0
Orange	.535	.375	.607	.393	.582	.417	.535	.399	18	30	2.5YR 5.5/14.0
Brown	.445	.353	.604	.396	.556	.443	.445	.386	4	9	5.0YR 3/6
Yellow	.482	.450	.532	.465	.505	.494	.475	.485	29	45	1.25Y 6/12
Green	.130	.369	.180	.391	.155	.460	.107	.439	3.5	9	0.65BG 2.84/8.45
Blue	.147	.075	.176	.091	.176	.151	.106	.113	1.0	4	5.8PB 1.32/6.8

TABLE II

Color Specification Limits and Reference Standards
Types III and IV Sheeting

Color	Chromaticity Coordinates* (Corner Points)								Reflectance Limits (%Y) Y		Reference*** Standard (Munsell Papers)
	1		2		3		4				
	x	y	x	y	x	y	x	y	Min.	Max.	
White**	.303	.287	.368	.353	.340	.380	.274	.316	27	--	5.0PB 7/1
Red	.613	.297	.708	.292	.636	.364	.558	.352	2.5	11	7.5R 3/12
Orange	.550	.360	.630	.370	.581	.418	.516	.394	14	30	2.5YR 5.5/14
Yellow	.498	.412	.557	.442	.479	.520	.438	.472	15	40	1.25Y 6/12
Green	.030	.380	.166	.346	.286	.428	.201	.776	3	8	10G 3/8
Blue	.144	.030	.244	.202	.190	.247	.066	.208	1	10	5.8PB 1.32/6.8

*The four pairs of chromaticity coordinates determine the acceptable color in terms of the CIE 1931 standard colorimetric system measured with standard illumination source C.

**Silver white is an acceptable color designation.

***These materials are available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D and may be purchased from Munsell Color Company, 2441 Calvert Street, Baltimore, Maryland 21218.

[FR Doc. 79-29747 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-22-C

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 1329-7]

Approval and Promulgation of State Implementation Plans; Proposed Rulemaking on Approval of Montana State Implementaiton Plan

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking; extension of comment period.

SUMMARY: August 2, 1979, (44 FR 45420), EPA published a notice of proposed rulemaking regarding the Montana State Implementatin Plan. The purpose of that notice was to describe the results of EPA's review of the Montana State Implementation Plan (SIP) which was received on April 24, 1979, and to invite public comment on its approvability. A 30 day period for public comment was provided. The purpose of this notice is to extend that period an additional 30 days.

DATES: Comments received prior to October 4, 1979, will be considered in EPA's final decision.

ADDRESSES: Comments should be sent to: Ivan W. Dodson, Director, Montana Office, Environmental Protection Agency, Region VIII, FOB, Drawer 10096, 301 South Park, Helena, Montana 59601.

Comments received on this proposal, EPA's evaluation report, and the SIP submission itself will be available for review by any interested persons at:

Environmental Protection Agency, Montana Office, FOB, Drawer 10096, 301 South Park, Helena, Montana 59601.

Public Information Reference Unit, Room 2922, 401 M Street, S.W., Washington, D.C. 20460.

Environmental Protection Agency, Region VIII, Regional Library, 1860 Lincoln Street, Denver, Colorado 80295.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Alkema, Environmental Protection Agency, Montana Office, 301 South Park, Helena, Montana 59601, (406) 585-5414.

Dated: September 19, 1979.

Roger L. Williams,

Regional Administrator.

[FR Doc. 79-30059 Filed 9-26-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 81]

[FRL 1329-6]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations—California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rulemaking.

SUMMARY: This notice proposes to revise the attainment status designation of Alameda County, California, for total suspended particulates (TSP). On March 3, 1978 (43 FR 8970), under Section 107(d)(2) of the Clean Air Act (CAA), as amended, Alameda County was designated nonattainment (primary) for TSP (40 CFR 81.305). The EPA now proposes to redesignate Alameda County as attainment for TSP.

The EPA invites public comments on the proposed redesignation. If the area is redesignated attainment, the requirements of Title I, Part D, of the CAA, as amended, would no longer apply to Alameda County for TSP.

DATES: Comments will be accepted if received on or before October 29, 1979.

ADDRESSES: Comment should be directed to: Arnold Den, Chief, Air Technical Branch (A-4), Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco CA 94105.

Information pertinent to the proposed redesignation is available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Library (Room 2922), Environmental Protection Agency, 401 "M" Street, S.W., Washington, D.C. 20460.

EPA Region IX Office, 215 Fremont Street, San Francisco CA 94105.

California Air Resources Board, 1102 "Q" Street, Sacramento CA 95812.

Bay Area Air Quality Management District, 939 Ellis Street, San Francisco CA 94109.

Association of Bay Area Governments, Hotel Claremont, Berkeley CA 94705.

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief (A-4-3), Technical Analysis Section, Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremond Street, San Francisco CA 94105, Phone: (415) 556-2002.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8970), under Section 107(d)(2) of the CAA, as amended, the EPA promulgated the State of California's designation of Alameda County as nonattainment (primary) for TSP. That designation was based on concentrations in excess of the national standards in 1975 and 1976.

Since that designation was made, all available data indicate that the national standards for TSP have not been violated during the most recent eight consecutive quarters for which data are available (1977 and 1978).

Based upon the most recent data cited above, the California Air Resources Board, in a letter to the EPA dated August 14, 1979, requested the redesignation of Alameda County to attainment for TSP.

Under Section 107(d)(5) of the CAA, as amended, a state may revise its designations of attainment status and submit them to the EPA for promulgation. Based upon a review of the TSP air quality data for Alameda County, the EPA believes that the NAAQS for TSP have been attained.

If Alameda County is redesignated attainment for TSP as proposed, the State would no longer be subject to the requirements of Part D of the CAA, as amended, for TSP in Alameda County. However, Alameda County remains subject to the requirements of Part D until the EPA approves in a final rulemaking action the State's redesignation of Alameda County as attainment for TSP.

Note.—The Environmental Protection Agency has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044.

(Secs. 107(d), 301(a), Clean Air Act, as amended (42 U.S.C. 7407(d), 7601(a)))

Dated: September 18, 1979.

Sheila M. Prindiville,

Acting Regional Administrator.

[FR Doc. 79-30060 Filed 9-26-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Center for Disease Control

[42 CFR Parts 51b, 91]

Grants for Preventive Health Services; Detection, Treatment, and Prevention of Lead-Based Paint Poisoning

AGENCY: Center for Disease Control, PHS, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Center for Disease Control proposes to amend Part 51b of Title 42, Code of Federal Regulations, by adding a new subpart, which will govern the award of grants for lead-based paint poisoning prevention programs under a

new Section 316 of the PHS Act. Pub. L. 95-626 transferred the authority for these grants from the Lead-Based Paint Poisoning Prevention Act (Pub. L. 91-695) to Section 316 of the PHS Act. The proposed new subpart will replace existing regulations in 42 CFR Part 91. Revisions will be made in the regulations to reflect the new authority and two specific changes: (1) The establishment of community advisory boards will no longer be mandatory; and (2) the requirement that a grant may not exceed 90 percent of the total cost of developing and carrying out an approved program over a 3-year period will be eliminated.

FOR FURTHER INFORMATION CONTACT: Dr. Vernon N. Houk, Director, Environmental Health Services Division, Bureau of State Services, Center for Disease Control, PHS, HEW, Atlanta, Georgia 30333, telephone: 262-6645 or FTS: 236-6645

Dated: August 29, 1979.

Charles Miller,

Acting Assistant Secretary for Health.

[FR Doc. 79-30058 Filed 9-26-79; 8:45 am]

BILLING CODE 4110-86-M

FEDERAL MARITIME COMMISSION

[46 CFR Chapter IV]

[Docket No. 79-18]

Exemptions From Provisions of Shipping Act, 1916 and Intercoastal Shipping Act, 1933

AGENCY: Federal Maritime Commission.

ACTION: Discontinuance of Proceeding.

SUMMARY: This proceeding was instituted by notice of inquiry published March 28, 1979 (44 FR 18537) requesting comments on proposed exemptions under section 35 of the Shipping Act, 1916. Comments have been received and are now being analyzed by the Commission.

It was not anticipated that any proposals would ensue from this particular proceeding. Rather, specific exemptions would be proposed in separate proceedings which will give further opportunity for comment thereon. Accordingly, this proceeding is discontinued.

FOR FURTHER INFORMATION CONTACT: Secretary, Federal Maritime Commission, Room 11101, Washington, D.C. 20573, (202) 523-5725.

By the Commission.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 79-29964 Filed 9-26-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 63 and 64]

[CC Docket No. 78-96]

Domestic Public Message Services by Entities Other Than the Western Union Telegraph Co. and Proposed Amendments Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Time limits for filing reply comments extended in CC Docket No. 78-96 (*Domestic Public Message Services*).

SUMMARY: On August 20, 1979, the Federal Communications Commission extended the time for filing comments in CC Docket No. 78-96. This proceeding deals with proposed changes in rules and policies for domestic public message services. Reply comments were originally due on September 7, 1979, then later extended to September 24, 1979. Reply comments are now due September 28, 1979.

DATES: Reply comments must be filed on or before September 28, 1979.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Leonard Sawicki, Common Carrier Bureau, (202) 632-6363.

SUPPLEMENTARY INFORMATION:

Adopted: September 19, 1979;

Released: September 20, 1979.

In the matter of regulatory policies concerning the provision of domestic public message services by entities other than the Western Union Telegraph Company and proposed amendments to Parts 63 and 64 of the Commission's rules.

By the Chief, Common Carrier Bureau:

1. On September 18, 1979, ITT World Communications, Inc. (Worldcom) filed a request for extension of time for filing reply comments on the Commission's *Notice of Inquiry and Proposed Rulemaking* (Notice) in CC Docket No. 78-96, released July 23, 1979 (FCC 79-442). Worldcom seeks to have the reply date extended one week from September 24, 1979 to October 1, 1979. In support of its request, Worldcom cites difficulty in procuring the comments of other parties and notes that additional time will allow the parties to "formulate more concise and thoroughly considered reply positions."

2. Because of the importance of this proceeding to the domestic public message services market, an extension appears reasonable and in the public interest. However, an extension to September 28, 1979 should allow sufficient time for the preparation of reply comments and still leave the Commission time to reach a decision by the November 21, 1979 deadline imposed by the U.S. Court of Appeals for the District of Columbia Circuit.

3. Accordingly, it is ordered, pursuant to Section 0.291 of the Commission's Rules on delegation of authority THAT the request for extension for all parties to file reply comments in CC Docket No. 78-96 is granted to the extent noted here. Reply comments shall be filed on or before September 28, 1979.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 79-29991 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

[47 CFR Part 73]

[BC Docket No. 79-233; FCC 79-537]

Multiple Ownership of AM, FM, and TV Broadcast Stations

AGENCY: Federal Communications Commission.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The FCC's one-to-a-market rule (which mostly grandfathered existing combinations) restricts a party to one AM-FM combination or one TV station in the same community. The regional concentration rule (also prospective) restricts a party to two stations within a 100-mile radius. Applications involving UHF TV stations are not subject to these rules. The reason for these UHF exceptions was to encourage the building of UHF stations. However, the FCC has found that these exceptions have not helped UHF development significantly and are contrary to the basic purpose of the rules, which is to maximize the possible number of diverse sources of information and opinion available to an audience. (Although there has been a great increase in applications for new UHF stations recently, it found that this appears to be due to existing UHF stations' becoming profitable, rather than to the exceptions.) Accordingly, the

FCC proposes to eliminate the exceptions and treat UHF stations the same as VHF TV stations for the purpose of the one-to-a-market and regional concentration rules. The FCC noted that it has taken other actions recently to help UHF development directly (such as actions to improve UHF transmission and reception and consumer information to help viewers improve reception).

DATES: Comments must be filed on or before November 27, 1979, and reply comments on or before December 17, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Carol F. Foelak, Broadcast Bureau, (202) 632-7792 or Alan Stillwell, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: September 13, 1979;

Released: September 24, 1979.

By the Commission: Commissioners Ferris, Chairman and Brown concurring in part and dissenting in part and issuing a joint statement; Commissioner Quello concurring and issuing a statement; Commissioner Fogarty issuing a separate statement.

In the matter of amendment of §§ 73.35, 73.240, and 73.636 of the Commission's rules relating to Multiple Ownership of AM, FM, and TV Broadcast Stations, BC Docket No. 79-233.

1. The Commission has before it for consideration those exceptions to its one-to-a-market and regional concentration rules which provide that applications involving UHF TV stations which would otherwise violate these rules be treated "on a case-by-case basis" to determine whether common ownership, operation or control of the stations would be in the public interest. These rules are part of the multiple ownership rules, which apply to commercial broadcast stations, and are found at 47 CFR 73.35(AM), 73.240(FM), and 73.636(TV). The exceptions are found in Notes 8 and 11 to those rules.

2. The Commission's multiple ownership rules are central to its regulation of broadcasting since they serve the fundamental purpose of promoting the availability of a diversity of sources of information (or viewpoints) essential to an informed electorate. Such structural rules also promote economic competition.

3. The one-to-a-market and regional concentration rules, which restrict common ownership of stations in the same community or region, are especially important in promoting a diversity of program sources for any particular audience. Specifically, the one-to-a-market rule restricts a party to one AM-FM combination, or one TV station, or one daily newspaper in a market. The regional ownership rule takes this concept a step farther to restrict a party to two stations within a 100 mile radius. The exception permitting case by case handling of UHF-radio combinations in violation of the one-to-a-market rule is found in Note 8 and was adopted by the Commission for the general purpose of promoting UHF development. The exception applicable to regional ownership, found at Note 11, was patterned after the one in Note 8 and provides for treatment of applications subject to it "consistent with the precedents" of the earlier Note 8 exception.

4. Since we view these basic rules as an important safeguard of the public interest, we have become concerned over the existence of the exceptions to them and have studied the record to determine whether they have promoted their intended purpose—UHF development. If not, then it appears that they may detract from the basic purpose of the rules by encouraging common ownership. As will be described below, our conclusion is that the benefits—promotion of UHF development by these particular exceptions to the rules—are illusory. The costs in maintaining the exceptions, however, are a decrease in the possible number of diverse program sources every time an application is granted under the exceptions. For this reason we propose to delete the exceptions from the rules. To provide perspective, we will start by describing the background of the rules before setting forth the policy considerations that cause us to strengthen them.

Background

5. The Commission began the one-to-a-market proceeding, Docket No. 18110, in 1968 (33 FR 5315, April 3, 1968). The first stage of the proceeding resulted in a rule restricting a party to one AM-FM combination or one TV station in a market. *Multiple Ownership*, 22 F.C.C. 2d 306 (1970), *recon.*, 28 F.C.C. 2d 662 (1971). The rule was extended to cover newspapers in 1975, restricting a party to one AM-FM combination or one TV station or one daily newspaper in a market. *Multiple Ownership*, 50 F.C.C. 2d 1046, *recon.*, 53 F.C.C. 2d 589 (1975), *Aff'd*, 436 U.S. 775 (1978). Except for a few "egregious" cases, the rule applies prospectively to ban the formation or transfer of new radio-TV and/or newspaper combinations.

6. The rule has two purposes: to provide as many different sources of information as possible and to prevent undue economic concentration. 22 F.C.C. 2d 306, 310-14.

7. While the rule serves both purposes compatibly, the first purpose, which is also characterized as diversity of program voices or viewpoints, is considered to be more important than the second, which concerns competition for advertising. The Commission has explained this by saying that basic to our form of government is the belief that "the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public." *Associated Press* v. *U.S.*, 326 U.S. 1, 20 (1945). This is because "right conclusions are more likely to be gathered out of a multitude of tongues, than through any kind of authoritative selection." *U.S.* v. *Associated Press*, 52 F. Supp. 362, 372 (S.D. N.Y. 1943). In discussing this philosophical underpinning of the one-to-a-market rule, the Commission has stated that since, in any particular area, there may be more voices that would like to be heard than can be licensed, a proper objective is the maximum diversity that technology permits in each area. Thus, 51 licensees are more desirable than 50. 22 F.C.C. 2d 306, 311.

8. As to the second purpose, to promote economic competition, the Commission has stated that it is based on the national economic policy, expressed in antitrust laws and elsewhere. 50 F.C.C. 2d 1046 (1974). It is the view of the Department of Justice, which has often urged the Commission to consider antitrust implications in rule making proceedings and in specific cases, that the various media are for many purposes sufficiently interchangeable to be directly competitive and that one effect of combined ownership of media in the same market is to lessen the degree of competition for advertising among the alternative media. When it adopted the one-to-a-market rule, the Commission said it would provide a healthier competitive environment of benefit to smaller licensees.

Regional Concentration

9. The Commission broadened the one-to-a-market concept a degree further when it adopted the three station regional concentration rule in 1977. *Multiple Ownership*, 63 F.C.C. 2d 824, *recon.*, 67 F.C.C. 2d 54 (1977). Applying prospectively, it prohibits common ownership, operation or control of three stations where any two are within 100 miles of the third if there is primary service contour overlap of any of the stations. Commonly owned AM and FM stations licensed to communities within

15 miles of each other are counted as one station.[1]

The UHF Exception

10. The UHF exception in Note 8 was part of the original one-to-a-market rule and provides that the rule "will not apply to" applications involving UHF TV-radio combinations. Instead, such applications "will be handled on a case-by-case basis * * * to determne whether common ownership, operation, or control of the stations * * * would be in the public interest." [2] The theory behind this exception to the "go-no-go" one-to-a-market rule was that it would promote UHF development.[3] 22 F.C.C. 2d 306, 319.

Another formulation of this argument was that any harm from common ownership of radio and UHF stations in the same market was outweighed by the benefit of placing an additional UHF station on the air instead of letting the assignment remain unused.[4] The UHF exception to the regional concentration rule, in Note 11, permitting "case-by-case" consideration of applications involving UHF stations subject to that rule "consistent with the precedents of UHF determinations made under the one-to-a-market" rule is derivative of the Note 8 exception. 67 F.C.C. 2d 54, 57.

11. We have found that Note 8 has had little effect on UHF development. There has been no history under the Note 11 exception, which became effective in January 1978. As described in the attached Appendix, since 1970 the Commission has acted on only four applications for new commercial UHF stations filed by licensees of radio stations in the same markets.[5] When this small number of UHF stations whose development might be attributed[6] to the exception is compared with the increase in commercial UHF stations overall, from 180 in 1970 to 218 now, it appears that the exception has not contributed in any substantial way to UHF development.

12. We feel we should reevaluate the UHF exception in light of its side effect of promoting common ownership because of the large number of applications for new commercial UHF stations now on file. As revealed by the Appendix, during the years 1973–76, only a few applications were filed each year, but interest increased substantially when UHF profits took a dramatic turn for the better, in 1976. There were 94 applications filed in 1978, and there are now 186 pending. Of these, 19 were filed by local radio stations. This increased interest in building UHF stations appears to be attributable to the improvement in UHF profits in recent years. In 1978, 73% of UHF stations earned profits, while in 1973, only 31% did. From this perspective it appears that increased interest in UHF is not a response to the special treatment afforded by Note 8 but rather to a healthy profit picture. Certainly the exception could not have motivated the vast majority—about 90%—of pending UHF applications, because only about 10% were filed by local radio stations. Further, as will be seen from the discussion immediately following, economic analysis also supports the conclusion to which the factual record points. In sum, the exceptions do not appear to have promoted UHF development, which has recently begun to accelerate for apparently unrelated reasons, and retaining the exceptions has the undesirable side effect of restricting potential diversity.

13. The lack of interest in marginal UHF opportunities by local radio stations is not really surprising. There are three areas in which the common ownership of a radio station in the same market has been generally assumed to provide advantages for overcoming barriers to UHF entry: cross-subsidization, investment start-up costs and expertise, and economies of joint operation. A brief examination of each of these aspects reveals that the advantages are generally small, nonexistent, difficult to measure, or contrary to Commission objectives.

Cross-Subsidization

14. In general, subsidization involves providing a product or a service at a price which is below cost. In the case of cross-subsidization, the entrepreneur recovers the difference between price and cost through sale of some other product or service at a price which exceeds cost. In the present context, for example, if this price structure existed it would imply either that a UHF-radio combination sold television time below cost and radio time above cost, or vice versa.[7] The profits from the sale of radio advertising time priced above cost would then be used to subsidize the UHF advertising time priced below cost.

15. Economic theory does not provide much support for the practice of cross-subsidization in UHF-aural combinations since by definition, some part of the operation is selling below cost. Profit maximizing firms, which we assume to include radio and TV stations, do not have any economic incentive to participate in cross-subsidization. To do so would involve expenditure of resources with no anticipated gain.[8]

16. It is important to distinguish between the kind of pricing behavior we are discussing here and the situation where the return to the owners of one enterprise is used to start another. The former is subsidy with no anticipated gain. The latter, even though it may involve monopoly profit from another business, is an ordinary investment decision.

Start-up Costs

17. If it is likely that a new UHF station will be viable after a reasonable start-up period, then any qualified investor should be willing to develop the station. In general, it is not clear that a radio station owner has any greater incentive than any other investor, for example, a hardware or shoe store owner, to use profits from other enterprises or borrowed capital to

[1] The Commission has instructed its Broadcast Bureau to prepare an Agenda item exploring the possibility of eliminating AM-FM cross-ownership. Such a document, eliciting public comment on this issue, will be considered by the Commission in the near future.

[2] When it adopted the newspaper cross-ownership rule in 1975, the Commission specifically rejected special treatment for UHF-newspaper combinations. It said a UHF-newspaper combination is a much more imposing entity than a UHF-radio combination. 50 F.C.C. 2d 1048, 1077.

[3] As of February 1968, there were only 172 commercial UHF stations on the air; in the top 100 markets 84 of 297 UHF allocations (about 30%) had not been applied for. At the same time the Commission noted that radio licensees had shown little inclination to build UHF stations. There were only two UHF-radio combinations in the top 50 markets in 1968. 22 F.C.C. 2d 306, 319.

[4] Recently even this argument has been questioned; minority parties have argued in rule making proceedings that the Commission should take steps to make sure that when a large number of minority entrepreneurs are able to invest in broadcasting, there will be some assignments available.

[5] It also acted on two applications to combine existing UHF and radio stations located in the same market and four applications to transfer existing combinations. The Commission has also *waived* the one-to-a-market rule, to permit transfers of VHF-radio combinations three times (for stations in the 50 states). Two of the cases were successive transfers of the same stations. The last waiver was in 1973.

[6] Of course, it is possible that there was more than one party interested in applying for one of these channels, so that if the local radio station had not filed its application, another party might have filed. Once the first application was on file, however, other potential applicants may have decided not to file on the ground that the mere possibility of winning the channel would not be worth the cost and delay of a hearing.

[7] The intent behind the exception, of course, is that the "struggling" UHF station would be supported by the more viable aural outlet.

[8] In the presence of high entry barriers, an entrepreneur may be tempted to use cross subsidization as a means of predatory pricing to weaken or discipline competitors and improve his long run position. However, the likelihood of such behavior is limited, because his competitors can be expected to recover quickly once the predatory behavior ceases. Further, it is a type of anti-competitive behavior our cross-ownership rules seek to forestall.

finance UHF start-up costs. There are, however, two possible exceptions to this statement.

18. First, the radio station owner may have an advantage over other investors in terms of special knowledge and expertise which is transferable to television broadcasting. The local broadcaster may know the advertising market, audience, and community better than a broadcaster from the outside, while other local investors who know the market might not know the broadcast industry. Thus, the local radio station operator could be in a special position, and by using his combined knowledge and skills might be able to put a station on the air and keep it going where someone else might not. This advantage may make it easier to raise the necessary financing for a new UHF station. Based, however, on the apparent past lack of interest of radio station owners in developing UHF stations, this advantage appears to have provided little incentive.

19. Second, the local radio owner may have an extra incentive over other investors in that if it can gain control over a UHF station in the same market, it can effectively head off another competitor and take advantage of market power in advertising markets. Thus, the local radio owner might be willing to engage in UHF television based on a lower initial expected return than other investors would require. This behavior might be further encouraged by the improving financial outlook for UHF, in that more stations are now likely to be viable. While we do not know the strength of this incentive, to permit or encourage such activity is contrary to the purpose of the multiple ownership rules, both in reducing the possible number of program voices and competition for advertising in a community.

Joint Economies

20. Finally, we believe the economies of joint operation that can be realized by merging a new UHF with an existing radio station are likely to be minimal. Unless there are specific plans for developing another broadcast station, an efficient radio station owner will not maintain the excess capacity necessary to contribute substantially to a television station. For example, there is no need to purchase or maintain building space, tower structure, or other facilities at a level higher than that consistent with the needs of the radio station. To the extent that existing facilities are compatible with television broadcasting, such as an accounting/billing system, real savings may be possible. Nevertheless, we believe that such opportunities for savings would not generally be sufficient to make the local radio station the only party willing and able to bring a new UHF station on the air.

21. In the case of applications that involve transfers of existing combinations, the situation becomes more difficult to analyze in that the additional element of separation costs must be considered. It has been argued that the costs associated with separating relatively weak stations whose operations, activities and legal structure are highly intertwined may well be so high as to result in the failure of one or more of the stations.[9]

22. While in principle there is no reason to separate existing and proposed combinations in the analysis of joint economies, the additional element of separation costs may make a difference in terms of the viability of one or both of the on-going operations.

23. Except for the observed earlier lack of interest in UHF-aural combinations, we do not have much empirical to support our position on the joint economies issue. The problem is that from an analytical standpoint it is difficult to assess the benefits of joint operation. The specific kinds of joint economies and the degree to which they can be exploited vary widely among different UHF-aural combinations. This problem is further enlarged by the fact that the Annual Financial Reports (FCC Form 324) do not provide the kind of information necessary to evaluate the existence or extent of joint economies. Therefore, while it is possible to use the financial data to approximate the viability of combined stations, we cannot determine the extent to which joint economies are either possible or in fact realized. The income data shown on the chart on page 11 of the Appendix reveals that the same-market UHF radio combinations approved in the past have involved essentially marginal enterprises. However, it is not possible in those cases to determine whether or not the individual station financial performances would change as a result of the loss of joint economies if the stations were separated. Nevertheless, in general, one might expect that if in fact significant economies are possible under joint operation there would have been more applications for new combinations than the six received since the rules were adopted in 1970.

24. Both the available facts and economic reasoning suggest that the exception has not contributed to UHF development. Except for the possibility of forestalling competition, the incentives for development of marginal UHF stations by local radio stations do not appear to be substantially greater than those of other investors. On the other hand, potential costs must be set against this apparent lack of benefits.

25. In the worst case, the rationale embodied in the exception would provide a stepping stone for radio stations to apply for same market UHF stations which might well be developed or acquired by another party. This behavior might be further encouraged by the improving economic outlook for UHF in that more stations are likely to be viable and by an incentive to control a potential competitor. While this set of circumstances may result in a station going on the air sooner than otherwise, we cannot always be sure that is the case.[10] Further, that argument holds only for new stations, not for those cases involving a transfer or assignment of license. On the other hand, granting these applications serves to remove a potential competitor for the advertiser's dollars.

26. The economic rationale for the exception in Note 11 is even weaker than that for Note 8. Joint economies are even less likely and the arguments against cross-subsidization are essentially the same as in the case of UHF-radio same market cross-ownership. As in the UHF-radio same market case there may be advantages to be gained from the experience of existing station owners that might allow easier access to financing and perhaps earlier UHF start-up. This potential, probably slight, advantage, however, must be weighted against the lost opportunity to promote the expansion of independent voices and economic competition within a region.

Conclusion

27. As we have described, both the factual record and economic analysis point to the conclusion that the UHF exception in Note 8 has not fulfilled its original purpose of promoting UHF development. Although we have seen interest in UHF increase recently, this

[9] In our review of the applications processed under Note 8, we found that three of the four transfers of existing combinations were based at least in part on this factor.

[10] As we suggested in footnote 6 above, the fact that no other application has been filed for the channel is not dispositive. There are not likely to be large joint economies which make the investment more desirable for a local radio station than other investors, so the filing of an application by a radio station owner rather than another investor may be just chance. Once that application is filed, however, the high costs of prosecuting an application through a hearing may discourage the other possible applicants. Only one of the 19 UHF exception applications currently on file is mutually exclusive with another application for the same channel.

appears to be related to the profitability of UHF stations now on the air and not to the exceptions for UHF contained in the multiple ownership rules. Looking to the future, we are concerned that the exception in Note 8, along with that in Note 11, will increasingly detract from promoting diversity and competition if left as is, without providing a countervailing public interest benefit. Accordingly, we propose to amend Notes 8 and 11 of 47 CFR 73.35, 73.240, and 73.636 to delete the provisions for case-by-case handling of applications subject to those rules which involve UHF stations.

Interim Policy

28. Applications on file as of 4:30, September 13, 1979, will be processed under the exceptions, as now applicable. Applications filed after that time which would be affected by the proposed elimination of the exceptions will not be acted on while this proceeding is pending. While we recognize that this policy may have an adverse impact on applicants, we intend to minimize it by concluding the proceeding as quickly as possible after a comment period of 60 days and a reply comment period of 20 days. We believe that the adverse impact of a short delay on applicants would be outweighed by the cost to the public interest and the difficulties of administration of any different approach.

29. This action is taken pursuant to authority found in Sections 4(i), and 303(b), (g) and (r) of the Communications Act of 1934, as amended.

30. Pursuant to procedures set forth in §§ 1.4, 1.46, and 1.415 of the Commission's rules, interested parties may file comments on or before November 27, 1979, and reply comments on or before December 17, 1979. The Commission will consider all relevant and timely comments and reply comments before taking final action in this proceeding.

31. In accordance with the provisions of § 1.419 of the Commission's rules, an original and five copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission Members of the general public who wish to participate informally in the proceeding may submit one copy of their comments, specifying the docket number, including the entire designation (BC Docket No. 79-233) in the heading. Anyone can examine the documents filed in this proceeding during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

32. For further information concerning this proceeding contact Carol P. Foelak, Broadcast Bureau, (202) 632-7792, or Alan Stillwell, Broadcast Bureau, (202) 632-6302. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, *ex parte* contacts presented to the Commission in proceedings such as this one will be disclosed in the public docket file. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation requested by the Commission. If a member of the public does wish to comment on the merits of this proceeding in this manner, he or she should follow the Commission's procedures governing *ex parte* contacts in informal rule making. A summary of these procedures is available from the Commission's Consumer Assistance Office, Federal Communications Commission, Washington, D.C. 20554 (202-632-7792).

Federal Communications Commission,[11]

William J. Tricarico,

Secretary.

Appendix

Introduction

This Appendix reviews the pattern of economic development in UHF television and the record associated with the UHF exception to the "one-to-a-market" rule. This information provides evidence which lends support to the position that the special UHF exceptions to the "one-to-a-market" and regional concentration rules should be abandoned. The first section addresses the economic development of UHF television over the last eight years, including overall growth and the demand for new channels. The remainder of the discussion summarizes the record of the Commission and the industry with respect to the UHF exception to the "one-to-a-market" rule. To date, there has been no history under the regional concentration rule.

Economic Development in the UHF Sector

The overall economic position of UHF television has essentially been reversed in the last eight years. As shown on Table 1, UHF income has grown from losses of 32.7 million dollars in 1971 to profits of 71 million dollars in 1977. In the same period, revenues nearly tripled while the total number of stations increased only slightly. This growth has been consistent year to year, with the biggest increase occurring in 1976. As a further indication of the improvement in the economic health of UHF television, we found that the number of stations reporting profits increased from 47 in 1971 (31 percent of the total reporting) to 127 stations in 1977 (73 percent of the total reporting).[1] With respect to the breakdown between network affiliated and independent stations, we found that 68 percent of the independents and 76 percent of the affiliates reported profits in 1977.

Another indicator of the state of UHF development is the proportion of U.S. television households that have sets equipped to receive UHF stations. This proportion, which is also known as the UHF penetration rate, has increased from 80 percent in 1971 to 94 percent in 1978. The substantial growth in this factor is a direct result of the all-channel receiver law enacted in 1962.

The pattern of demand for UHF facilities follows the pattern of UHF economic growth. In the 1971-1975 period when the observed economic picture was more or less bleak, demand for UHF channels was low. The number of applications received annually for new stations varied from 8 to 15 in this period. After the rapid economic growth in 1976, the number of applications increased substantially to 68 in 1977. This increased demand showed further strength in 1978

[11] See attached Joint Statement of Chairman Ferris and Commissioner Brown, Concurring Statement of Commissioner Quello and Separate Statement of Commissioner Fogarty.

[1] Source: FCC Television Broadcast Financial Reports, 1971 and 1977.

Table 1.—*Total UHF Stations*

	Number of stations in operation	Number of stations reporting [1]	Penetration [2] (percent)	Millions of dollars		Applications received for new UHF commercial stations [4]	New license granted [4]
				Revenues	Income [3]		
Year:							
1971	199	182	80	148	(−32.7)	9	8
1972	196	182	81	185	(−15.9)	8	5
1973	208	181	85	209	(−7.7)	14	9
1974	202	180	89	231	(−6.1)	11	3
1975	201	180	90	263	9.9	15	8
1976	197	190	92	363	64.8	14	4
1977	206	186	93	401	71.0	68	12
1978	N/A	N/A	94	N/A	N/A	94	15

[1] Source: FCC Television Financial Reports 1971-1977.
[2] UHF penetration as reported by Arbitron UHF estimates.
[3] Financial figures are not adjusted for inflation.
[4] Source: Broadcast License Division.

when 94 UHF applications were received.[2] It is thus apparent that entrepreneurs are responding to the improved economic health of UHF television.

UHF Exception to the "One-to-a-Market" Rule

The "one-to-a-market" rule (§§ 73.35(a)(1), 73.636(a)(1) and 73.240(a)(1)) was adopted in 1970 to further Commission goals favoring diversification of program sources and competition. The rule prohibits the ownership, operation, or control of more than one station in a given market by a single licensee.

The Commission also realized that this restriction might conflict with its desire to encourage the development of UHF television. The reasoning was that often the local radio licensee might be the only party with the desire and/or resources to build a UHF television station and therefore prohibiting UHF-Aural combinations might be contrary to a general policy of fostering UHF development. In order to obviate this possible conflict of objectives, the Commission specified that the "one-to-a-market" restriction will not apply to applications which concern a UHF television station operating in the same market as commonly owned, operated, or controlled AM and/or FM station. (See Note 8 of §§ 73.636(TV), 73.240(FM), 73.35(AM) of the Commission's rules.) Instead, such applications are to be handled on a case-by-case basis to determine if a grant will serve the public interest.

In this section we present a review of the record that has been developed over time with respect to the special UHF exception to the "one-to-a-market" rule. Our approach to this task was to first identify the applications which have been processed under the exception, then examine the circumstances of either the grant or denial of these applications, and finally track the performance of the stations subsequent to the application process. We found that thirteen applications were processed under the exception.[3] Three of the thirteen were considered not useful for grant analysis: One application was for a religious station, another for a change of channel for a UHF station that was part of an existing combination and the third was granted conditioned upon divestiture within one year.[4] Inasmuch as the identification phase revealed only ten usable applications, we were forced to adopt the case study method for the analysis rather than a more sophisticated statistical procedure.

The group of ten was comprised of: Four requests by radio licensees for new television facilities, three transfers of existing combinations, one request by a television licensee for a new radio facility and two requests to combine existing radio and television stations. We were unable to locate any applications which were denied and we believe it is likely that, in fact, none was denied.

The examination of the circumstances under which the ten applications were granted addressed two issues: the applicants arguments to justify the need for joint facilities and the Commission's comments in granting the applications.

The applicants' supporting arguments include:[5]

1. Profits generated by the radio stations are important to the survivial of the UHF or the economies realized from combined operation are essential to the viability of the stations (10 applicants).
2. The applicant, an experienced local broadcaster, is the only party willing and able to build the new station (2 applications).
3. The continuation, expansion, and improvement of informational programming depends on savings effected by combination of facilities (2 applications).
4. The UHF station will compete with a number of other broadcast stations and media outlets in the market (8 applications).
5. The UHF station will provide the community with its first local televison outlet or its first UHF service (3 applications).
6. Separation of the stations would result in substantial additional costs to both stations, with the result that one of the stations might go dark (3 applications).
7. The degree of co-ownership involves only a minority interest in one of the stations (2 applications).

The Commission's primary reasons for granting these applications were:

1. A media voice could be provided which otherwise would not be present in the market (4 applications).
2. The new UHF station would provide a first local television service where no other applicant would be expected to apply (3 applications).
3. The combination would strengthen the financial position of the radio or the television station (3 applications).

In all but one case, the Commission also indicated that the grants would not create undue concentration in the market because of the availability of other broadcast stations. The exception concerned a facility in Cleveland, a market with 4 TV stations and 23 radio stations, and therefore we could assume the undue concentration judgment to apply to this application also, even though it was not specifically mentioned.

Our conclusion with respect to the record established by eleven applications that have been approved since 1970 is that the Commission's policy has been consistent. In each case, the decision was to create or strengthen a station which it was presumed would not otherwise survive. Furthermore, each of the permitted combinations was to operate in a market with a significant number of other broadcast outlets. Finally, in no case was an application for transfer of license unconditionally granted if both stations were operating profitably.

The final activity in our review was to examine the economic performance of those combinations permitted under the exception after a reasonable period of time had elapsed. The preferred approach of this task would have been to examine the savings and benefits resulting from joint operation and then compare this information to profits to determine whether or not the stations would be profitable if separated. Unfortunately, we were not able to do this because the Annual Financial Reports (Form 324) do not provide enough information to assess the economies resulting from joint operation of facilities in the same market. Without this kind of information it is not possible to assess the importance of joint operation to the viability of combined stations. In order to obtain some indication of the viability of the stations in combinations approved under Note 8, we examined their income (revenue less expense) and gross income (income+depreciation+payments to principals). This information does not provide insight with respect to the financial performance of the stations operating combined as opposed to separated.

Our financial review included only seven stations since one of the new stations in the ten applications we examined was never built and two others, granted in 1978 have not

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[2] It is also important to note that many of these applications propose to broadcast subscription television programming (16 applications) or religious programming (29 applications). Both of these types of operation can obtain revenues in addition to advertising revenues and therefore may have a better chance of economic survival than a conventional advertiser supported station.

[3] This information was extracted from the TV Factbook and records in the License Divison and the Transfer Branch. It was cross-checked against a list of all the UHF-Aural same market combinations on the air at present. One problem we encountered in compiling the list of applications is that there is no reliable index or other retrieval system which can be used to identify cases.

The thirteen applications that were processed include:

WJCL, Savannah, Georgia—TV/FM. Granted: February 16, 1972.

WYUR, Huntsville-Decatur, Alabama—TV/AM/FM. Granted: April 20, 1976.

WJNL, Johnstown, Pennsylvania—TV/AM/FM. Granted: March 24, 1971.

WVNY, Burlington, Vermont—TV/FM. Granted: April 17, 1974.

WCPT, Crossville, Tennessee—TV, WCSV-AM. Granted: January 14, 1976.

WAPT, Jackson, Mississippi—TV, WLIN-FM. Granted: March, 1976.

WFMZ, Allentown, Pennsylvania—TV/FM. Granted: December 9, 1975.

WCTF, Cleveland, Ohio—WIXY(AM), WDOK(FM). Granted: October 25, 1973.

WNYR/WELO, Rochester, New York—TV/AM/FM. Granted: May 23, 1978.

WAIM, Anderson, South Carolina—AM/FM/TV. Granted: May 31, 1978.

WNOK, Columbia, South Carolina—AM/FM/TV. Granted: February 22, 1978 (conditioned upon divesture).

The religious station is WGPR, Detroit, Michigan—TV/FM.

The station with the channel change is KTVV, Austin, Texas.

[4] The station that divested one facility is WNOK, Columbia, South Carolina.

[5] Most applications specified more than one reason.

yet established a financial record. The 1977 broadcast financial reports (FCC Form 324) for these combinations indicate that all seven are generating positive gross income.[6] [7] Only two combinations, however, report positive income and the rate of return on revenue for these two is essentially low. The data for the individual stations show positive income for three of the UHF facilities. Only one of the UHF stations reports negative gross income. Five of the radio stations are earning positive income and all seven are generating positive gross income. The rate of return on revenue for all of the individual AM, FM and UHF stations is also low.

From this data, it appears that the same market UHF-radio combinations approved thus far under Note 8 have involved essentially marginal enterprises. As we discussed above, these data do not reveal whether the financial performance of these stations would be different if they were separated.

Joint Statement of Chairman Charles D. Ferris and Commissioner Tyrone Brown Concurring in Part and Dissenting in Part

Re: *Amendment of §§ 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of AM, FM and TV Broadcast Stations (The UHF Exceptions)*

We support the issuance of this Notice of Proposed Rulemaking looking toward the elimination of the so-called "UHF Exception" from our one-to-a-market and regional concentration rules. We agree with the Commission's conclusion that although UHF television has shown dramatic growth in recent years, it appears that little if any of that growth is attributable to the UHF exceptions. We dissent, however, from the majority's refusal to freeze all pending applications which involve UHF exceptions until the completion of this rule-making proceeding.

According to the FCC financial figures for 1978, of 197 UHF's reporting, 135 were profitable. Of these, 94 were network affiliates while 41 were independents. Currently there are only 14 UHF channels unapplied for in the Arbitron Top 50 markets and over 200 applications (most of them mutually-exclusive) are now pending for UHF channels.

This suggests to us that even if the UHF exceptions have helped promote the growth of UHF television, the current popularity of UHF permits us to delete these exceptions from our multiple ownership rules. This is all the more pressing in light of the Commission's expressed interest in deregulation of radio.

In large part, the deregulation of radio is based on the existence of a multiplicity of broadcast outlets serving most American communities. The Commission's recent proposals for radio deregulation rest in part on the assumption that even markets with only one radio station receive at least one television signal, and television appears to be the primary source of information for most Americans today. Restrictions against future UHF ties with other media in a particular community will help to assure diversity of voices within the community and further support our radio deregulation efforts. The need for the Commission to revisit our rules and policies with a view toward enhancing diversity becomes more pressing as we consider radio deregulation.

This is not to say that we should abandon our effort to encourage the development of UHF television. And of course we have not. Just two days ago (September 11, 1979), the Commission accepted our staff report, *Comparability for UHF Television: A Preliminary Analysis*, as part of Docket 79-391* and authorized its submission to Congress. That report represents a significant first step in determining the various causes of the "UHF handicap" and in diminishing that handicap.

While UHF television had a slow start—in part due to Commission actions—now it is generally a profitable segment of the very profitable broadcast industry. Our efforts in the technical areas of the UHF handicap will help spur that growth. Moreover, the blossoming availability of programming as a result of the cable explosion and other factors should make UHF stations even more attractive in the future. These factors indicate that UHF is no longer the step-child of the broadcast industry and that it no longer needs the crutch of the UHF exceptions. We look forward to reading the comments submitted in this proceeding to determine if these preliminary indications are borne out by the full period.

We disagree with the majority's refusal to adopt an interim policy which would freeze all pending applications involving UHF exceptions. Since this rule-making will be an expedited one, the adverse impact of a short delay on applicants would be outweighed by benefits to diversity obtained should the Commission adopt the proposed rules.

September 13, 1979.

Concurring Statement of FCC Commission James H. Quello

In re: Exceptions (found in Notes 8 and 11 of the multiple ownership rules) permitting case by case treatment of certain UHF television applications which would otherwise violate the one-to-a-market and regional concentration rules.

I am somewhat uneasy about these proposed rules because I don't believe that we have sufficient information to make such proposals with any degree of confidence. We have used ballpark figures of the numbers of UHF stations on the air and generalized profit figures to support the proposition that all UHF stations are created equal.

There is no doubt UHF is a long way from comparability with VHF technically and economically. I also believe the Commission should encourage UHF service in smaller markets.

I think we need more specific information related to market size and potential profitability. I suggest that we limit our proposed elimination of the exceptions to only the top fifty markets. Perhaps even that cutoff is too narrow. We simply lack the information at this time to make such a judgment. I am hopeful that the comments resulting from the issuance of this Notice of Proposed Rulemaking will supply the knowledge which we now lack and that we will be able to fashion an appropriate rule based upon a complete and reasonable record.

While this might more properly be captioned a Notice of Inquiry, I believe it's possible to build an adequate record in a timely fashion in one proceeding without the necessity of going out for further comments. For that reason, I concur.

Separate Statement of Commissioner Joseph R. Fogarty

In Re: Amendment of §§ 73.35, 73.240, and 73.636 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and TV Broadcast Stations.

The time has clearly come for the Commission to consider whether the so-called UHF exceptions to the one-to-a-market and regional concentration rules continue to serve the public interest. Although these exceptions were intended to advance the worthy goal of UHF development, they attempted to do so at the cost of potentially reducing the diversity of program sources. As the *Notice* details, it appears that the UHF exceptions have not contributed significantly to the attainment of that goal, and that the growth and current profitability of UHF broadcast stations warrants a rebalancing of our regulatory policy in favor of the maximum diversification of broadcast ownership.

While I therefore fully support the action proposed by the *Notice*, I do not believe it is either appropriate or necessary to impose a freeze on the 19 applications for new facilities which are presently before the Commission seeking consideration according to the existing UHF exceptions. Many of these applications have been pending since 1977 and all were filed in reliance on our existing rules and policies. Basic considerations of fairness and administrative regularity argue strongly against a freeze under these circumstances. Most importantly, the existing UHF exceptions, which provide for ad hoc determinations as to whether common ownership or control would be in the public interest, afford the Commission sufficient flexibility to identify and balance the competing values of UHF service development and ownership diversity on a case-by-case basis pending completion of this generic rule making proceeding.

[FR Doc. 79-29965 Filed 9-26-79; 8:45 am]
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[6] We have not shown the actual financial figures in order to protect the confidentiality of the individual station data.

[7] We also looked at technical, program, and general and administrative expenses. However, it is difficult to determine if economies in these areas are realized and even more difficult to estimate savings. We did not attempt to statistically compare the data from the combined stations with that from other stations because our sample of stations was very small and the individual elements of the expense data are generally too imprecise for this sort of analysis.

Notice of Inquiry in the Matter of Improvements to UHF Television Reception, Gen. Docket No. 78-391, FCC 78-864, December 20, 1978. Two companion Notices indicate our concern with the UHF comparability problem. *Notice of Inquiry in the Matter of Technical Improvements to Television Receivers and Certain Transmitter Standards*, Gen. Docket No. 78-392, FCC 78-866, December 20, 1978; *Notice of Inquiry in the Matter of Television Receiver Performance Standards*, Gen. Docket No. 78-393, FCC 78-868, December 20, 1978.

[47 CFR Part 83]

[PR Docket No. 79-232; FCC 79-529]

Permitting a Certification on the Expired Ship Station License To Be Considered as a Valid Attachment to a Renewed Station License for a Short Period of Time

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: Amendment of Part 83 of the rules to permit a certification on the expired ship station license to be considered as a valid attachment to a renewed station license for a short period of time, namely, from the date of expiration of the old license until the first subsequent annual inspection. With computerization of the files, it has become increasingly difficult to certify the most recent ship compliance on renewal licenses, as required by the Communications Act. This rule change will assure continued compliance with the statutory requirement.

DATES: Comments must be received on or before October 29, 1979 and Reply Comments must be received on or before November 8, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Irvin Hurwitz, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

Adopted: September 13, 1979.

Released: September 21, 1979.

In the matter of amendment of Part 83 of the rules to permit a certification on the expired ship station license to be considered as a valid attachment to a renewed station license for a short period of time, PR Docket No. 79-232.

1. This action proposes to amend the Commission's rules by permitting a certification on the expired ship station license to be considered as a valid attachment to a renewed station license for a short period of time, namely, from the date of expiration of the old license until the first subsequent annual inspection.

2. Section 362 of Title III Part II of the Communications Act of 1934, as amended, requires that, after completion of the required yearly inspection of compulsory radio equipment, the Commission shall certify on the station license that the station complies with all FCC requirements. Normally this is accomplished by having the Commission engineer, at the completion of his annual inspection, endorse the station license to that effect.

3. However, when a license is endorsed shortly before it is due to expire (the usual term of a license is five years), the renewal that is issued to replace it will not normally carry this endorsement; the information as to when the station was last found to be in compliance will not be immediately available to the interested government inspector aboard the vessel, whether FCC, Coast Guard, or other. This condition may persist until the next FCC annual inspection at which time, of course, the engineer will recertify compliance of the station.

4. It is proposed that, during this period between posting of the renewal license and the first FCC annual inspection thereafter, the licensee continue the posting of the expired license so that the intent of the statutory requirement be met and the information it contains be made immediately available to concerned personnel.

5. The proposed amendments to the rules, as set forth in the appendix below are issued pursuant to the authority contained in Section 4(i) and Sections 303(f) and (r) of the Communications Act of 1934, as amended.

6. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before October 29, 1979, and reply comments on or before November 8, 1979. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs, or comments filed shall be furnished to the Commission. responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. In § 83.339, paragraph (a)(1) is amended to read as follows:

§ 83.339 Station documents.

(a) The compulsory fitted ship radiotelegraph station shall be provided with the following documents:

(1) A valid station license; after expiration the expired license shall remain posted alongside the renewal license until the first Commission detailed inspection subsequent to the expiration has been completed;

* * * * *

2. In § 83.367, subparagraph (a)(1) is amended to read as follows:

§ 83.367 Station documents.

(a) Ship radiotelephone stations subject to the radio provisions of the Safety Convention shall be provided with the following documents:

(1) A valid station license; after expiration the expired license shall remain posted alongside the renewal license until the first Commission detailed inspection subsequent to the expiration has been completed;

* * * * *

[FR Doc. 79-29990 Filed 9-26-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-1; Notice 07]

Motor Vehicle Safety Standards; Glazing Materials

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to amend Safety Standard No. 205, *Glazing Materials,* to delete the abrasion resistance requirements specified for Items 3, 5, 9 and 12 glazing. The proposal is in response to petitions for rulemaking from the California Highway Patrol, PPG Industries and the Specialty Equipment Manufacturers Association. The purpose of the abrasion requirements is to ensure that glazing will resist scratching which could distort and reduce visibility for the driver. The glazing Items specified above, however, can only be used on vehicles in window locations not required for driving visibility. These locations include side windows to the rear of the driver in trucks, multipurpose passenger vehicles and buses and sun

roofs on all vehicles. Since the standard currently does not require glazing in the above auxiliary window locations to be transparent, this notice proposes to delete the abrasion requirments for those glazing types on the basis that abrasion is irrelevant. The notice also proposes to require glazing for use in all rear windows in light trucks and vans to transmit sufficient light (70 percent) to ensure adequate driving visibility through those windows.

DATES: Comments must be received no later than November 13, 1979. Proposed effective date: Upon publication of a final rule for certain aspects of the proposed amendment, and six months after the publication of a final rule for other aspects of the proposed amendment.

ADDRESSES: Comments should refer to the docket and notice numbers and be submitted to: Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Robert Williams, Office of Vehicle Safety Standards, Crashworthiness Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Safety Standard No. 205. *Glazing Materials*, (49 CFR Part 571.205) specifies performance requirements for glazing materials to be used in motor vehicles and motor vehicle equipment, and also specifies the vehicle locations in which various types of glazing may be used. The standard incorporates by reference the American National Standard "Safety Code for Glazing Materials for Glazing Motor Vehicles Operating on Land Highways," Z26.1—1966 (ANS Z26). The abrasion resistance requirements of Standard No. 205 are set forth in ANS Z26 in terms of performance tests that the various "Items" of glazing must pass. (There are 13 "Items" or types of glazing for which requirements are specified in the standard.) Items 3 and 9 glass glazing materials are required to pass abrasion Test No. 18 (less than 2 percent light scatter or haze when abraded for 1,000 cycles) and Items 5 and 12 rigid plastic glazing materials are required to pass abrasion Test No. 17 (less than 15 percent light scatter or haze when abraded for 100 cycles).

The agency has received petitions from the California Highway Patrol (CHP), PPG Industries and the Scpecialty Equipment Manufacturers Association to alter or delete the abrasion resistance requirements of the standard for these types of glazing materials. These petitions have been supported in a submission to the agency by General Motors Corporation.

Petitioners state that the abrasion requirements for these glazing Items result in inconsistencies and fail one material while passing another even though both serve the same purpose and are equally safe. Items 3, 5, 9 and 12 may only be used in vehicle locations not requisite for driving visibility, and none are required to meet the light transmission criteria specified in the standard for glazing used in locations necessary for driving visibility. Petitioners argue that the only purpose of the abrasions tests is to assure that the glazing will be scratch-resistant to prevent distortion of the driver's view, and that since visibility through glazing Items 3, 5, 9 and 12 is not required, the abrasion tests serve no useful purpose. The CHP, therefore, petitioned to delete the abrasion requirements for the four Items altogether. The Specialty Equipment Manufacturers Association petitioned to delete the requirements for Items 3, 5 and 9 glazing.

PPG Industries manufactures an Item 3 glazing (tempered glass) with a colored metallic oxide coating bonded to one surface. The coated glass product was originally developed by PPG for energy efficiency as architectural glazing, but has recently been used in motor vehicles as Item 3 safety glazing with the coating applied to the interior surface. The metallic Oxide side of this glazing will not pass the abrasion resistance requirements of Test No. 18 for Item 3 glazing. PPG points out that Item 3 (tempered glass) and Item 5 (rigid plastics) are permitted to be used in trucks and multipurpose passenger vehicles at levels not requisite for driving visibility yet the abrasion requirements for the two types of glazing vary significantly in terms of stringency. PPG petitioned for the abrasion requirements for Item 3 glazing to be revised to specify that the interior surface (as installed in the vehicle) meet the requirements of Test No. 17 and the outer surface meet the requirements of Test No. 18. PPG argued that its coated glass should be permitted since the standard does not require Item 3 glazing to transmit light and since the coated glass contributes to increased energy efficiency by significantly reducing transmitted solar radiation.

The NHTSA has determined that petitioners arguments have merit. There appears to be no compelling safety need for retaining the abrasion requirements for these four glazing Items since the standard prohibits their use in vehicle locations requisite for driving visibility. While the abrasion requirements for these Items do serve as additional tests of glazing strength and durability, there are other more direct tests of these characteristics applicable to these Items of glazing that should ensure the glazing remains in safe condition throughout its useful life. Likewise, although these types of glazing might at times be used in locations that provide at least auxiliary visibility for drivers, the abrasion requirements are probably not justified since totally opaque glazing is allowed by the standard. In light of these considerations, the agency proposes to delete the abrasion resistance requirements for Items 3, 5, 9 and 12 glazing materials.

The CHP petition also requested revision of the standard to limit light reflectance of glazing materials. The CHP is concerned that the highly-reflective coated materials currently being used on many vans and other vehicles are annoying and cause glare that interferes with the driver's vision of the road and other vehicles. While it may be true that these reflective windows are annoying, the agency is not aware of any data showing that glare from vehicle glazing has resulted in accidents. Without evidence that a safety problem exists, the agency of course cannot initiate rulemaking in this area. Accordingly, this aspect of the CHP petition is denied.

In addition to the above, this notice also proposes to amend Standard No. 205 to clarify that the rear windows in trucks, multipurpose passenger vehicles, and buses having GVWR's of 10,000 pounds or less are considered requisite for driving visibility (the rear-most window, if present, in these vehicles, not side windows). This means that glazing materials for use in rear windows in these vehicles must have a luminous transmittance of at least 70 percent, as specified in Test No. 2 of the ANS Z26 standard. Currently, Standard No. 205 (ANS Z26) allows the use of certain types of glazing that are not required to have a luminous transmittance of 70 percent, if the rear window is not requisite for driving visibility or, for one glazing Item, if other means of providing visibility to the side and rear of the vehicle exist. The standard does not specify, however, which rear windows are necessary for driving visibility. With the recent great increase in the number of light trucks and vans and the increasing use of these vehicles for passenger carrying purposes, the agency has tentatively concluded that any rear window in a truck or van should transmit sufficient light to afford the driver adequate visibility even if the view is partially obscured by cargo or

passengers. The propoed change is intended to clarify the current indefiniteness of the ANS Z26 standard with regard to rear windows in trucks and vans. In correlation with this proposed change, the agency also intends to propose an amendment to Safety Standard No. 111, *Rearview Mirrors* (49 CFR 571.111), that would require inside rearview mirrors for all light trucks and multipurpose passenger vehicles. The agencies believes that, together, these proposed changes will greatly increase driving visibility and safety in these vehicles.

This proposed amendment does not qualify as a significant regulation as defined in Executive Order 12044 and, therefore, a regulatory analysis is not required. The agency's preliminary evaluation indicates that the environmental or economic consequences resulting from this proposed amendment should be minimal, since it would only delete an existing test requirement.

The engineer an lawyer primarily responsible for this notice are Bob Williams and Hugh Oates, respectively.

In consideration of the foregoing, it is proposed that Standard No. 205 (49 CFR 571.205) be amended as set forth below.

1. A new paragraph S5.1.1.7 would be added to read:

S5.1.1.7 Test No. 17 is deleted from the lists of tests specified in ANS Z26 for Item 5 and Item 12 glazing materials and Test No. 18 is deleted from the lists of tests specified in ANS Z26 for Item 3 and Item 9 glazing materials.

2. The following sentence would be added to the end of S5.1.1.6:

"Notwithstanding the other provisions of ANS Z26, the rear windows of trucks, multipurpose passenger vehicles and buses having a GVWR of 10,000 pounds or less, if present, shall be considered requisite for driving visibility."

* * * * *

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

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

Issued on September 20, 1979.

Michael M. Finkelstein,
Associate Administrator for Rulemaking.

[FR Doc. 79-30063 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-59-M

[49 CFR Part 571]

[Docket No. 72-6; Notice 05]

Federal Motor Vehicle Safety Standards; Motorcycle Helmets

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes the amendment of Safety Standard No. 218, *Motorcycle Helmets,* to extend application of the current requirements to all helmets that can be placed on the size "C" headform. The proposed extension would be an interim rule for certification of all large-size and many small-size helmets, until test headform sizes A and D have been developed. The purpose of the proposed extension is to establish a minimum level of performance for a large number of the helmets that are currently not being tested and certified by manufacturers.

DATES: Comment closing date: November 26, 1979.

ADDRESSES: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

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

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

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

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

The standard references and describes in its appendix four test headform sizes (A, B, C, and D). Currently, only test headform size C has been developed, and it is identical to the American National Standard specifications for Protective Headgear for Vehicular Users, ANSI Z90.1-1971. The other test headforms are to be scaled proportionately from the ANSI-Z90 (size C) headform The performance requirements of the standard for helmets fitting other than size C headforms were held in abeyance until these additional headform sizes could be developed. (39 FR 3554, January 28, 1974) Because of problems with prototype headforms supplied to NHTSA under contract (the

headforms did not meet dimensional tolerances considered acceptable), development of these additional headforms has been delayed. The agency anticipates that the standard will include requirements for headform sizes A and D by September 1, 1981 (size B will be deleted from the standard).

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

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

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

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

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

In light of the improper certification and the noncertification, the unavailability of the additional headform sizes until late 1981, the need to ensure the safe performance of the large helmets and the apparent sufficiency of the size "C" headform for testing large helmets, the agency has tentatively concluded that the recommendations of the Safety Helmet Council of America have merit. Therefore, this notice proposes the amendment of Safety Standard No. 218 to require all motorcycle helmets that can be placed on the size "C" headform to be certified in accordance with the requirements of the standard. "Placed" is a broader term than "fit" primarily in that the former term does not imply any upper limit on helmet size.

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

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

The proposed amendment would only be an interim measure to establish a minimum level of performance for the large number of helmets that are currently not being certified for compliance with Standard No. 218. Testing extra-large helmets on the size "D" headform would require a higher level of performance for those helmets, since the weight of the size "D" headform is greater than that of the size "C" headform. Therefore, development of the size "A" and size "D" headforms will continue, and incorporation of requirements in the standard for these headforms will occur after development. However, until this is accomplished, the agency believes that the performance level that will be required by testing on the size "C" headform is preferable to an absence of any requirements whatsoever. As stated earlier, the ANSI standard for helmets specifies only one headform size ("C") for testing all helmets. The additional headform sizes were originally specified in Standard No. 218 in response to suggestions from some manufacturers that requirements

be more "fine-tuned" for the various helmet sizes.

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

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

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

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

In consideration of the above, it is proposed that paragraph S3 of Safety Standard No. 218, *Motorcycle Helmets* (49 CFR 571. 218), be amended to read as follows:

§ 571.218 Standard No. 218; motorcycle helmets.

* * * * *

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

* * * * *

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

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishers to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552 (b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been disclosed or otherwise become available to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

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

Issued on September 20, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-30082 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 44, No. 189
Thursday, September 27, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES COMMITTEE ON JUDICIAL REVIEW; PUBLIC MEETING

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 2:30 p.m., Monday, October 8, 1979, in the seventh floor main Conference Room of Covington and Burling, 888 16th Street, N.W., Washington, D.C.

The Committee will meet to discuss the scope of a project on proposed legislation that amends the Administrative Procedure Act, 5 U.S.C. § 706. The amendment would broaden the scope of judicial review of agency action.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance of the meeting. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information, contact Linda Sedivec (202-254-7065). Minutes of the meeting will be available on request.

Richard K. Berg,
Executive Secretary.
September 21, 1979.
[FR Doc. 79-30038 Filed 9-26-79; 8:45 am]
BILLING CODE 6110-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Modoc National Forest Grazing Advisory Board; Meeting

The fall meeting of the Modoc National Forest Grazing Advisory Board will be held at 1000, October 30, 1979 at the Ranger Station in Adin, California. This meeting will consist of a field tour to examine range improvement practices on the Big Valley Ranger District. The meeting will be open to the public. For additional information contact Jim Kaderabek, District Ranger, 916-299-3215 or Bill Britton, Range and Wildlife Officer, 916-233-3521.

G. Lynn Sprague,
Forest Supervisor.
September 19, 1979.
[FR Doc. 79-29918 Filed 9-26-79; 8:45 am]
BILLING CODE 3410-11-M

Thompson Creek Molybdenum Project Custer County, Idaho; Intent To Prepare an Environmental Impact Statement; Correction

In FR Document 79-26202 appearing on page 49482 in the Federal Register of August 23, 1979, first column, paragraph 6, sentence 4 is corrected to read "Jack E. Bills, Forest Supervisor, Challis National Forest, is the responsible official, and Gordon V. Reid, Forest Planner, Challis National Forest, can be contacted for further information on the Environmental Impact Statement."

Dated: September 18, 1979.

Jack E. Bills,
Forest Supervisor.
[FR Doc. 79-29974 Filed 9-26-79; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 79-9-129; Docket 35361]

Air Carrier Rules Governing Failure To Operate on Schedule or Failure To Carry; Order

By Order 79-4-115, April 19, 1979, the Board tentatively concluded that Rule 380(H) in the domestic passenger rules tariff, CAB No. 142, is unjust and unlawful and should be cancelled. In general, Rule 380 states the obligations airlines assume toward passengers when schedule changes or irregularities result in delay or cancellation of their flights. The carriers undertake to arrange alternate transportation or make a refund to the passenger and provide certain amenities, such as hotel rooms or meals, for some stranded or delayed passengers. Rule 380(H), the rule challenged in this proceeding, exculpates the airlines from any additional liability to passengers, regardless of the circumstances:

> Except to the extent provided in this rule, no carrier shall be liable for failing to operate any flight according to schedule or for changing the schedule of any flight, with or without notice to the passenger.

The Board noted in Order 79-4-115 that this exculpatory clause is so broad as to cover virtually any type of scheduling problem and passenger inconvenience. This overbreadth, the Board explained, presents greater cause for concern in an increasingly flexible and competitive environment, when carriers have greater freedom to enter and withdraw from markets and greater incentive to change schedules for business reasons. The greater likelihood of schedule changes and interruptions planned in advance increases the potential hazard to passengers of a rule absolving airlines from all responsibility to notify passengers of changes or cancellations.

The Board has received several responses to its order, all from carriers objecting to cancellation of Rule 380(H).[1] Generally, the carriers content that the Board's proposed action goes beyond what is necessary to solve two specific problems identified by the Board—notification to passengers of advance cancellations and rebooking in connection with service withdrawals. The carriers assert that cancellation of Rule 380(H) would make them guarantors of their schedules and could subject them to liability for consequential damages, even for cancellations and delays beyond their control. Additionally, the carriers have raised procedural objections, contending that the Board cannot cancel a tariff rule without holding an adjudicatory hearing and prescribing a lawful replacement rule.

Having carefully considered the carriers' objections, we have concluded that our tentative findings should be made final. As more fully discussed below, we believe that the show cause procedures used here meet the requirements of the Federal Aviation Act and the Administrative Procedure

[1] Comments were filed by the following carriers: US Air, Aloha, American, Braniff, Continental, Delta, Eastern, Hughes Airwest, Republic, Southwest, TWA, and United. Continental filed its comments a day late, accompanied by a motion for leave to file an otherwise unauthorized pleading. We grant Continental's motion.

Act, and that the Carriers' substantive objections to cancellation are largely based on misunderstanding of the purpose and impact of the Board's proposed action. Accordingly, we are now ordering cancellation of Rule 380(H) of CAB No. 142.[1a]

Substantive Issues

The objecting carriers raise similar substantive objections to the Board's proposal to cancel Rule 380(H). The several points they present can be grouped into three main criticisms.

First, the carriers contend, cancellation of the exculpatory clause is far too sweeping a remedy for the problems actually presented by the airlines' current handling of schedule changes and irregularities. They argue that the clause is reasonable when considered in the context of Rule 380 as a whole, which provides many benefits for passengers. The carriers note that the Board has referred explicitly to only two specific problems presented by Rule 380—the carriers' lack of any obligation to notify passengers of cancellations or schedule changes made in advance, and the carriers' apparent lack of obligation to rebook passengers on other carriers' flights when withdrawing all service from a market. In practice, the carriers assert, most airlines voluntarily provide notification or interline rebooking in these situations, so cancellation of the rule that would insulate them from liability should they fail to provide these voluntary protections is unnecessary. Alternatively, some carriers acknowledge the existence of problems, but contend that they could be remedied by modifying the other provisions of Rule 380 or by other means, such as the Board's orders directing carriers withdrawing service under § 401(j) of the Federal Aviation Act to notify their passengers and assist them with rebooking (citing Orders 79-5-87, 79-5-137, 79-5-189). The comments of Delta Airlines disputing the Board's assertion that the rule is overbroad are typical:

> Rule 380(H) is only the uppermost ceiling on airline liability. It *only* applies in situations *not* covered by the other, extensive provisions in Rule 380. Rule 380 must be read in its entirety and with care together with an examination of the airlines' actual application of the Rule in order to appreciate the full array of amenities provided passengers who are inconvenienced by schedule irregularities. (Emphasis in original.)[2]

We think these arguments miss their mark. Even if true, the fact that airlines seldom act unreasonably is not a sufficient justification for retaining a tariff rule that absolutely immunizes them from liability when they do act unreasonably. In pending Federal court litigation Delta itself, in pleadings that we notice officially as a matter of public record, has taken the position that Rule 380(H) acts as an absolute bar to a suit alleging negligence and fraudulent misrepresentation, in addition to breach of contract, in connection with a flight schedule irregularity:

> The applicability of Rule 380(H) is not dependent on the source of the delay, the reasons why notice of the delay may or may not have been given, or the timing of any such notice. . . .
>
> It bars all liability for scheduling delays, "with or without notice to the passenger." The plantiff's "reasonableness test" is but an attempt to avoid giving effect to the language of Rule 380(H).

Reply Statement of Points and Authorities in Support of Motion to Dismiss, at 4-5, April 27, 1979, *Rubin* v. *Delta Airlines, Inc.*, Civil Action No. 79-0186, D.D.C. We express no opinion, of course, on the merits of the particular claims involved in this litigation. But we believe that a tariff rule that purports to provide an absolute technical defense to any allegations of negligent and intentional tort that may arise from a schedule change or irregularity is unreasonably overbroad on its face.

Moreover, this overbreadth would not be cured even if, as the carrier asserts, alternate solutions to two specific problems cited by the Board could be found. As the *Delta* litigation demonstrates, these two problems are only examples, albeit important ones, of the reach of Rule 380(H). Resolving either or both of them would not render the clause reasonable when an airline could still rely on it to deny liability even for intentional torts or to limit its liability for negligence without providing actual notice to the passenger of the limitation. In any case, we are not persuaded that the alternative "solutions" proposed by the carriers will be better or more effective ways of dealing even with the specific problems than cancellation of Rule 380(H).

The carriers' second major contention is that elimination of Rule 380(H) will increase litigation against the carriers, leading to a host of bad consequences—an increase in costs that will have to be passed on to consumers, subjection of airlines to the vexatious or "nuisance" claims of unscrupulous litigants who hope to be "bought off", development of inconsistent or onerous legal principles by the courts, and substitution of an indefinite expensively obtained judicial remedy for consumers for the clearly defined and immediately available tariff remedy.

At best, these claims are entirely speculative. If, as they assert, the airlines regularly make their best efforts to notify and accommodate passengers affected by schedule changes, they should have little fear of noticeable increases in litigation,[3] particularly since the small amounts of provable damages likely to be at stake in most such cases would not provide much of an incentive to litigate.[4] We doubt that large numbers of airline travelers are waiting for the opportunity to press frivolous or dishonest claims. Moreover, we are confident of the ability of judges to discern whether claims are substantial or frivolous and to apply suitable principles of law to those cases that reach the courts. There is, of course, some risk of inconsistent precedents—the same risk faced by any litigant in our judicial system, in which inconsistent decisions may be rendered at any time the same legal issue is raised in more than one forum.

When the Board's tariff authority expires in 1983, airlines will face the ordinary risks of litigation, including frivolous lawsuits and inconsistent precedents, involving every aspect of their business, just as other companies do. We do not believe that protecting

[1a] On September 14, 1979, Airline Tariff Publishing Company issued a new rules tariff, CAB No. 352, to replace CAB Nos. 142 and 248 as of October 15, 1979. The new tariff did not change the text of Rule 380(H), but redesignated it Rule 240(H) of CAB No. 352. Accordingly, this Order applies to Rule 240(H) of CAB No. 352 as the successor of Rule 380(H).

[2] Objections of Delta Air Lines, Inc. at 2-3. Delta's assertion that Rule 380(H) applies only in "situations" not otherwise covered by Rule 380 may be misleading. In fact, Rule 380(H) protects carriers from liability for failing to notify passengers promptly in *all* of the situations to which Rule 380 applies. For schedule changes planned in advance, prompt notice can often be the difference between a convenient rebooking that really protests the passenger and an inconvenient one that causes financial damage or a disruption in plans.

[3] Aloha Airlines and Republic Airlines contend that cancellation of Rule 380(H) would necessitate vast, expensive changes in reservations systems to avoid potential liability for failure to notify passengers of changes. This contention is apparently based on the assumption that cancellation of Rule 380(H) will somehow make carriers strictly liable to all passengers affected by schedule changes. A carrier that has actually made its best efforts under the circumstances to notify passengers of a change, whether directly or through a ticketing travel agent, will not face significant liability to those few pasengers who cannot be reached.

[4] Delta's comment that the Board's Bureau of Consumer Protection advises consumers to go to small claims court regardless of the merits of their claims, we note in passing, is a mischaracterization. BCP does not purport to act as private counsel by recommending whether a consumer should pursue a claim. BCP does, however, inform consumers that small claims court may be an alternative, should they wish to pursue their claims.

carriers from litigation is a proper goal of the Board, particularly when the protection is against legitimate claims as well as frivolous ones.

Most especially, we do not understand why cancellation of Rule 380(H) would relegate travelers in each case to an uncertain litigation remedy rather than the stable, immediately available protections provided by Rule 380. Carriers may continue to follow the practices prescribed in the rule, and to take the additional measures they assert they undertake in practice. We anticipate that these will continue to be adequate to cover the vast majority of consumer problem situations. Cancellation of Rule 380(H) will by no means obligate carriers to negotiate a satisfactory individual arrangement with each passenger. It will simply place passengers on a more equal footing with carriers when the standard tariff remedy is inadequate.

Finally, some carriers contend that cancellation of Rule 380(H) will effectively require airlines to guarantee their schedules. As the Board made clear in Order 79-4-115, it is not our intention to require carriers to guarantee their schedules. Nor do we means to prohibit airlines from setting reasonable limits on their liability for schedule irregularities. We do not believe that cancellation of Rule 380(H) will produce these results.

The carriers' apparent assumption that the only alternatives are the exact liability limitations of Rule 380(H) or none at all is unfounded. Most carriers already print on their tickets the statement that they do not guarantee their schedules, and we see nothing unreasonable in establishing this as a contract term. As a matter of contract, carriers, like other purveyors of goods and services, may establish reasonable liability limits allocating the risk of delay or service interruption between carrier and passenger.[5] We feel confident the courts, if called upon to handle cases arising out of schedule irregularities, will recognize this fact and evaluate the limits established by airlines under the same principles of conscionability they would apply to other contracts.[6] But we see no reason why carriers must also exculpate themselves from *any* responsibility for intentional torts or for negligent failure to notify passengers promptly of a schedule change so that inconvenience will be minimized. Nor do we believe they should be able to do so by means of a tariff rule, the reasonableness of which the Board has never previously addressed in specific terms, and the purported lawfulness of which is offered as an absolute defense in the courts, without providing actual notice of the limitation to the passenger.

Procedural Issues

Several carriers contend that the Board cannot use show cause procedures to cancel a tariff rule, but must hold an adjudicatory hearing. The simple answer to this assertion is that it is incorrect. Not every administrative "hearing" required by statute must be a trial-type oral hearing, and the Board has used show-cause procedures to determine the lawfulness of tariff rules before. *See* Orders 77-2-9, 77-7-43.

Administrative agencies perform both adjudicatory and legislative functions, and different procedural requirements apply to each function. In determining the lawfulness of a tariff rule in wide use on the basis of general legal procedures and policy considerations, the Board is engaging in a legislative function. Under the Administrative Procedure Act, the Board need provide only the notice and comment procedures required by 5 U.S.C. § 553 unless its own statute requires that such proceedings be conducted in "on-the-record" hearings. Section 1002(d) of the Federal Aviation Act provides that the Board shall find rates or rules unlawful "after notice and hearing", but there is no indication that an adjudicatory or "on-the-record" trial type hearing is required, and we believe the law is clear that such a hearing is not required, especially where, as here, there are no material issues of disputed fact whose resolution requires full trial-type procedures. *Vermont Yankee Nuclear Power Corp.* v. *National Resources Defense Council*, 435 U.S. 519 (1978); *United States* v. *Florida East Coast (Railway Co.,)* 410 U.S. 224 (1973); *United States* v. *Allegheny-Ludlum Steel Corp.*, 406 U.S. 742 (1972).

Order 79-4-115 gave full notice of the Board's proposed action and explicitly asked interested persons to present any arguments or data in support of their objections to that action in written form. The Board instructed those who desired an oral evidentiary hearing to identify the facts that would be developed in such a hearing and explain why adjudicatory procedures would be necessary.

Only one carrier—United—listed specific factual issues that in its view required exploration in an adjudicatory hearing. United has not provided any factual information or data on these issues, nor has it offered any reason why such information could not be presented in written objections. We are not persuaded that an adjudicatory hearing is required to develop a record on any of these issues. All four issues raised by United are based on its erroneous legal, not factual, assumption that the Board's action would result in unlimited liability for carriers as insurers against bad weather or other circumstances beyond their control. And all four deal with totally speculative conjectures as to carrier and passenger behavior in response to this unlimited liability, not with any matters as to which useful factual or statistical information is likely to be available.[7] We decline to waste Board resources holding an adjudicatory hearing that is neither required by law nor potentially useful in developing and resolving important factual issues.

Several carriers also contend that the Board must prescribe a lawful replacement rule in order to cancel Rule 380(H). We recognize that section 1002(d) of the Act states that the Board "shall determine and prescribe . . . the lawful classification, rule, regulation, or practice thereafter to be made effective." But the airline industry is already in transition from regulation to market competition. The Board no longer determines single "lawful" fares for transportation, but establishes wide zones of reasonableness within which carriers are free to make their own fare choices. Similarly, the carriers' practices and the terms and conditions under which they offer transportation may be selected from among a range of reasonable options. In this increasingly competitive environment, we do not believe that section 1002(d) eliminates our discretion to find in a particular case

[5] We note that commuter airlines limits their liability through contract although they file no tariffs at all with the Board, and they have not indicated that any difficulties have resulted from this approach.

[6] As discussed later in this order, we will waive section 221.38 of our rules, 14 CFR 221.38, to the extent necessary to permit carriers to limit their liability for schedule changes or irregularities through direct contractual means without filing a substitute rule for Rule 380(H). This should insure that courts will not misconstrue the absence of a liability limitation in Rule 380 to mean that the carrier has assumed unlimited liability to passengers.

[7] One issue raised by United is whether airlines or their employees might consider possible liability exposure in making flight schedule decisions that may affect flight safety. We doubt whether this will be a problem, since we have not proposed to impose unlimited liability on carriers, and since the carriers have the means to limit their actual liability exposure through insurance coverage. We will, however, be watchful for evidence that an airline is repeatedly taking unnecessary safety risks for this or any other reason, and will refer any such problems promptly to the Federal Aviation Administration, which has jurisdiction over air safety matters.

that no one "lawful" rule needs to be or should be prescribed. Such a strict interpretation of the section is unwarranted and would be inconsistent with the procompetitive policies established by Congress in the Airline Deregulation Act.

We have concluded that Rule 380(H), as currently written, is unlawful. But there is more than one reasonable limitation of liability carriers could adopt that we would not find unlawful. While we don't believe carriers should have to guarantee their schedules, for example, we see no reason why a carrier should not be permitted to do so, by offering greater financial protection for passengers in case of a delay, if it chooses. Particularly in a time sensitive industry like air transportation, where carriers already compete on the basis of ability to meet their schedules, the level of contract liability for delay assumed by a carrier is well suited to be an element of competition among carriers.

We would prefer, moreover, that liability limitations for delay be established directly between airlines and their customers through normal contractual means, with ultimate resort to the courts, rather than to the Board, if it should become necessary to test the legality of any such limitations. The tariff system will be eliminated in 1983, and a non-tariff approach to this problem could provide useful experience for airlines and the traveling public. Moreover, we are concerned generally about the fairness of attempting to bind consumers to the terms of exculpatory clauses and liability limits that are contained only in tariff rules and are never communicated directly to the consumer. Accordingly, we believe that it is in the public interest not to prescribe a substitute rule for Rule 380(H) at this time.

The Board encourages airlines to adopt a contract approach to this problem, as described above, and we waive section 221.38 of our rules insofar as it would require those airlines who choose the contract approach to file substitute provisions for Rule 380(H). The Board will, however, permit carriers to file substitute tariff provisions that avoid the overbreadth of Rule 380(H) if they wish to. These new tariff filings will be subject to specific Board review of their reasonableness. We would, however, expect carriers filing such revised tariff rules to make provision for giving direct, easily understood notice to passengers of their liability limits.

Accordingly:

1. Effective 45 days from the date of service of this order, Rule 380(H) of CAB No. 142 (and its successor, Rule 240(H) of CAB No. 352) is cancelled insofar as it applies to interstate and overseas operations of U.S. certificated carriers;

2. Section 221.38 of the Board's Economic Regulations, 14 CFR 221.38, is waived insofar as it would require U.S. certificated carriers who choose to limit their liability for schedule changes and irregularities in their interstate and overseas operations by direct contract to refile substitute tariff provisions for Rule 380(H); and

3. Except as otherwise stated in this order, all objections and motions are denied.

This order shall be served on all U.S. certificated carriers and shall be published in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30029 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-9-111]

Air Route Nonstop Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-9-111.

SUMMARY: The Board is proposing to award air route nonstop authority under section 401 of the Federal Aviation Act of 1958, as amended, between the terminal point Boise on the one hand, and the alternate terminal points San Francisco, San Jose, Oakland, Portland, Reno and Salt Lake City on the other to Air California, and any other fit, willing and able carrier the fitness of which can be established by officially noticeable material.

The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than October 26, 1979, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year and (d) a statement as to the availability of fuel for its proposed service are directed to do so no later than October 11, 1979.

ADDRESSES: Objections to the issuance of a final order, or additional data as described above, should be filed in the Docket 36638, which we have entitled the *Boise-San Francisco/San Jose/Oakland/Portland/Reno/Salt Lake City Show-Cause Proceeding.* They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Samuel J. Lebowich, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5329.

SUPPLEMENTARY INFORMATION: Objections should also be served upon the following persons: Air California, Hughes Airwest, Western Airlines, United Air Lines, Air Oregon, Mountain West Airlines, Gem State Airlines, the Mayors and Airport Managers of Boise, San Francisco, San Jose, Oakland, Portland, Reno and Salt Lake City, the California Department of Transportation, the Nevada Public Service Commission, the Oregon State Department of Transportation and the Utah Department of Transportation.

The complete text of Order 79-9-111 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-9-111 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30027 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q of the Board's Procedural Regulations

Notice is hereby given that, during the week ended September 21, 1979 CAB has received the applications listed below, which request the issuance, amendment, or renewal of certificates of public convenience and necessity or foreign air carrier permits under Subpart Q of 14 CFR 302.

Answers to foreign permit applications are due 28 days after the application is filed. Answers to certificate applications requesting restriction removal are due within 14 days of the filing of the application. Answers to conforming applications in a restriction removal proceeding are due 28 days after the filing of the original application. Answers to certificate applications (other than restriction removals) are due 28 days after the filing of the application. Answers to

conforming applications or those filed in conjunction with a motion to modify scope are due within 42 days after the original application was filed. If you are in doubt as to the type of application which has been filed, contact the applicant, the Bureau of Pricing and Domestic Aviation (in interstate and overseas cases) or the Bureau of International Aviation (in foreign air transportation cases).

Subpart Q Applications

Date filed	Docket No.	Description
Sept. 18, 1979	36619	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., pursuant to Section 401 of the Act requesting a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following market: "Between the terminal point New Orleans, La., and the terminal point Washington, D.C." National hereby reserves the right to amend this application to add other terminal and/or intermediate points as may be included in the geographic area of any proceeding within which this application may be consolidated. Conforming answers and applications are due October 15, 1979.
Sept. 18, 1979	36620	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., pursuant to Section 401 of the Act requesting a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transporation of persons, property, and mail on a permissive basis in the following markets: "Betweeen the terminal point Denver, Co., and the terminal point Fresno, Ca. Between the terminal point Sacramento, Ca., and the terminal point Fresno, Ca." Conforming applications and answers due October 15, 1979.
Sept. 18, 1979	36621	National Airlines, Inc., P.O. Box 592055, Airport Mail Facility, Miami, Florida 33159. Application of National Airlines, Inc., pursuant to Section 401 of the Act requesting a certificate of public convenience and necessity authorizing it to engage in nonstop scheduled air transportation of persons, property, and mail on a permissive basis in the following markets: "Between the terminal point Albuquerque, NM, and the terminal point Dallas, TX. Between the terminal point Albuquerque, NM, and the terminal point El Paso, TX. Between the terminal point Albuquerque, NM, and the terminal point Phoenix, AZ. Between the terminal point Albuquerque, NM, and the terminal point San Diego, CA. Between the terminal point Albuquerque, NM, and the terminal point San Francisco, CA. Between the terminal point Albuquerque, NM, and the terminal point San Jose, CA. Between the terminal point Albuquerque, NM, and the terminal point Tucson, AZ." Conforming applications and answers are due October 15, 1979.
Sept. 20, 1979	36658	U S Air, Inc., Washington National Airport, Washington, D.C. 20001. Application of U S Air, Inc., requests the Board pursuant to Section 401 of the Act, Part 201 and Subpart Q of Part 302 of the Board's Economic Regulations for an amendment of its certificate of public convenience and necessity for Route 97 so as to remove its one-stop restriction in the Dallas/Ft. Worth, Texas-Corpus Christi, Texas market. Conforming Applications and Answers are due on October 4, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30030 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

Dismissed Passenger Fare/Cargo Rate Investigations

AGENCY: Civil Aeronautics Board.

ACTION: Notice of dismissed miscellaneous passenger fare/cargo rate investigations (Order 79-9-125).

SUMMARY: The Board is: (1) dismissing various fare and rate investigations made moot by intervening statutory and policy changes (Dockets 30288, *et al.*); (2) proposing to dismiss, absent the receipt of compelling justification for its continuation, an investigation of rates for multi-container cargo shipments in Docket 30528.

DATES: Any interested person believing the multi-container rate investigation should continue shall file by October 10, 1979, a statement of the reasons for such belief along with information sufficient to identify the extent of any harm that would flow from the continuation of these rates and a description of the persons or entities upon whom it would fall; answers are due on October 19, 1979. Such filings shall be served upon all parties listed below.

ADDRESSES: Requests for continuation of this investigation shall be filed in the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 30528, entitled *Container Charges between New York and Los Angeles/San Francisco proposed by American Airlines, Inc.*

In addition, copies of such filings shall be served on American Airlines, Inc., The Flying Tiger Line Inc., Trans World Air Lines, Inc., United Air Lines, Inc., the Air Freight Forwarders Association, Shulman Air Freight, Inc., the Mayor of Los Angeles, California, and the Mayor of New York City, New York, and the Mayor of San Francisco, California.

FOR FURTHER INFORMATION CONTACT: Joseph Bolognesi, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5057.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-9-125 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-9-125 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-30025 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

[Docket 35394]

Kodiak-Western Alaska Airlines, Inc. et al.

In the matter of application of Kodiak-Western Alaska Airlines, Inc. and Charles F. Willis III for approval of control and interlocking relationships under sections 408 and 409 of the Act.

By application filed April 24, 1979, as supplemented July 23, 1979, Kodiak-Western Alaska Airlines, Inc. (Kodiak) and Charles F. Willis III request that the Board approve, under sections 408 and 409 of the Act, the control and interlocking relationships resulting from the acquisition of control of Kodiak by Mr. Willis, the sole owner of Charles F. Willis III Co., Inc. (Willis Corporation), and the leasing of aircraft to Kodiak by Willis Corporation. Mr. Willis, as an individual, proposes to acquire control of Kodiak by purchasing the Kodiak stock currently held by Robert L. Hall and Helen F. Hall.[1]

[1] Robert L. Hall owns 32,500 shares of Kodiak's capital stock and Helen F. Hall owns an equal number of shares. Together the Halls own 65 percent of Kodiak's outstanding capital stock. Mr. Hall is President of Kodiak; Mrs. Hall is the airline's Secretary.

Kodiak is a certificated air carrier engaged in the carriage of persons, property, and mail[2] in the Kodiak Island, King Salmon, Dillingham, and Bristol Bay areas of Alaska. It operates thirteen aircraft, one of which is leased from Willis Corporation.[3]

Willis Corporation, the applicants allege, is a person substantially engaged in aeronautics. It acts primarily as an aviation consultant on a fee basis, giving advice on matters involving aircraft operations and regulatory agency procedures. It has acted as a broker in the sale of aircraft on a commission basis, and has purchased as a principal one Cessna 207 aircraft which it has leased to Kodiak for a five-year period commencing June 27, 1979. It has also been engaged in transporting Vietnamese refugees from Southeast Asia to the United States, under a contract with the United Nations Committee for European Migration. According to the applicants, Willis Corporation is no longer engaged in air carriage, does not hold out such service to the general public, and does not plan to do so in the future.

Mr. Willis is an officer, director, and the sole owner of Willis Corporation. Since February 1, 1979, he has been Vice President-Sales and Promotion and a director of Kodiak.[4] Since that time, he has received a monthly salary plus reimbursement of expenses in the same manner as Kodiak's other corporate officers. Mr. Willis currently owns no stock in Kodiak. Upon acquiring the Halls' capital stock, he will become Kodiak's President and Chief Executive Officer, replacing Mr. Hall.

We have received no comments on this application.

We have tentatively concluded that the acquisition of control of Kodiak by Mr. Willis, resulting in the common control of Kodiak, on one hand, and of Willis Corporation, on the other hand, should be approved.

While the proposed acquisition will result in the common control of a certificated air carrier and an aircraft lessor, such control relationships do not raise issues new to the Board.[5] The Board has expressly permitted such control previously and has also declined to require that such preexisting relationships be terminated upon initial certification of a carrier.[6] Moreover, such common control relationships have been found to pose no anticompetitive threat.[7] Thus, we tentatively conclude that the common control relationships here cannot be construed as lessening competition in any way.[8]

Furthermore, we tentatively conclude that the proposed acquisition of control and common control relationships described above will not result in a monopoly, nor further a combination or conspiracy to monopolize or to attempt to monopolize the business of air transportation in any region of the United States; will not substantially lessen competition, tend to create a monopoly or to otherwise restrain trade in any region of the United States; and wil not otherwise be inconsistent with the public interest; and that, except to the extent granted, all other requests in this docket should be dismissed.

Insofar as the leasing of an aircraft by Kodiak from Willis Corporation may be subject to section 408(a)(3) of the Act, the transaction comes within the ambit of Part 299.3 of the Board's Economic Regulations and requires no further action.[9]

The interlocking relationships resulting from the control relationships described above are subject to the exemptions set forth in sections 287.3 and 287.4 of the Board's Economic Regulations and, accordingly if an order making final our tentative conclusions here is issued, no further relief will be necessary.[10]

We further tentatively conclude that show cause procedures should be used to grant the necessary approvals, since we have found no anticompetitive potential in this case.[11] Furthermore, no one has objected to this application, nor do there appear to be any material, determinative issues of fact that require a full evidentiary hearing for their resolution. Therefore, we will direct all interested persons to show cause why the tentative conclusions, findings, and proposed approvals should not be made final.[12]

Accordingly,

1. We direct all interested persons to show cause why we should not make final our tentative conclusions and findings and issue an order that would approve the acquisition of control of Kodiak-Western Alaska Airlines, Inc. by Charles F. Willis III and the resulting common control relationships that follow from the acquisition of control, as described above;

2. Any person disclosing a substantial interest in our proposed approvals and supporting or objecting to our issuing an order making final our tentative findings and conclusions, or desiring the imposition of conditions upon approval, shall file comments with us within 14 days of the date of service of this order; and

3. A copy of this order shall be served upon the U.S. Attorney General and Secretary of Transportation.

This order shall be published in the Federal Register.

By the Civil Aeronatucls Board.

Phyllis T. Kaylor,

Secretary.

All Members concurred except Member O'Melia who did not vote.

[FR Doc. 79-300-28 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

[2] Kodiak receives mail pay subsidy, from the Board. See Order 79-1-156, January 24, 1979 and the orders cited there.

[3] In addition to the aircraft leased from Willis Corporation, Kodiak's aircraft fleet is comprised of six aircraft owned by the air carrier and six aircraft leased from other sources.

[4] According to the applicants, Mr. Willis has attended two meetings of Kodiak's Board of Directors, one as an observer and one as a full voting participant.

[5] See Wright Air Lines, Inc., Air Cleveland, Inc., Garsco, Inc., *et. al.*, Control and Interlocking Relationships, Docket 32947, Order 79-6-164, June 28, 1979.

[6] See *F.G.H. Financial Corporation Stock Acquisition of McCulloch International Airlines, Inc.*, Order 75-8-150, July 31, 1975. See also Continental Air Lines, Inc. and Continental Aircraft Services, Inc., Order 77-3-81, March 15, 1977, and *Mackey Certification Proceeding*, Order 78-7-107, July 24, 1978.

[7] See Orders 75-8-150 and 77-3-81, *supra*.

[8] In the event that the Willis Corporation should resume its air carriage activities, new issues could be raised which could only be resolved upon the filing of further applications for Board approval. The need for further applications could also arise with the expansion of Willis Corporation's other aviation-related activities or with Kodiak's engagement in non-transport activity—see section 399.90 of the Board's Regulations's. Thus, we will retain jurisdiction to take any further action that the public interest may require. The applicants have not requested relief from the antitrust laws and we will confer none.

[9] See ER-1136, July 27, 1979.

[10] The application discloses that relationships in possible violation of sections 408 and 409 of the Act may have existed previously. Our action here does not preclude enforcement action regarding those violations. See Swift International Forwarders, Inc., Order 76-12-84, December 14, 1976.

[11] See Order 79-6-164, *supra*. Since our proposed action in this case would not result in any substantial change in the level of existing air service, we tentatively find that our action is neither a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, nor a major regulatory action within the meaning of the Energy Policy and Conservation Act of 1975.

[12] We anticipate that such persons will support their objections with detailed answers specifically setting forth the tentative findings and conclusions to which they object. Persons supporting approval are similarly expected to document their positions.

[Order 79-9-104]

Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 70-9-104, Charleston, W. Va.-New York, Charleston, W. Va.-Atlanta Show-Cause Proceeding, Docket 36635.

SUMMARY: The Board is proposing to remove one stop restrictions in Piedmont's authority between Charleston, W. Va. and New York/Newark, and between Charleston, W. Va. and Atlanta; to remove the one-stop restrictions in USAir's authority between Charleston, W. Va. and New York/Newark, and to grant Charleston, W. Va.-New York/Newark and/or Charleston, W. Va.-Atlanta to any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than October 26, 1979, a statement of objection, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

ADDITIONAL DATA: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than October 11, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Peter M. Bloch, B-72, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. (202) 673-5340.

SUPPLEMENTARY INFORMATION: Objections should be served upon Piedmont and USAir.

The complete text of Order 79-9-104 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-9-104 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-30028 Filed 9-26-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on October 23, 1979, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents associated with agricultural production; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers and users of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m., is: (1) Introductory remarks by the Director of the Census Bureau; (2) current Bureau activities and the legislative situation; (3) report on 1978 Census of Agriculture data collection, processing, tabulation, and publication; (4) use of area segment sample results; (5) changing needs for agricultural statistics; (6) follow-on surveys, and other background papers; (7) statistical concepts for today's food and fiber industry, including: (a) the farm gate concept and problems, (b) the establishment and company concept, (c) the statistical research requirements, and (d) discussion; (8) policy plans for the 1982 Census of Agriculture; and (9) Committee recommendations and election of chairperson-elect.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Orvin L. Wilhite, Chief, Agriculture Division, Bureau of the Census, Room 3615, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233), Telephone: (301) 763-5230.

Dated: September 24, 1979.

Vincent P. Barabba,

Director, Bureau of the Census.

[FR Doc. 79-30031 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-07-M

Foreign-Trade Zones Board

[Docket No. 9-79]

Foreign-Trade Zone—Clinton County, N.Y.; Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Clinton, State of New York, requesting authority to establish two general-purpose foreign-trade zone facilities within the County, one near the Clinton County Airport in the Town of Plattsburgh (Site No. 1) and the other in the Town of Champlain (Site No. 2) on the Canadian border. The sites are adjacent to the Champlain-Rouses Point Customs port of entry.

The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formerly filed on September 6, 1979. The County is authorized to make this proposal under Chapter 575 of the New York Laws of 1979, approved on July 10, 1979.

The proposal for Site 1 calls for the establishment of a 24-acre general-purpose zone owned by the County within the 200-acre Clinton County Air Industrial Park in Plattsburgh. The Clinton Area Development Corporation, a quasi-public New York corporation, plans to construct an 80,000-square foot zone facility.

Site 2 involves an 11-acre parcel in the Town of Champlain at the U.S. Customs border crossing into Canada. The tract is owned by the Champlain Warehouse and Distribution, Inc. (CWD) and includes a 60,000 square foot warehouse facility presently operated under Customs bonded procedures. Initially a 5,000 square foot portion of this facility would be activated for zone purposes. CWD would operate both sites for the County.

The application contains economic data and information concerning the need for providing zone services for firms in the Clinton County area. Several firms have indicated their intention to use the zone for warehousing, distribution, assembly, and light manufacturing activities on various products including printing

machinery, luggage, electric motors, furniture, cosmetics, foodstuffs, cassette tapes, and control valves.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets, NW, Washington, D.C. 20230; Donald F. Kelly, Assistant Regional Commissioner (Operations), U.S. Customs Services, Region I, 100 Summer Street, Suite 1819, Boston, Massachusetts 02110; and Colonel Clark H. Benn, District Engineer, U.S. Army Engineer District New York, 26 Federal Plaza, New York, New York 10007.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on October 24, 1979, beginning at 9:00 a.m., in the Legislative Chambers of the Clinton County Legislature, located in the Government Center at 135 Margaret Street in Plattsburgh, New York. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by October 17, notify the Board's Executive Secretary of their desire to be heard either in writing at the address below or by phone, 202/377-2862. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through November 23, 1979. Evidence submitted during the post-hearing period is not desired unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing.

A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Clinton County Area Development Corp., 2nd floor, Surrogate's Building, 137 Margaret Street, Plattsburgh, New York.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets, N.W., Washington, D.C. 20230.

Dated: September 24, 1979.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 79-30017 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-25-M

Office of the Secretary

National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete; Open Meeting

The Subcommittee of the National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete will hold its second meeting on October 23-24, 1979, at Room B111, Building 225, National Bureau of Standards, Gaithersburg, Maryland. The Subcommittee will meet from 10:00 a.m. to 5:00 p.m. on Tuesday and from 9:00 a.m. to 4:00 p.m. on Wednesday.

Tentative agenda items include:

1. Presentation and discussion of test method supplemental information documents.
2. Review of submitted test questions for incorporation into supplemental information.
3. Discussion of proficiency testing program requirements.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Subcommittee 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 the minutes and material distributed will be made available for reproduction following certification by the Subcommittee Chairman, in accordance with the Federal Advisory Committee Act, at Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230.

Additional information may be obtained from James Bryson of the Office of Testing Laboratory Evaluation Technology, Room B06, Building 225, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234; telephone: 301-921-2368.

Dated: September 24, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79-30076 Filed 9-26-79; 8:45 am]

BILLING CODE 3510-13-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts will next meet in open session on Tuesday, October 23, 1979, at 10:00 a.m. in the Commission's offices at 708 Jackson Place, NW., Washington, D.C. 20006 to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Mr. Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

Dated in Washington, D.C. 21 September 1979.

Charles H. Atherton,

Secretary.

[FR Doc. 79-29975 Filed 9-26-79; 8:45 am]

BILLING CODE 6330-01-M

Privacy Act of 1974; Systems of Records; Annual Publication

As required by 552A (E) (4) Privacy Act of 1974 for each agency to publish its systems of record. The Commission of Fine Arts reports no changes since its last published text, 42 FR 473 89 of September 20, 1977. All systems remain in effect.

Charles H. Atherton,

Secretary.

September 20, 1979.

[FR Doc. 79-30037 Filed 9-26-79; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel

In accordance with Public Law 95-202, Section 401 (The G.I. Bill Improvement Act of 1977), and under the provisions of DODD 1000.20, Determinations of Active Military Service and Discharge: Civilian or Contractual Personnel, the Secretary of the Air Force, under authority delegated by the Secretary of Defense, determined on August 31, 1979, that the service of the Engineer Field Clerks (WW I), whose service encompassed approximately the period July 1917 through, in some instances, 1921, shall be considered active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans Administration. Individual members of the Engineer Field Clerks (WW I) may submit applications to the Department of the Army, Commander, U.S. Army Reserve Components Personnel and Administrator Center (Attn: PSD), 9700 Page Boulevard, St. Louis, MO 63132. Applications may be prepared using DD Form 2168 or in narrative form. Applications on behalf of individuals who are deceased or incompetent must be accompanied by

legal proof of death or incompetency. Applications should include any supporting material or evidence of membership and character of service performed which supports the individual claim of membership in the Engineer Field Clerks (WW I).

FOR FURTHER INFORMATION CONTACT: Staff Sergeant Theodore K. Scholz, USAF, telephone: 694-5204 or 694-5380, Office of the Secretary of the Air Force (Personnel Council), (SAF/MIPC), The Pentagon, Washington, DC 20330.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 79-29976 Filed 9-26-79; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Privacy Act of 1974; New System of Records

AGENCY: Department of the Navy (DON).

ACTION: Notice of a new system of records.

SUMMARY: The Navy is adding a new system of records to its inventory of record systems subject to the Privacy Act of 1974. The Act requires that any proposed new record system shall be published in advance for public review and comment.

DATES: This new record system shall be effective as proposed without further notice on October 29, 1979, unless comments are received on or before October 29, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the systems manager identified in the particular record system notice.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, DC 20350, telephone 202-694-2004.

SUPPLEMENTARY INFORMATION: The Navy systems of records notices as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a (Public Law 93-579) have been published in the Federal Register as follows:

FR Doc. 77-28233 (42 FR 51229) September 28, 1977
FR Doc. 78-23953 (43 FR 42379) September 20, 1978
FR Doc. 78-32596 (43 FR 54124) November 20, 1978
FR Doc. 79-20457 (44 FR 38961) July 3, 1979
FR Doc. 79-24619 (44 FR 46912) August 9, 1979
FR Doc. 79-27188 (44 FR 50884) August 30, 1979
FR Doc. 79-29285 (44 FR 54750) September 21, 1979

The Navy has submitted a new system report dated August 23, 1979, for this new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act which requires submission of a new system report and in accordance with Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975, and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of records under the Privacy Act of 1974. This OMB guidance was set forth in the Federal Register (40 FR 45877) on October 3, 1975.

H. E. Lofdahl,

Director, Correspondance and Directives, Washington Headquarters Services, Department of Defense.

September 24, 1979.

N00015.L1000

SYSTEM NAME:

Naval Intelligence Management Information System (NIMIS)

SYSTEM LOCATION:

Naval Intelligence Support Center, 4301 Suitland Road, Washington, D.C. 20390.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military and federal employees of the Commander, Naval Intelligence Command and subordinate commands thereof.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains a record of taskings to various components of the Office of Naval Intelligence and the Naval Intelligence Command, including a record of workhours expended on those tasks by each individual involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information derived from this system is used by the Office of Naval Intelligence and its components, for research analysis, developing and evaluating plans, policies, procedures, and related matters. The information is also used for the purpose of measuring intelligence production against budgeted programs and goals; for purposes of maintaining a record of intelligence taskings and projects assigned to the Office of Naval Intelligence and its components including the current status; for historical and statistical purposes; including use of summary data as the basis for various reports; and for such other matters as may be necessary to fulfill the responsibilities of ONI and components thereof; the Director of Central Intelligence; United States Foreign Intelligence Board; and other appropriate federal agencies requiring the information to fulfill legal responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk with backup on magnetic tape. Maintained in controlled access areas.

RETRIEVABILITY:

Files are accessed and retrieved by a project number and/or by social security number or a locally assigned number.

SAFEGUARDS:

In compliance with the specified requirements for classified matter and are accessable to authorized personnel with proper security clearance and need for access.

RETENTION AND DISPOSAL:

Records are maintained by fiscal year and are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Naval Intelligence Command, Building No. 1, Federal Complex, Suitland, Maryland 20390.

NOTIFICATION PROCEDURE:

A person can determine whether the system contains information pertaining to that individual by making a written request to the system manager. The written request should contain full name, social security number, current residence address and telephone number.

RECORD ACCESS PROCEDURES:

Written requests to the system manager requesting rules for access to records.

CONTESTING RECORD PROCEDURES:

The Office of Naval Intelligence rules for contesting contents and appealing determinations may be obtained from the systems manager.

RECORD SOURCE CATEGORIES:

Workhour inputs are obtained from each individual on a weekly basis.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Some information contained in this system of records in classified and exempt from access pursuant to provisions of 5 U.S.C. 522a(k)(1). Access

will be granted to those portions of the record which: (1) Are determined to be unclassified at the time access is requested, and (2) are reasonably segregable from exempt portions.

[FR Doc. 79-30035 Filed 9-26-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF ENERGY

Proposed Designation of Processing Sites and Establishment of Priorities Under the Uranium Mill Tailings Radiation Control Act of 1978 [Pub. L. 95-604]; Change in Comment Date

AGENCY: Department of Energy.

ACTION: Notice of proposed designation of processing sites and establishment of priorities as required by Section 102 of Pub. L. 95-604, Uranium Mill Tailings Radiation Control Act of 1978, enacted on November 8, 1978; change in comment date.

SUMMARY: In the Federal Register of September 5, 1979 (44 FR 51894), a change is made in the comment date concerning the proposed designation of these processing sites and establishment of site priorities as indicated below.

DATES: Request comments be received on or before October 5, 1979.

ADDRESS FOR COMMENTS AND FURTHER INFORMATION: Dr. William E. Mott, Director, Environmental Control Technology Division, Office of the Assistant Secretary for Environment, U.S. Department of Energy, Washington, D.C. 20545, Telephone: (301) 353-3016.

Issued in Washington, D.C. September 21, 1979.

Ruth C. Clusen,

Assistant Secretary for Environment.

[FR Doc. 79-30020 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Conduct of Employees

Section 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of section 602(a) of the Act to "supervisory employees" (as defined in section 601(a) of the Act) of the Department of Energy who have vested pension interests in "energy concerns" (as defined in section 601(b) of the Act).

It has been established to my satisfaction that the vested pension interests of the individual "supervisory employees" of the Department of Energy whose names are listed below satisfy the requirements of section 602(c) of the Act. Accordingly, I have granted them waivers from the divestiture provisions of section 602(a) of the Act for the duration of their employment with the Department of Energy.

Name	*Energy concern*
Beckett, Eugene F	Nuclear Projects Inc.
Beecy, David J	Westinghouse Electric Corp.
Boe, Martin	Rockwell International Corp.
Glassie, C. Roger	University of California
Hamric, Jon P	United Nuclear Corp.
Liverman, James	Union Carbide Corp.
Oliver, David R	Atlantic Richfield Corp.
Pitrolo, Augustine	General Electric Corp.
Shepherd, George R	University of California
Tinney, Joseph F	University of California

Each supervisory employee named above will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the energy concern in which he has a financial interest, unless the employee's supervisor and the counselor agree that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the employee.

Dated: August 23, 1979.

James R. Schlesinger,

Secretary of Energy.

[FR Doc. 79-30019 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Canadian Crude Oil Allocation Program Supplemental Allocation Notice for the July 1 Through September 30, 1979, Allocation Period

In accordance with § 214.32(c) of the Mandatory Canadian Crude Oil Allocation Regulations, 10 CFR Part 214, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby issues a supplemental allocation notice to reflect an increase in the export level of Canadian heavy crude oil for the month of September 1979.

The revised issuance of Canadian crude oil rights for the July 1, 1979, through September 30, 1979, allocation period to refiners and other firms is set forth in the Appendix to this notice. As to this allocation period, the Appendix lists: (1) The name of each refiner and other firm to which rights have been issued; (2) the base period volume [1] of Canadian crude oil for each refiner's first or second priority refinery; (3) the base period volume of Canadian light and heavy crude oil, respectively, for each refiner's first or second priority refinery; (4) the nominations to ERA for Canadian light and heavy crude oil, respectively, of each refiner or other firm; (5) the number of rights for Canadian light and heavy crude oil, respectively, expressed in barrels per day, issued to each such refiner or other firm; and (6) the specific first or second priority refineries for which rights are applicable.

The total volume of Canadian light crude oil authorized for export to the United States, and therefore subject to allocation under Part 214, for the three month allocation period commencing July 1, 1979, remains at the average level of 55,062 B/D. The revised average export levels for Canadian heavy crude oil remain at the level of 72,708 B/D for July and 82,254 B/D for August. The export level for September has been increased from 73,513 B/D to 92,392 B/D. For purposes of determining the allocation of Canadian heavy crude oil, it has been assumed that the average export level will be 82,343 B/D for the three months.

Pursuant to 10 CFR 214.35, ERA is continuing to give effect to the operational constraint regarding the Thunderbird refinery specified in the Allocation Notice published June 25, 1979, in the revised issuance of Canadian crude oil rights for the July 1 through September 30, 1979, allocation period set forth in the Appendix. The Canadian light and heavy crude oil rights were computed in accordance with the formulas set forth in the allocation notice issued on June 18, 1979, (44 F.R. 37028, June 25, 1979). However,

[1] Base period volume for the purposes of this notice means average number of barrels of Canadian crude oil included in a refinery's crude oil runs to stills or consumed or otherwise utilized by a facility other than a refinery during the base period (November 1, 1974, through October 31, 1975) on a barrels per day basis.

Murphy Oil Corporation advised that its Priority I refinery at Superior, Wisconsin, did not need an increased allocation of Canadian heavy crude oil for this allocation period. This volume was reallocated among the remaining first priority refineries nominating for heavy crude oil because, even with the increased amount available, there was not enough to cover the base period volumes of those refineries.

This notice is issued pursuant to Subpart G of ERA's regulations governing its administrative procedures and sanctions, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed on or before October 29, 1979.

Issued in Washington, D.C. on September 21, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

BILLING CODE 6450-01-M

APPENDIX

CANADIAN ALLOCATION PROGRAM

RIGHTS - July 1 thru September 30, 1979
(Barrels Per Day)

		Base Period Volumes			Nominations		Allocation	
Priority	Refiner/Refinery	Total Canadian Runs	Canadian Light Crude Oil	Canadian Heavy Crude Oil	Light	Heavy	Light	Heavy
	AMOCO							
II	Whiting, Ind	26 751	25 560	1,191	0	5,000	0	0
II	Casper, Wyo	2,991	2,991	0	0	0	0	0
II	Mandan, N D	8,995	8,995	0	0	0	0	0
II	Sugar Creek, Mo	317	317	0	0	0	0	0
	ARCO							
II	Cherry Point, Wash	34 225	34 225	0	0	0	0	0
	ASHLAND							
II	Buffalo, N Y	36 752	32 033	4,719	0	0	0	0
II	Findlay, Ohio	2 198	33	2,165	0	0	0	0
I	St Paul Park, Minn	14,707 1/	13 127 1/	1,580 1/	40,000	20,000	6,570	7,928 2/
	CLARK							
II	Blue Island Ill	18,764	18,764	0	0	0	0	0
	CONSUMERS POWER							
I	Essexville, Mich	13 872	13 872	0	0	0	0	0
I	Marysville, Mich	27 306	27,306	0	17,500	0	0 3/	0
	CONTINENTAL							
I	Billings, Mont	25 994	25 994	0	25 994	0	13 129	0
II	Denver, Colo	4,639	4,639	0	4,638	0	0	0
II	Ponca City, Ok	1,188	1 188	0	1,188	0	0	0
I	Wrenshall, Minn	20,651	20,651	0	20 651	0	10,430	0
	CRA							
II	Coffeyville Kan	318	318	0	0	0	0	0
II	Phillipsburg, Kan	173	173	0	0	0	0	0
II	Scottsbluff, Neb	401	401	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	CRYSTAL							
II	Carson City, Mich	1,104	1,104	0	0	0	0	0
	DOW CHEMICAL U S A							
II	Bay City Mich	2,767	2,767	0	0	0	0	0
	ENERGY COOPERATIVE							
II	East Chicago, Ind	10,804	10 267	537	0	0	0	0
	EXXON							
I	Billings, Mont	15,908	15,908	0	16,000	0	8,035	0
	FARMERS UNION							
I	Laurel, Mont	13,439	13 439	0	13,500	0	6 788	0
	GLADIEUX							
II	Fort Wayne Ind	774	774	0	0	0	0	0
	GULF							
II	Toledo, Ohio	13,253	13,253	0	0	0	0	0
	HUSKY							
II	Cheyenne Wyo	4,865	4,865	0	0	0	0	0
II	Cody, Wyo	806	806	0	0	0	0	0
	KOCH							
I	Pine Bend, Minn.	44,383 1/	3 396 1/	40,987 1/	0	95,000	0	69,226 2/
	LAKE SUPERIOR D P.							
I	Ashland Wisc	125	125	0	0	0	0	0
	LAKESIDE							
II	Kalamazoo, Mich.	1,240	1,240	0	0	0	0	0
	LAKETON							
II	Laketon, Ind	141	10	131	0	0	0	0
	LITTLE AMERICA							
II	Casper, Wyo	2 248	2,248	0	0	0	0	0
II	Sinclair, Wyo	709	709	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	MARATHON							
II	Detroit, Mich	10,301	10,159	142	13,900	0	0	0
	MOBIL							
II	Buffalo, N Y	24,995	24,995	0	0	6 036	0	0
II	Ferndale, Wash	45,444	45.444	0	0	10,975	0	0
II	Joliet, Ill	14,606	2,132	12 474	0	12,989	0	0
	MURPHY							
I	Superior, Wisc	25 625	20 253	5,372	10 000	10 000	10,000	5,189
	NCRA							
II	McPherson, Kan	836	836	0	0	0	0	0
II	PESTER REFINING CO							
	El Dorado, Kan	196	196	0	0	0	0	0
	PHILLIPS							
II	Great Falls Mont	1 222	1,222	0	0	0	0	0
II	Kansas City, Kan	3 352	3 105	247	0	0	0	0
	ROCK ISLAND							
II	Indianapolis Ind	1 063	1,063	0	0	0	0	0
	SHELL							
II	Anacortes Wash	55,919	55,919	0	0	0	0	0
II	Wood River, Ill	8 673	8 673	0	0	0	0	0
	SOHIO							
II	Toledo Ohio	29,182	29,182	0	15,000	10 000	0	0
	SUN							
II	Toledo, Ohio	16,427	16 427	0	0	0	0	0
	TENNECO							
II	Chalmette La	1,767	1,767	0	0	0	0	0

Priority	Refiner/Refinery	Base Period Volumes: Total Canadian Runs	Base Period Volumes: Canadian Light Crude Oil	Base Period Volumes: Canadian Heavy Crude Oil	Nominations: Light	Nominations: Heavy	Allocation: Light	Allocation: Heavy
	TEXACO							
II	Anacortes, Wash	41,229	41 229	0	0	0	0	0
II	Casper Wyo.	1,380	1,380	0	0	0	0	0
II	Lockport, Ill	1,244	1 244	0	0	0	0	0
	TEXAS AMERICAN							
II	West Branch, Mich	2,011	2,011	0	0	0	0	0
	THE REFINERY CORP							
II	Commerce City, Colo	174	174	0	0	0	0	0
	THUNDERBIRD							
II	Cut Bank Mont	554	554	0	50	0	50 4/	0
	TOTAL PETROLEUM							
II	Alma Mich	9 727	3,020	6,707	0	8 000	0	0
	UNION OIL OF CALIF							
II	Lemont, Ill	11 711	11 711	0	10,000	20,000	0	0
	UNITED REFINING							
II	Warren, Pa	9,917	9,789	128	0	0	0	0
	WYOMING REFINING CO							
II	New Castle, Wyo	676	676	0	0	0	0	0
	TOTAL PRIORITY I	202 010	154,071	47 939	143,645	125,000	55,012	82,343
	TOTAL PRIORITY II	469,029	440,588	28,441	44,776	73 000	50	0
	TOTAL I&II	671,039	594,659	76,380	188,421	198 000	55,062	82,343

1/ Adjusted
2/ Adjustments to base period volumes not given effect in allocation of Canadian heavy crude oil
3/ No Condensate available for export through Sarnia to Consumers Power during this allocation period
4/ Operational constraint

[FR Doc. 79-30021 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-C

[ERA Docket No. 79-CERT-089]

Ford Aerospace and Communications Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Take notice that on September 10, 1979, Ford Aerospace and Communications Corporation (Ford), c/o Ford Motor Company, Energy Engineering Department, Room 620, The American Road, Dearborn, Michigan, 48121, filed an application for certification of an eligible use of natural gas to displace fuel oil at its Lansdale Plant in Lansdale, Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126-A, 2000 M Street, N.W., Washington, D.C., 20461, from 8:30 a.m.—4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Ford states that the volume of natural gas for which it requests certification is 65,000 Mcf per year. The eligible seller is National Gas and Oil Corporation, 1500 Granville Road, P.O. Drawer A-F, Newark, Ohio, 43055. This natural gas is estimated to displace the use of 425,000 gallons of No. 2 fuel oil (0.1% sulfur) per year at the Lansdale Plant. The gas will be transported by the Texas Eastern Gas Transmission Corporation, P.O. Box 2521, Houston, Texas, 77001, and the Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania, 19101.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126-A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before October 9, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to Ford and any persons filing comments, and published in the Federal Register.

Issued in Washington, D.C., on September 20, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79-29917 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Dickey-Lincoln School Lakes Transmission Facility; Intent To Prepare a Draft Supplemental Environmental Impact Statement

The Department of Energy hereby gives public notice of this intent to issue a draft supplemental environmental impact statement on the Dickey-Lincoln School Lakes Transmission Project in northern New England.

The Department of Energy as a cooperating agency with the U.S. Army Corps of Engineers is responsible for the engineering and environmental studies for alternative transmission plans for the proposed hydroelectric project in northern Maine.

DOE has completed a draft EIS which was filed with EPA on April 1, 1978, held appropriate public meetings, received and responded to comments, and made changes in the draft EIS. The DOE studies were then summarized by the U.S. Army Corps of Engineers into the final EIS. The final was due to be filed with EPA in the fall of 1978.

Circumstances related to fish and wildlife mitigation planning for the project have resulted in a new scheduled filing date for the final statement of June 1981. Based upon the new schedule, construction of the project could start in FY 1983.

This delay in the start of construction made it necessary for DOE to review the adequacy of power system planning studies which identified the proposed "plan of service." The studies upon which the proposed plan was selected used system assumptions for the region that were prevalent in 1974. In the intervening time there have been substantial decreases in load estimates and the generation assumption have changed. Additional load flow studies have been made by DOE and NEPLAN to verify the plan-of-service decision using system assumptions for load and generation that are consistent with forecasts presently being used in the region.

These studies have demonstrated that a change in the transmission plan-of-service is probably in order for the authorized level. The change would consist of the addition of a 345-kV transmission line from the Moore or Comerford Substation near Littleton, New Hamphire to Beebe Substation near West Campton, or to the Webster Substation near Franklin, New Hampshire in lieu of the 345-kV lines in the previous plan from Granite Substation near Montpelier, Vermont, to Essex Junction Substantion near Burlington, Vermont.

The new line will be approximately 50 to 70 miles long, depending on the termini and route finally selected. Environmental studies will be made of approximately 180 miles of route location alternatives. This activity is supplemental to the work already done on the project. A supplemental draft statement of the findings will be prepared, public meeting(s) held, comments obtained and responses prepared. This information will be transmitted to the New England Division of the Corps of Engineers in October 1980. The Corps will include it in the final EIS for the project which is scheduled to be filed in June 1981.

DOE is soliciting input to the EIS preparation process so that concerns identified now can be fully considered in the preparation of the supplemental EIS. Any suggestions or questions regarding the EIS should be directed to Harry D. Hurless, Project Manager, Dickey-Lincoln School Lakes Transmission EIS Project, Department of Energy, Bonneville Power Administration, P.O. Box 491, Vancouver, Washington 98660.

Dated at Washington, D.C. this 21st day of September 1979.

George E. Bell,

Assistant Administrator.

[FR Doc. 79-29916 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Rollert-Waddell Co., Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

DATES: Effective Date: September 12, 1979.

COMMENTS BY: October 29, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, 214-767-7745.

SUPPLEMENTARY INFORMATION: On September 12, 1979, the Office of Enforcement of the ERA executed a Consent Order with Ben P. Rollert, Jr. and H. K. Waddell, d.b.a. Rollert-Waddell Company (Rollert-Waddell) of Luling, Texas. Under 10 CFR § 205.199J(b), a Consent Order which involves a sum of less than $500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

Rollert-Waddell, with its office located in Luling, Texas, is a firm engaged in crude oil production, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 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 Rollert-Waddell entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1, 1973 through December 31, 1977, and it included all sales of crude oil which were made during that period.

2. Rollert-Waddell improperly applied the provisions of 10 CFR, Part 212 Subpart D, when determining the prices to be charged for crude oil; and as a consequence, charged prices in excess of the maximum lawful sales prices resulting in overcharges to its customers.

3. In order to expedite resolution of the disputes involved, the DOE and Rollert-Waddell have agreed to a settlement in the amount of $90,000.00. The negotiated settlement was determined to be in the public interest as well as the best interests of the DOE and Rollert-Waddell.

4. Because the ultimate consumers are not readily identifiable, the refund will be made through the DOE in accordance with 10 CFR Part 205, Subpart V as provided below.

5. The provisions of 10 CFR § 205.199J, including the publications of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Rollert-Waddell 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 specifed in I.1. above, the sum of $90,000.00 on or before August 25, 1980. 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 requires that only those "persons" (as defined at 10 CFR § 205.2) who actually suffered a loss as a result of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program 10 CFR § 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR § 205.199I(a).

III. Submission of Written Comments

A. *Potential Claimants:* Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not 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. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. *Other Comments:* The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should send your comments or written notification of a claim to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, Texas 75235. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 767-7745.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Rollert-Waddell Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on October 29, 1979.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR § 205.9(f).

Issued in Dallas, Texas on the 18th day of September 1979.

Herbert F. Buchanan,

Deputy District Manager for Enforcement, Southwest District Economic Regulatory Administration.

[FR Doc. 79-30023 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. GP79-129]

Arkansas Oil and Gas Commission; Preliminary Finding

Issued: September 14, 1979.

Section 103 NGPA Determination, Art Machin & Associates, Inc., Bodcaw No. 2 Well, State Docket 2-79, JD79-15972.

On August 2, 1979, the Arkansas Oil and Gas Commission (Arkansas) submitted to the Commission a notice of its determination that the Art Machin & Associates, Inc., Bodcaw No. 2 well is a new, onshore production well pursuant to Section 103 of the Natural Gas Policy Act of 1978 (NGPA), Pub. L. No. 95-621. The Commission published notice of the determination in the Federal Register on August 24, 1979.

Section 103(c)(1) of the NGPA Provides that in order for a well to qualify as a new, onshore production well, surface drilling of that well must have begun on or after February 19, 1977. The application for determination included a statement made under oath that the surface drilling of the subject well began on or after February 19, 1977.

There is also included in the record an unsigned well completion report which

has as the well commencement date December 6, 1977 and a completion date of December 16, 1977. The total depth of the well specified in this report is 6,330 feet. However, in response to an informal inquiry by the Commission staff, Arkansas has advised that the applicant was granted an application on November 28, 1977 to reenter an old well originally spudded on June 18, 1943 by Hunt Oil Company. The well, then designated Bodcaw Fee No. 1, was drilled to 6,338 feet and abandoned as a dry hole. Therefore, since it appears that the spud date of the subject well was prior to February 19, 1977, there is not substantial evidence in this record to support Arkansas' determination that the subject well is a new, onshore production well under section 103 of the NGPA.

Accordingly, the Commission hereby makes a preliminary finding (pursuant to 18 CFR § 275.202(a)(1)(C)) that the determination made by Arkansas was not supported by substantial evidence in the record on which the determination was made.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29998 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2644]

Bowersock Mills & Power Co.; Application for Approval of Exhibit R (Recreational Use Plan)

September 17, 1979.

Take notice that on May 8, 1978, the Bowersock Mills and Power Company of Lawrence, Kansas (Applicant) filed an application for approval of Exhibit R (recreational use plan) for its constructed Kansas River Project, FERC No. 2644, pursuant to the Federal Power Act (16 U.S.C. §§ 791(a)–825(r)) and Article 35 of the license for Project No. 2644. The application was supplemented by filings on October 11, 1978 and November 27, 1978. Correspondence regarding the application should be sent to: Mr. Stephen H. Hill, President, Bowersock Mills and Power Company, P.O. Box 218, Lawrence, Kansas 66044.

Applicant owns no recreational land and does not propose to develop public use facilities at the Kansas River project. The proposed Exhibit R describes nine public access sites around the reservoir owned by the City of Lawrence, Kansas. Recreational development plans of the City of Lawrence, Kansas for future facilities on lands adjacent to the project reservoir will assist in meeting local needs for shoreline access and support facilities.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest 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 protest, petition to intervene, or agency comments must be filed on or before October 10, 1979. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30009 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-528]

Cincinnati Gas & Electric Co.; Order Accepting Rates for Filing, Suspending Proposed Rate Increase, Granting Intervention and Establishing Procedures

Issued: September 14, 1979.

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

On July 20, 1979, Cincinnati Gas and Electric Company (CG&E) submitted for filing a proposed increase in wholesale rates for service to the Villages of Bethel, Blanchester, Georgetown, Homersville and Ripley, Ohio as well as Union Light, Heat and Power Company (Union) and West Harrison Gas and Electric Company.[1] The latter customers are wholly-owned subsidiaries of CG&E. The proposed rates would result in additional revenue of $5,648,774 (10.4%) based on the twelve month period ending December 31, 1979. CG&E has requested an effective date of September 19, 1979.

Notice of the filing was issued on July 30, 1979, with responses due on or before August 17, 1979. On August 20, 1979, Interlake Incorporated filed a petition for leave to intervene in the instant docket. In support of its petition, Interlake states that it is a corporation authorized to do business in Kentucky, that it owns and operates various manufacturing plants in that state, and that it is the largest customer of Union. Petitioner asserts that, as a result of its relationship to Union, it will be directly affected by any increase in rates which may be approved as to CG&E. Interlake also asserts that its interests would not be adequately represented by any other party in this proceeding.

The Commission notes that Interlake's petition to intervene is untimely. We find, however, that Interlake may be adversely affected by any Commission action taken in this proceeding and that Interlake's interest is of such a nature that its participation may be in the public interest. We will therefore permit Interlake to intervene in this proceeding.

In its filing, CG&E has proposed billing the Village of Georgetown, Ohio under Rate WS–S but has failed to file a revised Index of Purchasers reflecting such change.[2] The present tariff indicates that Georgetown is billed under Rate WS–P. CG&E is hereby directed to file such revised rate sheets with this Commission pursuant to Section 35.13 of the Commission's Regulations.

CG&E proposes to functionalize its general plant on a basis other than labor ratios. We shall require CG&E to meet the burden of showing that the use of labor ratios for the functionalization of general plant is unreasonable in this case, not merely that its alternative method might be reasonable. This requirement is consistent with prior Commission action.[3]

Our review indicates that the proposed rates have not been shown to be just and resonable, and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept CG&E's submittal for filing and suspend the rates for five months, to become effective February 19, 1980, subject to refund.

The Commission orders: (A) CG&E's proposed rates are hereby accepted for filing and suspended for five months, to become effective February 19, 1980, subject to refund.

(B) Interlake Incorporated is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of

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[1] See Attachment for rate schedule designations.

[2] See Revised Sheet No. 12 of CG&E's tariff.

[3] *See, Upper Peninsula Power Company*, Docket No. ER79-107, (issued February 12, 1979), *Missouri Utilities Company*, Docket No. ER79-21 (issued February 2, 1979); *see also*, Opinion Nos. 20 and 20-A, issued August 3, 1978 and October 30, 1978, respectively, *Minnesota Power & Light Company*, Docket Nos. E-9499 and E-9502 and *Superior Water, Light and Power Company*, Docket No. ER76-20.

the Commission; *Provided however*, that participation of Interlake shall be limited to the matters set forth in its petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I) a public hearing shall be held concerning the justness and reasonableness of the rate schedules proposed by CG&E in the instant docket.

(D) CG&E must meet the burden of showing that the use of labor ratios is an unreasonable method of functionalization for its general plant expenses.

(E) The Staff shall serve top sheets in this proceeding on or before December 19, 1979.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge for that purpose, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. That conference shall be for the purpose of resolving any problems relating to the data requests of the staff and the intervenors. Within 10 days of the service to top sheets, the presiding administrative law judge shall convene a second prehearing conference. The presiding administrative law judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(G) The Secretary shall promptly publish this order in the Federal Register.

By the Commission.

Kenneth F. Plumb,

Secretary.

Attachment A.—The Cincinnati Gas & Electric Co. Rate Schedule Designations

Dated: (1), (2), and (3) Undated; (5) July 18, 1979

FPC Electric Tariff; First Revised Volume No. 1

Designation

(1) First Revised Sheet No. 4 (Supersedes Original Sheet No. 4); Rate WH-I.
(2) Third Revised Sheet No. 5 (Supersedes Second Revised Sheet No. 5); Rate WE-S.
(3) First Revised Sheet No. 6 (Supersedes Original Sheet No. 6); Rate WS-S.

Other Party: Village of Georgetown

(4) Service Agreement under above listed Tariff (Supersedes unexecuted Service Agreement); Executed Service Agreement.

[FR Doc. 79-29999 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2948]

City of Alexandria, La.; Application for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 2948 to be known as the Red River Lock and Dam No. 3 Project, located on the Red River in Rapides and Grant Parishes, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Mayor, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged with other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 3. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 3 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated tha the work to be performed under this preliminary permit would cost $50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally with, or adjacent to, the proposed Corps' Lock and Dam No. 3 facilities, including bulb or tube turbine/generators (the number to be determined during the study period) having a total installed capacity of 34 MW and having an average annual generation of 150,000,000 kWh.

Applicant's proposal is in competition with an application for preliminary permit filed on February 14, 1979, by the Town of New Roads, Louisiana (Project No. 2908).

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that 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 a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, (Rules) 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest 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 protest, petition to intervene, or agency comments must be filed on or before *November 19, 1979*. The Commission's address is: 825 North

Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30010 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2950]

City of Alexandria, La.; Applicaton for Preliminary Permit

September 17, 1979.

Take notice that on August 14, 1979, the City of Alexandria, Louisiana, filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 2950 to be known as the Red River Lock and Dam No. 2 Project, located on the Red River in Rapides Parish, Louisiana. The project would be located on U.S. lands administered by the Corps of Engineers and would affect navigable waters of the United States. Correspondence with Applicant should be addressed to Carrol E. Lanier, Major, P.O. Box 71, Alexandria, Louisiana 71301.

Purpose of Project—Power generated by the project would be used by the City of Alexandria in meeting its load requirements with any surplus power being sold or exchanged wih other utilities in the area.

Proposed Scope and Cost of Studies Under Permit—The work proposed under this preliminary permit would include preliminary designs, economic analysis, preparation of preliminary engineering plans, study of environmental assessment, and, in coordination with the Corps of Engineers, a study of the plans and operation of the proposed Lock and Dam No. 2. The work would be coordinated with the Corps' investigations already in progress for construction of the proposed Lock and Dam No. 2 as part of the development of the Red River Waterway Project. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimated that the work to be performed under this preliminary permit would cost $50,000.

Project Description—The project would be operated as run-of-the-river and would consist of a powerplant built integrally wih, or adjacent to, the projosed Corps' Lock and Dam No. 2 facilities including bulb or tube turbine-generators (the number to be determined during the study period) having a total installed capacity of 25 MW and having an average annual generation of 115,000,000 kWh.

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 necessay studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license. In this instance, the Applicant seeks a 36-month permit.

Agency Comments—Federal, State, and local agencies that 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 a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments wihin the time set below, it will be presumed to have no comments.

Protests and Petitions To Intervene—Anyone desiring to be heard or to make any protest about this application should file a petiton 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, (Rules) 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest 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 protest, petition to intervene, or agency comments must be filed on or before November 19, 1979. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30011 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 2100]

Department of Water Resources, State of California; Application for Approval of Change in Land Rights

September 12, 1979.

Take notice that on July 31, 1979 the Department of Water Resources of the State of California (Applicant) filed an application pursuant to the Federal Power Act, 16 U.S.C. §§ 791a-825r, for a change in land rights at the Feather River Project No. 2100.

The proposed change would occur in Butte County, California. Correspondence concerning the application should be sent to: Mr. George P. Panos, Division of Land and Right of Way, Department of Water Resources, State of California, P.O. Box 388, Sacramento, California 95802.

Applicant requests Commission approval to grant an easement to the County of Butte, California over 0.23 acres of project land for construction of a prestressed concrete highway bridge, to be known as the Table Mountain Boulevard Bridge, across the Feather River, immediately upstream of the existing bridge.

This area is designated as Parcel No. FHR-2.A. It is located in Section 8, T. 19 N. R. 4 E., M.D.M., Butte County, near the town of Oroville, California.

Additionally, the Applicant proposes that the existing bridge be left in place because of its historical significance and as a convenience for the use of bicyclists and pedestrians.

A United States Army Corps of Engineers permit has been issued for the proposed construction work.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure (Rules), 18 CFR § 1.10 or § 1.8 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest 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 protest or petition to intervene must be filed on or before October 22, 1979. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426. The application is on file with the

Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29996 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. CI68-979; et al.]

Getty Oil Co. (Successor to Ashland Exploration, Inc.); Notice of Redesignation

September 14, 1979.

On May 18, 1979, Getty Oil Company (Getty), filed an application for a certificate of public convenience and necessity as successor in interest to various properties and assets owned by Ashland Exploration, Inc. (Ashland) and requests that certificates currently held by Ashland be amended by substituting Getty as certificate holder and to redesignate the related rate schedules in the name of Getty, all as more fully set forth in the Appendix hereto.

Effective January 1, 1979, Ashland Exploration, Inc. assigned to Getty Oil Company all of Ashland's right, title, and interest in the leases as described in the application.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

Appendix

New: Getty Oil Co. FERC gas rate schedule No.	Assignment and conveyance designation supplement No.	Certificate docket No.	Old: Ashland Exploration, Inc., FERC gas rate schedule No.	Buyer
431	37	CI68-979	208	Michigan Wisconsin Pipe Line Company.
432	21	CI72-255	232	Do.
433	16	CI72-352	233	Do.
434	12	CI73-98	234	Transcontinental Gas Pipeline Company.
435	15	CI73-318	239	Michigan Wisconsin Pipe Line Company.
436	21	CI73-377	240	Do.
437	11	CI75-24	242	Do.
438	1	CI75-122	251	Trunkline Gas Company.
439	8	CI77-280	252	Michigan Wisconsin Pipe Line Company.

[FR Doc. 79-30000 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ER79-640]

Hartford Electric Light Co.; Purchase Agreement

September 13, 1979.

The filing Company submits the following: Take notice that on September 5, 1979, The Hartford Electric Light Company (HELCO) tendered for filing a proposed rate schedule pertaining to a Purchase Agreement with Respect to Middletown Unit No. 4 between HELCO and Village of Hardwick Electric Light Department (Hardwick) dated as of September 1, 1977.

HELCO states that the Purchase Agreement provides for a sale to Hardwick of a specified percentage of capacity and energy from HELCO's Middletown Unit No. 4 generating unit during the period November 1, 1979 through October 31, 1985.

HELCO requests that the Commission permit the rate schedule filed to become effective on November 1, 1979.

HELCO states that the capacity charge rate for the proposed service is a rate determined on a cost-of-service basis. The monthly transmission charge rate is equal to one-twelfth of the annual average unit cost of transmission service on the Northeast Utilities (NU) system determined in accordance with Section 13.9 of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee. The monthly Transmission Charge is determined by the product of (i) the transmission charge rate ($/KW-month), and (ii) the number of kilowatts of winter capability which Hardwick is entitled to receive reduced to give due recognition for payments made by Hardwick to intervening systems. The Energy Charge is based on Hardwick's portion of the applicable fuel expenses and no special cost-of-service studies were made to derive this charge.

HELCO states that the services to be provided under the Purchase Agreement are similar to services provided by HELCO relating to an agreement between HELCO and North Attleborough Electric Department (FERC Rate Schedule No. HELCO 155).

HELCO states that a copy of the rate schedule has been mailed or delivered to HELCO, Hartford, Connecticut, and Hardwick, Hardwick, Vermont.

HELCO further states that the filing is in accordance with Part 35 of the Commission's Regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.,C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 2, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30001 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

Mountain Fuel Resources, Inc. et al.; Order Granting Motion for Severance

In the matter of: Mountain Fuel Resources, Inc., CP76-285; Mountain Fuel Supply Co., CP76-388; Northwest Pipeline Corp., CP76-389; El Paso Natural Gas Co., CP77-289; Northwest Pipeline Corp., CP77-511; Clay Basin Storage Co., CP77-512; El Paso Natural Gas Co., CP76-87 (Rhodes Reservoir); El Paso Natural Gas Co., CP78-172 (Barker Creek Dome); Western Gas Interstate Co., CP78-257 (Barker Creek Dome); Supron Energy Corp., CI78-506.

Issued September 17, 1979.

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

On June 8, 1979, Mountain Fuel Resources, Inc. (Resources) and Mountain Fuel Supply Company (Mountain Fuel Supply) filed a motion pursuant to Section 1.12 of the Commission's Rules of Practice and Procedure requesting that the Commission sever Docket Nos. CP76-285, CP76-388 and CP76-389 from the above-styled consolidated proceedings.

Procedural History and Background of These Consolidated Proceedings

The Clay Basin Field is a substantially depleted natural gas production field in Daggett County, Utah. In 1976, applications were filed by Resources in Docket No. CP76-285, Mountain Fuel Supply in Docket No. CP76-388 and Northwest Pipeline Corporation (Northwest) in Docket No. CP76-389 for certificates of public convenience and necessity authorizing development and conversion of the Clay Basin Field into a gas storage reservoir and the rendition of storage service utilizing the new storage capacity.

It was contemplated that Resources would develop the Clay Basin Storage Project and utilize the newly developed storage capacity to render a long-term service of fifteen years for Northwest, pursuant to Resources Service Rate Schedule S-1, as amended. Northwest would deliver gas for storage in the Clay Basin Field to Resources during off-peak periods when its supplies were in excess of system requirements in order to enhance its delivery capability during peak periods. The Commission granted temporary authorization by order issued on July 19, 1976, for the operation of Clay Basin Field as proposed in the above applications.

Rate of return and depreciation were the only issues that were raised relative to Resources' application in the proceeding relating to the development of Clay Basin Field as a storage reservoir in Docket No. CP76-285. A Stipulation and Agreement has been entered into between the parties on the issue of depreciation; however, it has not as yet been approved by the Commission. There were no requests for hearing with respect to Mountain Fuel Supply's application in Docket No. CP76-388 or Northwest's in Docket No. CP76-389. The hearing on this only issue (rate of return) concluded on September 26, 1978, and briefs were filed on October 27, 1978, and December 18, 1979, on this issue.

The Interim Storage Plan

In 1977, applications were filed by El Paso Natural Gas Company (El Paso) in Docket No. CP 77-289, Clay Basin Storage Company (Clay Basin) in Docket No. CP77-512 and Northwest in Docket No. CP77-511 proposing the utilization of the Clay Basin storage on an interim basis for the benefit of El Paso's east of California customers. This service was interim because it would only remain effective until El Paso developed other long-term storage. In order to implement this service, El Paso would deliver gas to Northwest which would in turn deliver it to Resources for injection and storage for the account of Clay Basin pursuant to Resource's Interim Storage Service Rate Schedule S-2. Clay Basin would hold title to the stored gas and make predetermined sales to four of El Paso's east of California customers.

By order of September 30, 1977, the Commission set all six of the above-applications for hearing on a consolidated basis. The parties stipulated on the record of that consolidation that they had no objection to the initial Clay Basin storage project involving Resources, Mountain Fuel Supply and Northwest in docket Nos. CP76-285, CP76-388 and CP76-389 respectfully, proceeding to hearing and decision independently from the issues in the six consolidated dockets.[1]

On October 13, 1978, El Paso filed a motion to consolidate for hearing and decision the following:

(1) certificate issues remaining in the proceeding in Docket Nos. CP76-285, *et al.*, concerning the participation of El Paso and Clay Basin Storage Company (Storage Company) in the Clay Basin storage field project;

(2) El Paso's pending certificate application in Docket No. CP76-87 concerning El Paso's Rhodes Reservoir storage project; and

(3) the pending certificate applications of El Paso at Docket No. CP78-172, Western Gas Interstate (WGI) at Docket No. CP78-257 and Supron Energy Corporation (Supron) at Docket No. CI78-506, which concern El Paso's proposed Barker Creek Dome storage project.

By order issued December 15, 1978, the Clay Basin and the above-designated El Paso storage certificate proceedings were consolidated with the underlying case involving Resources, Mountain Fuel Supply and Northwest applications.

The El Paso motion to consolidate was not opposed by Resources or Mountain Fuel Supply because it was their view that the underlying case would proceed to decision in light of the stipulation on the record by the parties. (See footnote 1, *supra*). Further, Resources and Mountain Fuel Supply assumed that if the initial decision was not forthcoming, there would be no substantial delay in concluding the hearing on the above El Paso storage certificate proceedings. Mountain Fuel Supply and Resources contend that such a conclusion on their behalf has proven grossly erroneous. They currently contend that it may be "unduly conservative" to project that at least two years may be required to achieve a final decision in these El Paso certificate proceedings.

The Commission agrees with the rationale of Resources and Mountain Fuel Supply that there is no reason to postpone a decision on the rate of return issue in Resource's application in Docket No. CP76-285 until a final determination in the consolidation has been made. We further agree with Resources that such a determination will lend rate stability to its service with Northwest as it is presently collecting a rate predicated upon a 12 percent overall rate of return subject to refund. Certainly no useful purpose can be served by leaving the current rate in the effect subject to refund for such extended period of time. The Commission will sever Docket Nos. CP76-285, CP76-388 and CP76-389 from the above-styled consolidated proceeding in order to permit it to proceed to decision.

The Commission finds: The severance requested by Resources and Mountain Fuel Supply is in the public interest.

The Commission orders: The proceedings relating to Mountain Fuel Resources, Inc. in Docket No. CP76-285, Mountain Fuel Supply Company in

[1] See record in those consolidated proceedings of July 11, 1978 (Tr. 169-170).

docket No. CP76-388 and Northwest Pipeline Corporation in Docket No. CP76-389 are severed from the above-styled consolidated proceedings in order that these proceedings can proceed expeditously to decision.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30012 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. TC79-136]

Nucor Steel—Nebraska, Division of Nucor Corp.; Supplement to Petition for Extraordinary Relief

September 19, 1979.

Take notice that on September 5, 1979, Nucor Steel—Nebraska, a Division of Nucor Corporation (Nucor), P.O. Box 309, Norfolk, Nebraska 68701, filed in Docket No. TC79-136 a supplement to its petition for extraordinary relief in said docket pursuant to Section 1.7(b) of the Commission's Rules of Practice and Procedure (18 CFR 1.7(b)) requesting temporary relief requiring Kansas-Nebraska Natural Gas Company (Kansas-Nebraska) to deliver to Nucor, through its distributor, Cengas, natural gas sufficient to satisfy its peak day plant process gas requirements pending formal hearing and final decision in this proceeding, all as more fully set forth in the supplement which is on file with the Commission and open to public inspection.

In view of the urgent situation now facing Nucor, the Commission is requested to take interim action immediately without formal hearing on the basis of the evidence contained in Nucor's petition for extraordinary relief herein and evidence contained in the record now before the Commission in the matter of Kansas-Nebraska's pending proposed tariff and curtailment plan in Docket No. RP76-90. Nucor asserts that on or about September 15, 1979, it would have used up its annual gas entitlement of 664,020 Mcf of natural gas to which it is presently restricted by the proposed Kansas-Nebraska tariff, and that on that date, unless temporary relief is granted, it would have to switch to the only alternate fuel available, propane. Nucor states that this proceeding will not be completed and a final decision issued prior to the time Nucor would have to switch to propane, and, accordingly, Nucor requests interim temporary relief.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 1, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30014 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. E-9530]

Pyramid Lake Paiute Tribe of Indians and Sierra Pacific Power Co.; Extension of Time

September 18, 1979.

On September 5, 1979, a motion was filed with the Commission by the Sierra Pacific Power Company (Sierra) for an extension of time in which to show cause why a license should not be required for their Donner Lake development on the Truckee River, pursuant to Commission Opinion No. 61, issued August 8, 1979, in the above-referenced proceedings. The motion states that additional time is needed because of the delay in the Company's receipt of the Opinion and because of prior obligations of Sierra officials. The motion also states that Sierra plans to file an Application for Rehearing of the Opinion and suggests that the additional time will enable the Commission to act on the rehearing request.* The motion further states that Commission staff has no objection to this request for an extension.

Upon consideration, notice is hereby given that an extension of time is granted to and including October 10, 1979, for Sierra to show cause why a license is not required, pursuant to Opinion No. 61 in the above-referenced proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30015 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

*Sierra filed for rehearing on September 7, 1979.

[Project No. 2931]

S. D. Warren Co.; Application for Major License

September 12, 1979.

Take notice that on May 15, 1979, the S. D. Warren Company (Applicant) filed an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)(1976)] for the constructed Gambo Project, FERC No. 2931, located on the Presumpscot River in Cumberland County, Maine, near the towns of Gorham and Windham, Maine. Correspondence regarding the application should be sent to: John B. Blatz, III, Associate Counsel, S. D. Warren, a Division of Scott Paper Company, Scott Plaza One, Philadelphia, Pennsylvania 19113; and Bernard A. Foster, III and Nancy J. Hubbard, Ross, Marsh & Foster, 730 15th Street, N.W., Washington, D.C. 20005.

The Gambo Project consists of: (1) a 250-foot-long, 24-foot-high, concrete overflow dam; (2) a pond with negligible storage capacity and a normal water surface elevation of 138.8 feet m.s.l.; (3) a 30-foot-long, 29-foot-high sluice gate structure containing three 5.55-foot-high, 4.5-foot-wide sluice gates; (4) a 4-foot-by-4-foot log sluice gate; (5) a 15-foot-deep, 737-foot-long concrete-lined canal; (6) a concrete and brick powerhouse containing two 950 kW generators; and (7) appurtenant facilities. The project is operated as a run-of-the river facility.

According to the application, minimal recreational use is made of the project because of the urban setting, the industrial and commercial use of the land at the project, the high population density, and the limited availability of open space. The Applicant does not propose the installation of any recreational facilities at the project.

The Applicant uses the 12,960,000 kWh of project energy generated annually by the Gambo Project in the operation of its Westbrook Paper manufacturing plant.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest 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 protest or petition to

intervene must be filed on or before November 9, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29996 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Project No. 199, Docket No. E-9110]

South Carolina Public Service Authority; Order Approving Offer of Settlement

Issued: September 18, 1979.

On November 15, 1974, W. T. Jones and the environmental society of which he is a member filed a complaint with the Commission [1] (designated as Docket No. E-9110) to the effect that H. B. Rickenbacker, a developer of lands adjacent to the Santee-Cooper Project No. 199, had begun to dredge three canals affecting project lands and waters without the Commission's prior authorization,[2] in order that a proposed residential development would have access by water to Lake Marion, one of the project waters. The complaint asserted, among other things, that the dredging has "caused great silting and ruined the recreational capabilities" of the project waters. On October 14, 1976, South Carolina Public Service Authority ("South Carolina"), licensee of Project No. 199, filed an application with the Commission for authorization to connect the canals to the project waters and to extend two of them.

A hearing was held on November 7 and 8, 1978, to consider the complaint and application. At its conclusion, the administrative law judge requested the parties to engage in discussions for the purpose of determining whether a settlement agreement could be reached.

Following those discussions, South Carolina, on March 16, 1979, filed an Offer of Settlement with the presiding judge. Its terms mandate the licensee to require Mr. Rickenbacker, "his successors and assigns," to agree, among other matters, (1) to install diversion tubes and construct ditches to improve drainage and lessen soil erosion, (2) to convey to the licensee scenic easements along the shorelines of the canals, (3) to develop an erosion control plan in conjunction with the U.S. Department of Agriculture, (4) to develop a plan for monitoring the quality of the water in the canals and (5) to restrict the developers of any lots along the canals from constructing dwellings closer than 75 feet thereto and from constructing septic tanks between a dwelling and a canal. Furthermore, South Carolina agrees to enter into a written stipulation with Mr. Rickenbacker "and his partners" within 60 days after the date of this order whereby the latter agrees to comply with the terms of the Offer of Settlement and this order. A copy of that stipulation shall be filed with the Commission.

The Offer of Settlement was promptly certified to the Commission and notice thereof was duly promulgated. Mr. Jones submitted a letter in opposition asserting that the proposed settlement is "totally unsatisfactory." Reiterating his previous complaint, he states:

> I believe there will be sewage leaching into the Project waters from the residential lots adjacent to the canals, and that with the high density development projected for this area, it will completely ruin the water quality in the adjacent areas.

Mr. Jones does not explicate in his letter how, in his view, the measures contemplated by the Offer of Settlement fail to adequately protect the water quality of the project. He does not explain why the measures designed to remedy or alleviate the environmental problems associated with the Rickenbacker canals and related real estate development are not in the public interest and should not be approved. Our review of the record persuades us that the principal environmental problems associated with the canals and related development have been addressed in the Offer of Settlement and, on balance, that approval of that offer is in the public interest.[3] We find that the Offer of Settlement is consistent with Project No. 199's operation and maintenance as licensed and adopted to a comprehensive plan for beneficial public uses and should, therefore, be approved in its entirety.

While we have no reason to question the good faith of Mr. Rickenbacker "and his partners," we are apprehensive that the construction restrictions applicable to dwellings and septic tanks might pass from their control during the term of the license. While we note that "Mr. Rickenbacker, his successors and assigns" are to undertake those restrictions, we also note that they apply to "the developers of any lot along the canals." We are apprehensive that a purchaser-homeowner might not be construed as a "developer" and might not, therefore, be precluded from constructing a new septic tank between a canal and his home, or within 75 feet of a canal. In any event, we question whether a developer could insure that "his successors and assigns" would continue to abide by the agreement after a dwelling is constructed and sold, unless the restrictions are placed in the chains of title for the canal-side lots.

Accordingly, and without changing the substance of the Offer of Settlement, our approval will be effective only when restrictive covenants precluding the construction of dwellings closer than 75 feet to the highwater marks of the canals and the construction of septic tanks between a canal and a dwelling, have been duly recorded in the appropriate land records office with respect to all lands affected by the Offer of Settlement. Such restrictive covenants should remain in force as long as Project 199 either remains under license or, if acquired by the United States, is owned by the United States. Moreover, they should indicate that they were imposed in settlement of a complaint and application proceeding before this Commission which was terminated by this order and, therefore, that they cannot be waived or modified without the consent of the Commission.

Finally, we note that the Offer of Settlement provides for the conveyance to the licensee of 30-foot wide scenic easements along the canals to protect the shoreline and waters. Although the Offer of Settlement does not specifically address the matter, we interpret it to contemplate that these easements will then be within the project, like the other shoreline buffer zones provided for in our May 9, 1979, "Order Issuing New Major License and Approving Offer of Settlement with Modifications," for Project No. 199. Consequently, those easements should be included within the revised project boundary when South Carolina files its revised Exhibit K and R drawings under Article 48 of the license. Furthermore, so that subsequent purchasers will have notice of those easements, our approval will be effective only when they have been duly recorded in the appropriate land records office.

The Commission orders: (A) The application of South Carolina Public Service Authority filed October 14, 1976, for approval of use of Project No. 199

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[1] This proceeding was commenced before the Federal Power Commission (FPC). By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] See Section 10(b) of the Federal Power Act. 16 U.S.C. 803(b).

[3] If the terms and conditions of the Offer of Settlement are not met, the canals will constitute an unauthorized use of project lands and waters and we may require South Carolina to take whatever measures are necessary to ensure that those uses cease, the canals are removed, and project lands and waters are adequately restored.

lands and waters by Mr. H. B. Rickenbacker for certain canals to be connected to Lake Marion is approved effective as set forth in Ordering Paragraph (B) and subject to the terms and conditions set forth as paragraphs II (1)(A) through (D) of the Offer of Settlement submitted by South Carolina Public Service Authority on March 16, 1979.

(B) This approval is effective only when shoreline scenic easements and restrictive convenants prohibiting the construction of dwellings closer than 75 feet to the highwater marks of the canals and the construction of septic tanks between a canal and a dwelling, have been duly recorded in the appropriate land records office with respect to all lands affected by the Offer of Settlement, as provided further in this order. South Carolina Public Service Authority shall file with the Commission proof that the easements and restrictive covenants have been recorded within 30 days of the recording.

(C) South Carolina Public Service Authority shall include within the revised project boundary in its revised Exhibit K and R drawings to be submitted under Article 48 of the license for Project No. 199 the lands over which it obtains scenic easements pursuant to paragraph II (1)(A)(d) of the approved Offer of Settlement.

(D) The complaint proceeding in Docket No. E-9110 his hereby terminated.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30003 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. GP79-128]

State of West Virginia, et al.; Preliminary Finding

Issued: September 14, 1979.

Section 108 NGPA Determinations, Consolidated Gas Supply Corporation, W. R. Johnson, Jr. No. 11801 Well JD79-15208, State File No. 790227-108-019-0250.

On August 2, 1979, the State of West Virginia Department of Mines, Oil and Gas Division (West Virginia), Submitted to the Federal Energy Regulatory Commission (Commission) a notice of determination that the Consolidated Gas Supply Corporation W. R. Johnson, Jr. No. 11801 well qualifies for a maximum lawful price under section 108 of the Natural Gas Policy Act of 1978 (NGPA).

Section 108(b)(1) of the NGPA provides that in order to qualify as a stripper well, a well must, among other things, produce nonassociated natural gas at a rate which does not exceed an average of 60 Mcf per production day during a 90-day production period. Section 108(b)(3) defines "production day" as (1) any day during which natural gas is produced; and (2) any day during which natural gas production is prohibited by a requirement of State law or a conservation practice recognized or approved by the State agency.

The record submitted with the determination for the above-listed well indicates that the well produced an average of 67 Mcf of natural gas per production day during the 90-day production period upon which the application was based. No non-producing days were reported during this period. Since section 108(b) requires that a well produce natural gas at a rate not exceeding an average of 60 Mcf per production day, a well which produces an average of 67 Mcf of natural gas per production day fails to meet this statutory requirement.

On the basis of the record submitted with this determination, the Commission hereby makes a preliminary finding, pursuant to 18 C.F.R. § 275.202(a)(1)(i), that the determination submitted by the State of West Virginia Department of Mines, Oil and Gas Division, that the above-listed well qualifies as a section 108 stripper well, is not supported by substantial evidence in the record on which the determination was made.

By direction of the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30003 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. CP79-55]

Transwestern Pipeline Co.; Petition To Amend

September 12, 1979.

Take notice that on August 13, 1979, Transwestern Pipeline Company (Petitioner), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP79-55 a petition to amend the order of January 16, 1979, issued in said docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to authorize Petitioner to increase by $3,400,000 its total cost of facilities constructed under its gas purchase budget-type authorization, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that pursuant to the Commission's order of January 16, 1979, it is authorized to construct during the calendar year 1979, gas purchase facilities utilized for the gathering, connection and transportation of newly acquired gas supplies. Petitioner indicates that the total cost of facilities constructed under the budget-type authorization is limited to $8,600,000, which was two percent of Petitioner's gross plant balance as of August 31, 1978, with no single project to exceed $1,500,000.

Petitioner requests a waiver of Section 157.7(b)(1) of the Commission's Regulations so as to increase its allowable costs for the calendar year 1979 from $8,600,000 to $12,000,000 for a total increase of $3,400,000 to be used for additional gas purchase facilities. Any single project constructed with the increase would be limited to $1,500,000.

Petitioner states that it would soon exhaust the maximum authorization for gas purchase facilities under this docket due to increased construction costs caused by inflation and the number of new gas supply sources in Petitioner's supply area. Petitioner also states that granting the requested authorization would ensure that Petitioner would be able to maintain its present active gas supply program for the benefit of its customers, while at the same time, minimize the cost and delay which would be created by the requirement of filing separate applications for certificate authorization.

Any person desiring to be heard or to make any protest with reference to said petition should on or before October 3, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-29997 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. G-232]

United Gas Pipe Line Co.; Petition To Amend

September 14, 1979.

Take notice that on August 22, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. G-232 a petition to amend the order of November 10, 1942 [1] issuing a certificate of public convenience and necessity in the instant docket pursuant to Section 7(c) of the Natural Gas Act for authorization to continue the sale of natural gas to Arkansas Louisiana Gas Company (Arkla), successor in interest to Dixie-Caddo Gas Company, Inc. (Dixie-Caddo), all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

United states that pursuant to the order issued on November 10, 1942, in the instant docket, United is authorized to sell natural gas to Dixie-Caddo, the owner of the distribution system located near the towns of Belcher and Dixie, Caddo Parish, Louisiana. The subject sale of gas is said to occur at the Dixie, Louisiana, city gate station located near the town of Dixie.

United has been advised that the system formerly owned by Dixie-Caddo has been sold to Arkla. United, therefore, requests authorization to continue the sale of gas to Arkla, successor in interest to Dixie-Caddo, under Rate Schedule G-N without change. United asserts that an amended service agreement reflects the change in ownership of the distribution system and provides for the continuation of gas service through the Dixie, Louisiana, city gate station delivery point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-30002 Filed 9-26-79; 8:45 am]
BILLING CODE 6450-01-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC.

[No. 79]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 10, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978:

Oklahoma Corporation Commission

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-17407/00027
2. 35-009-20220
3. 107
4. The GHK Co.
5. Russell #1-5
6.
7. Beckham, OK
8. .0 million cubic feet
9. August 14, 1979
10. Arkansas Louisiana Gas Co

1. 79-17408
2. 35-129-20337
3. 102
4. Grace Petroleum Corp.
5. Tracy 1-25
6. West Cheyenne
7. Roger Mills, OK
8. 292.0 million cubic feet
9. August 14, 1979
10. El Paso Natural Gas Co.

West Virginia Department of Mines Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)

1. 79-17322
2. 47-103-00604
3. 108
4. Consolidated Gas Supply Corp.
5. Mills Wetzel Land Co. 11971
6. West Virginia other A-85772
7. Wetzel, WV
8. 16.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17323
2. 47-041-01992
3. 108
4. Consolidated Gas Supply Corp.
5. D Beachler 11927
6. West Virginia other A-85772
7. Lewis, WV
8. 10.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17324
2. 47-001-00655
3. 108
4. Consolidated Gas Supply Corp.
5. C Kines 11656
6. West Virginia other A-85772
7. Barbour, WV
8. 15.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17325
2. 47-055-00034
3. 108
4. Consolidated Gas Supply Corp.
5. Pocahontas Land 11771
6. Pineville Field Area A-59442
7. Mercer, WV
8. 12.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17326
2. 47-047-00719
3. 108
4. Consolidated Gas Supply Corp.
5. Pocahontas Land 12376
6. Pineville Field Area A-59442
7. McDowell, WV
8. 13.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17327
2. 47-041-02013
3. 108
4. Consolidated Gas Supply Corp.
5. J T Imboden 12006
6. West Virginia other A-85772
7. Lewis, WV
8. 7.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17328
2. 47-041-02007
3. 108
4. Consolidated Gas Supply Corp.
5. J McClain 11993
6. West Virginia other A-85772
7. Lewis, WV
8. 9.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17329
2. 47-041-02066
3. 108
4. Consolidated Gas Supply Corp.
5. E Henry 12180
6. West Virginia other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17330

2. 47-041-02024
3. 108
4. Consolidated Gas Supply Corp.
5. W B Hacker 12093
6. West Virginia other A-85772
7. Lewis, WV
8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17331
2. 47-017-01842
3. 108
4. Consolidated Gas Supply Corp.
5. E E Harry 12168
6. West Virginia other A-85772
7. Doodridge, WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17332
2. 47-033-01010
3. 108
4. Consolidated Gas Supply Corp.
5. J W Sommerville 12183
6. West Virginia other A-85772
7. Harrison, WV
8. 12.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17333
2. 47-033-00786
3. 108
4. Consolidated Gas Supply Corp.
5. C Ryan 11745
6. West Virginia other A-85772
7. Harrison, WV.
8. 1.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17334
2. 47-017-01737
3. 108
4. Consolidated Gas Supply Corp.
5. Caufield-McQuain 11655
6. West Virginia other A-85772
7. Doddridge, WV
8. 9.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17335
2. 47-097-01612
3. 108
4. Consolidated Gas Supply Corp.
5. D Post 11972
6. West Virginia other A-85772
7. Upshur, WV
8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17336
2. 47-047-00671
3. 108
4. Consolidated Gas Supply Corp.
5. Consolidation Coal Co. 12097
6. Pinefield Field Area A-59442
7. McDowell, WV
8. 15.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17337
2. 47-055-00038
3. 108
4. Consolidated Gas Supply Corp.
5. Pocahontas Land 12005
6. Pineville Field Area A-59442
7. Mercer, WV
8. 20.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17338
2. 47-097-01610
3. 108
4. Consolidated Gas Supply Corp.
5. H Fidler 11965
6. West Virginia other A-85772
7. Upshur, WV
8. 2.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17339
2. 47-067-00315
3. 108
4. Consolidated Gas Supply Corp.
5. G Minner 11806
6. West Virginia other A-85772
7. Nicholas, WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17340
2. 47-001-00710
3. 108
4. Consolidated Gas Supply Corp.
5. H Winans 11834
6. West Virginia other A-85772
7. Barbour, WV
8. 4.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17341
2. 47-001-00728
3. 108
4. Consolidated Gas Supply Corporation
5. W H Lantz 12038
6. West Virginia other A-85772
7. Barbour WV
8. 2.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17342
2. 47-013-02540
3. 108
4. Consolidated Gas Supply Corporation
5. D Brannon 12039
6. West Virginia other A-85772
7. Calhoun WV
8. .4 million cubic feet
9. August 21, 1979
10. General System Purchasers

1.
1. 79-17343
2. 47-041-01991
3. 108
4. Consolidated Gas Supply Corporation
5. R Crites 11926
6. West Virginia other A-85772
7. Lewis WV
8. 10.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17344
2. 47-041-01971
3. 108
4. Consolidated Gas Supply Corporation
5. Union National Bank 11869
6. West Virginia other A-85772
7. Lewis WV
8. 8.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17345
2. 47-041-01965
3. 108
4. Consolidated Gas Supply Corporation
5. E S Poling 11828
6. West Virginia other A-85772
7. Lewis WV
8. 4.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17346
2. 47-041-02093
3. 108
4. Consolidated Gas Supply Corporation
5. F L Hacker 12081
6. West Virginia other A-85772
7. Lewis WV
8. 6.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17347
2. 47-041-02014
3. 108
4. Consolidated Gas Supply Corporation
5. C W Meader 12011
6. West Virginia other A-85772
7. Lewis WV
8. 14.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17348
2. 47-041-02091
3. 108
4. Consolidated Gas Supply Corporation
5. P Doonan Hrs 12120
6. West Virginia other A-85772
7. Lewis WV
8. 1.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17349
2. 47-041-01905
3. 108
4. Consolidated Gas Supply Corporation
5. W L Fury 11644
6. West Virginia other A-85772
7. Lewis WV
8. 6.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17350
2. 47-041-01961
3. 108
4. Consolidated Gas Supply Corporation
5. W L Fury 11732
6. West Virginia other A-85772
7. Lewis WV
8. 5.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17351
2. 47-041-01951
3. 108
4. Consolidated Gas Supply Corporation
5. A Trefz 11618
6. West Virginia other A-85772
7. Lewis WV
8. 15.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17352
2. 47-041-01936
3. 108
4. Consolidated Gas Supply Corporation
5. F Hacker 11662

6. West Virginia other A-85772
7. Lewis WV
8. 5.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17353
2. 47-041-01940
3. 108
4. Consolidated Gas Supply Corporation
5. K H Horner 11600
6. West Virginia other A-85772
7. Lewis WV
8. 14.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17354
2. 47-041-01937
3. 108
4. Consolidated Gas Supply Corporation
5. W J Ross 11682
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17355
2. 47-041-01912
3. 108
4. Consolidated Gas Supply Corporation
5. D E Gould 11653
6. West Virginia other A-85772
7. Lewis WV
8. 12.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17356
2. 47-041-01913
3. 108
4. Consolidated Gas Supply Corporation
5. D E Gould 11654
6. West Virginia other A-85772
7. Lewis WV
8. 16.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17357
2. 47-041-01897
3. 108
4. Consolidated Gas Supply Corporation
5. W H Linger 11566
6. West Virginia other A-85772
7. Lewis WV
8. 13.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17358
2. 47-041-02018
3. 108
4. Consolidated Gas Supply Corporation
5. J Beach 12049
6. West Virginia other A-85772
7. Lewis WV
8. 2.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17359
2. 47-041-01994
3. 108
4. Consolidated Gas Supply Corporation
5. Bennett-Hall 11955
6. West Virginia other A-85772
7. Lewis WV
8. 17.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17360
2. 47-041-02020
3. 108
4. Consolidated Gas Supply Corporation
5. H D Curtis 12012
6. West Virginia other A-85772
7. Lewis WV
8. 3.0 million cubic feet
9. August 21, 1979
10. General System Purchasers

1. 79-17402
2. 47-021-03217
3. 103
4. Gene Stalnaker Inc
5. John Killingsworth #1
6. Glenville Field
7. Gilmer WV
8. 21.9 million cubic feet
9. August 21, 1979
10. Equitable Gas Co

1. 79-17403
2. 47-021-03034
3. 103 denied
4. Gene Stalnaker Inc
5. R J Messenger #2
6. Glenville
7. Gilmer WV
8. 24.0 million cubic feet
9. August 21, 1979
10. Consolidated Gas Supply Corp.

1. 79-17404
2. 47-021-03232
3. 103
4. Gene Stalnaker Inc
5. John Killingsworth B-23-#3
6. Glenville Field
7. Gilmer WV
8. 21.9 million cubic feet
9. August 21, 1979
10. Equitable Gas Co

1. 79-17405
2. 47-021-03234
3. 103
4. Gene Stalnaker Inc
5. John Killingsworth B-24-#4
6. Glenville Field
7. Gilmer WV
8. 21.9 million cubic feet
9. August 21, 1979
10. Equitable Gas Co

1. 79-17406
2. 47-041-00724
3. 108
4. Allegheny Land & Mineral Co
5. A-137
6. Freemans Creek District
7. Lewis WV
8. 2.5 million cubic feet
9. August 10, 1979
10. Consolidated Gas Supply Corp

U.S. Geological Survey, Albuquerque, N. Mex.

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. Country, State or block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchasers(s)

1. 79-17361/NM 2024-79
2. 30-039-05783-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla B #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17362/NM-1920-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Co.
5. Lockhart A-27 #8
6. New Mexico Federal Unit
7. Lea NM
8. 7.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas (C-4087)

1. 79-17363/NM-2021-79
2. 30-045-20325-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Russell #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 8.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17364/NM-2022-79
2. 30-039-05931-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla E #5
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 10.2 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17365/NM-2023-79
2. 30-045-20335-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Howell #7
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17366/NM 1352-79
2. 30-045-06316-0000-0
3. 108
4. Gulf Oil Corp.
5. Scott E Federal No. 3
6. Kutz Pictured Cliffs West
7. San Juan NM
8. 8.9 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico

1. 79-17367/NM-1353-79
2. 30-039-20093-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit #72
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17368/NM 2025-79
2. 30-045-11919-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Hardie E #5
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM

8. 8.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17369/NM 2026-79
2. 30-039-08072-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit NP #62
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17370/NM 2027-79
2. 30-039-05446-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarillaa #2
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.5 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17371/NM 2028-79
2. 30-045-11779-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Ludwick #24
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 4.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17372/NM 2029-79
2. 30-045-11780-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Heaton #21
6. Aztec-Pictured Cliffs Gas
7. San Juan NM
8. 8.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17373/NM 2031-79
2. 30-045-11728-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Schwerdtfeger A #22
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 15.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17374/NM 2032-79
2. 30-039-05832-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla D #3
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 15.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17375/NM 2033-79
2. 30-039-05802-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla B #7
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 9.5 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17376/NM 2034-79.
2. 30-039-05499-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit #39
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.8 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17377/NM 2035-79
2. 30-039-05451-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Lindrith unit #35
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17378/NM 2036-79
2. 30-039-07108-0000-0
3. 108
4. El Paso Natural Gas Co.
5. SJ 28-6 unit #96
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17379/NM 2037-79
2. 30-039-07397-0000-0
3. 108
4. El Paso Natural Gas Co.
5. SJ 28-5 unit #39
6. Blanco-Mesaverde gas
7. Rio Arriba NM
8. 12.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17380/NM 2030-79
2. 30-043-05174-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla 183 #2
6. Ballard-Pictured Cliffs Gas
7. Sandoval NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17381/NM 1528-79
2. 30-039-20519-0000-0
3. 108
4. El Paso Natural Gas Co.
5. San Juan 30-6 unit No. 102R
6. Blanco-Mesaverde Gas
7. Rio Arriba NM
8. 13.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17382/NM 1529-79
2. 30-045-06673-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Dryden No. 2
6. Blanco South-Pictured Cliffs Gas
7. San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17383/NM 1701-79
2. 30-045-06826-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Harmon A 1
6. Kutz West-Pictured Cliffs Gas
7. San Juan NM
8. 4.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17384/NM 1702-79
2. 30-039-05464-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla A No. 4
6. Ballard-Pictured Cliffs Gas
7. Rio Arriba NM
8. 1.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17385/NM 1703-79
2. 30-045-06394-0000-0
3. 108
4. El Paso Natural Gas Co.
5. McAdams 1
6. Fulcher Kutz-Pictured Cliffs Gas
7. San Juan NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17386/NM 1704-79
2. 30-039-05929-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla C No. 9
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.6 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.

1. 79-17387/NM 1354-79
2. 30-045-20282-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Huerfano unit No. 178
6. Basin-Dakota Gas
7. San Juan NM
8. 10.2 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co. Northwest Pipeline Corporation.

1. 79-17388/NM 1362-79
2. 30-039-06364-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla F No. 2
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 13.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co. Northwest Pipeline Corporation.

1. 79-17389/NM 1408-79
2. 30-039-06476-0000-0
3. 108
4. El Paso Natural Gas Co.
5. Jicarilla J No. 12
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 16.4 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co. Northwest Pipeline Corporation.

1. 79-17390/NM-1409-79
2. 30-039-05983-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 15
6. Blanco South-Pictured Cliffs Gas
7. Rio Arriba NM
8. 8.8 million cubic feet

9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17391/NM-1520-79
2. 30-039-06504-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 13
6. Blanco South-Pictured Cliffs Gas
7 Rio Arriba NM
8. 17.9 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-17392/NM-1521-79
2. 30-039-06501-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 14
6. Blanco South-Pictured Cliffs Gas
7 Rio Arriba NM
8. 15.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-17393/NM-1522-79
2. 30-045-11783-0000-0
3. 108
4. El Paso Natural Gas Company
5. Herfanito Unit No. 100
6. Blanco-Mesarverde Gas
7 San Juan NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company, Northwest Pipeline Corporation
1. 79-17394/NM-1526-79
2. 30-039-21087-0000-0
3. 108
4. El Paso Natural Gas Company
5. SJ 28-5 Unit No. 81
6. Basin-Dakota Gas
7 Rio Arriba NM
8. 8.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17395/NM-1527-79
2. 30-039-07080-0000-0
3. 108
4. El Paso Natural Gas Company
5. San Juan 28-6 Unit No. 91
6. Blanco South-Pictured Cliffs Gas
7 Rio Arriba NM
8. 5.5 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17396/NM-1887-79
2. 30-039-21254-0000-0
3. 108
4. Lynco Oil Corporation
5. Jicarilla No. 1
6. Gallup
7 Rio Arriba NM
8. 12.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17397/NM-1919-79
2. 30-025-00000-0000-0
3. 108
4. Continential Oil Company
5. North El Mar Unit No. 11
6. El Mar
7 Lea NM
8. .6 million Cubic Feet
9. August 21, 1979
10. Phillips Petroleum (C-638)
1. 79-17409/NM-0003-79
2. 30-039-00000-0000-0
3. 108
4. D E Florance
5. Jicarilla Apache-362 No. D-3
6. Ballard Picture Cliff
7 Rio Arriba NM
8. 16.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17410
2. 30-039-00000-0000-0
3. 108
4. D E Florance
5. Jicarilla Apache-362 No. D-2
6. Ballard Picture Cliff
7 Rio Arriba Co NM
8. 5.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17411/NM 382-79
2. 30-005-60436-0000-0
3. 102
4. C E Larue and B N Muncy Jr
5. Nola No. 4
6. Sams Ranch Grayburg
7 Chaves NM
8. .0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17412/NM 383-79
2. 30-005-00000-0000-0
3. 102
4. C E Larue and B N Muncy Jr
5. Hanlad No. 2
6. Sams Ranch Grayburg
7 Chaves NM
8. .0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17413/NM 384-79
2. 30-005-60390-0000-0
3. 102
4. C E Larue and B N Muncy Jr
5. Nola No. 3
6. Sams Ranch Grayburg
7 Chaves NM
8. .0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17414/NM-1360-79
2. 30-039-05782-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla No. 3
6. Blanco South-Pictured Cliffs
7 Rio Arriba NM
8. 5.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17415/NM-1361-79
2. 30-039-06471-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla F No. 12
6. Blanco South-Pictured Cliffs Gas
7 Rio Arriba NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company Northwest Pipeline Corporation
1. 79-17416/NM-1363-79
2. 30-039-20740-0000-0
3. 108
4. El Paso Natural Gas Company
5. Sanchez A 4
6. Otero-Chacra Gas
7. Rio Arriba NM
8. 15.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17417/NM-1364-79
2. 30-045-21685-0000-0
3. 108
4. El Paso Natural Gas Company
5. Nye 16
6. Aztec-Fruitland Gas
7 San Juan NM
8. 5.8 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17418/NM-1365-79
2. 30-045-21568-0000-0
3. 108
4. El Paso Natural Gas Company
5. Nye 12
6. Aztec-Fruitland Gas
7 San Juan NM
8. 9.9 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17419/NM-1377-79
2. 30-045-09295-0000-0
3. 108
4. El Paso Natural Gas Company
5. Sunray D 1
6. Basin-Dakota Gas
7 San Juan NM
8. 18.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17420/NM-1860-79
2. 30-039-05436-0000-0
3. 108
4. Ken Blackford
5. Well 37B 1 Lease 09-000037-B
6. Ballard Pictured Cliffs
7 Rio Arriba NM
8. 1.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17421/NM-1861-79
2. 30-039-05412-0000-0
3. 108
4. Ken Blackford
5. Well 37B 2 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 9.2 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17422/NM-1862-79
2. 30-039-05435-0000-0
3. 108
4. Ken Blackford
5. Well 37B 3 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 9.6 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17423/NM-1863-79
2. 30-039-05305-0000-0
3. 108
4. Ken Blackford
5. Well 37B 4 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 5.4 million cubic feet
9. August 21, 1979

10. El Paso Natural Gas Company
1. 79-17424/NM-1864-79
2. 30-039-05346-0000-0
3. 108
4. Ken Blackford
5. Well 37B 5 Lease 09-000037-B
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 12.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17425/NM-1865-79
2. 30-039-05347-0000-0
3. 108
4. Ken Blackford
5. Well 13 1 Lease 09-000013
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 4.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17426/NM-1866-79
2. 30-039-60026-0000-0
3. 108
4. Ken Blackford
5. Well 13 2 Lease 09-000013
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 5.1 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company

U.S. Geological Survey, Tulsa, Okla.

1. Control Number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or block No.
8. Estimated Annual Volume
9. Date Received at FERC
10. Purchaser(s)
1. 79-17398
2. 35-137-00000-0000-0
3. 108
4. Tenneco Oil Company
5. Lena Simpson 5-A
6. Doyle
7. Stephens OK
8. 1.4 million cubic fleet
9. August 21, 1979
10. Aminoil USA Inc.
1. 79-17399
2. 35-137-00000-0000-0
3. 108
4. Tenneco Oil Company
5. Lena Simpson 3-A
6. Doyle
7. Stephens OK
8. .6 million cubic feet
9. August 21, 1979
10. Aminoil USA Inc.
1. 79-17400
2. 35-137-00000-0000-0
3. 108
4. Tenneco Oil Company
5. Lena Simpson 2A
6. Doyle
7. Stephens OK
8. .8 million cubic feet
9. August 21, 1979
10. Aminoil USA Inc.
1. 79-17401
2. 35-137-00000-0000-0
3. 108
4. Tenneco Oil Company
5. Lena Simpson 6-A
6. Doyle
7. Stephens OK
8. 1.5 million cubic feet
9. August 21, 1979
10. Aminoil USA Inc.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fiften (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30007 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

[No. 80]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

September 10, 1979.

The Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Mississippi Oil and Gas Board

1. Control number (FERC/State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-17427/78-79-418
2. 23-065-20114
3. 102 103 107
4. Harkins & Company
5. Dale Unit 17-8 Well No 1
6. Greens Creek
7. Jefferson Davis MS
8. 1825.0 million cubic feet
9. August 22, 1979
10. Transcontinental Gas Pipeline Corp.

New Mexico Department of Energy and Minerals, Oil Conservation Division

1. Control Number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-17428
2. 30-015-22275
3. 102 103
4. Read & Stevens Inc
5. Turkey Tract State Com No. 1
6. Turkey Tract Morrow
7. Eddy NM
8. 330.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company

Texas Railroad Commission, Oil and Gas Division

1. Control number (FERC/State)
2. API well number
3. Section of NGPA
4. Operator
5. Well Name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-17459/08022
2. 42-175-31003
3. 103
4. Amoco Production Company
5. L W O'Connor A No. 71
6. Live Oak Lake (4630')
7. Goliad TX
8. 771.0 million cubic feet
9. August 22, 1979
10. Amoco Gas Company
1. 79-17460/08394
2. 42-283-30635
3. 102
4. Mormac Oil & Gas Co.
5. C N Cooke B No. 2
6. Cooke (Wilcox 4100 West)
7. La Salle TX
8. 55.0 million cubic feet
9. August 22, 1979
10. Transcontinental Gas Pipeline Corp.
1. 79-17461/05132
2. 42-371-32479
3. 103
4. Getty Oil Company
5. Anna Laughlin No. 1
6. Gomez NW (Wolfcamp)
7. Pecos TX
8. 500.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company
1. 79-17462/05131
2. 42-497-00000
3. 103
4. Getty Oil Company
5. Caughlin Unit No. 36
6. Caughlin (Strawn)
7. Wise TX
8. 5.0 million cubic feet
9. August 22, 1979
10. Cities Service Company, Natural Gas Pipeline Co.

1. 79-17463/05135
2. 42-103-31779
3. 103
4. Getty Oil Company
5. University M Well No. 18
6. McElroy
7. Crane TX
8. 10.0 million cubic feet
9. August 22, 1979
10. Phillips Petroleum Company

1. 79-17464/03983
2. 42-295-30530
3. 103
4. Argonaut Energy Corporation
5. Stuart Ranch No. 2 017954
6. Stuart Ranch (Morrow Lower)
7. Lipscomb TX
8. 435.6 million cubic feet
9. August 22, 1979
10. Northern Natural Gas Company

1. 79-17465/03957
2. 42-461-30707
3. 103
4. Cotton Petroleum Corporation
5. Halff Estate No. 4
6. Amacker-Tippett (Devonian)
7. Upton TX
8. 90.8 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company

1. 79-17466/03919
2. 42-131-32915
3. 103
4. Mobil Oil Corporation
5. Duval Ranch Sec 106 No. 9
6. Piedre Lumbre (Wilcox)
7 Duval TX
8. 75.0 million cubic feet
9. August 22, 1979
10. Tennessee Gas Pipeline Company

1. 79-17467/03905
2. 42-227-31529
3. 103
4. Harper & Lawless
5. W S Cole No. 1
6. Vincent (Clear Fork Lower)
7. Howard TX
8. 1.6 million cubic feet
9. August 22, 1979
10. Getty Oil Company

1. 79-17468/03891
2. 42-461-31294
3. 103
4. Cotton Petroleum Corporation
5. Jackson A No. 1
6. Amacker-Tippett (Devonian)
7. Upton TX
8. 182.5 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co.

1. 79-17469/03759
2. 42-371-00000
3. 107
4. C & K Petroleum Inc.
5. Maddox State No. 1
6. Hershey (Dev-Fuslm-Mont)
7 Pecos TX
8. 550.0 million cubic feet
9. August 22, 1979
10. Northern Natural Gas Co.

1. 79-17470/03752
2. 42-409-00000
3. 108
4. Forest Oil Corporation
5. S G Floerke No. 1 (No. 14368)
6. Stark Field
7. San Patricio TX
8. 10.0 million cubic feet
9. August 22, 1979
10. Sinclair Oil & Gas Company (ARCO)

1. 79-17471/03668
2. 42-175-31144
3. 103
4. L & L Petroleum Corporation
5. Raymond Mainka No. 1 79279
6. Brandt
7. Goliad TX
8. 146.0 million cubic feet
9. August 22, 1979
10. Texas Eastern Transmission Corp.

1. 79-17472/03577
2. 42-475-00000
3. 108
4. Petroleum Consultant Services
5. Pet Con Ser No. 1 Joner
6. Pitzer (Ramsey)
7 Ward TX
8. 18.0 million cubic feet
9. August 22, 1979
10. Northern Natural Gas

1. 79-17473/03544
2. 42-367-00000
3. 108
4. Ladd Petroleum Corporation
5. Scott-Woody No. 2
6. Toto
7. Parker TX
8. 5.8 million cubic feet
9. August 22, 1979
10. Long Star Gas Company.

1. 79-17474/05130
2. 42-497-00000
3. 103
4. Getty Oil Company
5. Caughlin Unit No. 35
6. Caughlin (Strawn)
7. Wise TX
8. 3.0 million cubic feet
9. August 22, 1979
10. Cities Service Company, Natural Gas Pipeline Co.

1. 79-17475/04843
2. 42-285-31278
3. 102
4. F B Lacy
5. Brushy Creek Unit 1 78306
6. Brushy Creek (4800)
7 Lavaca TX
8. 300.0 million cubic feet
9. August 22, 1979
10. Texas Eastern Transmission Corp.

1. 79-17476/04550
2. 42-383-31265
3. 103
4. Houston Oil & Minerals Corp.
5. Merchant Estate 17 No. 8
6. Spraberry (trend area)
7. Reagan, TX
8. 30.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum

1. 79-17477/04541
2. 42-383-31209
3. 103
4. Houston Oil & Minerals Corp.
5. Sugg F No. 5
6. Calvin (Dean)
7. Reagan, TX
8. 80.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum

1. 79-17478/05146
2. 42-079-30810
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 164
6. Levelland
7. Cochran, TX
8. 70.0 million cubic feet
9. August 22, 1979
10. Cities Service Company

1. 79-17479/05143
2. 42-079-30813
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 162
6. Levelland
7 Cochran, TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Cities Service Company

1. 79-17480/05144
2. 42-079-30811
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 163
6. Levelland
7. Cochran, TX
8. 4.0 million cubic feet
9. August 22, 1979
10. Cities Service Company

1. 79-17481/05145
2. 42-079-30983
3. 103
4. Getty Oil Company
5. Xit Unit Well No. 166
6. Levelland
7. Cochran, TX
8. 7.0 million cubic feet
9. August 22, 1979
10. Cities Service Company

1. 79-17482/04396
2. 42-367-31272
3. 103
4. The Baron Company, Inc.
5. Lockhart
6. Grant Strawn Lower
7 Parker, TX
8. 66.0 million cubic feet
9. August 22, 1979
10. Lone Star Gas Company

1. 79-17483/03986
2. 42-295-30492
3. 102
4. Argonaut Energy Corporation
5. Stuart Ranch No. 1 75150
6. Stuart Ranch (Morrow Lower)
7 Lipscomb, TX
8. 3150.0 million cubic feet
9. August 22, 1979
10. Northern Natural Gas Company

1. 79-17484/01532
2. 42-495-00000
3. 108
4. McCommons Oil Company
5. Q. C. Massey No. 1
6. Boonsville Bend
7. Wise, TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America

1. 79-17485/00922
2. 42-239-31213
3. 103

4. Everest Exploration Company
5. Everest Expl No. 1 Kubenka
6. Kubenka (4090) Field
7. Jackson, TX
8. 90.0 million cubic feet
9. August 22, 1979
10. Tennessee Gas Pipeline Co.

1. 79-17486/00854
2. 42-219-31934
3. 103
4. Bass Enterprises Production Co.
5. Pirkle Unit No. 4
6. Slaughter
7. Hockley, TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17487/00853
2. 42-219-31935
3. 103
4. Bass Enterprises Production Co.
5. A. E. Coe No. 22
6. Slaughter
7. Hockley, TX
8. 3.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17488/00625
2. 42-495-00000
3. 103
4. Taylor Operating Company
5. R. H. Nobles A No. 1 (77797)
6. Boonsville (Bend Congl Gas)
7. Wise, TX
8. 28.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipe Co. of Amer.

1. 79-17489/00465
2. 42-175-00000
3. 103
4. Omega Minerals Inc.
5. Augusta Bethke No. 1 #76255
6. Karen Beauchamp (2300)
7. Goliad, TX
8. 26.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company

1. 79-17490/04507
2. 42-383-31213
3. 103
4. Houston Oil & Minerals Corp.
5. Merchant Estate 14 No. 8
6. Spraberry (Trend area)
7. Reagan, TX
8. 35.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum

1. 79-17491/04425
2. 42-435-32055
3. 103
4. Enserch Exploration Inc.
5. A. L. Jones 121 No. 3
6. Sawyer (Canyon)
7. Sutton, TX
8. 195.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Lone Star Gas Co.

1. 79-17492/04423
2. 42-435-32054
3. 103
4. Enserch Exploration Inc.
5. A. L. Jones 121 No. 4
6. Sawyer (Canyon)
7. Sutton, TX
8. 165.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Lone Star Gas Co.

1. 79-17493/04422
2. 42-435-31465
3. 103
4. Enserch Exploration Inc.
5. A. L. Jones 113 No. 3
6. Sawyer (Canyon)
7. Sutton, TX
8. 195.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Lone Star Gas Co.

1. 79-17494/04421
2. 42-435-31464
3. 103
4. Enserch Exploration Inc.
5. E. E. Sawyer 129 No. 3
6. Sawyer (Canyon)
7. Sutton, TX
8. 76.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America, Lone Star Gas Co.

1. 79-17495/04420
2. 42-413-30645
3. 103
4. Enserch Exploration Inc.
5. Powell 14 No. 1
6. Kama (Canyon)
7. Schleicher, TX
8. 10.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company

1. 79-17496/04419
2. 42-413-30405
3. 103
4. Enserch Exploration Inc.
5. Jeffers No. 2
6. Kama (Canyon)
7. Schleicher, TX
8. 22.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company

1. 79-17497/04418
2. 42-413-30711
3. 103
4. Enserch Exploration Inc.
5. Jeffers 28 No. 1
6. John Rae (Penn)
7. Schleicher, TX
8. 50.0 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company

1. 79-17498/04397
2. 42-495-00000
3. 103
4. Taylor Operating Company
5. Flanagan No. 1 (79908)
6. Boonsville (Bend Congl Gas)
7. Wise, TX
8. 219.0 million cubic feet
9. August 22, 1979
10. Natural Gas Pipeline Co. of America

1. 79-17499/03543
2. 42-367-00000
3. 108
4. Ladd Petroleum Corporation
5. Linehan No. 1.
6. Toto
7. Parker, TX
8. 7.2 million cubic feet
9. August 22, 1979
10. Lone Star Gas Company

1. 79-17500/03593
2. 42-087-26316
3. 108
4. El Paso Natural Gas Company
5. Wischkaemper A 1
6. Panhandle East
7. Collingsworth, TX
8. 15.1 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Company

1. 79-17501/02071
2. 42-079-00000
3. 103
4. Monsanto Company
5. F. O. Mastern No. 51 03692
6. Levelland
7. Cochran, TX
8. 2.2 million cubic feet
9. August 22, 1979
10. Cities Service Gas Company

1. 79-17502/02070
2. 42-079-00000
3. 103
4. Monsanto Company
5. F. O. Mastern No. 51 03692
6. Levelland
7. Cochran, TX
8. 2.7 million cubic feet
9. August 22, 1979
10. Cities Service Gas Company

1. 79-17503/02058
2. 42-087-00000
3. 108
4. GHK Corporation
5. L. M. Tittle D-1 2-044-40107-9
6. Panhandle East
7. Collingsworth, TX
8. 0.5 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas

1. 79-17504/02057
2. 42-087-00000
3. 108
4. GHK Corporation
5. L. M. Tittle C-1 2-044-38267-5
6. Panhandle East
7. Collingsworth, TX
8. 10.3 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas

1. 79-17505/02056
2. 42-087-00000
3. 108
4. GHK Corporation
5. L. M. Tittle 1-842-044-38288-3
6. Panhandle East
7. Collingsworth, TX
8. 2.5 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas

1. 79-17506/02055
2. 42-087-00000
3. 108
4. GHK Corporation
5. Laycock 1-98 2-944-38255-9
6. Panhandle East
7. Collingsworth TX
8. 1.2 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas

1. 79-17507/02054

2. 42-087-00000
3. 108
4. GHK Corporation
5. L M Tittle 1-83 2-044-38267-5
6. Panhandle East
7 Collingsworth TX
8. 1.3 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas

1. 79-17508/02053
2. 42-087-00000
3. 108
4. GHK Corporation
5. Laycock 1-3 2-044-38264-2
6. Panhandle East
7. Collingsworth TX
8. .8 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas

1. 79-17509/02052
2. 42-087-00000
3. 108
4. GHK Corporation
5. J St Mary 1-A 2-044-40106-1
6. Panhandle East
7 Collingsworth TX
8. 5.6 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas

1. 79-17510/02023
2. 42-389-30965
3. 103
4. Marathon Oil Company
5. Fidelity Trust Co et al Well 4-A
6. Waha North (Delaware Sand)
7 Reeves TX
8. 8.0 million cubic feet
9. August 22, 1979
10. Transwestern Pipeline Company

1. 79-17511/01984
2. 42-245-30121
3. 102
4. McMoran-Transco Exploration Co
5. State Tract 77-S Well No 1-0
6. McFadden Beach E (8200)
7. Jefferson TX
8. 720.0 million cubic feet
9. August 22, 1979
10.

1. 79-17512/01923
2. 42-335-31290
3. 103
4. Sun Oil Company (Delaware)
5. V T McCabe D No 13
6. Jameson North (Strawn)
7. Mitchell TX
8. 38.0 million cubic feet
9. August 22, 1979
10. Lone Star Gas Company

1. 79-17513/01553
2. 42-103-31940
3. 103
4. Mobil Oil Corporation
5. Texas University Sec 15 & 16 No 1541
6. Dune
7. Crane TX
8. 58.0 million cubic feet
9. August 22, 1979
10. Phillips Petroleum Company

1. 79-17514/04525
2. 42-383-31205
3. 103
4. Houston Oil & Minerals Corporation
5. Merchant Estate 14 No 6
6. Spraberry (Trend Area)
7 Reagan TX
8. 30.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum

1. 79-17515/04524
2. 42-383-31258
3. 103
4. Houston Oil & Minerals Corp
5. Merchant Estate 13 No 7
6. Spraberry (Trend Are)
7. Reagan TX
8. 34.0 million cubic feet
9. August 22, 1979
10. Union Texas Petroleum

1. 79-17516/05163
2. 42-079-30524
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 184
6. Slaughter
7. Cochran TX
8. 16.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17517/05167
2. 42-079-30514
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 118X
6. Slaughter
7. Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17518/05166
2. 42-495-30501
3. 103
4. Getty Oil Company
5. S M Halley Well No 257
6. Weiner (Colby Sand)
7. Winkler TX
8. 25.0 million cubic feet
9. August 22, 1979
10. Cabot Corporation

1. 79-17519/05161
2. 42-079-30525
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 183
6. Slaughter
7. Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17520/05159
2. 42-495-30502
3. 103
4. Getty Oil Company
5. S M Halley Well No 258
6. Weiner (Colby Sand)
7. Winkler TX
8. 20.0 million cubic feet
9. August 22, 1979
10. Cabot Corporation

1. 79-17521/05157
2. 42-495-30502
3. 103
4. Getty Oil Company
5. S M Halley Well No 259
6. Weiner (Colby Sand)
7. Winkler TX
8. 20.0 million cubic feet
9. August 22, 1979
10. Cabot Corporation

1. 79-17522/05155
2. 42-079-30517
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 191
6. Slaughter
7. Cochran TX
8. 32.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17523/05153
2. 42-079-31000
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 194
6. Slaughter
7 Cochran TX
8. 10.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17524/05151
2. 42-079-30999
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 195
6. Slaughter
7 Cochran TX
8. 32.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17525/05149
2. 42-079-30974
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 196
6. Slaughter
7 Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company

1. 79-17626/05148
2. 42-079-30981
3. 103
4. Getty Oil Company
5. XIT Unit Well No 169
6. Levelland
7. Cochran TX
8. 12.0 million cubic feet
9. August 22, 1979
10. Cities Service Company

1. 79-17527/05147
2. 42-079-30978
3. 103
4. Getty Oil Company
5. XIT Unit Well No 167
6. Levelland
7 Cochran TX
8. 5.0 million cubic feet
9. August 22, 1979
10. Cities Service Company

1. 79-17528/06246
2. 42-235-31241
3. 103
4. Arco Oil and Gas Company
5. J R Scott 70 #2
6. Spraberry (Trend Area)
7 Irion County TX
8. 20.0 million cubic feet
9. August 22, 1979
10. J L Davis

1. 79-17529/06083
2. 42-365-30768
3. 102
4. Pennzoil Producing Company
5. Thompson Unit No 3-T
6. Carthage/Cotton Valley

7. Panola TX
8. 900.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company
1. 79-17530/05856
2. 42-365-30275
3. 102
4. Pennzoil Producihg Company
5. Whitaker Unit No 3
6. Carthage/Cotton Valley
7. Panola TX
8. 850.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company
1. 79-17531/05855
2. 42-365-30695
3. 102
4. Pennzoil Producing Company
5. Smith-Bird Unit No 2
6. Carthage/Cotton Valley
7. Panola TX
8. 700.0 million cubic feet
9. August 22, 1979
10. United Gas Pipe Line Company
1. 79-17532/05804
2. 42-495-30916
3. 103
4. Bass Enterprises Production Co
5. M J Bashara =60
6. Keystone
7. Winkler TX
8. 82.0 million cubic feet
9. August 22, 1979
10. Transwestern Pipeline Company, El Paso Gas Company
1. 79-17533/05554
2. 42-219-00000
3. 103
4. El Ran Inc
5. Davis 8 RRC= 61678
6. Levelland
7. Hockley TX
8. 6.1 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co
1. 79-17534/05544
2. 42-219-00000
3. 103
4. El Ran Inc
5. Davis 7 RRC =61678
6. Levelland
7 Hockley TX
8. 6.1 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co
1. 79-17535/05543
2. 42-219-00000
3. 103
4. El Ran Inc
5. Davis 6 RRC =61678
6. Levelland
7. Hockley TX
8. 6.2 million cubic feet
9. August 22, 1979
10. El Paso Natural Gas Co
1. 79-17536/05533
2. 42-389-00000
3. 108
4. UV Industries Inc
5. Caldwell No 2
6. Olds (Delaware)
7. Reeves TX
8. 3.2 million cubic feet
9. August 22, 1979
10. Continental Oil Company
1. 79-17537/05169
2. 42-079-30522
3. 103
4. Getty Oil Company
5. C S Dean Unit A No 186
6. Slaughter
7. Cochran TX
8. 15.0 million cubic feet
9. August 22, 1979
10. Amoco Production Company
1. 79-17538/06875
2. 42-065-30648
3. 103
4. B & W Oil & Gas
5. Burnett Lease =1-100
6. Panhandle-Carson County
7. Carson TX
8. 17.5 million cubic feet
9. August 22, 1979
10. Panhandle Eastern Pipe Line
1. 79-17539/06689
2. 42-165-31443
3. 103
4. Mobil Oil Corporation
5. H & J Sec 127-B No 13
6. G-M-K So (San Andres)
7. Gaines TX
8. 6.5 million cubic feet
9. August 22, 1979
10. Phillips Petroleum Co
1. 79-17540/06498
2. 42-165-31414
3. 103
4. Texas Pacific Oil Company Inc
5. Hahn—Deep No 1
6. Seminole (Devonian)
7. Gaines TX
8. .0 million cubic feet
9. August 22, 1979
10.
1. 79-17541/06339
2. 42-391-31286
3. 103
4. North American Royalties Inc
5. Smaystria =2 (I D =Pending)
6. Austwell (Frio 8960)
7. Refugio TX
8. 365.0 million cubic feet
9. August 22, 1979
10. Energy Development Corporation

U.S. Geological Survey—Albuquerque, N.M.

1. Control Number (F.E.R.C./State)
2. API Well Number
3. Section of NGPA
4. Operator
5. Well name
6. Field or OCS area name
7. County, State or Block No.
8. Estimated annual volume
9. Date received at FERC
10. Purchaser(s)
1. 79-17429/COA-1867-79
2. 05-067-06122-0000-0
3. 108
4. Lynco Oil Corporation
5. Flume Canyon Ute =3
6. Ignacio Blanco Pictured Cliffs
7. La Plata CO
8. 12.0 million cubic feet
9. August 21, 1979
10. Northwest Pipeline Company
1. 79-17430/NM-1888-79
2. 30-039-21042-0000-0
3. 108
4. Lynco Oil Corporation
5. Elliott Federal 1-A
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17431/NM-1889-79
2. 30-039-05119-0000-0
3. 108
4. Lynco Oil Corporation
5. Peggy Federal =1
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17432/NM-1890-79
2. 30-039-05152-0000-0
3. 108
4. Lynco Oil Corporation
5. Douthit Browning =1
6. South Blanco Pictured Cliffs
7. Rio Arriba NM
8. 3.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17433/NM-1891-79
2. 30-039-06155-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack Federal No 2
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 15.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17434/NM-1892-79
2. 30-045-13283-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack Federal No 1
6. Ballard Pictured Cliffs
7. San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17435/NM-1893-79
2. 30-039-05636-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack B Federal No 1
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17436/NM-1895-79
2. 30-045-06441-0000-0
3. 108
4. American Petrofina Company of Texas
5. Campbell Federal No 1
6. South Blanco Pictured Cliffs
7. San Juan NM
8. 10.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17437/NM-1896-79
2. 30-039-06115-0000-0
3. 108
4. American Petrofina Company of Texas
5. Foster Federal A No 1
6. Ballard Pictured Cliffs
7. Rio Arriba NM
8. 19.0 million cubic feet

9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17438/NM-1897-79
2. 30-039-06123-0000-0
3. 108
4. American Petrofina Company of Texas
5. Bolack Federal No 3
6. Ballard Pictured Cliffs
7 Rio Arriba NM
8. 9.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17439/NM-1898-79
2. 30-045-09614-0000-0
3. 108
4. American Petrofina Company of Texas
5. H Bolack No 1
6. Aztec Pictured Cliffs
7 San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co
1. 79-17440/NM-1899-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Meyer B-4 #9
6. New Mexico Federal Unit
7 Lea NM
8. 12.9 million cubic feet
9. August 21, 1979
10. Warren Petroleum (C-657)
1. 79-17441/NM-1903-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Sholes B-30 #2
6. New Mexico Federal Unit
7 Lea NM
8. 7.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas (C-4037)
1. 79-17442/NM-1904-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache J #1
6. Axi Apache Area
7 Rio Arriba NM
8. 19.1 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17443/NM-1905-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Stevens B-14 #2
6. New Mexico Federal Unit
7 Lea NM
8. 4.4 million cubic feet
9. August 21, 1979
10. Phillips Petroleum Co (C-468)
1. 79-17444/NM-1906-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. Lockhart H-14 A #4
6. New Mexico Federal Unit
7 Lea NM
8. 2.0 million cubic feet
9. August 21, 1979
10. Getty Oil Co (C-112)
1. 79-17445/NM-1908-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache L #1
6. Axi Apache Area
7 Rio Arriba NM
8. 12.6 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17446/NM-1909-79
2. 30-025-25389-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit #59
6. El Map
7 Lea NM
8. 2.6 million cubic feet
9. August 21, 1979
10. Phillips Petroleum (C-638)
1. 79-17447/NM-1910-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. Axi Apache N #3
6. Axi Apache Area
7. Rio Arriba NM
8. 10.0 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17448/NM-1912-79
2. 30-039-00000-0000-0
3. 108
4. Continental Oil Company
5. AXI Apache C No 10
6. AXI Apache Area
7. Rio Arriba NM
8. 10.3 million cubic feet
9. August 21, 1979
10. Gas Company of New Mexico (C-4787)
1. 79-17449/NM-1915-79
2. 30-025-00000-0000-0
3. 108
4. Continental Oil Company
5. North El Mar Unit No 34
6. El Mar
7. Lea NM
8. .1 million cubic feet
9. August 21, 1979
10. Phillips Petroleum (C-638)
1. 79-17450/NM-2011-79
2. 30-045-12036-0000-0
3. 108
4. Bradley H. Keyes
5. Kutz No. 1 SF-07/384
6. Fulcher Kutz Pictured Cliffs
7 San Juan NM
8. 7.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17451/NM-2012-79
2. 30-045-08127-0000-0
3. 108
4. Bradley H. Keyes
5. Moxey Federal No 1-013885
6. Fulcher Kutz Picture Cliff
7 San Juan NM
8. 5.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17452/NM-2013-79
2. 30-045-06392-0000-0
3. 108
4. Bradley H. Keyes
5. Yockey No 3 NM-020496
6. West Kutz Pictured Cliffs
7 San Juan NM
8. 1.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Co.
1. 79-17453/NM 2015-79
2. 30-039-05854-0000-0
3. 108
4. El Paso Natural Gas Company
5. Canyon Largo Unit No 106
6. Ballard—Pictured Cliffs Gas
7. Rio Arriba NM
8. 3.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17454/NM 2016-79
2. 30-039-05401-0000-0
3. 108
4. El Paso Natural Gas Company
5. Lindrith Unit No. 37
6. Blanco South—Pictured Cliffs Gas
7. Rio Arriba NM
8. 6.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17455/NM-2017-79
2. 30-039-05973-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla E No 3
6. Blanco South—Pictured Cliffs Gas
7 Rio Arriba NM
8. 11.3 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17456/NM 2018-79
2. 30-039-20235-0000-0
3. 108
4. El Paso Natural Gas Company
5. Vaughn No 9
6. Otero-Chacra Gas
7 Rio Arriba NM
8. 15.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17457/NM-2019-79
2. 30-039-05893-0000-0
3. 108
4. El Paso Natural Gas Company
5. Jicarilla C No 3
6. Blanco South—Pictured Cliffs Gas
7 Rio Arriba NM
8. 11.7 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company
1. 79-17458/NM 2020-79
2. 30-045-20311-0000-0
3. 108
4. El Paso Natural Gas Company
5. Case No 10
6. Aztec—Pictured Cliffs Gas
7 San Juan NM
8. 11.0 million cubic feet
9. August 21, 1979
10. El Paso Natural Gas Company

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission within fifteen (15) days of the date of publication of this notice in the Federal Register.

Please reference the FERC control number in all correspondence related to these determinations.

Kenneth F. Plumb,

Secretary.

[FR Doc. 79-30006 Filed 9-26-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1329-4]

Modification to State NPDES Programs

AGENCY: Environmental Protection Agency.

ACTION: Notice of approval of:

1. The State of Illinois' request for authority to administer the National Pollutant Discharge Elimination System (NPDES) with respect to Federal facilities.

2. The State of Washington's request that its Energy Facility Site Evaluation Council be given authority to administer NPDES for the facilities within its jurisdiction.

SUMMARY: On September 20, 1979, the Environmental Protection Agency approved the State of Illinois' request to include regulation of Federal facilities under their State water pollution permit program. Previously the State had been approved to participate in the National Pollutant Discharge Elimination System (NPDES). On August 15, 1979, EPA approved the request of the State of Washington that its Energy Facility Site Evaluation Council participate in the NPDES program.

FOR FURTHER INFORMATION CONTACT: David Schnapf, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, 202-755-1572.

SUPPLEMENTARY INFORMATION: In 1977 Congress amended section 313 of the Clean Water Act (33 U.S.C. 1251, et seq.) to authorize States to regulate Federally owned or operated facilities under their water pollution control programs. Prior to the amendment, States, including those authorized pursuant to section 402(b) of the Clean Water Act to participate in the National Pollutant Discharge Elimination System (NPDES), were precluded from regulating Federal facilities. Therefore, the Environmental Protection Agency (EPA) in approving State programs under section 402(b) reserved the authority to issue NPDES permits to Federal facilities.

With the passage of the 1977 amendments, EPA has been transferring NPDES authority over Federal facilities to approved States. Today's Federal Register notice is to announce the approval of the State of Illinois' request to assume NPDES authority over Federal facilities.

On November 14, 1973, EPA approved the State of Washington's request to participate in NPDES. At that time permitting responsibility in the State was divided between the Department of Ecology and the Thermal Power Plant Site Evaluation Council (TPPSEC). TPPSEC was subsequently abolished and replaced by the Energy Facility Site Evaluation Council (EFSEC). The State then sought approval of a modification to its NPDES program authorizing EFSEC's participation in NPDES. On August 15, 1979, EPA approved EFSEC's request. Also included in this notice is a list of approved NPDES States indicating which have been granted Federal facilities and pretreatment authority.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	03/26/73		
Delaware	04/01/74		
Georgia	06/28/74		
Hawaii	11/28/74	06/01/79	
Illinois[1]	10/23/77	09/20/79	
Indiana	01/01/75	12/03/78	
Iowa	09/10/78	09/10/78	
Kansas	06/28/74		
Maryland	03/05/74		
Michigan	10/17/73	12/03/78	
Minnesota	06/30/74	12/03/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	
Montana	06/10/74		
Nebraska	06/12/74		
Nevada	03/19/75	09/31/78	
New York	10/28/75		
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	03/26/73	03/02/79	
Pennsylvania	06/30/78	06/30/78	
South Carolina	06/10/75		
Tennessee	12/28/77		
Vermont	03/11/74		
Virgin Islands	06/30/76		
Virginia	03/31/75		
Washington[2]	11/14/73		
Wisconsin	02/04/74		
Wyoming	01/30/75		

[1] On January 26, 1979, the United States Court of Appeals for the Seventh Circuit invalidated the Agency's approval of the Illinois NPDES program in *Citizens for a Better Environment* v. *Environmental Protection Agency* (No. 78-1042; Petition for rehearing denied May 16, 1979). However, on May 30, 1979, the Court stayed the enforcement of its order until February 23, 1980, in order to provide EPA an opportunity to revise its regulations governing public participation in enforcement. In the interim, the State of Illinois is operating an approved program.

[2] On August 15, 1979, EPA approved a modification to Washington's NPDES program to allow the State Energy Facility Site Evaluation Council to issue and enforce permits.

For further information on the *Citizens for Better Environment* case and the Agency's response thereto, see the public participation in enforcement regulations that were recently promulgated in the Federal Register (44 FR 49275, August 22, 1979).

Dated: September 20, 1979.

Joan Z. Bernstein,

Acting Assistant Administrator for Enforcement.

[FR Doc. 79-30033 Filed 9-26-79; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1329-5]

Montana Power Co., Colstrip Units No. 3 and No. 4; Approval of PSD Permit

Notice is hereby given that on September 11, 1979, the U.S. Environmental Protection Agency issued a Prevention of Significant Deterioration (PSD) permit to the Montana Power Company, Butte, Montana, to construct Colstrip Units #3 and #4, two 778 megawatt (gross) coal fired steam electric generating plants at Colstrip, Montana. This permit has been issued under EPA's Prevention of Significant Deterioration Regulations (40 CFR, Part 52.21) subject to certain conditions, as summarized below:

1. SO_2 emissions from either unit shall not exceed 761 pounds per hour (running 30-day average) or 0.18 pounds per million BTU heat input as averaged over any calendar day, to be exceeded no more than once during any calendar month. Compliance with these limits will be based solely on continuous emission monitor (CEM) data.

2. Particulate matter emissions from either unit shall not exceed 0.05 pounds per million BTU heat input as averaged over three hours (minimum) of reference method testing; and 20 percent opacity. Compliance will be based on Reference Method 5; and Reference Method 9 and CEM data, respectively.

3. Nox emissions from either unit shall not exceed 0.70 pounds per million BTU heat input, as averaged over any calendar day. Compliance to be based solely on CEM data.

4. A CEM system for measuring opacity, optical density, sulfur dioxide, nitrogen oxides, and diluent shall be installed, calibrated, maintained and operated by the Company.

5. The Company shall submit to EPA all future information and final plans for the SO_2 and particulate control system. If EPA determines that the emission limits will not be met, the permit shall be denied *ab initio.*

6. The Company shall establish an air quality and meteorology monitoring network.

The following conditions were added as a result of proceedings conducted pursuant to Section 164(e) of the Clean Air Act. Should the Northern Cheyenne Reservation be redesignated to any PSD classification less stringent than Class I Conditions 7, 8 and 9 shall be of no force and effect. However, and controls designed and implemented pursuant to Conditons 7 and 8 prior to such redesignation shall remain operable.

7. Colstrip Units #3 and #4 will be subject to the best available retrofit technology (BART) requirements for nitrogen oxides at such time as EPA promulgates these requirements for power plants.

8. If there is a perceptible plume (as will be specified in EPA visibility regulations) on the Northern Cheyenne Indian Reservation, as observed by an impartial observer designated by EPA, Units #3 and #4 will be subject to the BART requirements for particulate matter.

9. The Company and Northern Cheyenne Tribe shall work together to define a baseline and operational visibility monitoring program. This program is to be funded by the Company.

This notice contains only a summary of the permit conditions and interested parties are advised to review the full permit. This PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed on or before November 26, 1979.

Copies of the permit are available for public inspection upon request at the following locations:

Environmental Protection Agency, Region VIII, Air Programs Branch, Room 204, 1860 Lincoln Street Denver, CO 80295 (303) 837-3763.

Montana Air Quality Bureau, Department of Health & Environmental Sciences, Cogswell Building, Helena, Montana 59601 (406) 449-3454.

Rosebud County Clerk's Office, Rosebud County Courthouse, Forsyth, Montana 59327 (406) 356-7318.

Dated: September 21, 1979.

Roger L. Williams,

Regional Administrator.

[FR Doc. 79-30052 Filed 9-26-79; 8.45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 79-222]

Charles A. Stevens, Sr., and Buddy's Fire Protection; Designating Application for Hearing on Stated Issues; Designation Order

Adopted: September 10, 1979.

Released: September 18, 1979.

In the matter of application of Charles A. Stevens, Sr., d.b.a. Buddy's Fire Protection, Box 1236, Pearland, Texas 77581, for business radio service license, PR Docket No. 79-222.

The Chief, Private Radio Bureau, has under consideration the application for a Business Radio Service license, filed by Charles A. Stevens, d.b.a. Buddy's Fire Protection.

1. Charles A. Stevens held a license for station KQQ-8472 in the Citizens Band Radio Service, granted on June 30, 1976, for a five year term. An Order to Show Cause why his Citizens Band license should not be revoked was released on July 29, 1977 because of his conviction in United States District Court on April 26, 1977, for violations of section 502 of the Communications Act of 1934, as amended. The convictions were the result of Stevens' operation of a CB station in violation of the following Commission Rules:

(a) Section 95.37(c), by operating with a fixed station antenna which exceeded the maximum height set forth therein, on August 29, October 6, October 13, November 4, and November 8, 1976;

(b) Section 95.43, by operating a Citizens Band radio station with radio frequency power in excess of the maximum power permitted by the Commission's rules, on August 29, October 13, November 8, and November 11, 1976;

(c) Section 95.95(c), by failing to identify his transmissions by the station's assigned call sign, on August 29, October 6, October 8, October 13, November 4, November 8, and November 11, 1976; and

(d) Section 95.55(c)(2), by operating a Citizens Band radio station equipped with transmitters not accepted by the Commission's Rules, including a Yaesu FT-101E Transceiver and radio frequency linear amplifiers, on November 11, 1976.[1]

[1] Effective August 1, 1978, CB Rules were renumbered and revised. The Sections cited are those in effect at the time of the radio operation.

2. A hearing was held on October 20, 1977, in Houston, Texas. In an Initial Decision released on July 5, 1978 (FCC 78D-38, Docket 21379), it was concluded that through his violations of Commission Rules and the resulting criminal conviction, Stevens had demonstrated that he did not possess the requisite qualifications to be a licensee of the Commission and that his CB license should be revoked.

3. Stevens excepted to the Initial Decision. On July 2, 1979, the Review Board released a decision (FCC 79R-29, Docket 21379) which affirmed the revocation of Stevens' CB license.

4. In view of Stevens' operation of radio transmitting equipment in violation of the Commission's Rules and his resulting criminal conviction, it cannot be determined that a grant of his Business Radio Service application would serve the public interest, convenience and necessity. Therefore, the Commission must designate the application for hearing.

5. Accordingly, it is ordered, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 0.331 and 1.973(b) of the Commission's rules, that the captioned application is designated for hearing at a time and place to be specified by susbsequent order, upon the following issues:

(1) To determine the effect of the Initial Decision of July 5, 1978 (FCC 78D-38), as affirmed by the Decision of July 2, 1979, (FCC 79R-29) upon Stevens' qualifications to become a licensee of the Commission.

(2) To determine whether, in light of the evidence adduced under Issue (1), the public interest, convenience and necessity would be served by the grant of the Business Radio Service application of Charles A. Stevens, d.b.a. Buddy's Fire Protection.

The Burden of proof under these issues shall be on the applicant. The Decisions referred to in Issue (1) shall constitute collateral estoppel in this proceeding.

6. It is further ordered, that to obtain a hearing on the application, Stevens in person or by attorney shall within 20 days of the mailing of this Order file with the Commission a written appearance stating an intent to appear on a date fixed for hearing to present

evidence on the Issues specified in the foregoing paragraph. Failure to file a written appearance within the time specified will result in the dismissal of the application with prejudice.

7. It is further ordered, that a copy of this Order shall be sent by regular United States Mail to Charles A. Stevens at his address as shown in the caption.

Chief, Private Radio Bureau.
Gerald M. Zuckerman,
Chief, Compliance Division.

FR Doc. 79-29945 Filed 9-26-79; 8:45 am]
BILLING CODE 6712-01-M

Petitions for Reconsideration of Actions in Rulemaking Proceedings Filed

September 19, 1979.

Docket or RM No.	Rule No.	Subject	Date received
19128	Part 74, Subpart K	Amendment of Subpart K of Part 74 of the Commission's Rules and Regulations with Respect to the Maintenance of Program Logs for Cablecasting by Community Antenna Television Systems. (Filed by Earle K. Moore, Michael Botein and David M. Rice, Attorneys for United Church of Christ Office of Communications)	Sept. 7, 1979.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before October 12, 1979. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[FR Doc. 79-29944 Filed 9-26-79; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before October 8, 1979. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreements Nos. T-3079-4, T-3079-5, and T-3079-6

Filing Party: T. Terrell Sessums, General Counsel, Tampa Port Authority, 811 Wynkoop Road, P.O. Box 2192, Tampa, Florida 33601.

Summary: Agreements Nos. T-3079-4, T-3079-5, and T-3079-6 between the Tampa Port Authority (Port) and Eller & Co., Inc. (Eller) modifies the parties' basic agreement providing for the lease to Eller of land and public dock apron area located at the Holland Terminal Area, Tampa, Florida. Agreement No. T-3079-4 between the Port, Eller, and Ellerco, Inc. (Ellerco), is an Assignment and Assumption of the parties' original lease agreement, whereby, in consideration of $10 paid by each party to the other, Eller sells and assigns to Ellerco all of its right, title, and interest in Agreement No. T-3079, as amended. Agreement No. T-3079-5 is an Assignment and Assumption of Supplemental Facilities Lease Agreement No. T-3079-1, whereby, in consideration of $10 paid by each party to the other, Eller sells and assigns to Ellerco all of its right, title, and interest in Agreement No. T-3079-1, as amended. Agreement No. T-3079-6 is an Assignment and Assumption Agreement whereby Eller transfers, assigns, conveys, and delivers to Ellerco all rights, obligations, and privileges Eller has under an Agreement of Further Assurances and a Guarantee Agreement, entered into with the Exchange National Bank of Tampa to secure Revenue Bond financing of improvements at the Terminal involved.

Dated: September 21, 1979.

By Order of the Federal Maritime Commission.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 79-29946 Filed 9-26-79; 8:45 am]
BILLING CODE 6730-01-M

Flagship Cruises (Liberia) Ltd.; Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance; Order of Revocation

Certificate of Financial Responsibility for Indemnification of passengers for nonperformance of transportation No. P-153 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,155.

Flagship Cruises (Liberia) Ltd., c/o Oivind Lorentzen, Inc., 522 Fifth Avenue, New York, New York 10036, Order of Revocation.

Whereas, Flagship Cruises (Liberia) Ltd. has ceased to operate the passenger vessel M.S. KUNGSHOLM.

It is ordered, that Certificate (Performance) No. P-153 and Certificate (Casualty) No. C-1,155 issued to Flagship Cruises Ltd. and Oivind Lorentzen, Inc. and reissued to Flagship Cruises (Liberia) Ltd. and Oivind Lorentzen, Inc. be and are hereby revoked effective September 20, 1979.

It is further ordered, that a copy of this Order be published in the Federal Register and served on certificants.

By the Commission September 20, 1979.

Joseph C. Polking,
Assistant Secretary.

[FR Doc. 79-29950 Filed 9-26-79; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL MEDIATION AND CONCILIATION SERVCE

Performance Review Board; listing of members

Below is a listing of the Federal Mediation and Conciliation Service's Performance Review Board Members in conformance with 5 USC 4314:

Bernard M. O'Keefe, Regional Director, Region 5—Chicago, Illinois, Chairperson—Three Years.

Robert P. Gajdys, Director of Administrtion, Office of Administration, Washington, D.C.—Two Years.

James L. Macpherson, Regional Director, Region 8—Seattle, Washington—One Year.

Nicholas A. Fidandis, Director of Mediation Services, Office of Mediation Services, Washington, D.C.—Alternate.

Wayne L. Horvitz,
Director, Federal Mediation and and Conciliation Service.

[FR Doc. 79-29955 Filed 9-26-79; 8:45 am]
BILLING CODE 6732-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 22, 1979.

A. *Federal Reserve Bank of New York,* 33 LibertyStreet, New York, New York 10045:

Citicorp, New York, New York (financing and insurance activities; Missouri): to engage, through its subsidiary, Nationwide Financial Corporation of Missouri, in operating a finance company, including making consumer installment personal loans; purchasing and servicing for its own account consumer installment sales finance contracts; making loans to individuals and businesses secured by real and pesonal property, the proceeds of which may be for purposes other than personal, family or household usage; and sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance and the sale of credit related property and casualty insurance protecting personal and real property subject to a security agreement with Nationwide Financial Corporation of Missouri. These activities would be conducted from an office in Springfield, Missouri, serving a geographic area with a radius of 100 miles in every direction from the office, excluding the State of Arkansas.

B. *Federal Reserve Bank of Chicago,* 230 South LaSalle Street, Chicago, Illinois 60690:

Midland Mortgage Corporation, Detroit, Michigan (mortgage banking activities; Florida, Washington, D.C., Virginia, Maryland, Michigan): to engage, in the origination of mortgages on single family residential housing. This activity would be conducted from offices in Detroit, Michigan serving the above listed geographic areas.

C. *Federal Reserve Bank of Dallas,* 400 South Akard Street, Dallas, Texas 75222:

First United Bancorporation, Inc., Fort Worth, Texas (bookkeeping and data processing services; Texas): to engage, through its subsidiary, First United Systems, Inc., in providing bookkeeping and data processing services for the internal operations of the holding company and its subsidiaries and affiliates, and processing other banking, financial or related economic data. These activities would be conducted from an office in Fort Worth, Texas and will serve Tarrant, Johnson and Dallas Counties, all in Texas.

D. *Federal Reserve Bank of San Francisco,* 400 Sansome Street, San Francisco, California 94120:

Patagonia Corporation, Tucson, Arizona (mortgage activities; Utah): proposes to engage, through its subsidiary Western American Mortgage Company, in originating residential and commercial real estate loans for sale to permanent investors and servicing the same. These activitis would be conducted at *de novo* offices in Salt Lake City, Utah serving a geographic area within an approximately 20 mile radius and an office located mid-way between Orem and Provo, Utah serving a geographic area within approximately an eight mile radius.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Fedeal Reserve System, September 21, 1979.
Griffith L. Garwood,
Deputy Secretary of the Board.

[FR Doc. 79-30050 Filed 9-26-79; 8:45 am]
BILLING CODE 6210-01

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *De Novo* (or continue to engage in an activity earlier commenced AT3de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute; summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and

requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 19, 1979.

A. *Federal Reserve Bank of Cleveland*, 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Mellon National Corporation, Pittsburgh, Pennsylvania (Consumer finance; insurance activities, Indiana): to engage, through its subsidiary, Freedom Financial Services Corporation, in consumer finance activities and in the sale of life, accident and health, and property insurance directly related to its extensions of credit. These activities would be conducted from an office in Lafayette, Indiana, and would serve Tippecanoe County, Indiana.

2. Centran Corporation, Cleveland, Ohio (Consumer and commercial finance and insurance activities; Maryland): to engage, through its subsidiary, Major Finance Corporation, in the making or acquiring of consumer and commercial finance loans for its own account or the account of others (including loans secured by mortgages or deeds of trust on real property), the sale as agent of life insurance and health and accident insurance in connection with its extensions of credit; and the servicing of loans and other extensions of credit. These activities would be conducted from an office in Silver Spring, Maryland and will serve Montgomery and Prince Georges Counties, Maryland.

B. *Federal Reserve Bank of Richmond*, 100 North Ninth Street, Richmond, Virginia 23261:

Northwestern Financial Corporation, Wilkesboro, North Carolina (mortgage banking activities; North Carolina): to engage, through its subsidiary First Atlantic Corporation, in making, acquiring, and servicing loans and other extensions of credit by first mortgages on real estate. The activities will be conducted from an office in Goldsboro, North Carolina, serving the Goldsboro area.

C. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

First City Bancorporation of Texas, Inc., Houston, Texas (insurance activities; Texas): to engage, through a subsidiary known as First City Insurance Agency, Inc., in acting as an insurance agent or broker in the office of the holding company with respect to any insurance for the holding company's banking subsidiaries; and any insurance that is directly related to an extension of credit by a bank or bank-related firm of the kind described in the Board's Regulation Y including, but not limited to, credit life insurance, credit accident and health insurance and property and casualty insurance designed to protect collateral securing a loan. These activities will be conducted in an office in Houston, Texas, serving Texas.

D. *Federal Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

Crocker National Corporation, San Francisco, California (mortgage banking activities) to engage, through its subsidiary Crocker Mortgage Company, in acquiring entire or partial interest in real estate loans and extensions of credit secured by real estate; creating, acquiring holding and disposing of bonds, debentures, pass-through certificates or other instruments which are secured by interests in real estate; making leases of real property in accordance with the Board's Regulation Y; acting as agent, broker, or advisor in connection with the activities listed above; servicing real estate loans and other extensions of credit. These activities will be conducted from offices in San Francisco, Santa Ana, and Los Angeles, California, and Atlanta, Georgia, and the company will solicit and accept engagements, real estate credit, servicing and investment relationships with persons or entities located throughout the United States.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30051 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Citrus & Chemical Bancorp., Inc.; Formation of Bank Holding Company

Citrus and Chemical Bancorporation, Inc., Bartow, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of Citrus & Chemical Bank of Bartow, Bartow, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1342(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30039 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

First Naperville Bancorp., Inc.; Formation of Bank Holding Company

First Naperville Bancorporation, Inc., Naperville, 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 per cent or more of the voting shares of The First Bank, Naperville, Naperville, 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 October 19, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 19, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30040 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Center Point Banshares Corp.; Formation of Bank Holding Company

Center Point Banshares Corp., Crawfordsville, Iowa, 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 91.5 per cent or more of the voting shares of Iowa State Bank and Trust Company, Center Point, Iowa. 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 Reserve Bank, to be received not later than October 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30041 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Oakley Holding Co.; Formation of Bank Holding Company

Oakley Holding Company, Buffalo, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 94.04 per cent of the voting shares of The Oakley National Bank of Buffalo, Buffalo, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 18, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 18, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30042 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Tulsa Bancshares, Inc.; Formation of Bank Holding Company

Tulsa Bancshares, Inc., Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. section 1842(a)(1)) to become a bank holding company by acquiring 80.25 per cent of the voting shares of Guaranty Bancorporation, Tulsa, Oklahoma, and thereby to control Guaranty National Bank, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act of (12 U.S.C. section 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30043 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Robinson Bancshares, Inc.; Formation of Bank Holding Company

Robinson Bancshares, Inc., Robinson, Kansas, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 per cent or more of the voting shares of The Bank of Robinson, Robinson, Kansas. 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 October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 20, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30044 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

NorBanCo, Inc.; Formation of Bank Holding Company

NorBanCo, Inc., Norman, Oklahoma, 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 Norman Bank of Commerce, Norman, Oklahoma. 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)).

NorBanCo, Inc., Norman, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to indirectly acquire voting shares of NorBanCo Insurance Agency, Inc., Norman, Oklahoma.

Applicant states that the proposed subsidiary would engage in the activities of selling as agent credit related accident life and health insurance on extensions of credit made by Norman Bank of Commerce. These activities would be performed from offices of Applicant's subsidiary in Norman, Oklahoma, and the geographic areas to be served are Cleveland County and the northern part of McClain County, Oklahoma. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party

commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than October 19, 1979.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc.79-30045 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Republic Bank of Irving, Irving, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30048 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

First Financial Group of New Hampshire, Inc.; Proposed Acquisition of First Guaranty Savings Bank

First Financial Group of New Hampshire, Inc., Manchester, New Hampshire, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 C.F.R. 225.4(b)(2)) for permission to acquire voting shares of First Guaranty Savings Bank, Salem, New Hampshire.

Applicant states that the proposed subsidiary, as a guaranty savings bank, would engage in the following activities: accepting time and savings deposits, including NOW accounts; investing in residential and commercial mortgages; investing in U.S. Government securities and other investments permitted by applicable laws; making secured and unsecured loans; providing safe deposit services; and servicing mortgages and other loans. These activities would be performed from offices of Applicant's subsidiary in Salem, New Hampshire, and the geographic areas to be served are the towns of Salem, Windham, and Pelham, New Hampshire.

In 1975, the Board approved the acquisition of a New Hampshire guaranty savings bank by a New Hampshire bank holding company. *Profile Bankshares, Inc.*, 61 Federal Reserve Bulletin 901 (1975). However, the operation of a guaranty savings bank has not been specified by the Board in § 225.4(a) of Regulation Y as permissible generally for bank holding companies.

Interested persons may express their views on the question whether the proposed activity is so closely related to banking or managing or controlling banks as to be a proper incident thereto. Interested persons may also express their views on the question whether consummation of the proposal can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. Any request for a hearing on either of these questions must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Fedeal Reserve System, Washington, D.C. 20551, not later than October 22, 1979.

Board of Governors of the Federal Reserve System, September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

FR Doc. 79-30047 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

Republic of Texas Corp.; Acquisition of Bank

Republic of Texas Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of Southwest National Bank, San Antonio, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 20, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30049 Filed 9-26-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on September 21, 1979. 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 CAB 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 October 15, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

Civil Aeronautics Board

The CAB requests clearance of the new requirements for questionnaires, appeals and petitions contained in Part 325 of the Board's Procedural Regulations. Part 325 governs procedures for determining the essential air service of eligible points under section 419 of the Airline Deregulation Act of 1978 (Pub. L. 95-504). Sections 325.4, 325.7 and 325.10 are the specific sections containing the questionnaire, appeals and petitions requirements. The CAB estimates respondents will number approximately 700 municipal chief executives and state aeronautics commissions and that burden will average 4 hours per questionnaire, appeal or petition.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 79-29971 Filed 9-26-79; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: General Services Administration.

ACTION: Annual notice of Privacy Act systems of records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give notice of certain records that they maintain. The purpose of this document is to fulfill the Privacy Act annual notice requirements by providing the Federal Register references to the current status of the GSA systems of records. In addition, this notice includes changes to the GSA systems of records that have not been previously published.

DATES: This document fulfills the Privacy Act annual notice requirements for 1979.

FOR FURTHER INFORMATION CONTACT: Mr. William Hiebert, Records Management Branch, Information Management Division, 202-566-0673.

SUPPLEMENTARY INFORMATION:

1. The following notices of this agency that appeared in the Federal Register and the following changes not previously published constitute the current status of the GSA systems of records:

a. Annual publication of the GSA systems of records, 42 FR 47730 through 47783.

b. Notice of incorporation by reference, 43 FR 39938 through 39940.

c. New system of records, Federal Information Center (FIC) Client Case Files GSA/AV-1 (23-00-0105), 43 FR 38623 and 38624.

d. Amended system of records, Investigation and Personnel Security Case Files GSA/ADM-24 (23-00-0024), 43 FR 43066 and 43067.

e. Revised routine use for the system of records, Federal Information Center (FIC) Client Case Files GSA/AV-1 (23-00-0105), 43 FR 56733 and 56734.

f. New systems of records, Employee Related Files GSA/FPRS-1 (23-00-0106) and Hazardous Materials Exposure History GSA/FPRS-2 (23-00-0107), 44 FR 26796 through 26798.

g. The following systems of records are deleted: These systems covered records being maintained by the Federal Preparedness Agency. Executive Order 12148 of July 20, 1979, transferred the functions and the records of the Federal Preparedness Agency to the Federal Emergency Management Agency.

(1) Distribution Lists GSA/FPA-2 (23-00-0057),

(2) Emergency Assignment System GSA/FPA-3 (23-00-0058),

(3) Employee Directories GSA/FPA-4 (23-00-0059),

(4) National Defense Executive Reserve System GSA/FPA-5 (23-00-0060),

(5) Office-level Employee Records GSA/FPA-6 (23-00-0061),

(6) Resources Interruption Monitoring System GSA/FPA-11 (23-00-0066),

(7) Security Management System GSA/FPA-12 (23-00-0067), and

(8) Interagency Directories GSA/FPA-13 (23-00-0101).

h. The system of records, Supply Distribution Work Measurement System GSA/FSS-5 (23-00-0087), is deleted as it has been determined that the system does not contain the type of information that is subject to the provisions of the Privacy Act.

i. The system of records, Hazardous Materials Exposure History System GSA/FSS-4 (23-00-0086), is deleted as the records were transferred to the system of records GSA/FPRS-2 (23-00-0107).

j. Two new systems of records are being maintained by GSA. The Transportation and Public Utilities Service (TPUS) was established as a result of a reorganization. TPUS is maintaining two systems of records that consist of records that were previously a part of other GSA systems of records. As these records were a part of systems previously reported in the Federal Register, a new system report was not filed with the Speaker of the House, the President of the Senate, and the Office of Management and Budget. The new systems of records are as follows:

GSA/TPUS-1. (23-00-0108)

SYSTEM NAME:

Employee Related Files.

SYSTEM LOCATION:

All or portions of the records are maintained at the division or branch levels of the various Transportation and Public Utilities Service offices located in Crystal Mall Building 4, Arlington, VA; 425 I Street NW., Washington, DC; and at the regional office locations at the addresses listed in the appendix following notice GSA/TPUS-2. In addition, portions of the records are maintained at motor pools located throughout the regions, the addresses of which can be obtained from the office of the applicable regional commissioner.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Transportation and Public Utilities Service, applicants or potential applicants for employment, and employees of other agencies for employee relief bills.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of a variety of documents accumulated by operating officials and supervisors in administering personnel matters for or about employees, including the following kinds of records, which are representative of the system: Records on equal employment opportunities; performance appraisals, potential performance appraisals, and supporting documents; promotion records; applications, resumes, and biographical or employment history documents; emergency locator and notification documents containing name, address, home telephone, and emergency contracts; employee training, counseling, and development documents; position descriptions; management and classification documents; records on awards; security clearance records; leave, pay, and time and attendance records; emergency duty rosters; committee, team, task force participation rosters and comments;

Congressional files relating to employee relief bills; staffing information, including organizational rosters for both Central Office and regional personnel; retirement data; medical certifications for granting parking permits to handicapped; indebtedness complaint records; news releases; duty station assignment records; photographs; personnel plans; travel records; employee record cards containing summary information; and injuries and occupational disease records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377); Title 5 U.S.C. generally; and Title 31 U.S.C. generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records are to the Office of Personnel Management in connection with recruitment activities and evaluation survey programs; to the Department of Labor in connection with settlement and adjudication of labor-management disputes; and additional routine uses as described in the appendix following the GSA notices.

POLICIES AND PRACTICES OF STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and card files and printouts.

RETRIEVABILITY:

Alphabetically by individual's name.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of TPUS. Any records containing information, the unauthorized disclosure of which could result in substantial harm, embarrassment, inconvenience, or unfairness to the individual, are filed in lockable cabinets.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director (TS), Transportation and Public Utilities Service, Crystal Mall Building 4, Arlington, VA. Mailing address: General Services Administration (TS), Washington, DC 20406.

NOTIFICATION PROCEDURE:

Individuals may obtain information about whether they are part of this system of records from the supervisor of the activity that the individual is or was employed with. If not known, general inquiries should be made to the system manager.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours at each location listed in the appendix following the notice GSA/TPUS-2. For written requests, the individual should provide full name, address, and telephone number, approximate dates and places of employment, and any other information which the individual believes would facilitate locating the record. For personal visits, the individual should be able to provide some acceptable identification such as a driver's license or employment identification card. Only general inquiries may be made by telephone.

CONTESTING RECORD PROCEDURES:

GSA rules for contesting records and for appealing initial determinations are contained in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individual, personnel forms, Congressional inquiries, committees, agency officials, third parties submitting indebtedness complaints, applications from individuals applying for positions, and doctors for individuals requesting handicapped parking permits.

GSA/TPUS-2 (23-00-0109)

SYSTEM NAME:

Accountability and Property Inventory System.

SYSTEM LOCATION:

Records are maintained at the regional commissioner offices and motor equipment divisions at the addresses listed in the appendix following this notice. In addition, portion of the records are maintained at motor pools located throughout the regions, the addresses of which can be obtained from the applicable regional director.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Motor pool personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of keys issued, accountability of Government property and supplies, bonding of collection officers, contractor officer designations, and discrepancy reports. The records are primarily used by officers and employees of the agency who have a need for the records in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 40 U.S.C. Section 483; Title 5 U.S.C. generally; and Title 31 U.S.C. generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The routine uses of these records are described in the appendix following the GSA notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper forms.

RETRIEVABILITY:

Individual's name.

SAFEGUARDS:

Buildings employ security guards and records are maintained in areas accessible only to authorized personnel of TPUS.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB, GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director (TS), Transportation and Public Utilities Service, Crystal Mall Building 4, Arlington, VA. Mailing address: General Services Administration (TS), Washington, DC 20406.

NOTIFICATION PROCEDURE:

Individuals may obtain information about whether they are part of this system of records from the regional director of the applicable activity shown in the location portion of this notice in which the individual is or was employed. If not known, general inquiries should be made to the Office of the Executive Director (TS), Transportation and Public Utilities Service, Crystal Mall Building 4, Arlington, VA 20406.

RECORD ACCESS PROCEDURES:

Requests from individuals to access records should be addressed to the officials cited above. In person requests may also be made during normal business hours at each location listed in the appendix following this notice. For

written requests, the individual should provide full name, address, and telephone number; approximate dates and places of employment; and any other information which the individual believes would facilitate locating the record. For personal visits, the individual should be able to provide some acceptable indentification such as a driver's license or employment identification card. Only general inquiries may be made by telephone.

CONTESTING RECORDS PROCEDURES:

GSA rules for contesting records and for appealing initial determinations are contained in 41 CFR 105-64, published in the Federal Register.

RECORD SOURCE CATEGORIES:

Information in this system of records is obtained from the individuals, agency supervisors, and personnel action forms.

APPENDIX-GSA/TPUS ADDRESSES OF LOCATIONS

Region 1

John W. McCormack Post Office and Courthouse Office Square, Boston, MA 02109

Region 2

26 Federal Plaza, New York, NY 10007

Region 3

9th and Market Streets, Philadelphia, PA 19107

Region 4

75 Spring Street, SW, Atlanta, GA 30303

Region 5

230 South Dearborn Street, Chicago, IL 60604

Region 6

1500 E. Bannister Road, Kansas City, MO 64131

Region 7

817 Taylor Street, Fort Worth, TX 76102

Region 8

Building 41, Denver Federal Center, Denver, CO 80225

Region 9

525 Market Street, San Francisco, CA 94105

Region 10

GSA Center, Auburn, WA 98002

National Capital Region

7th and D Streets SW., Washington, D.C. 20407

2. The following is a list of the systems of records being maintained by the General Services Administration as of the effective date of this notice. Upon request, the Records Management Branch will furnish a copy of the full text of a particular records system or systems. Requests should be addressed to the General Services Administration (HRAR), Washington, D.C. 20405.

System number and System name

GSA/AV-1 (23-00-0105), Federal Information Center (FIC) Client Case Files
GSA/OAD-1 (23-00-0001), Standards of Conduct Files
GSA/OAD-4 (23-00-0004), Employee Drug Abuse/Alcholism Files
GSA/OAD-6 (23-00-0006), Occupational Health and Injury Files
GSA/OAD-7 (23-00-0007), Labor-Management Relations Files
GSA/OAD-9 (23-00-0009), Employee Benefits Files
GSA/OAD-11 (23-00-0011), Career and Executive Development Records
GSA/OAD-12 (23-00-0012), Executive Assignment, Promotion, and Retirement
GSA/OAD-15 (23-00-0015), Personnel Office General Staffing Information
GSA/OAD-17 (23-00-0017), Compensation and Classification Records
GSA/OAD-19 (23-00-0019), Office Personnel Files
GSA/OAD-22 (23-00-0022), Listing of Physicians
GSA/OAD-23 (23-00-0023), Staffing Reporting System
GSA/ADM-24 (23-00-0024), Investigation and Personnel Security Case Files
GSA/OAD-25 (23-00-0026), Credentials, Passes, and Licenses
GSA/OAD-26 (23-00-0027), Motor Vehicle Operator Applications
GSA/OAD-27 (23-00-0028), Emergency Notification Rosters and Files
GSA/OAD-29 (23-00-0032), Disbursement and Accounts Payable Files
GSA/OAD-30 (23-00-0033), Accounts Receivable Claims Files
GSA/OAD-31 (23-00-0034), Travel System
GSA/OAD-32 (23-00-0035), Manpower and Payroll Statistics System (MAPS)
GSA/OAD-33 (23-00-0036), Payroll, Time, and Attendance Reporting System
GSA/OAD-34 (23-00-0100), Employee Credit Reports
GSA/OAD-36 (23-00-0103), Defunct Agency Records
GSA/OGC-2 (23-00-0040), Attorney Placement
GSA/OGC-4 (23-00-0042), General Law Files
GSA/OGC-5 (23-00-0043), General Personnel Files
GSA/OGC-6 (23-00-0044), Potential Employee Referrals
GSA/NARS-1 (23-00-0046), Researcher Application Files
GSA/NARS-2 (23-00-0047), Reference Request Files
GSA/NARS-3 (23-00-0048), Donors of Historical Materials Files
GSA/NARS-4 (23-00-0049), National Archives Advisory Council Files
GSA/NARS-5 (23-00-0050), Conference and Related Activities Files
GSA/NARS-6 (23-00-0051), Mailing List Files
GSA/NARS-7 (23-00-0052), Review of Classified Document/Request Files
GSA/NARS-8 (23-00-0053), Classified Records Access Authorization Files
GSA/NARS-9 (23-00-0054), Authors Files
GSA/NARS-10 (23-00-0055), Employee Related Files
GSA/REGADM-2 (23-00-0069), Employee Related Files
GSA/REGADM-3 (23-00-0070), Biographical Sketches
GSA/REGADM-4 (23-00-0071), Official Correspondence Files
GSA/REGADM-6 (23-00-0102), Council of Governments Carpool System
GSA/PBS-1 (23-00-0073), Employee Related Files
GSA/PBS-3 (23-00-0075), Incident Reporting System
GSA/ADTS-1 (23-00-0076), Classified Control Files
GSA/ADTS-2 (23-00-0077), Congressional Files
GSA/ADTS-3 (23-00-0078), Discretionary Supervisor Files
GSA/ADTS-4 (23-00-0079), Emergency Notification Files
GSA/ADTS-5 (23-00-0080), Financial Management Files
GSA/ADTS-6 (23-00-0081), Personnel Administrative Files
GSA/ADTS-7 (23-00-0082), Workload Measurement Files
GSA/ADTS-8 (23-00-0096), Special Purpose Telephone Contact Listings
GSA/FPRS-1 (23-00-0106), Employee Related Files
GSA/PFRS-2 (23-00-0107), Hazardous Materials Exposure History System
GSA/FSS-8 (23-00-0090), Employee Related Files
GSA/FSS-9 (23-00-0091), Cataloging Action Master File—Work Measurement
GSA/FSS-12 (23-00-0094), Accountability and Property Inventory System
GSA/TPUS-1 (23-00-0108), Employee Related Files
GSA/TPUS-2 (23-00-0109), Accountability and Property Inventory System

Ben Schiffman,

Director of Administrative Services.

September 18, 1979.

[FR Doc. 79-29859 Filed 9-26-79; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

Medicare Hospital Insurance Program; Inpatient Hospital Deductible for 1980

AGENCY: Office of the Secretary (OS), HEW.

ACTION: Notice.

SUMMARY: This notice announces Medicare's inpatient hospital deductible for spells of illness beginning in 1980. Section 1813(b)(2) of the Social Security Act requires the Secretary of HEW to publish between July 1 and October 1 of each year, the amount of the inpatient hospital deductible applicable to spells

of illness beginning in the following year.

EFFECTIVE DATE: January 1, 1980.

FOR FURTHER INFORMATION CONTACT: Guy King, Director, Division of Medicare Cost Estimates, 3-0-3 Operations Building, Baltimore, Maryland 21235, Telephone: (301) 594-2826.

AUTHORITY: Sec. 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)). (Catalog of Federal Domestic Assistance Program No. 13.773, Medical Hospital Insurance).

SUPPLEMENTARY INFORMATION: Under the authority in section 1813(b)(2) of the Social Security Act (42 U.S.C. 1395e(b)(2)), I have determined that the Medicare inpatient hospital deductible for 1980 shall be $180.

Section 1813 provides for an inpatient hospital deductible and certain coinsurance amounts to be deducted from the amount paid by Medicare for inpatient hospital services and post-hospital extended care services furnished an individual during a spell of illness. Section 1813(b)(2) requires the Secretary of HEW to publish between July 1 and October 1 of each year, the amount of the inpatient hospital deductible applicable to spells of illness beginning in the following calendar year.

Because the coinsurance amounts in section 1813 are fixed percentages of the inpatient hospital deductible for services furnished in the same spell of illness, the increase in the deductible has the effect of also increasing the amount of coinsurance the Medicare beneficiary must pay. Thus, for spells of illness beginning in 1980, the daily coinsurance for the 61st through 90th days of hospitalization (¼ of the inpatient hospital deductible) will be $45; the daily coinsurance for lifetime reserve days (½ the inpatient hospital deductible) will be $90; and the daily coinsurance for the 21st through the 100th days of post-hospital extended care services in a skilled nursing facility (⅛ of the inpatient hospital deductible) will be $22.50.

Under the formula in the law, the deductible for calendar year 1980 must be equal to $40 multiplied by the ratio of (1) the current average per diem rate for inpatient hospital services for calendar year 1978 to (2) the average per diem rate for such services in 1966. The amount so determined is rounded to the nearest multiple of $4. The average per diem rates are based on the amounts paid to participating hospitals by Medicare for inpatient services to insured individuals, plus the deductible and coinsurance amounts.

The average per diem rate for a calendar year is computed from the inpatient hospital bills for all beneficiaries. Each bill shows the number of inpatient days of care and the interim cost (the sum of interim reimbursement, deductible, and coinsurance). The data are summarized for each year, and an average interim per diem rate computed that accurately reflects interim costs on an accrual basis.

In order to reflect the change in the average per diem hospital cost under the program properly, the average interim cost must be adjusted to show the effect of final cost settlements made with each participating hospital after the end of its accounting year. The final settlement adjusts the interim payment to the hospital to the actual full cost of providing covered services to beneficiaries. To the extent that the ratio of final cost to interim cost for 1978 differs from the ratio of final cost to interim cost for 1966, the increase in average interim per diem costs will not coincide with the increase in actual cost that has occurred.

The current average interim per diem rate for inpatient hospital services for calendar year 1978, based on tabulated interim costs, is $174.69; the corresponding amount for 1966 is $37.92. These averages are based on approximately 96 million days of hospitalization in 1978 and 30 million days in 1966 (last 6 months of the year). The ratio of final cost to interim cost is approximately 1.035 for 1978 and 1.055 for 1966. Thus, the inpatient hospital deductible is $40 × [(174.69 × 1.035)/(37.92 × 1.055)] = $180.78, which is rounded to $180.

Dated: September 19, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc.79-30015 Filed 9-26-79; 8:45 am]

BILLING CODE 4110-12-M

Advisory Council on Social Security; Public Meetings; Correction

AGENCY: Advisory Council on Social Security, HEW.

ACTION: The notice of the September 28 and 29, 1979, meetings of the Advisory Council on Social Security (See FR Doc 79-25966 appearing on page 49311 of the August 22, 1979, Federal Register) is being corrected by this document. The dates and location of the scheduled meetings are being changed. The September 28 and 29, 1979, meetings have been canceled. The Advisory Council will meet on October 13, 1979, from 8:00 a.m. to 5:00 p.m. at a place to be determined. The meeting will be devoted to the review of the final report (benefits, financing, and all other issues).

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence H. Thompson, Executive Director, Advisory Council on Social Security, P.O. Box 17054, Baltimore, Maryland 21235. Telephone inquiries should be directed to Mr. Edward F. Moore, (301) 597-1712.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807 Social Security Program.)

Dated: September 21, 1979.

Lawrence H. Thompson,

Executive Director, Advisory Council on Social Security.

[FR Doc. 79-30174 Filed 9-26-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 24128 T & V]

Colorado; R/W Application for Pipeline

September 21, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, P.O. Box 1526, Salt Lake City, Utah 84110, has applied for a right-of-way for approximately 1.948 miles of natural gas pipeline to collect and deliver gas into the Philadelphia Creek Gathering System on the following public land:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 1 S., R. 101 W.
Sec. 34: SW¼SW¼.
T. 2 S., R. 101 W.
Sec. 1: S½S½;
Sec. 2: SE¼SE¼;
Sec. 3: Lot 8;
Sec. 4: Lots 5 & 6, SW¼NE¼;
Sec. 11: N½NE¼.

The expansion of the above-named gathering system will enable the applicant to collect and deliver natural gas. The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) to give all interested parties the opportunity to comment on the application. (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the

Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.* Any comment, claim or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team Branch of Adjudication.

[FR Doc. 79-29923 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Aravaipa Canyon Wilderness Study; Availability of Report

Pursuant to Section 603 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579), the Safford Arizona District of the Bureau of Land Management has conducted a study of the wilderness character of Aravaipa Canyon Primitive Area and adjoining public lands, and their suitability for inclusion in the National Wilderness Preservation System (NWPS).

The lands studied are located about 70 miles northeast of Tucson in Southeastern Arizona. A wilderness inventory determined that the primitive area and some of the adjoining public lands meet the Wilderness Act, Section 2(c), criteria for wilderness. A multiple-use analysis of resource allocations identified no significant use conflicts.

Based upon the results of the wilderness inventory and study and the associated environmental statement, the State Director of Arizona BLM has proposed that Aravaipa Canyon Primitive Area and some adjoining public lands which have wilderness character be recommended for inclusion in the NWPS.

A comment period on this proposal will begin October 5, 1979, and will end on December 6, 1979.

Copies of the Wilderness Suitability Report are available from the Safford District BLM Office. Persons who wish to submit comments or obtain additional information should write to: Guy E. Baier, District Manager, Safford District Office, BLM, 425 East 4th Street, Safford, Arizona 85546.

Guy E. Baier,

District Manager.

September 19, 1979.

[FR Doc. 79-29919 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Aravaipa Canyon Wilderness Study; Public Hearings

A notice appearing in Volume 44, page 52040, dated September 6, 1979 of the Federal Register incorrectly stated the purpose of three public hearings to be held in Arizona during November, 1979. The notice announced hearings to "receive comments on the Aravaipa Canyon Wilderness Suitability Report and Environmental Statement." The notice should have stated the purpose of the hearings is to receive comments only on the Suitability Report, not on the Environmental Statement.

Glendon E. Collins,

Acting State Director, Arizona.

[FR Doc. 79-29920 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Arizona; Wilderness Initial Inventory; Decision

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to identify those roadless areas of public land administered by the Bureau of Land Management which possess wilderness characteristics as described in the Wilderness Act of 1964.

The BLM wilderness inventory process is divided into two steps; the initial inventory and the intensive inventory.

The initial inventory distinguishes between lands which are clearly and obviously not wilderness in character and those which may have wilderness characteristics. Of the total public lands inventoried, 6,368,500 acres have been found to not meet wilderness critieria and are no longer subject to interim management restrictions. The balance of the public lands, 5,517,400 acres, will be intensively inventoried. A formal comment period to review the preliminary findings of the intensive inventory will be announced at a later date.

This notice announces the decision on the results of the initial inventory, and becomes final on October 27, 1979 unless formally and publicly amended and published by the State Director based on new information received as a result of this notice.

A map and summary report of the inventory results can be obtained from the Bureau of Land Management, Arizona State Office, 2400 Valley Bank Center, Phoenix, Arizona 85073, telephone (602) 261-3831, or from any of the District offices.

Glendon E. Collins,

Acting State Director, Arizona.

September 28, 1979.

[FR Doc. 79-29921 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Initial Wilderness Inventory—Idaho; Final Decision

Notice is hereby given that the decision as published in the August 10, 1979, Federal Register is now final with the exception of the following wilderness inventory units for which a notice of appeal has been filed:

16-8 Hardtrigger Creek
18-2 Sumac Creek
18-5 Sugar Loaf
18-9 Indian Creek
18-11 Hog Creek
18-12 Coonrod Gulch
111-1 Birch Creek
111-10 Upper Josphine Creek
111-40 Halfway Gulch
23-1 Jim Sage
35-3 Sand Mountain
35-4 Black Knoll
35-5 Big Sandy

For further information contact: Robert O. Buffington, State Director, Idaho State Office—BLM, Box 042, Federal Building, 550 W. Fort Street, Boise, Idaho 83724.

Dated: September 19, 1979.

Robert O. Buffington,

Idaho State Director, Bureau of Land Management.

[FR Doc. 79-29924 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[M 29897]

Montana; Application for Pipeline Right-of-Way

September 17, 1979.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended, 30 U.S.C. 185 (1976), the Northern Border Pipeline Company of Omaha, Nebraska, has filed an application for a right-of-way to construct a 42-inch pipeline for the purpose of transporting natural gas across Federal lands. The corridor being reviewed pursuant to this application contains Federal lands in the following sections:

Principal Meridian, Montana

T. 37 N., R. 31 E.,
Secs. 1 and 12.
T. 36 N., R. 32 E.,
Secs. 1, 2, 11, 12, and 13.
T. 37 N., R. 32 E.,
Secs. 3 to 10, inclusive, Secs. 13 to 15, inclusive, Secs. 17 and 18, Secs. 20 to 23,

inclusive, Sec. 25, Secs. 27 to 29, inclusive, and Secs. 33 to 35, inclusive.
T. 35 N., R. 33 E.,
Secs. 1 to 4, inclusive, and Secs. 12, 13, and 24.
T. 36 N., R. 33 E.,
Secs. 2 to 15, inclusive, Secs. 17 to 24, inclusive, Secs. 26 to 29, inclusive, and Secs. 33 to 35, inclusive.
T. 37 N., R. 33 E.,
Secs. 18 and 19, and Secs. 30 to 33, inclusive.
T. 34 N., R. 34 E.,
Secs. 1, 2, 12, 13, and 23.
T. 35 N., R. 34 E.,
Secs. 3 to 6, inclusive, Secs. 8 to 10, inclusive, Secs. 15 and 19, Secs. 21 to 27, inclusive, and Secs. 32 and 35.
T. 36 N., R. 34 E.,
Secs. 29 to 33, inclusive.
T. 34 N., R. 35 E.,
Secs. 2, 4, 11, 13, 14, 21, 25, and 26.
T. 35 N., R. 35 E.,
Secs. 30 and 31.
T. 33 N., R. 36 E.,
Secs. 1, 4, and 12.
T. 34 N., R. 36 E.,
Secs. 7 to 10, inclusive, Secs. 13 to 15, inclusive, Secs. 18 to 22, inclusive, and Secs. 24 to 35, inclusive.
T. 33 N., R. 37 E.,
Secs. 1 to 5, inclusive, and Secs. 7 to 15, inclusive.
T. 34 N., R. 37 E.,
Sec. 18, Secs. 20 to 23, inclusive, Secs. 25 to 28, inclusive, Sec. 30, and Secs. 33 to 35, inclusive.
T. 33 N., R. 38 E.,
Secs. 1, and 2, Secs. 4 to 15, inclusive, Secs. 17 to 24, inclusive, and Secs. 26 to 28, inclusive.
T. 34 N., R. 38 E.,
Secs. 28 to 35, inclusive.
T. 33 N., R. 39 E.,
Secs. 4 to 8, inclusive, Sec. 10, and Secs. 18 and 19.
T. 34 N., R. 39 E.,
Sec. 31.
T. 29 N., R. 54 E.,
Sec. 3.
T. 29 N., R. 55 E.,
Secs. 4, 5, 8, and 9.
T. 27 N., R. 59 E.,
Secs. 17, 20, 21, 26, and 27.

Fifth Principal Meridian, North Dakota

T. 134 N., R. 78 W.,
Secs. 5 and 7.
T. 134 N., R. 79 W.,
Secs. 3, 10, and 11.
T. 135 N., R. 81 W.,
Sec. 6.
T. 143 N., R. 89 W.,
Sec. 34.
T. 147 N., R. 97 W.,
Sec. 8.
T. 148 N., R. 97 W.,
Secs. 15, 19, and 22 and Secs. 26 to 33, inclusive.
T. 149 N., R. 99 W.,
Sec. 35.
T. 152 N., R. 103 W.,
Sec. 20.
T. 153 N., R. 103 W.,
Secs. 26 and 27.
T. 152 N., R. 104 W.,
Sec. 14.
T. 153 N., R. 104 W.,
Sec. 10.

The proposed pipeline will transport natural gas from the International boundary between Canada and the United States in Montana to Iowa.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of the terms and conditions for the grant being issued to accommodate this application. Said grant is required in accordance with the provisions of Sec. 9 of the Alaska Gas Transportation Act of 1976, 15 U.S.C. 719.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their names and addresses and send them to the State Director, Bureau of Land Management, P.O. Box 30157, Billings Montana.

Roland F. Lee,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29925 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

National Outer Continental Shelf Advisory Board; Pacific States Regional Technical Working Group Committee; Meeting

AGENCY: Department of the Interior, Bureau of Land Management Pacific Outer Continental Shelf.

ACTION: Outer Continental Shelf Advisory Board Pacific States Regional Technical Working Group Committee; Notice and Agenda for Meeting.

This notice is issued in accordance with the provision of the Federal Advisory Committee Act, Pub. L. 92-463.

The Pacific States Regional Technical Working Group Committee of the National Outer Continental Shelf Advisory Board will meet during the period 9:00 a.m. to 3:30 p.m., October 30, 1979, and 9:00 a.m. to 3:00 p.m., October 31, 1979, at the Federal Building, Room 8041, 300 N. Los Angeles, Los Angeles, California.

The agenda for the meeting will include the following subjects:

Organization of the National OCS Advisory Board and the Component Committees
The Intergovernmental Planning Program for OCS Oil and Gas Leasing, Transportation and Related Facilities
Role of Member Federal and State Agencies Regarding Oil and Gas Development
Issues and Schedule of Program Events for FY 1980
Recommendations of Agenda Items for December 5-7 Meeting of the National OCS Advisory Board Plenary Session in Norfolk, Virginia

The meeting is open to the public. Interested persons may make oral or written presentations to the Committee. Such requests should be made no later than October 20 to: Ellen G. Aronson, Pacific OCS Office, Bureau of Land Management, Department of the Interior, 1340 W. Sixth St., Room 200, Los Angeles, California 90017 (213/688-7234).

Requests to make oral statements should be accompanied by a summary of the statement to be made.

Minutes of the meeting will be available for public inspection and copying at the following locations:

Pacific OCS Office, Bureau of Land Management, 1340 W. Sixth Street, Room 200, Los Angeles, CA 90017.
Bureau of Land Management, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240.

Dated: September 20, 1979.

Harold R. Martin,
Acting Manager, Pacific OCS Office.

[FR Doc. 79-29922 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38217]

New Mexico; Application

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Conoco Incorporated has applied for one 4½-inch gas and crude oil emulsions pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 21 S., R. 25 E.,
Sec. 2, lots 4 and 5;
Sec. 3, lot 1.

This pipeline will convey gas and crude oil across 0.327 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,
Chief, Division of Technical Services.

[FR Doc. 79-29926 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38207 and 38208]

New Mexico; Applications

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 31 N., R. 6 W.,
Sec. 14, W½NE¼.
T. 31 N., R. 7 W.,
Sec. 4, lot 7.
T. 32 N., R. 7 W.,
Sec. 33, lot 3.

These pipelines will convey natural gas across 0.165 of a mile of public lands in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Michael T. Solan,
Chief Division of Technical Services.

[FR Doc. 79-29927 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38188 and 38267]

New Mexico; Applications

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 31 E.,
Sec. 1, SW¼NW¼.
T. 18 S., R. 32 E.,
Sec. 33, SE¼NE¼ and NE¼SE¼.

These pipelines will convey natural gas across 0.501 of a mile of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,
Chief, Division of Technical Services.

[FR Doc. 79-29928 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38192 and 38220]

New Mexico; Applications

September 18, 1979.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Transwestern Pipeline Company has applied for rights-of-way for one 6-inch and one 4-inch natural gas pipelines across the following lands:

T. 17 S., R. 29 E.,
Sec. 19, W½NE¼.
T. 24 S., R. 34 E.,
Sec. 18, SW¼SE¼.

These pipelines will convey natural gas across 0.511 of a mile of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,
Chief, Division of Technical Services.

FR Doc. 79-29930 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[NM 38230]

New Mexico; Application

September 18, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Company of America has applied for one 4-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 23 E.,
Sec. 17, SW¼NW¼;
Sec. 18, SE¼NE¼.

This pipeline will convey natural gas across 0.333 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Michael T. Solan,
Chief, Division of Technical Services.

[FR Doc. 79-29931 Filed 9-26-79; 8:45 am]
BILLING CODE 4310-84-M

[OR 10138]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on December 7, 1972, filed application Serial No. OR 10138 for a withdrawal in relation to the following described lands:

Willamette Meridian

Rogue River and Klamath National Forests

T. 40 S., R. 1 E.,
Sec. 9, S½S½S½;
Sec. 15, SW¼NW¼, NW¼SW¼;
Sec. 16, N½;
Sec. 17, E½;
Sec. 20, NE¼;
Sec. 21, S½N½.

The area described contains 1,120 acres in Jackson County, Oregon.

The applicant desires that the lands be withdrawn from location and entry under the mining laws for the purposes of expanding the Mt. Ashland Winter Sports Area. A notice of the proposed withdrawal was published in the Federal Register on November 6, 1973, Vol. 38 page 30569, FR Doc. 73-23533.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All

previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination of the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 14, 1979.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands, and Minerals Operations.

[FR Doc. 79-29932 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 13498]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on September 10, 1974, filed application Serial No. OR 13498 for a withdrawal in relation to the following described lands:

Willamette Meridian

Umpqua National Forest, Cow Creek Recreation and Administrative Site

T. 32 S., R. 3 W.,
Sec. 5, N½NW¼ and N½S½NW¼.

The area contains 120 acres in Douglas County, Oregon. The application desires that the lands be withdrawn from location and entry under the mining laws and reserved for the Cow Creek Recreation and Administrative Site. A notice of the proposed withdrawal was published in the Federal Register on October 24, 1974, Vol. 39, page 37787, FR Doc. 74-24865.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 5, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 5, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mining leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be effected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 14, 1979.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29933 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Oregon; Limitation on Using Motorized Vehicles on Public Lands

Notice is hereby given that use of motorized vehicles on certain public lands in the Millican Valley located 20 miles east of Bend, Oregon is hereby limited in accordance with the provisions of 43 CFR 8340. These limitations do not apply to emergency, law-enforcement and Federal or other government vehicles while being used for official or other emergency purposes.

The area affected by this designation notice aggregate 60,000 acres of public land including all or portions of the following described lands:

Willamette Meridian

T. 18 S., R. 15 E.
Secs. 8 to 11 inclusive, secs. 14 to 23 inclusive, and secs. 26 to 35 inclusive.
T. 19 S., R. 14 E.
Sec. 1, sec. 12, sec. 13, secs. 22 to 27 inclusive, sec. 33, sec. 34, and sec. 36.
T. 19 S., R. 15 E.
Secs. 1 to 13 inclusive, and secs. 15 to 36 inclusive.
T. 19 S., R. 16 E.
Secs. 3 to 9 inclusive, secs. 17 to 21 inclusive, and secs. 29 to 31 inclusive.
T. 20 S., R. 14 E.
Secs. 1 to 4 inclusive, secs. 10 to 15 inclusive, and secs. 22 to 24 inclusive.
T. 20 S., R. 15 E.
Secs. 4 to 8 inclusive, sec. 17, and sec. 18.

Past and present use of these public lands by off-road vehicles for organized events as well as casual use by individuals has, to varying degrees, impacted nearly every aspect of the environment of Millican Valley including soil, vegetation, wildlife, air and humans. While off-road vehicle activities are a legitimate use of the public lands, the resources of the public lands must be protected, the safety of all users of those lands must be promoted and conflicts among the various users of those lands mininimzed. In order to promote off-road vehicle activities consistent with pertinent policy and regulations the following limitations of the use of motorized vehicles off of designated roads in the area known as Millican Valley will become effective imediately.

(1) A maximum of 8 organized events will be allowed per season in the entire area.

(2) Organized events will be authorized between September 1 and March 15 in approximately the south half of the designated area. Casual use will also be permissable during this period, except on 15 separate trail segments and hillclimbs which total approximately 4.5 miles in length. These trail segments and hillclimbs will be closed permanently to use by off-road vehicles because of unstable soil conditions and high erosion hazard. The south half of the area will be closed to all off-road vehicle use between March 15 and September 1.

(3) Organized ORV events will be authorized in approximately the north half of the area between September 1 and November 30 and from March 15 to April 30. Casual off-road use will be allowed in the north area from March 15 to November 30. The north area will then be closed to all off-road vehicle use from December 1 to March 15.

The management plan and maps specifically describing the above area are available at the Bureau of Land Management, Prineville District Office, P.O. Box 550, Prineville, Oregon 97754.

Dated September 17, 1979.

Paul W. Arrasmith,

Prineville District Manager.

[FR Doc. 79-19934 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[Bureau Order No. 601 Amdt 11]

Oregon; Declaration of Annual Productive Capacity of Josephine Master Unit

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The annual productive capaicty of the Josephine Master Unit, composed of Revested Oregon and California Railroad Grant Lands and the intermingled and adjacent public domain areas in Oregon, declared in Bureau Order No. 601, Amendment No. 10, dated April 7, 1971, is amended as follows: the annual productive capacity is 18,300,000 cubic feet (94,000,000 board feet, Scribner equivalent).

The declaration of a new annual productive capacity is a result of a reinventory and revision of the land use and the timber management plans for the Josephine Master Unit. The annual productive capacity of 18,300,000 cubic feet represents the annual level of harvest which can be sustained in perpetuity without any planned decrease in the future. In addition to the annual productive capacity, the timber management plan specifies: (1) The annual harvest of 1,000,000 cubic feet (5,000,000 board feet, Scribner equivalent) of surplus overmature timber for the next 10 years on the land base included in the determination of the annual productive capacity, and; (2) The annual harvest of approximately 1,800,000 cubic feet (9,000,000 board feet, Scribner equivalent) for the next 10 years as part of the cooperative Forestry Intensified Research (FIR) project to determine the number of years needed to re-establish commercial tree species on selected areas not included in the annual productive capacity land base.

The revised timber management plan is described in the Final Josephine Timber Management Plan Environmental Statement issued October 26, 1978. This Environmental Statement, together with the record of decision, is available for inspection at the Medford District Office of the Bureau, located at 310 W 6th St., in Medford, Oregon, and at the Oregon State Office of the Bureau located at 729 NE Oregon, St., Portland, Oregon.

This declaration shall be effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Ron Sadler, BLM Oregon State Office, 729 NE Oregon St., Portland, Oregon 97232, 503-231-6851.

Dated: September 17, 1979.

Murl. W. Storms,

State Director.

[FR Doc. 79-29951 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 12690 (Wash.)]

Washington; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Fish and Wildlife Service, Department of the Interior, on May 6, 1974, filed application Serial No. OR 12690 (Wash.) for a withdrawal in relation to the following described lands:

Willamette Meridian

T. 12 N., R. 10 W.,
Sec. 31, lot 1.

The area described contains .15 acres in Pacific County, Washington.

The applicant desires that the land be withdrawn from mineral entry and reserved as part of the Willapa National Wildlife Refuge. A notice of the proposed withdrawal was published in the Federal Register on July 24, 1974, Vol. 39, page 26922, F.R. Doc. 74-16862.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 5, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 5, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 12, 1979.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29935 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 1294 (Wash.)]

Washington; Opportunity for Public Hearing and Republication of Notice of Porposed Withdrawal

The Department of Agriculture, on behalf of the Forest Service, on February 21, 1967, filed application Serial No. OR 1294 (Wash.) for a withdrawal in relation to the following described lands:

Willamette Meridan

Okanogan National Forest; Billy Goat Recreation Area

T. 38 N., R. 20 E., unsurveyed. A tract of land within sections 15, 22, and 23, and which is more particularly described as:

Beginning at the forks of Eightmile Creek and an unnamed tributary in sec. 23, thence northwesterly along unnamed tributary 4260', thence 396' on a bearing of S. 72° W., thence 330' on a bearing of S. 38° W. to Larch Creek Trail and continuing on same bearing 330' to Hidden Lakes Trail, thence on Hidden Lakes Trail a distance of 363' on a bearing of S. 38° E., thence 330' on a

bearing of S. 46° W., thence 132' on a bearing of S. 29° E., thence 264' on a bearing of S. 58° W., thence 1354' on a bearing of S. 2° E. toward Eightmile Creek, thence along Eightmile Creek 2850' to point of beginning.

The area described aggregates approximately 102 acres in Okanogan County.

The applicant desires that the land be withdrawn from mineral entry to protect the Billy Goat Recreation Area for public recreational use. A notice of the proposed withdrawal was published in the Federal Register on March 10, 1967, Vol. 32, page 3949, FR Doc. 67-2661.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Directors, Bureau of Land Management, at the address shown below, on or before November 5, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 5, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 12, 1979.

Champ C. Vaughan, Jr.,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29930 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Idaho; Opening of Lands and Revocation of Final Classification Order

September 20, 1979.

1. Notice is hereby given that in accordance with the regulations in 43 CFR 2411, the initial decision dated September 7, 1978, classifying the following described lands as unsuitable for entry under the desert land act is hereby revoked and the lands are hereby reclassified for entry under the desert land act, provided that an application is filed on either parcel, but it must be for only those lands in the parcel:

Boise Meridian

Parcel "A"

T. 9 S., R. 25 E.,
Sec. 33, SE¼NE¼, SE¼.

Parcel "B"

T. 9 S., R. 25 E.,
Sec. 34, S½SW¼, W½SE¼.

The area described aggregates 360 acres.

2. From the date of publication of this notice, the lands will be open to filing of desert land applications in accordance with the above reclassification. All valid applications received between the date of publication of this notice and 10 a.m. on October 29, 1979, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Idaho State Office, Federal Building, 550 West Fort Street, Box 052, Boise, Idaho 83724.

Dated: September 20, 1979.

Theodore G. Bingham,

Acting State Director.

[FR Doc. 79-29977 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Final Decisions on Initial Wilderness Inventory in Nevada

The Bureau of Land Management in Nevada has announced its final initial wilderness inventory decisions. Unless protests are received, those decisions will be implemented Oct. 29, 1979.

BLM State Director Ed Spang said the Bureau has decided to drop from wilderness consideration 31.6 million acres of public land in Nevada (most due to the initial inventory and some due to earlier, accelerated special inventories) and to intensively inventory about 16.1 million acres for possible wilderness characteristics. The Bureau's recommendations on the intensive inventory will be released for public comment in April 1980. At that time, the Bureau will recommend which areas in the state contain wilderness characteristics and should be designated wilderness study areas and which areas should be dropped from further consideration because they lack wilderness characteristics. After all public comments have been analyzed and evaluated by BLM, the final decisions will be announced in late August 1980. The wilderness study areas will go through the Bureau's land use planning and environmental study phases and eventually will be recommended to Congress as suitable or unsuitable for inclusion in the National Wilderness Preservation System.

Spang said the decision means that about 65 percent of the 49 million acres of public lands in Nevada has been dropped from further consideration because the areas lack wilderness characteristics defined by Congress.

An additional 1.1 million public land acres in Nevada have already been designated wilderness study areas due to accelerated or special project inventories conducted earlier.

The decisions follow a 90-day public comment period which began May 1, 1979, with the announcement of the Bureau's initial inventory recommendations. During that comment period, almost 6,000 comments from 600 groups, agencies, and individuals were received and analyzed by BLM. Based on those comments and subsequent field checks, the Bureau amended its recommendations, dropping an additional 2.2 million acres that had been recommended for intenstive inventory and adding 277,640 acres to intensive inventory that had been recommended to be dropped.

Spang also explained that public commnent is still being received and analyzed on a special, accelerated inventory in Southern Nevada announced earlier in the Federal Register covering 2.1 million acres of potentially valuable oil and gas lands called the Overthrust Belt. The Bureau is recommending that 1.65 million acres be dropped from further consideration and 450,000 acres be designated wilderness study areas. The final decision on the Overthrust Belt, which is slated for

December 1979, could change the figures cited earlier.

A summary book describing the public comment received on each area, the Bureau's decisions, and rationale is available from the Nevada State Office, BLM, 300 Booth St., Room 3008 Federal Building, 89509, along with a revised statewide map. Maps depicting these areas in more detail are also available upon request and citation of the specific area desired.

Date: September 19, 1979.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 79-29978 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 7771]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Fish and Wildlife Service, Department of the Interior, on March 24, 1971, filed application Serial No. OR 7771 for a withdrawal in relation to the following described lands:

Willamette Meridian

T. 25 S., R. 33 E.,
Sec. 34, lot 10.
T. 26 S., R. 33 E.,
Sec. 3, lots 2, 4, 10, SW¼SE¼;
Sec. 10, W½NE¼.

The area described contains 200 acres in Harney County, Oregon.

The applicant desires that the lands be withdrawn from location and entry under the mining laws and reserved as an addition to the Malheur National Wildlife Refuge. A notice of the proposed withdrawal was published in the Federal Register on June 15, 1971, Vol. 36, page 11527, FR Doc. 71-8387.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from the operation of the public land laws, including the mining laws, but not the mineral leasing laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 17, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29979 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 10898]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on May 21, 1973, filed application Serial No. OR 10898 for a withdrawal in relation to the following described lands:

Willamette Meridian

Rogue River National Forest

T. 30 S., R. 2 E.,
Sec. 23, that part of the E½ south of the divide between the Rogue River and Umpqua National Forests;
Sec. 24, that part of said section south of the divide between the Rogue River and Umpqua National Forests;
Sec. 25, N½, N½SW¼, N½SW¼SW¼, SE¼SW¼SW¼, SE¼SW¼, and SE¼;
Sec. 26, N½NE¼, N½SE¼NE¼, and SE¼SE¼NE¼;
Sec. 36, E½ of lot 3, lot 4, NE¼NE¼, N½NW¼NE¼, SE¼NW¼NE¼, E½SW¼NE¼, SE¼NE¼, NE¼SE¼, and E½NW¼SE¼.
T. 30 S., R. 3 E.,
Sec. 19, that part of lot 2 south of the divide between the Rogue River and Umpqua National Forests, lot 3, W½ of lot 4, lots 5 through 8, NW¼SE¼SW¼, and S½SE¼SW¼;
Sec. 30, lots 1 through 8, SW¼NW¼NE¼, W½SW¼NE¼, E½W½, and W½W½SE¼;
Sec. 31, lots 1 through 10, W½W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼.

The areas described aggregate approximately 2,760.94 acres of which 820.73 are in Douglas County, and 1,940.21 in Jackson County, Oregon. The applicant desires that the land be withdrawn from location and entry under the mining laws and reserved for the Abbot Creek Research National Area. A notice of the proposed withdrawal was published in the Federal Register on March 24, 1975, Vol. 40, page 13012, FR Doc. 75-7567.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 17, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29960 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

[OR 11159]

Oregon; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The U.S. Forest Service, Department of Agriculture, on August 6, 1973, filed application Serial No. OR 11159 for a withdrawal in relation to the following described lands:

Willamette Meridian

Deschute National Forest

Cascade Lakes Highway Road Zone Addition. A strip of land 330 feet wide on each side of surveyed centerline of said road through the following legal subdivisions:

T. 20 S., R. 7 E.,
Sec. 36, SE¼NE¼, SE¼SW¼, and SE¼.
T. 21 S., R. 7 E.,
Sec. 1, lots 3 and 4, SW¼NW¼, NW¼SW¼, and S½SW¼;
Sec. 12, E½W½ and NW¼NW¼;
Sec. 13, W½E½ and E½NW¼, and NE¼SW¼;
Sec. 24, SE¼ and W½NE¼;
Sec. 25, E½;
Sec. 36, E½.
T. 22 S., R. 7 E.,
Sec. 1, E½;
Sec. 12, N½SE¼, SE¼SE¼, and NE¼;
Sec. 13, NE¼NE¼.
T. 23 S., R. 7 E.,
Sec. 12, lots 2 and 3, E½NE¼, S½SW¼, N½SE¼, and SW¼SE¼;
Sec. 13, N½NW¼;
Sec. 14, NE¼NE¼.
T. 19 S., R. 8 E.,
Sec. 5, lot 4, S½NW¼, N½SW¼, SE¼SW¼, and SW¼SE¼;
Sec. 6, lot 1;
Sec. 8, NW¼NE¼, S½NE¼, NE¼NW¼, and E½SE¼;
Sec. 9, W½SW¼;
Sec. 16, W½W½ and SE¼SW¼;
Sec. 21, NW¼NW¼ and E½W½;
Sec. 27, SW¼SW¼;
Sec. 28, W½NE¼, NE¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 33, E½E½ and SW¼SE¼;
Sec. 34, W½NW¼ and NW¼SW¼.
T. 20 S., R. 8 E.,
Sec. 4, lots 1 and 2, SW¼NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and NW¼SE¼;
Sec. 9, NW¼, N½SW¼, and SE¼SW¼;
Sec. 16, E½NW¼ and SW¼;
Sec. 20, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 21, NE¼NW¼;
Sec. 29, W½NW¼;
Sec. 30, NE¼NE¼, S½NE¼, E½SW¼, N½SE¼, and SW¼SE¼;
Sec. 31, lots 1 and 2 and NE¼NW¼.
T. 22 S., R. 8 E.,
Sec. 7, lot 4;
Sec. 17, SW¼;
Sec. 18, lots 1, 2, and 3, SE¼NW¼, E½SW¼, and SE¼;
Sec. 19, SE¼NE¼, NE¼SE¼, and S½SE¼;
Sec. 20, NW¼ and NW¼SW¼;
Sec. 30, NE¼, SE¼SW¼, N½SE¼, and SW¼SE¼;
Sec. 31, E½W½ and NW¼NE¼.
T. 23 S., R. 8 E.,
Sec. 6, lots 3, 6, and 7, SE¼NW¼, and E½SW¼;
Sec. 7, lot 1.

Bachelor Butte Recreation Area

T. 18 S., R. 8 E.,
Sec. 13, S½SE¼;
Sec. 24, E½.
T. 18 S., R. 9 E.,
Sec. 16, SW¼;
Sec. 17, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 18, lots 1, 2, 3, and 4, E½, E½W½, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 19, lots 1, 2, 3, and 4, NE¼, E½W½, and W½SE¼;
Sec. 20, N½N½, N½SW¼NE¼, SE¼NE¼, N½SW¼NW¼, NE¼SE¼NW¼, N½NW¼SE¼NW¼, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 21, NW¼, NE¼SW¼, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 28, E½, NE¼SE¼NW¼, S½SE¼NW¼, NE¼SE¼, NE¼NW¼SW¼, S½NW¼SW¼, S½SW¼, excepting strip withdrawn in Cascade Lakes Road Zone by PLO 2751 dated 8/13/62;
Sec. 29, NE¼SE¼SE¼ and S½SE¼SE¼;
Sec. 30, W½E½, W½SE¼NE¼, and W½E½SE¼;
Sec. 31, NW¼NE¼NE¼, S½NE¼NE¼, NW¼NE¼, and S½NE¼;
Sec. 32, NE¼NE¼, NE¼NW¼NE¼, S½NW¼NE¼, S½NE¼, S½S½NW¼, and NE¼SE¼NW¼;
Sec. 33, NW¼.

Todd Lake Recreation Area

T. 18 S., R. 9 E.,
Sec. 7, NE¼NE¼, W½E½, NW¼NE¼ SE¼, S½NE¼SE¼, and SE¼SE¼;
Sec. 8, E½, E½W½, and NW¼NW¼.

The areas described aggregate approximately 7,148.31 acres in Deschutes and Klamath Counties, Oregon.

The applicant desires that the lands be withdrawn from location and entry under the mining laws and reserved for public recreational uses. A notice of the proposed withdrawal was published in the Federal Register on May 13, 1975, Vol. 40, page 20830, FR Doc. 75-12569.

Pursuant to section 204(h) of the Federal Land Policy and Managment Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before November 6, 1979. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before November 6, 1979.

The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976 the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications (except public hearing requests) in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, P.O. Box 2965, Portland, Oregon 97208.

Dated: September 17, 1979.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29994 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Charles M. Russell National Wildlife Refuge; Intent To Prepare an Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice announces that the Fish and Wildlife Service will prepare an Environmental Impact Statement for a proposal to implement a master plan for the operation of the Charles M. Russell National Wildlife Refuge. The environmental impact statement process will be integrated with ongoing planning and be used to further evaluate the management alternatives and select the management plan for the refuge. This notice solicits public comment regarding the Service's preparation of the environmental impact statement.

DATES: Comments must be received by October 29, 1979.

ADDRESS: Send written comments to James C. Gritman, Acting Regional Director, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Hinckley, Leader, Planning Team, Charles M. Russell National Wildlife Refuge, P.O. Box 698, Lewistown, MT 59457.

SUPPLEMENTARY INFORMATION: The EIS will be tiered from the final environmental statement for the "Operation of the National Wildlife Refuge System" issued November 1976.

The scoping process was started before the Council on Environmental Quality issued the latest final regulations (43 FR 55978) for implementing the procedural provisions of the National Environmental Policy Act on November 29, 1978, which are binding on all Federal Agencies as of July 30, 1979. The scoping process consisted of the following. A select group of people from across the nation with backgrounds and interests in many natural resource areas toured the refuge and provided recommendations. Public meetings were advertised by newspapers, radio, television, and mail. Letters were sent to 185 individuals, 20 special interest groups and 12 Federal, State and local government representatives. The meetings were held in Lewistown, Helena, Billings, and Glasgow, Montana, on April 24, 25, 26 and 27, 1978, respectively. The meetings aided in the determination of the significant issues on the refuge and provided an opportunity for public involvement in formulating the long range goals for the refuge.

In addition, a planning steering committee was established, comprised of the Bureau of Land Management, State Department of Fish, Wildlife and Parks, U.S. Army Corps of Engineers, Department of State Lands, and the Montana Department of Natural Resources, representing the State Grazing Districts. These groups have been involved throughout the process.

The Army Corps of Engineers held public meetings in Lewistown, Glasgow, Glendive, and Jordan, Montana on June 4, 5, 6, 7, 1979, respectively. Information gathered at these meetings will be incorporated into the planning and scoping process. The refuge manager's advisory group made up of private citizens representing wildlife management, range management, recreation, local sportsmen groups, grazing interests, county government, wilderness, and banking have been informed of the planning progress and will comment on proposed management recommendations. Presentations have also been made at various meetings such as rod and gun clubs, Chambers of Commerce, Rotary International, Lions, State Grazing Board Executive Committee, etc.

From the initiation of the planning effort in January of 1978, a continuous effort has been made to obtain public and private participation in the planning and scoping process. Additional public meetings co-sponsored with the Corps of Engineers were held in Lewistown, Glasgow, Helena, Missoula, Glendive, Billings, Great Falls, and Jordan, Montana, during the period September 10–22, 1979, prior to the initiation of the DEIS review process.

The DEIS is expected to be available to the public in January, 1980. The primary author of this notice is Bill Knauer, U.S. Fish and Wildlife Service, Regional Office, Denver, Colorado, (303–234–4608).

Dated: September 20, 1979.

Lynn A. Greenwalt,

Director, Fish and Wildlife Service.

[FR Doc. 79-29972 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Outer Continental Shelf (OCS) Orders

On May 18, 1979, the following revised OCS Orders were published effective July 1, 1979, for the Atlantic OCS Area, Pacific OCS Area, Gulf of Alaska OCS Area, and Gulf of Mexico OCS Area:

- OCS Order No. 1. Identification of Wells, Platforms, Structures, Mobile Drilling Units, and Subsea Objects
- OCS Order No. 2. Drilling Operations
- OCS Order No. 3. Plugging and Abandonment of Wells
- OCS Order No. 4. Determination of Well Producibility
- OCS Order No. 5. Production Safety Systems
- OCS Order No. 7. Pollution Prevention and Control
- OCS Order No. 12. Public Inspection of Records

The effective date for these Orders was subsequently extended to October 1, 1979, by Federal Register Notice which was published in Vol. 44, No. 127, on June 29, 1979. This Notice also requested comments to be submitted on the content of these Orders by August 1, 1979. Due to the time required for the analysis of the large volume of comments received, it is anticipated that the final version of these Orders will be published during the week of October 22 through 26, 1979. Accordingly, the effective date of the Orders is hereby extended to December 1, 1979.

Proposed Arctic Area OCS Orders Nos. 1, 2, 3, 4, 5, 7, and 12, which correspond in title and content to the Orders listed above, were published in the Federal Register, Vol. 44, No. 115, on June 13, 1979, with a solicitation for comments to be submitted by July 30, 1979. Appropriate suggestions received in response to this solicitation will be incorporated into final OCS Orders for the Arctic Area. These final Orders are also to be published with the final Orders listed above.

A proposed version of OCS Order No. 8 for all Areas of the OCS and a document entitled "Operating Procedures for the OCS Platform Verification Program" were published in the Federal Register, Vol. 44, No. 128, on July 2, 1979, with a solicitation for comments on these documents to be submitted by August 1, 1979. Appropriate suggestions received in response to this solicitation will be incorporated into a final version of these documents which will be published along with the All Area OCS Orders listed above.

Booklet copies of the finalized revised OCS Orders will not be available until after December 1, 1979.

For further information, contact Mr. Richard Krahl, Chief, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Virginia 22092. Telephone: (703) 860-7531.

H. William Menard,

Director.

[FR Doc. 79-30032 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Everglades National Park, Fla.; Public Hearings Regarding Proposed Rule Changes in Fishing and Boating Regulations

Notice is hereby given that the National Park Service will hold a series of four public hearings in Florida during

October 9–12, 1979, on the proposed fishing and boating regulations for Everglades National Park. These hearings were previously announced in the notice of proposed rulemaking published on September 14, 1979 (44 FR 53541). A Review of Alternatives for Fisheries Management at Everglades National Park and proposed regulations governing fishing and boating activities were published on September 14, 1979. The regulations are being proposed to provide greater resource protection through regulated use and to provide for increased recreational use and enjoyment of park resources by resolving the competition between commercial and recreational fishermen. This will be accomplished by: (1) Closure of additional areas of Florida Bay to all public entry by establishing sanctuary areas to protect crocodile nesting critical habitat, (2) restriction of additional shellfish harvest (blue crab traps, stone crab traps and spiny lobster), (3) establishment of bag limits for fish species, (4) assimilation of the State of Florida statutes for commercial stone crabbing, and (5) elimination of commercial fishing by December 31, 1985, within waters of the park.

Dates: Written comments, suggestions or objections will be accepted until October 29, 1979.

The hearings will be held on the dates and times indicated in the following places:

October 9–7:00 p.m.—North Miami Senior High School, 800 Northeast 137 Street, North Miami, Florida.

October 10–7:00 p.m.—Homestead Junior High School, 650 Northwest 2 Avenue, Homestead, Florida.

October 11–7:00 p.m.—Marathon Senior High School, Sombrero Beach Road, Marathon, Florida.

October 12–7:00 p.m.—East Naples Middle School, 4100 Estey Avenue, Naples, Florida.

The hearings will begin at 7:00 p.m. National Park Service personnel will be available at each of the hearing locations on dates indicated at 6:00 p.m. local time to answer questions or explain the details of the proposed regulations during the hour before the hearing begins.

An information packet containing a review of the fishery management alternatives together with the proposed rule changes may be obtained from the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030, telephone (305) 247–6211, or from the Regional Director, Southeast Region, National Park Service, Richard B. Russell Building, 75 Spring Street, S.W., Atlanta, Georgia 30303, telephone (404) 221–5465.

Interested individuals, representatives or organizations and public officials are invited to express their views in person at the aforementioned public hearings. Those wishing to speak must register their intention to do so prior to the start of the meeting. Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement that may be submitted to the Hearing Officer at the time of the presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing record.

Those not wishing to appear in person may submit written statements on the proposed rule changes to the Superintendent, Everglades National Park, P.O. Box 279, Homestead, Florida 33030, for inclusion in the official record which will be held open for 30 days following the last meeting.

After an explanation of the proposed rule changes, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

1. Governor of the state or his representative.
2. Members of Congress.
3. Members of the state legislature.
4. Official representatives of the counties in which the park is located.
5. Officials of other federal agencies or public bodies.
6. Organizations in alphabetical order.
7. Individuals in alphabetical order.

Dated: September 24, 1979.

Daniel J. Tobin, Jr.,

Associate Director, Management and Operations.

[FR Doc. 79-30249 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

[INT FES 79-45]

Gateway National Recreation Area General Management Plan; Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for a proposed General Management Plan for Gateway National Recreation Area.

The final environmental statement describes the various proposals recommended to manage, develop, and provide the necessary programs and services for visitor use of the recreation area over the next 20 years. This statement assesses only those actions scheduled for stage 1, while the other two stages are described briefly and will be assessed in subsequent planning and design work with public review prior to physical implementation. The proposals involve such topics as management zoning, resource management policies, transportation policies, concession management, and design standards. There are specific proposals recommended for the most urgent management and development matters in the unit areas of Sandy Hook, Staten Island, Breezy Point, Floyd Bennett Field/Plumb Beach, Jamaica Bay North Shore, and Jamaica Bay Wildlife Refuge.

No action will be taken to implement proposals of the general management plan prior to 60 days from the date of this notice.

Copies of the final environmental statement are available from or for inspection at the following locations:

National Park Service, North Atlantic Region, 15 State Street, Boston, MA 02109.

National Park Service, Manhattan Sites, 26 Wall Street (Federal Hall), New York, NY 10005.

Gateway National Recreation Area, National Park Service, Floyd Bennett Field, Building 69, Brooklyn, NY 11234.

Dated: September 24, 1979.

Heather L. Ross,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30166 Filed 9-27-79; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-59]

Pump Top Insulated Containers; Commission Hearing on the Presiding Officer's Recommended Determinations, Relief, the Public Interest, and Bonding, and of the Schedule for Filing Written Submissions

Recommended Determinations of the Presiding Officer

In connection with the U.S. International Trade Commission's investigation under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation and sale of certain pump top insulated containers in the United States, the presiding officer issued a recommended determination on June 15, 1979, that the Commission determine that there are violations of section 337 by Apollo Limited and in the unauthorized importation of certain

pump top insulated containers into the United States from Korea and Taiwan. The presiding officer certified the evidentiary record to the Commission for its consideration.

The presiding officer on July 9, 1979, issued a second recommended determination that the Commission determine that there is no violation by Rollin Corporation. The presiding officer certified the additional evidentiary record to the Commission for its consideration.

Previous to the two above described recommended determinations, the presiding officer recommended that the investigation be terminated as to two other respondents, The Warren Company and Rainbow National, Inc. That recommendation will not be the subject of these oral arguments and oral presentations.

Interested persons may obtain copies of the presiding officer's recommended determinations (and all other public documents) by contacting the office of the Secretary to the Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161.

Commission Hearing Scheduled

The Commission will hold a hearing beginning at 10:00 a.m., e.d.t., on October 12, 1979, in the Commission's Hearing Room (Room 331), 701 E Street NW., Washington, D.C. 20436, for two purposes. First, the Commission will hear oral arguments on the presiding officer's recommendations that there are violations of section 337 of the Tariff Act of 1930, as amended, by Apollo Limited and in the unauthorized importation of certain pump top insulated containers from Korea and Taiwan, but no violation by Rollin Corporation. Second, the Commission will hear oral presentations concerning appropriate relief, the public-interest factors, and bonding, for consideration in the event that the Commission determines that there is a violation of section 337. These matters are being heard on the same day in order to facilitate the completion of this investigation within time limits established under law and to minimize the burden of this hearing upon the parties to the investigation. The procedure for each portion of the hearing follows.

Oral Argument Concerning the Presiding Officer's Recommended Determinations

A party to the Commission's investigation or an interested agency wishing to present to the Commission an oral argument concerning the presiding officer's recommended determinations will be limited to no more than 30 minutes. A party or interested agency may reserve 10 minutes of its time for rebuttal. The oral arguments will be held in this order: complainant, respondents, interested agencies, and Commission investigative staff. Any rebuttals will be held in this order: respondents, complainant, interested agencies, and Commission investigative staff.

Oral Presentations on Relief, the Public Interest, and Bonding

Following the oral arguments on the presiding officer's recommended determinations, a party to the investigation, an interested agency, a public-interest group, or any interested member of the public may make an oral presentation on relief, the public-interest factors, and bonding.

1. *Relief.* If the Commission finds a violation of section 337, it may issue (1) an order which could result in the exclusion from entry of certain pump top insulated containers into the United States or (2) an order which could result in requiring respondents to cease and desist from alleged unfair methods of competition or unfair acts in the importation and sale of certain pump top insulated containers. Accordingly, the Commission is interested in what relief should be ordered, if any.

2. *The public interest.* If the Commission finds a violation of section 337 and orders some form of relief, it must consider the effect of that relief upon the public. Accordingly, the Commission is interested in the effect of any exclusion order or cease and desist order upon (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) the production of like or directly competitive articles in the United States, and (4) U.S. consumers.

3. *Bonding.* If the Commission finds a violation of section 337 and orders some form of relief, such relief would not become final for a 60-day period, during which the President would consider the Commission's report. During this period certain pump top insulated containers would be entitled to enter the United States under a bond determined by the Commission and prescribed by the Secretary of the Treasury. Accordingly, the Commission is interested in what bond should be determined, if any.

Those persons making an oral presentation on any or all of the above topics will be limited to 15 minutes, with an additional 5 minutes each for summation after all presentations have been made. Participants with similar interests may be required to share time. The order of oral presentations will be as follows: complainant, respondents, interested agencies, public-interest groups, other interested members of the public, and Commission investigative staff. Summations will follow the same order.

How To Participate in the Hearing

Any person desiring to appear at the Commission's hearing must file a written request to appear with the Secretary to the U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, no later than the close of business (5:15 p.m., e.d.t.) on October 3, 1979. The written request must indicate whether such person wishes to present an oral argument concerning the presiding officer's recommended determinations and/or an oral presentation concerning relief, bonding, and the public interest. While only parties to the Commission's investigation, interested agencies, and the Commission investigative staff may present an oral argument concerning the presiding officer's recommended determination, public-interest groups and other interested members of the public are encouraged to make an oral presentation concerning the public interest.

Written Submissions to the Commission

The Commission requests that briefs and written comments as described below be filed no later than the close of business on October 3, 1979. Written requests to participate in the hearing must also be filed by October 3, 1979.

1. *Briefs on the presiding officer's recommended determinations.* Parties to the Commission's investigation, interested agencies, and the Commission investigative staff are encouraged to file briefs concerning exceptions to the presiding officer's recommended determinations. Briefs must be served on all parties of record to the Commission's investigation on or before the date they are filed with the Secretary. Statements in briefs should be supported by references to the record. Persons with the same positions on the issues are encouraged to consolidate their briefs, if possible.

2. *Written comments and information concerning relief, the public interest, and bonding.* Parties to the Commission's investigation, interested agencies, public-interest groups, and any other interested members of the public are encouraged to file written comments and information concerning relief, the public interest, and bonding. These submissions should include a proposed remedy, a discussion of the effect of the proposals on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the

United States, and U.S. consumers, as well as a proposed determination of bonding.

3. *Requests to participate in the hearing.* Written requests to appear at the Commission hearing must be filed by October 3, 1979, as described above.

Additional Information

The original and 19 true copies of all briefs and written comments and any written request to participate must be filed with the Secretary to the Commission.

Any person desiring to discuss confidential information at the hearing shall request the Chairman to direct that a portion of the hearing be held *in camera.* Documents containing confidential information which has been previously submitted subject to the protective order in this investigation will be treated accordingly. Documents containing information which has not been previously submitted as confidential subject to the protective order will be treated as confidential only upon written request directed to the Secretary which includes a full statement of the reasons why the Commission should grant such treatment. All nonconfidential written submissions will be open to public inspection at the Secretary's office.

Notice of the Commission's investigation was published in the Federal Register of November 9, 1978 (43 FR 52297).

Issued: September 24, 1979
By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-30033 Filed 9-26-79; 8:45 am]

BILLING CODE 7020-02-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 79-79]

NASA Advisory Council (NAC); Meeting

The NASA Advisory Council's Informal Executive Subcommittee will meet on October 17, 1979, in the Chapman Room, Mesa Laboratory, National Center for Atmospheric Research, Boulder, Colorado 80307. Except as noted below, the meeting will be open to the public up to the seating capacity of the room (approximately 20 persons, including subcommittee members and other participants). Visitors will be requested to sign a visitor's register.

The meeting will be closed to the public from 8:30 a.m. to 2:30 p.m. for a discussion of the qualifications of candidates for participation in the proposed 1980 NAC Innovation Study. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that this period of time be closed to the public.

The Informal Executive Subcommittee of the NASA Advisory Council was established to assist the chairman in planning the activities, establishing meeting agendas, and guiding the activities of its parent unit. The Informal Executive Subcommittee is chaired by the Council Chairperson, Dr. William A. Nierenberg, and membership includes the Council's Vice Chairperson and four other members. The agenda for this meeting is given below. For further information, contact the Executive Secretary, Mr. Nathaniel B. Cohen, A/C 202 755-8383, NASA Headquarters, Washington, DC 20546.

Agenda

October 17, 1979

8:30 a.m.—Discussion of candidates for participation in the 1980 Innovation Study (Closed Session).
2:30 p.m.—Discussion of Council report on NASA five year planning.
3:30 p.m.—Other business.
4:00 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

September 21, 1979.

[FR Doc. 79-29915 Filed 9-26-79; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[IN-AR 79-39]

Accident Reports, Safety Recommendation Letters and Responses; Availability

Reports

Swift Aire Lines, Inc., Nord 262, N418SA, Marina Del Rey, California, March 10, 1979.—The National Transportation Safety Board has completed its investigation of this accident and on September 19 released copies of its formal report, No. NTSB-AAR-79-13. The twin-engine turbo-prop aircraft, an Aerospatiale Nord 262, was on a scheduled commuter airline passenger flight from Los Angeles to Santa Maria, Calif., with four passengers and three crewmembers on board when it ditched in the Santa Monica Bay near Marina Del Rey shortly after takeoff from Los Angeles International Airport. Two crewmembers and one passenger died when they were unable to get out of the aircraft.

The Safety Board has determined that the probable cause of the accident was the flightcrew's mismanagement of an emergency procedure following an autofeather of the right propeller which resulted in their shutting down the remaining engine. Contributing to the accident was the unavailability of vital restart information to the crew.

U.S. Motor Tankship SEALIFT CHINA SEA Ramming of the Italian Motor Cargo Vessel LORENZO D'AMICO, Los Angeles Harbor, California, January 15, 1978.—The Safety Board's formal investigation report, No. NTSB-MAR-79-13, was made available on September 17. Investigation showed that the CHINA SEA rammed amidships into the LORENZO D'AMICO which was moored. The CHINA SEA's engine control system was inoperative, and hand signals were being used to relay orders for the controllable-pitch propeller. The pilot's orders of half and full astern were mistakenly applied as half and full ahead, and the CHINA SEA rammed the LORENZO D'AMICO at a 90° angle at a speed of 3 to 4 kns. The CHINA SEA was slightly damaged, and the LORENZO D'AMICO was damaged beyond economical repair. No injuries or deaths resulted.

This accident was investigated jointly by the Safety Board and the U.S. Coast Guard. A public hearing was convened in Long Beach, Calif., on January 18, 1978. The Safety Board, on evidence developed by that investigation, has determined that the probable cause of this accident was the misinterpretation of the hand signals used to relay engine orders from the engine control room to the local control station for the controllable-pitch propeller, which resulted in wrong direction thrust. Contributing to the accident were the inadequate design of the engine control system, which failed to provide independent functioning of the propeller pitch direction indicators; the inadequate measures used to maintain, repair, and provide spare parts for the engine control system; the lack of an installed, reliable method to transmit engine orders to the local control station; and the inadequate telephone system between the engine control room and the local control station.

One of 10 safety recommendations (Nos. M-79-88 through 97) which the Board on September 6 issued to the Coast Guard would require all ships of 1,600 or more gross tons, when operating in U.S. waters, to be equipped with engine thrust indicators. These would

have to be (1) independent from automated control consoles; (2) prominently positioned in wheelhouses, bridge wings, and enginerooms; (3) illuminated effectively for day and night viewing; and (4) designed to show exact propeller shaft RPM and propeller thrust direction. Another Board recommendation urged that a secondary engine command communication system be required on oceangoing vessels which may be operated manually while automated control systems are out of service.

The Board also found that the semiautomated control system of the four-year-old CHINA SEA and the eight other ships of its class cannot yet be maintained adequately. The Board recommended that the U.S. Navy Military Sealift Command, for which the CHINA SEA is operated, join the Coast Guard in a special evaluation of the system's maintenance deficiencies and make needed manning and equipment changes (M-79-98). (For the complete text of the above recommendations see 44 FR 52063, September 6, 1979.)

Safety Recommendation Letters

Highway: H-79-40.—About 9:15 p.m. last April 23 a 1978 Ford Courier pickup truck with 12 teenaged occupants, 8 of whom were riding in the open bed, was traveling at a high rate of speed along a winding country road near Crofton, Md. The truck failed to negotiate a curve to the left, ran off the right side of the road, and struck three trees located about 7 feet from the edge of the pavement. Ten passengers were killed and one passenger was seriously injured; the driver was injured slightly.

The Safety Board notes that impact speed was so great that even if occupants were wearing seat and shoulder belts they would have had little or no predictable chance of surviving the collision. Passengers in the bed or rear of the truck had even less of a chance for surviving any type of high-speed collision because they had no belts available to use and had little or no protective shell to prevent their ejection or intrusion from out side objects. Data from the National Highway Traffic Safety Administration's Fatal Accident Reporting System indicated that from 1975 to 1978, an average of about 4,200 persons per year were killed in pickup trucks, including all pickup trucks: those with campers, stake, and small dump bodies. Of these, about 250 persons per year were riding in the bed of the pickup. Excluding fatal accidents in which only a driver was involved, 34 percent of the passengers riding in the bed were killed while 28 percent of the drivers and passengers in the cab were killed. This accident reinforced those statistics.

Since no State is known to have laws that prohibit riding in the bed of a pickup truck, and the Safety Board believes that at least a law should be directed specifically to open-cargo area vehicles being used for nonwork-related purposes, the Board on September 21 recommended that the National Committee on Uniform Traffic Laws and Ordinances whose function is to establish uniform traffic laws for the States and local communities:

> Establish model guidelines for prohibiting passengers from riding in open-cargo areas of vehicles that are not being used for work-related purposes. (Class II, Priority Action) (H-79-40)

Railroad: R-79-61.—This recommendation was made public September 10 on release of the formal investigation report concerning the rear-end collision of two Consolidated Rail Corporation freight trains at Muncy, Pa., last January 31. (See 44 FR 54560, September 20, 1979.) The recommendation, directed to the Federal Railroad Admnistration, was forwarded in recommendation letter format on September 19 and asked FRA to:

> Promulgate regulations to require the conductor or other employee in charge of the train to be located and informed so that he can properly supervise the safe operation of the train. (Class II, Priority Action) (R-79-61)

Railroad: R-79-62 and 63.—Last January 19 Bay Area Rapid Transit District (BART) train No. 117 caught fire inside the Transbay Tube. While investigating the accident, the Safety Board found that, because of a short in the train's control circuit, the on-board uncoupling system would not function. BART's emergency plan for tunnel evacuation of passengers from disabled trains is, first, to move the passengers from the damaged cars to the undamaged cars; then uncouple the damaged cars and move the undamaged portion of the train to a point where the passengers can be safely removed. Had this been accomplished, the passengers on train No. 117 would have been removed from the tunnel with little, if any, adverse effects. Valuable time was consumed in an unsuccessful attempt to uncouple the cars; the failure to uncouple the cars ultimately resulted in the passengers being released into the smoke-filled tunnel.

The Safety Board believes that moving passengers to the undamaged cars, separating the train, and then moving the undamaged cars and passengers out of danger is the quickest and the best approach to this type of an emergency. However, any transit system that depends on this method to evacuate passengers from tunnels must have a dependable uncoupling system and employees must be thoroughly instructed in its use. Accordingly, on September 19 the Safety Board recommended that the Urban Mass Transportation Administration:

> Require those rapid transit systems that depend on uncoupling damaged cars from trains for the evacuation of passengers to redesign and modify car uncoupling circuitry to provide train operators with a positive means of uncoupling from within the cars in the event of an electrical short or other malfunction in the control circuit. (Class II, Priority Action) (R-79-62)
>
> Require those rapid transit systems that depend on uncoupling damaged cars from trains for the evacuation of passengers to establish training programs in emergency procedures for train operators and crewmembers to insure that they thoroughly understand the method used to uncouple cars. (Class II, Priority Action) (R-79-63)

Responses to Safety Recommendations

Aviation

A-72-56 and 57.—Letter of September 17 from the Federal Aviation Administration responds to the Safety Board's September 5 comments on FAA's response under date of July 18 (44 FR 45479, August 2, 1979).

Concerning recommendation A-72-56, which recommended that FAA install underwater locating devices on new cockpit voice recorders (CVR's) similar to those now required for flight data recorders (FDR's) as prescribed in 14 CFR 121.343, the Board's September 5 letter states that recently revised §§ 25.1457(g) and 121.359(c) have been reviewed. The Board is concerned that FAA is still of the view that one underwater locating device is sufficient to recover both the FDR and CVR if these two units are installed adjacent to each other. Accident history does not support this belief, as explained to FAA in Board letter of August 24, 1972. Recorders do get separated in an accident and there is a need for an underwater locating device for each unit. FAA said it will review the basis for the regulatory revisions and will be prepared to discuss the subject at the next NTSB/FAA Quarterly Meeting, as suggested by the Safety Board.

With reference to A-72-57, which recommended that FAA encourage operators of large aircraft to affix reflective tape to the cases of FDR's and CVR's, the Safety Board on September 5 said it was pleased to find that this is a practice supported by regulation. The Board now classifies this recommendation as "Closed—Acceptable Action."

A-76-136 and 137.—FAA's letter of September 11 concerns recommendations issued by the Safety Board on November 18, 1976, after investigation of several incidents involving inability to stop aircraft on the runway revealed that the frictional characteristics of some runway surfaces had not been maintained sufficiently to provide effective braking action. The Board found that this is particularly true for surfaces in the touchdown zones of runways during wet runway conditions and believed that such conditions pose a serious hazard for emergency takeoff aborts at high gross weights when the last 1,000 to 1,500 feet of runway are required to stop safety.

FAA's September 11 letter refers to responses of February 15, 1977, and April 10, 1978, wherein FAA indicated it did not intend to make friction measurement a regulatory requirement because of insufficient standards and authentic guidance material. FAA says it is necessary to refine and update the technical data and standards used in advisory circular 150/5320-12. To establish necessary background information, FAA has a national program with a contractor engaged to perform runway surface friction measurements for developing new standards. After completion of the contract, FAA says there should be sufficient technical data to provide timely safety information to airport operators for runway surface maintenance and to revise the advisory circular.

FAA states that the contract effort will involve approximately 270 airports. These are airports that are in the airport certification program, ILS-equipped, and provide service to turbojet aircraft. The first phase of the contract, a testing procedure evaluation phase, began on September 29, 1978, and was completed on June 26, 1979. It involved 28 airports. The second phase began on May 10, 1979, and when completed in October 1980 the runways used by air carrier aircraft at all 270 airports will have had two or three friction and pavement condition surveys. To date, FAA has realized these findings from the contract effort:

The friction measuring device, the Mu Meter, has shown that it is reliable and provides repeatable results representative of runway friction characteristics.

The predetermined field survey schedule can be reasonably accomplished within the time limits imposed.

The types and volume of the data acquired in the program are appropriate for effective statistical analysis.

During the phase I effort, water depth (universally accepted at that time as 0.02 inches) was found not adequate to cover all textured surfaces measured. An evaluation determined that it should be changed to 0.04 inches to represent a more realistic rainfall rate of one inch per hour.

Data collected on an individual runway usually showed a pattern associated with rubber accumulation. Dry Mu values on most runway surfaces were relatively constant and at high levels throughout the runway length regardless of rubber accumulation; whereas, wet Mu values tended to drop quite dramatically in areas of significant rubber accumulation.

Runway grooving and porous friction course overlays provided the most consistent Mu values and drainage characteristics.

The frequency of surveys at airports still is under study to determine how often surveys should be conducted.

A-79-11.—On September 17 FAA advised the Safety Board of issuance of a change to Order 8340.1A, "Maintenance Bulletins," which directs principal inspectors to review their assigned operators' manuals to ensure that they have adequate procedures for maintenance logbook accountability; a copy of the order is attached to FAA's letter. The recommendation stemmed from the Antilles Air Boats, Inc., Grumman G-21A accident at St. Thomas, V.I., September 2, 1978. The investigation revealed that several pages were missing from the maintenance logbook and that some pages had been falsified. The Board requested FAA to require all aircraft maintenance logbook sheets to be numbered consecutively. On August 27 the Safety Board commented on FAA's initial response of July 26 (44 FR 46965, August 9, 1979) to this recommendation.

Highway

H-78-19.—The Federal Highway Administration on August 31, 1979, formally responded to a recommendation issued May 1, 1978, following investigation of the highway accident near McAlester, Okla., July 14, 1977. (See 43 FR 20284, May 11, 1978.) The recommendation asked FHWA to develop expeditiously procedures to determine the skid resistent characteristics of newly constructed and resurfaced roadways before they are opened to the public.

FHWA states that from a contractual standpoint, in order to require any acceptance testing, it is necessary to have a specification requirement and that differing aggregates, climates, asphalt, traffic characteristics, and associated costs make this problem extremely complex. FHWA cannot identify a single set of practical construction specifications which would produce a universal acceptance criteria. FHWA agrees with the "spirit" of the recommendation, but takes exception to the approach put forth by the Safety Board. An alternative approach is offered.

FHWA notes that new asphalt pavement may be lower in skid resistance than a pavement that has been in use for a time. "Scrubbing" the surface could bring up the new pavement's skid resistance, but the effectiveness of this method has not been determined. Locked wheel skid tests on new pavements do not reflect long-term performance. Validation tests for sand-patch, outflow, and British portable skid measuring methods have not been successfully conducted. In many cases, flushing or mix consolidation only occur after a full summer of heavy traffic. If flushing or consolidation are problems, skid testing is not necessary to identify them. Almost any pointed cement concrete pavement is expected to provide adequate skid resistance. Initial skid testing will not reflect long-term quality. FHWA says that a skid test requirement would delay the opening of a new or resurfaced road and thereby increase the time usage of temporary roadways and detours.

The FHWA alternative is a systematic approach to the reduction of wet weather skidding accidents, including:

1. Update of FHPM 6-2-4-3, "Skid Accident Reduction Program," to reflect latest technology.
2. Require States to evaluate pavement design and surface treatments for skid resistance, to develop an annual list of wet pavement accident locations and corrections made, to incorporate pavement skid conditions into capital improvement program, to prequalify aggregates through standard tests.
3. Establishment of closer working relationship between FHWA, State, and local governments on resurfacing programs.

FHWA notes that existing technology enables engineers to predict probable in-service skid properties of mixes, materials, and procedures. Through this preconstruction identification, surfaces which may provide marginal skid resistance can be avoided.

Railroad

R-79-1 and 2.—In response to the Safety Board's request of July 25 (44 FR 46967, August 9, 1979), the New York City Transit Authority (NYCTA) supplied a status report on its implementation of recommendation R-79-2. The recommendation was issued to NYCTA last January 19 during the Safety Board's investigation of the derailment of an eight-car subway train in New York City, December 12, 1978, and concerned retrofitting rapid transit

cars with an indicator to determine position of handbrake.

NYCTA reports that of its present fleet of 6,424 cars, 1,054 now have handbrake indicators, all original equipment, and 5,370 cars are to be retrofitted with indicators; no cars have been completed. Tests of six prototype cars had been successfully completed as of June 29, 1979. Advertisement for material bids was accomplished on June 16 and the bid opening date was July 17. Delivery of material is expected by January 31, 1980. NYCTA expects to begin its installation by next February 11 and complete the schedule on February 13, 1981. NYCTA will inform the Safety Board if any schedule changes take place and will advise of the completion of the retrofit program.

The Safety Board on July 25 informed NYCTA that recommendation R-79-1, concerning thermal-damaged wheel inspection, has now been classified as "Closed—Acceptance Action."

R-79-10 and 11.—The Federal Railroad Administration on September 12 formally responded to recommendations issued last March 6 following investigation of the head-on collision at Florence, Ala., of a Louisville & Nashville (L&N) freight train and an L&N yard train, September 18, 1978. (See 44 FR 15817, March 15, 1979.)

Recommendation R-79-10 asked FRA to insure that L&N complies with the requirements of 49 CFR Part 174, Transportation of Hazardous Materials; 49 CFR Part 232, Railroad Power Brakes; and 49 CFR Part 217, Railroad Operating Rules, particularly in connection with the application and enforcement of L&N Rules 93 and 99. In response, FRA reports that it issued on February 7, 1979, an emergency order against L&N. FRA notes that conditions on the railroad had created a situation that was responsible for an increasing number of train accidents per year, causing loss of life and property and evacuation of many people from their homes near accident sites. On June 18, the U.S. District Court of the District of Columbia enjoined the operation of the emergency order issued by FRA on the basis that the order exceeded the authority granted the Administrator under 45 U.S.C. S432. FRA reports that during the four months the order was in effect, however, FRA administered an intensive surveillance and analysis program of all phases of L&N's operation to insure compliance with both Federal regulations and the carrier's own operating rules. FRA notes that during this period L&N "made great strides in upgrading track, improving equipment, maintaining and bringing about a general improvement in operating practices." A continuing surveillance of the carrier's operation will be carried out by FRA to insure compliance. FRA says it is impressed with the progress made by the carrier and the cooperation given to FRA by the new L&N president.

Recommendation R-79-11 asked FRA to expedite action on its study of locomotive operator compartment design to minimize crash damage and promulgation of appropriate regulations. The study was first recommended on June 28, 1978, No. R-78-27, following investigation of the December 28, 1977, collision of an L&N freight train with a log-ladden tractor-semitrailer at the Vine Street crossing in Goldonna, La.

In its September 12 response to recommendation R-79-11, FRA notes that its initial response to R-78-27 indicated that FRS's Office of Research and Development has sponsored and initiated a program to evaluate locomotive control compartment crashworthiness. Through the Locomotive Control Compartment Committee—established at FRA's suggestion and consisting of representatives from government, industry and railroad labor groups—FRA has directed research toward improvement of locomotive control compartment (cab) design. FRA reports that full-scale rear end impact tests have identified many potential cab safety problems which serve as guidance for the research now under way. A small-scale simulated locomotive cab, incorporating many of the improved structural features, has been constructed. FRA research is directed at improving cab safety, including seat design, which will provide easy egress for the engineer during emergencies.

FRA believes that, based on labor and industry cooperation achieved thus far, the industry will arrive at a mutually agreed upon cab design which will provide the desired degree of safety and that the matter may ultimately be resolved without additional regulations. The locomotive control compartment crashworthiness studies should be completed within the next 36 months and results should provide guidelines for improved cab structure and locomotive anticlimb protection to minimize collision damage and injuries to occupants. FRA said that findings will be evaluated to determine whether there is a need for Federal regulations.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of recommendation letters issued by the Board, response letters and related correspondence are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1907)))

Margaret L. Fisher,

Federal Register Liaison Officer.

September 24, 1979.

[FR Doc. 79-30021 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-58-M

OFFICE OF MANAGEMENT AND BUDGET

Privacy Act; New Systems

The purpose of this notice is to give members of the public an opportunity to comment on Federal agency proposals to establish or alter personal data systems subject to the Privacy Act of 1974.

The Act states that "each agency shall provide adequate advance notice to Congress and the Office of Management and Budget of any proposal to establish or alter any system of records in order to permit an evaluation of the probable or potential effect on such proposal on the privacy and other personal or property rights of individuals. . . ."

OMB policies implementing this provision require agencies to submit reports on proposed new or altered systems to Congress and OMB 60 days prior to the issuance of any data collection forms or instructions, 60 days before entering any personal information into the new or altered systems, or 60 days prior to the issuance of any requests for proposals for computer and communications systems or services to support such systems—whichever is earlier.

The following reports on new or altered systems were received by OMB between September 3, 1979 and September 14, 1979. Inquiries or comments on the proposed new systems or changes to existing systems should be directed to the designated agency point-of-contact and a copy of any written comments provided to OMB. The 60 day advance notice period begins on the report date indicated.

Department of Health, Education, and Welfare

System Name: HCFA Health Maintenance Organization Prospective Reimbursement Demonstrations.

Report Date: August 28, 1979.
Point-of-Contact: Mr. Leonard D. Schaeffer, Administrator, HCFA, Department of Health, Education, and Welfare, Washington, D.C. 20201.

Summary: This new system of records is proposed by the Health Care Financing Administration to provide data to calculate adjusted average per capital costs for Health Maintenance Organizations, in order to determine whether rates can be predicted accurately enough to ensure sufficient revenues for HMO's. The records in the system will not be used to affect individual entitlements under Medicare.

System Name: Municipal Health Services Program.
Report Date: August 28, 1979.
Point-of-Contact: Mr. Leonard D. Schaeffer, Administrator, HCFA, Department of Health, Education and Welfare, Washington, DC 20201.

Summary: The Health Care Financing Administration proposes this new system of records to provide billing data for reimbursement and evaluation of clinics which participate in the Municipal Health Services Program. The MHSP is a cooperative effort designed to provide health care services to "medically underserved areas." Records will be maintained on Medicare and Medicaid beneficiaries who receive traatment at clinics funded by the Robert Wood Johnson Foundation under the MSHSP.

Department of Labor

System Name: General Investigative Files, Case Tracking Files, and Subject/Title Index.
Report Date: August 30, 1979.
Point-of-Contact: Mr. A. A. Rossi, Information and Privacy Coordinator, Office of Inspector General, Department of Labor, Washington, DC 20210.

Summary: This new system of records is reported by the Office of the Inspector General of the Department of Labor, and will include investigative files on all matters within the purview of the Inspector General of the Labor Department. Individuals in the system may include DOL employees, applicants for employment, contractors, grantees, claimants for benefits, individuals who have threatened the Secretary of Labor, alleged violators of laws whose enforcement is the responsibility of the Department of Labor.

Department of Defense

System Name: Employee Screening Program/Installation Access Files.
Report Date: August 31, 1979.
Point-of-Contact: Mr. William T. Cavaney, Executive Secretary, Defense Privacy Board, 2735 N. Lynn Street, Arlington, VA 22209.

Summary: The Army proposes this new system to provide a means for control of security screening actions to determine suitability for employment and for access to military installations by civilians employed by the U.S. in the Berlin command area.

Administrative Conference of the U.S.

System Name: Conflict of Interest Files.
Report Date: September 10, 1979.
Point-of-Contact: Mr. Charles Pou, Jr., Administrative Conference of the U.S., 2120 L Street, NW, Suite 500, Washington, DC 20037.

Summary: This system of records will include records on members of the Conference and former members relating to their financial interests and ouside activities, including general statements of practice and affiliation.

David R. Leuthold,
Budget and Management.

FR Doc. 79-30036 Filed 9-26-79; 8:45 am]
BILLING CODE 3110-01-M

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;
The office of the agency issuing this form;
The title of the form;
The agency form number, if applicable;
How often the form must be filled out;
Who will be required or asked to report;
An estimate of the number of forms that will be filled out;
An estimate of the total number of hours needed to fill out the form; and
The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimber—447-6201

New Forms

Agricultural Marketing Service
Special Report on the Purchase of Carcasses and Boxes
Beef Operations
Single time
Livestock slaughers & processes in the U.S., 370 responses, 2,220 hours
Charles A. Filett, 395-5080

Revisions

Food and Nutrition Service
Summer Food Service Program for Children
FNS 80 & 418
On Occasion

FNS regional offices of appropriate SA & service inst., 11,844 responses, 23,586 hours
Charles A. Filett, 395-5080

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377-3627

New Forms

Industry and Trade Administration
Carbon/Graphite Fibers (C/F) Sporting Goods
Manufacturer Report
ITA-9035
Single time
Manufacturers of sporting goods, 30 responses, 75 hours
Richard Sheppard, 395-3211

Industry and Trade Administration
Carbon/Graphite Fibers (C/F)-Prepreg Producer Report
ITA-9034
Single time
Producers of C/F prepreg, 20 responses, 40 hours
Richard Sheppard, 395-3211

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252-5214

Extensions

Survey of Gallonage Sales of Gasoline
SG-1, SG-2, SG-4
Monthly
Retail gasoline service stations, 9,344 responses, 2,336 hours
Off. of Federal Statistical Policy & Standard, 673-7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Alcohol, Drug Abuse and Mental Health Administration
Treatment Outcome Prospective Study (TOPS) Follow-Up
Phase
Other (see SF-83)
Clients discharged from drug abuse treatment programs, 1,542 responses, 1,542 hours
Richard Eisinger, 395-3214

Public Health Service
Status Assessment of Inactive Reserve Officer Availability
PHS-6127, 6074, 6125, 6126
Other (see SF-83)
Indiv. holding PHS inactive reserve commissions, 2,300 responses, 2,300 hours
Richard Eisinger, 395-3214

Revisions

National Institutes of Health
NIH Inventory of Clinical Trials
NIH 2242
Annually
Scientists conducting clinical trials, 1,000 responses, 1,000 hours
Richad Eisinger, 395-3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755-5184

Revisions

Community Planning and Development
Community Development Block Grant Grantee Performance Report
HUD-4069 & 4082 4087
Annually
Units of general local govt. receiving CDBG grants, 660 responses, 198,000 hour
Arnold Strasser, 395-5080

Housing Management
Funding Formula Data Collection Forms
HUD-52720 A & B, 52722A, 52722E
Annually
Public housing agencies, 2,300 responses, 6,900 hours
Arnold Strasser, 395-5080

Extensions

Housing Production and Mortgage Credit
Depository Bank Acceptance and Confirmation statement
HUD-4304
On occasion
College & university administrators, 100 responses, 50 hours
Arnold Strasser, 395-5080

Housing Production and Mortgage Credit
Calculation of Net Amount Due for Bond Purchase
HUD 4301
On occasion
College & university administrators, 10 responses, 5 hours
Arnold Strasser, 395-5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633-3526

Reinstatements

Offices, Boards, Division
Federal Sentencing Guideline Survey
Single time
Description not furnished by Agency, 1,200 responses, 1,104 hours
Laverne V. Collins, 395-3214

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523-6341

Revisions

Bureau of Labor Statistics
Occupational Wage Survey Program: Authorization to
Release Data; Wage and Salary Survey (Form 552)
2751A, 2752A & B, 2753F & G, & 275AF (St. of Calif. Form 552)
On occasion
Establish, in specific SIC's. nationwide & spec. SMSA's, 45,327 responses, 128,282 hours
Off. of Federal Statistical Policy & Standard, 673-7974

Employment Standards Administration
Definition of Workforce Analysis and AAP for Veterans and
Handicapped—41 CFR Parts 60-2, 60-60, 60-250 and 60-741
CC-71, CC-60-2, & 60-60
Other (see F-83)
Fed non-contr. W/50 or MC. emp. & contr. of 50000 or MC., 8,000 responses, 32,000 hours
Arnold Strasser, 395-5080

DEPARTMENT OF STATE (EXC. AID)

Agency Clearance Officer—Gail J. Cook—632-3538

New Forms

Application for Dependent Care/ Training Grant
JF-53
On occasion
State Department employees & family members, 300 responses, 150 hours
Marsha D. Traynham, 395-6140

PENSION BENEFIT GUARANTY CORPORATION

Agency Clearance Officer—Charles P. Paul—254-4765

Revisions

Audit Vertification Questionnaire
Annually
Plan Participants, 200 responses, 20 hours
Arnold Strasser, 395-5080

RAILROAD RETIREMENT BOARD

Agency Clearance Officer—Pauline Lohens—312-751-4693

Revisions

*Designation or Change of Beneficiary by Railroad Employees
AA-11A
On occasion
Railroad employees, 3,000 responses, 501 hours
Barbara F. Young, 395-6132

Extensions

*Employee Representatives Status Report
DC-2A
On occasion
Employee representative, 100 responses, 25 hours

Barbara F. Young, 395–6132

VETERANS ADMINISTRATION

Agency Clearance Officer—R. C. Whitt—389–2282

New Forms

Pension Verification-Interview Worksheet
Annually
VA pensioners, 3,800 responses, 3,800 hours
Richard Eisinger, 395–3214

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-30064 Filed 9-26-79; 8:45 am]

BILLING CODE 3110-01-M

PANAMA CANAL COMPANY/CANAL ZONE GOVERNMENT

Privacy Act of 1974; Systems of Records; Annual Publication

AGENCY: Panama Canal Company and Canal Zone Government.

ACTION: Interim Notice—Annual Publication of Systems of Record.

SUMMARY: The Panama Canal Company and the Canal Zone Government are required by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4), to give annual notice in the Federal Register of the character and existence of the systems of records they maintain. The purpose of this notice is to advise the public that the systems of records of the Canal agencies, as they appeared in the "Privacy Act Issuances—1978 Compilation, volume IV, page 521"[1] published by the Office of the Federal Register, and the recently established system, Personnel Information System, PCC–CZG/PR–7, as published at 44 FR 42829–42830, July 20, 1979, will remain in effect until full-text publication of the revised systems can be accomplished. (The Canal agencies last published the full text of descriptions of their systems of records in the Federal Register of September 22, 1977 (42 FR 48182–48227.) As a result of the reorganization of the Canal agencies upon entry into force of the Panama Canal Treaty of 1977 and related agreements on October 1, 1979, it is expected that the nature and number of systems maintained and the number of individuals on whom records are maintained by the Canal agencies will change significantly. Publication of revised systems by the New Panama Canal Commission (the new United States agency that will replace the present Canal agencies under the terms of the treaty) is expected to be accomplished by December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mrs. Hazel M. Murdock, Assistant to the Secretary, Panama Canal Company, Room 312, Pennsylvania Building, 425 13th Street N.W., Washington, D.C. 20004. (Telephone: 202–724–0104.)

SUPPLEMENTARY INFORMATION: The Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama will take effect on October 1, 1979. On that date, the Canal Zone Government will cease operations on the Isthmus of Panama and, under the terms of proposed legislation to implement the Treaty, the Panama Canal Company will be replaced by a new United States agency, the Panama Canal Commission. By the terms of the treaty, the Commission will be precluded from performing many significant functions of the existing Canal agencies. Some of these functions will be transferred to Panamanian administration. Several of the services now provided by the Canal Zone Government (CZG), such as schools and medical facilities, will be provided after the treaty takes effect by other United States agencies, such as the Department of Defense. The impact of this organizational change is significant since sixty-nine (52%) of the Canal agencies' present systems of records are maintained in support of Canal Zone Government functions. The curtailment or discontinuance of other operations presently performed by the Canal agencies, with an accompanying 40% reduction in the total workforce, will also affect the number of systems of records maintained and the number of individuals on whom records are maintained by the new Canal agency.

Dated: September 27, 1979.

Clarence C. Payne,

Acting Administrative Assistant to the Governor-President.

[FR Doc. 79-30034 Filed 9-26-79; 8:45 am]

BILLING CODE 3040-01-M

TENNESSEE VALLEY AUTHORITY

Public Utility Regulatory Policies Act of 1978, Tennessee Valley Authority Act of 1933; Determinations on Service Practice Standards

AGENCY: Tennessee Valley Authority (TVA).

NOTICE: Notice of determinations on service practice standards considered by the TVA Board.

SUMMARY: The TVA Board has made its determinations on the service practice standards set out in the notice published in the Federal Register on January 11, 1979 (44 FR 2448) and the notice of proposed determinations set out in the Federal Register on July 6, 1979 (44 FR 39686). The standards considered include those listed in section 113 of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95–617), and other service practices affecting consumers of TVA power. The TVA Board considered the standards on the basis of their effect on conservation of energy, efficient use of facilities and resources, and equity among electrical consumers, and the objectives and requirements of the TVA Act.

DATES: The standards adopted by the TVA Board for TVA and the distributors of TVA power are effective as of October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Dawn S. Ford, Tennessee Valley Authority, 400 Commerce Avenue, E12A2, Knoxville, Tennessee 37902, (615) 632–4402.

SUPPLEMENTAL INFORMATION: Of the standards considered, the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95–617) (PURPA) required that TVA consider standards 1–5. Standards 6–8 involve either provisions presently contained in the wholesale power contracts between TVA and the distributors of TVA power or generally included in individual distributors' Schedule of Rules and Regulations attached to the wholesale power contracts. Standard 9 was a new consideration.

Data, views, and comments were requested from the public as to the need and desirability of changes in the service practices affecting TVA consumers with respect to each of the nine standards. Public hearings, with both morning and evening sessions, were conducted at seven locations throughout the area in which TVA and the distributors serve. In addition to the notice in the Federal Register on January 11, 1979, which described the standards, news releases describing the standards and providing information as to the time and location of the hearings were furnished to the news media throughout the region. Also, advertising providing notification of the hearings and the standards being considered was placed in newspapers in the vicinity of each of the hearings. Arrangements were made at TVA expense with seven law firms for service as public counsel to represent the interests of consumers who otherwise could not afford to participate effectively in the hearings.

[1] Privacy Act Issuances; 1978 Compilation, volume IV, may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 the cost of the volume is $10.50

Prior to the hearings, a Statement of the TVA Office of Power Staff, which described how the nine standards would apply to the TVA system and evaluated the standards in light of available data, was prepared and made available to the public.

Attendance at the public hearings totaled about 1,000 people, with nearly 200 speaking. In addition, considerable written data and information were submitted for consideration. Copies of verbatim transcripts of the public hearings and written materials submitted, totaling more than 9,000 pages, were made available for public use. These verbatim transcripts of the public hearings were placed in 26 public libraries throughout the region, in the eight TVA offices identified in the January 11, 1979 Federal Register notice, and in the principal offices of the 160 municipal and cooperative distributors of TVA power.

TVA's consideration of, and the determinations concerning, the nine service practice standards were carried out pursuant to the provisions of PURPA, under which TVA is identified as the regulatory authority for electric utilities over which TVA has ratemaking authority, and the Tennessee Valley Authority Act of 1933, 48 Stat. 58, *as amended,* 16 U.S.C. §§ 831–831dd (1976). After consideration of the comments and materials received in connection with public hearings on the standards, TVA developed proposed determinations which were set out in a notice in the Federal Register on July 6, 1979 (44 FR 39686). Comments were invited on the proposed determinations. Following review of public comments on the proposed determinations and further consideration, the TVA Board made final determinations as to the standards and whether they should be adopted for TVA and the distributors of TVA power. Comments received from the public on the proposed determinations and these determinations will be placed at those locations where the Transcript of Public Hearings has been made available for public use. (See 44 FR 2448.)

Determinations

The TVA Board has considered for adoption for itself and the distributors of TVA power nine service practice standards. The Board has determined that its consideration of the standards, and the determinations being made with respect thereto, are in accord with the provisions of the Tennessee Valley Authority Act of 1933 and the Public Utility Regulatory Policies Act of 1978. The first five standards are those set out in PURPA while the remaining four standards, which involve other service practices affecting consumers of TVA power, are being considered by the Board under the provisions of the TVA Act.

The nine standards have been considered in light of the record developed during proceedings on the standards. The Board recognizes the importance of and concurs in the purposes of conservation of electrical energy, efficiency in the use of facilities and resources, and equitable rates as described in PURPA. These purposes were considered in reaching the determinations below. The Board also took into account the objectives and requirements of the TVA Act. In making its determinations the Board recognizes the many diverse conditions affecting the distribution of electric power in the region served by TVA. The Board is aware of the wide range of opinions and diversity of views expressed during the hearings.

As demonstrated by the data and information contained in the record, there is a great variety of conditions prevailing in the TVA region that can significantly affect the need for an effect of various service practices. Not only do conditions frequently differ between local distribution systems but there are often significant variations of conditions within individual systems. Among the factors that can cause such variations are the number of customers served (TVA distributors range in size from a few hundered customers to a quarter of a million), whether service principally involves rural or urban consumers, differing social and economic conditions, and differences in consumers' usage of electric power depending on the reliance on electricity for heating or cooling and the availability of alternative energy sources.

The determinations of the Board as to the standards reflect the recognition of such varying conditions and the initiative and ability individual distributors have demonstrated in dealing with these conditions. In some instances, it was therefore determined that the prescribed standards were not appropriate or needed. The adopted standards, the the extent practicable, are general in nature so as to permit local distributor managements to achieve the best match of service and consumer needs consistent with the desired purposes. TVA will negotiate with distributors appropriate amendments to the power contract implementing the adopted standards.

TVA is interested in seeing how well the adopted standards work as they are implemented on the systems of individual distributors and how effective they are in carrying out the intended purposes. The Board will continue to actively review service practices in the region as data and information are developed and new problems arise.

The Board's determinations follow.

Standard 1—Master Metering

I. Standard Under Consideration

(1) *Master metering.* To the extent determined appropriate, master metering of electric service in the case of new buildings shall be prohibited or restricted to the extent necessary to carry out the purposes of Title I of the Public Utility Regulatory Policies Act of 1978 (Pub. L. 95–617). Separate metering shall be determined appropriate for any new building if—

(a) There is more than one unit in such building;

(b) The occupant of each such unit has control over a portion of the electric energy used in such unit; and

(c) With respect to such portion of electric energy used in such unit, the long-run benefits to the electric consumers in such building exceed the costs of purchasing and installing separate meters in such building.

II. Observations

The TVA Board believes that it is important that individual occupants be made to feel a responsibility for electric energy use in the units they occupy. However, information in the record indicates that in the TVA region the standard would not be particularly effective for achieving such response. One factor is the strong trend that has developed against the use of master metering. Individual metering is normally provided in construction of new multiunit residential buildings. The only significant exception is in the case of public housing. Individual metering is not cost effective in public housing where individual occupants pay rental charges, which cover utility services, based on the occupant's income rather than the consumption of services.

Part of the provisions of the standard which was considered are currently being met through requirements of Energy Conservation Codes for new construction. These codes have recently been adopted by a number of the States in the area served by TVA, and a majority of the consumers receiving TVA power are in these States. The codes in general require that, in all multifamily dwellings, provision shall be made to determine the energy consumed by each tenant by separately metering individual dwelling units. To the extent that such requirements lead to conservation of energy use, it is already accomplished through the application of the codes.

It is also recognized that there are possibilities for long-run energy-saving benefits to consumers through use of more efficient central equipment, renewable energy resources, and load management schemes. It is clearly not in the consumer's interest to require individual metering which could preclude the use of any such advantageous measures.

While the application of the standard in some cases would probably promote conservation of energy and efficient use of facilities, on balance the adoption of the standard would appear to be of marginal benefit in helping to achieve such purposes from an overall standpoint. With the strong trend toward voluntary application of metering of individual units and the need to retain flexibility to ensure that the most cost-effective measures are followed, the standard is not considered necessary or appropriate for the TVA area at this time.

Those commenting were in favor of the proposed determination as set out in the Federal Register (44 FR 39688) that the adoption of the standard is not considered necessary or appropriate.

III. Determination by the TVA Board

Adoption of the standard is not considered necessary or appropriate.

Standard 2—Automatic Adjustment Clauses

I. Standard Under Consideration

(2) *Automatic adjustment clauses.* No rate may be increased pursuant to an automatic adjustment clause unless it makes the following requirements:

(a) Such clause is determined, not less often than every four years, by TVA, after an evidentiary hearing, to provide incentives for efficient use of resources (including incentives for economical purchase and use of fuel and electrical energy) and

(b) Such clause is reviewed not less often than every two years, by TVA, to ensure the maximum economies in those operations and purchases which affect the rates to which such clause applies. In making such review TVA shall examine and, if appropriate, cause to be audited its practices relating to costs subject to an automatic adjustment clause and shall require such reports as may be necessary to carry out such review (including disclosure of any ownership or corporate relationship between TVA and sellers to it of fuel, electric energy, or other items).

The term "automatic adjustment clause" means a provision of a rate schedule which provides for increases or decreases (or both), without prior hearing, in rates reflecting increases or decreases (or both) in costs incurred by TVA or the distributors of TVA power. Such term does not include an interim rate which takes effect subject to a later determination of the appropriate amount of the rate.

II. Observations

Under the TVA Act, TVA establishes (1) the rates for electricity sold to all of the distributors of TVA power and to all customers served directly by TVA and (2) the resale rates applicable for all electricity sold by the distributors. The use of automatic adjustment clauses as a part of such rates has been discontinued by TVA. Adoption of the standard in the TVA area would not serve to carry out the purposes of PURPA. Of those commenting, most favored the proposed determination as set out in the Federal Register (44 FR 39688) that the adoption of the standard is not considered necessary or appropriate.

III. Determination by the TVA Board

Adoption of the standard is not considered necessary or appropriate.

Standard 3—Information to Consumers

I. Standard Under Consideration

(3) *Information to consumers.* TVA and the distributors of TVA power shall transmit to each of their electric consumers the following information regarding rate schedules:

(a) A clear and concise explanation of the existing rate schedule and any rate schedule applied for or proposed applicable to such consumer. Such statement shall be transmitted to each such consumer—

(i) Not later than 60 days after the date of commencement of service to such consumer or 90 days after this standard is adopted, whichever last occurs; and

(ii) Not later than 30 days (60 days in the case of a bimonthly billing system) after application for or proposal of any change in a rate schedule applicable to such consumer.

(b) Each electric consumer shall be given not less frequently than once each year

(i) A clear and concise summary of the existing rate schedules applicable to each of the major classes of electric consumers for which there is a separate rate and

(ii) An identification of any classes whose rates are not summarized.

Such summary may be transmitted together with such consumer's billing or in such other manner as TVA or the distributor deems appropriate.

(c) On request an electric consumer shall be given a clear and concise statement of the actual consumption (or degree-day adjusted consumption) of electric energy by such consumer for each billing period during the prior year (unless such consumption data is not reasonably ascertainable).

II. Observations

In a period of higher cost energy and public awareness, it is important that distributors take reasonable, positive actions to inform customers about such immportant matters as rates and service practice policies. Informed customers are better able to respond to changes in rates and act in their own interest and in the interest of all customers. A body of informed customers is clearly a desirable goal in the face of the long-run rise in energy costs and the obvious possibility of energy shortages. Distributors are demonstrating an increasing awareness of the need to see that such information is available to consumers and the importance of furnishing it in the most cost-effective manner.

The availability of information about rates, consumption, and service practice policies is considered to be effective in helping customers achieve conservation of energy, the efficient use of facilities and resources, and equity among consumers. However, it is important from the customer's standpoint that such benefits be achieved as economically as possible. As indicated throughout the record, the mandatory requirements for transmitting information to each customer would result in little if any additional benefits while creating considerable additional cost. Based on information and data in the record, such provisions for the mandatory transmittal of information to all customers are not considered effective for achieving the purposes set out in PURPA and are not considered appropriate for adoption in the TVA area.

It is essential that the most effective means be used to provide information to consumers that will encourage conservation of energy. TVA expects to work closely with distributors in using present means, as well as developing more effective methods, of reaching consumers with information that will achieve such purposes.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39689, of the standard under consideration and adoption of the revised standard. With a few exceptions, all those commenting favored the proposed determination.

III. Determination by the TVA Board

The standard under consideration is revised and adopted as follows:

Information to Consumers

Distributors shall reasonably inform customers about rates and service practice policies by making such information available upon application for service and at any other time upon request.

Distributor, on request, shall provide a statement of the monthly consumption for the prior 12 months if it is reasonably ascertainable.

Distributor, as it determines appropriate, shall utilize channels such as mail, newsletter, newspaper, radio, and television to inform customers about rates and service policies.

* * * * *

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the effective date of this standard an information service policy, which takes into account the considerations set out in the observations above, consistent with local circumstances.

Standard 4—Procedures for Termination of Electric Service

I. Standard Under Consideration

(4) *Procedures for termination of electric service.* Electric service to any Electric consumer may not be terminated except pursuant to procedures which provide that

(a) Reasonable prior notice (including notice of rights and remedies) is given to such consumer and such consumer has a reasonable opportunity to dispute the reasons for such termination and

(b) During any period when termination of service to an electric consumer would be especially dangerous to health, as determined by TVA, and such consumer establishes that

(i) He is unable to pay for such service in accordance with the requirements of the billing or

(ii) He is able to pay for such service but only in installments

such service may not be terminated.

Such procedures shall take into account the need to include reasonable provisions for elderly and handicapped consumers.

II. Observations

The importance of electricity to the well-being and health of individual consumers in the region in which TVA power is made available is widely understood. Termination of service for any reason is considered a matter of serious concern by TVA, distributors, and customers.

Several organizations commenting on the proposed determination on behalf of consumers advocated adoption of a standard containing detailed provisions specifically covering matters such as limitations on terminations, deferred payments of bills, and procedures to be followed. They felt that consumers would not fully understand their rights and the procedures available to them. It was suggested that a more detailed standard is necessary to ensure that customers will not be abused by distributors' termination procedures. Concern was expressed over terminations of electric service, particularly for the elderly and ill, during the winter months. Some suggested that the standard should prohibit termination during winter months, while one comment recommended that it provide for no termination when temperatures were below 32 degrees Fahrenheit. It was also suggested that a standard should require that, when service is in a landlord's name, a termination notice should also be sent to the tenant.

The Board shares the concern that there be no abuse of ultimate consumers through the termination procedures of individual distributors. It is recognized, however, that circumstances and conditions affecting individual distributor systems vary considerably, demonstrating a need for each system to have flexibility in developing procedures for terminating service appropriate for that system. After consideration of the various views expressed and in light of the progress which distributors have made in developing reasonable termination policies reflecting humane concerns, the Board is of the opinion that a generalized standard, in contrast to a more detailed one, should be adopted. Consumer interests will be recognized as individual distributors, within the framework of this standard, develop specific termination policies reflecting local circumstances and conditions. In all circumstances, distributors are to satisfy due process and other legal requirements in terminating service to customers. Procedures must provide for adequate notice and opportunity for consideration of disputed bills.

While the Board is concerned as to health risks associated with termination during severe weather conditions and believes that distributors should give special consideration to termination of service during such periods, it does not believe that it would be in the overall best interest of consumers for the standard to require a moratorium on termination. In reaching this conclusion, the Board is aware of information in the record concerning the loss of Crisis Intervention Program funds in States with such moratoriums. It also recognizes the problems of accumulated bills which electric systems and consumers have experienced in other regions as a result of moratoriums. Recognizing the restraint demonstrated by most distributors in applying termination procedures, the Board believes it is unnecessary and undersirable to have the standard require a moratorium on terminations that would lead to such problems.

In the development of individual distributor service policies for termination of service, the following considerations must be taken into account.

(1) In establishing the amount of time that it considers to be reasonable notice for each class of service, each distributor should recognize the delays that frequently are now incurred in receiving mailings as well as the difficulties of taking immediate steps to avoid terminations because of the work schedules of the customers or where elderly individuals or illness is involved.

(2) Notification on the customer's bill is not considered adequate for satisfying the requirement for a reasonable prior written notice under the adopted standard.

(3) Distributors are expected to consider the desirability of establishing, as part of termination procedures, efforts to actually contact customers prior to termination. Inasmuch as some customers are unable for health or other reasons to effectively respond to notice of termination, distributors are urged to include provisions permitting third-party notifications.

(4) In the case of tenants whose electric service is in the landlord's name, notification of termination of service should also be sent to the tenant(s) who may have far more interest in continuity of service than the landlord.

(5) All distributors are urged to consider the plight of consumers without electric service in severe weather as they develop and apply termination policies. In particular, they are urged to provide for deferred payment of power bills when termination would threaten health and the consumer is unable to pay except in installments. Programs at the Federal and State levels are available to help provide funds and other assistance in customer hardship situations. TVA will be working with distributors in placing greater emphasis on such programs, in helping to see that they are available for customer use, and in seeing that customers have knowledge of the availability.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39689, of the standard under consideration and adoption of the revised standard.

III. Determination by the TVA Board

The standard under consideration is revised and adopted as follows:

Procedures for Termination of Electric Service. Service may not be terminated for nonpayment of a bill except after affording the affected customer due process. Reasonable prior written notice (including notice of available rights and remedies) shall be given before termination for nonpayment.

* * * * *

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the adoption of this standard a termination of service policy, which takes into account the considerations set out in the observations above consistent with local circumstances.

Standard 5—Advertising

I. Standard Under Consideration

(5) *Advertising.* Neither TVA nor the distributors of TVA power may recover from any person other than their shareholders (or othe owners) any direct or indirect expenditure for promotional or political advertising.

(a) The term "advertising" means the commercial use of any media, including newspaper, printed matter, radio, and television, in order to transmit a message to a substantial number of members of the public or to electric consumers.

(b) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(c) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use electric service or additional electric service or the selection or installation of any appliance or equipment designed to use electric service.

(d) The terms "political advertising" and "promotional advertising" do not include

(i) Advertising which informs electric consumers how they can conserve energy or can reduce peak demand for electric energy;

(ii) Advertising required by law or regulation, including advertising required under part 1 of Title II of the National Energy Conservation Policy Act;

(iii) Advertising regarding service interruptions, safety measures, or emergency conditions;

(iv) Advertising concerning employment opportunities;

(v) Advertising which promotes the use of energy efficient appliances, equipment, or service; or

(vi) Any explanation or justification of existing or proposed rate schedules or notifications of hearings thereon.

II. Observations

Advertising by TVA and the distributors of TVA power is presently used to encourage and emphasize the need for conservation through efficient use of electricity and is not now used to increase sales. TVA does not engage in political advertising, and provisions of the wholesale power contracts specifying the purposes for which revenues from the sale of power can be spent prevent the distributors from engaging in political advertising. Similarly, promotional advertising to promote the increased sale of electricity is considered an inappropriate use of power revenue. The standard would not appear to further the purposes of PURPA with respect to TVA or the distributors and is not considered necessary or appropriate for adoption.

Of those commenting, most favored the proposed determination as set out in the Federal Register (44 FR 39690) that the adoption of the standard is not considered necessary or appropriate.

III. Determination by the TVA Board

Adoption of the standard is not considered necessary or appropriate.

Standard 6—Deposit

I. Standard Under Consideration

(6) *Deposit.* A deposit or suitable guarantee approximately equal to twice the average monthly bill may be required of any Customer before electric service is supplied. Distributor may at its option return deposit to Customer after one year. Upon termination of service, deposit may be applied by Distributor against unpaid bills of Customer, and if any balance remains after such application is made, said balance shall be refunded to Customer.

II. Observations

The record contains information on the role of security deposits in helping reduce bad debt losses, and thereby protecting the mass of customers who pay their bills from unfairly having to pay for those who do not. There were comments that noted the frequent failure of new businesses, the sudden bankruptcy of established firms after years of good payment, and that residential customers sometimes owe for two months of service before it becomes apparent that payment will not be made.

However, there are also a number of comments in the record in opposition to security deposits. Some consider deposits to be an unfair burden for many consumers and that they should be waived for the poor and elderly. It was also suggested by some opposed to deposits that they did not find any correlation between deposits and bad debt losses resulting from failure to pay power bills. There was also objection to deposits on the basis that bad debt losses are an insignficant percentage of revenue.

There were comments that the size of deposits should be limited and the record shows that some consumers may be temporarily unable to obtain service unless they are allowed to pay their deposits in installments. On the other hand, data and information were submitted for the record for the purpose of showing the logic of permitting distributors to require deposit amounts of up to twice the average monthly bill, especially in the case of consumers with poor credit ratings. The distributors commented that they needed flexibility in order to meet local needs.

The record indicated that the prevailing practice throughout the nation is to require that interest be paid on consumer deposit balances. Some argued that unless interest is paid the consumer is deprived of the use of his money without direct compensation. Also, security deposits can be used to meet a part of the distributor's capital requirements. On the other hand, the payment of interest increases administrative and accounting costs which are borne by the consumers. The record also indicates that some distributors require such small deposits that these handling costs could be prohibitive. The Board also recognizes that a portion of distributor administrative cost is associated with receiving and maintaining records on deposits and that such costs under certain circumstances could exceed interest earned on retained deposits for several months.

The Board understands both the need for local flexibility on the one hand and consumer objections to deposits and consumer arguments that deposits should earn interest on the other hand. The Board is also aware of distributor objections to mandatory payment of interest despite the prevailing national practice of requiring the payment of interest on utility deposits. The Board finds that the record supports the need for the collection of deposits under specified conditions as well as a requirement that interest payments should be required on any deposit kept after a specified period to time. The Board has concluded that deposits can serve to help reduce bad debt losses, thereby helping to protect paying customers from having to pay for those who do not pay. However, the Board also has concluded that it is unfair to customers for deposits equivalent to more than one month's average bill to be retained for an extended time with no interest being paid.

On balance, the Board is persuaded that local flexibility combined with interest rates on deposits is the proper approach. In recognition of the various conditions and circumstances affecting individual systems, it is felt that distributors should have flexibility to require or not to require deposits, to determine the size of and retention period of deposits, and to determine whether interest should be paid on deposits during the first several months of retention.

At the same time, provision for interest rates on deposits held for more than six months should provide encouragement for the refunding at the earliest practical date of deposits no longer considered necessary. However, when such deposits are retained for more than six months consumers would be compensated for the use of their

funds on deposit. After consultation with distributors and others, TVA will inform distributors annually of the interest rate to be applied during each year beginning July 1.

In establishing individual distributor policies, the following considerations must be taken into account:

(1) Deposits collected on the basis of race, color, creed, sex, national origin, or marital status are inappropriate.

(2) The size of deposits should be held to reasonable levels and distributors are urged to make provisions for installment payments for those who might otherwise be denied service.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39690, of the standard under consideration and adoption of the revised standard.

III. Determination by the TVA Board

The standard under consideration is revised and adopted.

Deposit. A reasonable deposit may be required of any Customer. In cases of hardship of residential customers, distributor may accept installment payment of deposits. All deposits greater than one month's average bill and retained longer than 6 months shall earn interest at a rate to be specified by TVA from time to time after consultation with distributors and others. Such earned interest shall be paid, or credited against power bill(s), at least annually.

* * * * *

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the adoption of this standard a deposit policy, which takes into account the considerations set out in the observations above, consistent with local circumstances.

Standard 7—Connection, Reconnection, and Disconnection Charges

I. Standard Under Consideration

(7) *Connection, reconnection, and disconnection charges.* Distributor may establish and collect standard charges to cover the reasonable average cost, including administration, of connecting or reconnecting service, or disconnecting service as provided above. Higher charges may be established and collected when connections and reconnections are performed after normal office hours or when special circumstances warrant.

II. Observations

The record indicates that there are relatively few problems with connection, reconnection, and disconnection charges as they are being applied by distributors. The record indicates that some individuals have difficulties in paying such charges. The Board believes that individual distributors can help alleviate the difficulties of this small number of persons without adopting a mandatory standard containing such requirements. The Board further recognizes that, as shown in the record, because of a diversity of conditions prevailing throughout the Tennessee Valley area and from system to system, individual distributors are in the best position to establish the charges, if any, which are appropriate.

The majority of those commenting favored the proposed determination as set out in the Federal Register (44 FR 39690) that adoption of a new standard is not considered necessary.

III. Determination by the TVA Board

Adoption of a new standard is not considered necessary.

Standard 8—Billing

I. Standard Under Consideration

(8) *Billing.* Bills will be rendered monthly and shall be paid at the office of Distributor or at other locations designated by Distributor. Failure to receive bill will not release Customer from payment obligation. Should bills not be paid by due date specified on bill, Distributor may at any time thereafter, upon five (5) days' written notice to Customer, discontinue service. Bills paid after due date specified on bill may be subject to additional charges. Should the due date of bill fall on a Sunday or holiday, the business day next following the due date will be held as a day of grace for delivery of payment. Remittances received by mail after the due date will not be subject to such additional charges if the incoming envelope bears the United States Postal Service date stamp of the due date or any date prior thereto.

Distributor shall designate in its standard policy a period of not less than 10 days nor more than 20 days after date of the bill during which period the bill is payable as computed by application of the charges for service under the appropriate resale schedule and shall further designate in said policy the percentage or percentages, if any, not to exceed 10 percent of the bill, computed as above provided, which will be added to the bill as additional charges for payment after the period so designated.

II. Observations

Data and information in the record show that timely receipt of revenues is needed by distributors to meet expenses and to avoid incurring additional cost. At the same time as electric rates continue to increase, many customers, particularly those with low or fixed income, are having more difficulty making timely payments of power bills.

The record indicates that distributors are sensitive to the need to reach an appropriate balance between these two compelling factors. In this regard, distributors are tending toward lengthening the net payment period (from previous limits of 10 days) and reducing the late payment charge (from previous levels of 10 percent). The offering by many distributors of special counseling in hardship cases (referral to public assistance agencies, installment payments, etc.) is proving effective in helping customers deal with payment problems. While it is considered appropriate to adopt a standard containing certain limits, it is recognized as shown in the record, that distributors need the flexibility to reflect individual system conditions in establishing billing policies. Considerable data and information as to an appropriate period for net payment of residential bills were provided in the record. The record indicates that the time required to read meters and prepare and deliver bills is such that the customer's bill in some cases covers electricity consumed considerably more than a month before receipt of the bill and even longer before the due date of the bill. As the record further shows, if the net payment period were to be extended much beyond 15 days, this would cause considerable billing problems and customer confusion resulting from overlaps of a notice of termination for nonpayment for one month's bill with the bill for the following month. After consideration of these circumstances, it appears appropriate that the standard provide a net payment period of at least 15 days. Although some have suggested substantially longer periods to pay, it seems likely that this would only tend to cause some customers to accumulate larger amounts in arrears making eventual payment even more difficult. It is also apparent that longer payment periods result in additional cost that must be recovered from paying customers. Such costs include increased administrative expense, bad debt, and cost of money due to delayed cash flow.

There were numerous objections to late payment charges in the record, especially late payment charges of 10 percent. In addition it was noted that late payment charges as high as 10 percent applied to today's higher bills may produce more revenue that the costs associated with late payments. Many advocated late payment charges of no more than 1½ percent per month. However, information and data provided for the record indicate that 1½ percent would not offset costs of followup billing, collection efforts, and cost of money. Distributors also expressed concern that late payment charges of 1½ percent would provide little incentive to pay bills promptly. The

conclusion drawn from the record is that for most distributors with service policies tailored to local conditions and adequate cost control a late payment charge in the order of 5 percent would be an adequate upper limit to cover the additional distributor costs imposed by late payments and, at the same time, encourage customers to pay before the due date. An increasing number of distributors are applying late payment charges of 5 percent or less. It is recognized charges of 5 percent are not needed in many cases and distributors, where possible, are encouraged to limit such charges to 1½ percent per month.

As indicated by the record, budget billing can be a helpful device for lessening the impact of higher seasonal bills of residential customers. While it is recognized that budget billing may not be readily adaptable for customers who change location often, distributors are strongly encouraged to include the availability of budget billing within the service policy provisions covering billing and to publicize its availability. The record also indicated that distributor policies under this standard should continue to provide for such related matters as payment locations, responsibilities in event of nonreceipt of bill, effect of holidays on due dates, and evidence as to the date of payment.

The notice in the Federal Register proposed revisions, as set out at 44 FR 39691, of the standard under consideration and adoption of the revised standard.

III. Determination by the TVA Board

The standard is revised and adopted.

Billing. Distributor shall designate a standard net payment period for residential customers of not less than 15 days, and for other classes of service not less than 10 days, after the date of the bill. Distributor may establish for any class of service a late payment charge of no more than 5 percent for any portion of bill paid after the net payment period.

* * * * *

Each distributor shall, upon notice and opportunity for comment, develop and file with TVA within 60 days of the adoption of this standard a service policy, which takes into account the consideration set out in the observations above, consistent with local circumstances.

I. Standard Under Consideration

(9) *Building standards.* New buildings, including homes, must meet energy conservation weatherization standards developed by TVA as a requirement for electric service.

II. Observations

The record indicates that most people are concerned about the high cost of energy and agree with the concept of energy-efficient homes and buildings but that it is difficult for consumers to discriminate between those homes which are in fact energy efficient and those which are not. Many of those commenting on the standard, including individuals and construction-related organizations, felt that traditional code-making and governmental enforcement bodies should be relied upon to develop and enforce conservation standards for new buildings and that such a role was inappropriate for TVA. However, statements received from Federal and State agencies indicated that adoption or development and/or enforcement of conservation standards may not be forthcoming from the various legislative or regulatory bodies. In the absence of legislative action, they encouraged TVA to develop and enforce conservation standards and related programs for new buildings.

Existing codes and those under development, if adopted by the States and stringently enforced, would greatly improve the energy efficiency of new commercial and industrial buildings. However, as indicated in the record, existing codes being adopted by the States for new homes are only minimally better than current practice. The potential exists for considerable conservation improvement in the residential sector with resulting savings of substantial sums of money to the homeowner over the life of the property. However, lack of reliable information about the efficiency of new homes is a barrier which needs to be breached if these savings of energy and money are to be fully captured.

Many participants expressed concern that increased housing costs due to conservation might squeeze potential home buyers out of the market. The record also reveals a lack of knowledge by consumers that energy savings quickly repay the cost of conservation investments and then the consumer will save money each year thereafter. Builders also indicated that lending institutions do not generally give credit for conservation measures in loan qualification procedures or appraisals. New home buyers generally are not able to estimate and compare accurately the utility costs between energy-efficient and energy-inefficient buildings and are thus unable to trade off the increased first cost of energy efficiency against decreased operating costs when making purchasing decisions.

These factors support the conclusion that the consuming public is not adequately informed so as to demand from builders the highly efficient homes along the lines of the TVA Super Saver. The record does show that most people would support a voluntary program designed both to upgrade the thermal characteristics of new homes and to provide trustworthy information about the energy efficiency of new construction.

The adoption of mandatory standards by TVA may in the future be a necessary and cost-effective way to ensure energy efficienty in new buildings. However, it will obviously be preferable if TVA could avoid taking on such a responsibility ordinarily carried out by agencies of government responsible for building codes. TVA will therefore actively encourage the responsible State and local governments to develop and adopt more than minimal codes and to enforce them strictly. In addition, a voluntary residential sector program, emphasizing education, energy-efficiency labeling, and technical assistance, will be established and monitored for effectiveness to encourage the construction and purchase of highly efficient homes. Financial incentives for energy-efficient construction may also be considered, but such consideration should more appropriately be taken up as part of proceedings dealing with section 111 of PURPA.

In lieu of adopting a mandatory standard, TVA will take the following steps to improve energy efficiency of new buildings. TVA will:

(1) Aid and encourage the Federal, State, and local governments to develop, adopt, and enforce building standards that optimize reduced utility costs with increased building costs to produce the lowest total cost to the consumer.

(2) Establish a residential program using education and technical assistance for consumers, builders, lending institutions, and realtors to encourage the construction of energy-efficient homes equivalent to:

Twenty-five percent of all new homes built to TVA's Super Saver specifications during the first year.

Forty percent of all new homes built to TVA's Super Saver specifications during the second year.

Sixty-five percent of all new homes built to TVA's Super Saver specifications during the third year.

(3) Inspect new homes and provide certification and labeling of those inspected homes that meet the energy efficiency equivalent of TVA's Super Saver standard. A TVA-approved "Energy Saving Home" seal of approval would be available for display. This will

better enable those in the home-buying market to choose the most efficient homes, as well as providing an additional market-related stimulus to meet the goals cited above.

In the event that this overall approach does not produce the desired improvements in the energy efficiency of new buildings, adoption of mandatory standards by TVA will be reconsidered.

With the exception of a few comments recommending the adoption of a mandatory building standard, most of those commenting favored the proposed determination. One comment on the proposed determination suggested adopting a broader standard that includes existing buildings. In the Board's view a standard for existing buildings is also unnecessary at this time. However, TVA and the distributors are involved in numerous demonstration projects and programs directed toward improved energy efficiency in existing buidings. Existing programs include the home insulation program with free energy surveys, interest-free financing of insulation and weatherization, and post installation inspections for upgrading the efficiency of dwellings. About 140,000 surveys have already been made in this program. Present programs also innclude (1) a commercial and industrial audit program under which financing is made available for acquiring equipment and materials to achieve greater energy efficiency and (2) a program under which financing is available for the purchase of heat pumps to replace resistance heating. Solar water heater programs underway will help to reduce electricity consumption for water heating for thousands of homes. These and other programs are being undertaken to help meet the need for conservation and to promote greater use of renewable energy resources in existing buildings. Existing programs will be modified and new programs will be developed as necessary to better meet changing needs in the future.

Most of those commenting were in favor of the proposed determination as set out in the Federal Register (44 FR 39692) that the adoption of the standard is not considered appropriate.

III. Determination by the TVA Board.

Adoption of the standard is not considered appropriate.

Dated: September 21, 1979.

W. F. Willis,

General Manager.

[FR Doc. 79-29942 Filed 9-26-79; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

General Aviation District Office and Air Carrier District Office at Tulsa, Okla.; Consolidation

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at Tulsa, Oklahoma, and the Air Carrier District Office at Tulsa, Oklahoma, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, Tulsa, Oklahoma. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 18, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

[FR Doc. 79-29948 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13-M

General Aviation District Office and Engineering and Manufacturing District Office at San Antonio, Tex.; Consolidation

Notice is hereby given that on or about October 1, 1979, the General Aviation District Office at San Antonio, Texas, and the Engineering and Manufacturing District Office at San Antonio, Texas, will be consolidated. The consolidated office will be listed as the Flight Standards District Office, San Antonio, Texas. All services to the public formerly provided by the individual offices will be provided by the consolidated office. This information will be reflected in the next FAA Organization Statement the next time it is reissued.

Issued in Fort Worth, Texas, on September 18, 1979.

Paul J. Baker,

Acting Director, Southwest Region.

FR Doc. 79-29949 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-13

[Summary Notice No. PE-79-22]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemptions received and of dispositions of petitions issued.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I) and of dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Publication of this notice and any information it contains or omits is not intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before: October 17, 1979.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-24), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW, Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on September 21, 1979.

Edward P. Faberman,

Acting Assistant Chief Counsel, Regulations and Enforcement Division.

Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought
19598	Stanley D. Lindholm and Air Nebraska	14 CFR § 135.234(a)	To allow Mr. Lindholm to serve as Captain for Air Nebraska until he reaches his 23rd birthday, without holding an Airline Transport Pilot Certificate (ATPC).
19585	Ms. Della L. Farris and Key West Airlines	14 CFR § 135.39	To allow Ms. Farris to serve as Chief Pilot of Key West Airlines without having the prerequisite Airline Transport Pilot Certificate (ATPC).
19586	Mr. Brian Coast	14 CFR § 135.243(a)	To permit Mr. Coast to serve as pilot in command for ZIA airlines, a commuter airline, without holding an Airline Transport Pilot Certificate (ATPC), due to the age 23 requirement.
19498	Air Logistics of Alaska	14 CFR § 135.385 (b) and (c)	To permit the petitioner to operate its CASA 212 airplane without meeting, to the extent necessary, the performance requirements of Section 135.385 (b) and (c).

Dispositions of Petitions for Exemptions

Docket No.	Petitioner	Regulations affected	Description of relief sought—disposition
18912	Transasian Airlines	14 CFR portions of Parts 21, 61, 63, and 91.	To amend Exemption No. 2714, as amended, to reflect the corporations new name "Air Transcontinental Airlines, Ltd." *Granted 9/13/79.*
19239	Henson Aviation	14 CFR 121.503 (f) and (c)	To allow their pilots to exceed the flight time limitations of 100 hours monthly and 1,000 hours annually. *Granted 9/13/79.*
19336	Heussler Air Service Corp.	14 CFR § 135.149(c)	To permit petitioner to operate its Cessna 500 Citation aircraft without the required third gyroscopic bank-and-pitch indicator. *Denied 9/13/79.*
19419	Midwest Air Charter, Inc.	14 CFR § 135.149(c)	To permit petitioner to operate six Cessna Citation 500 aircraft without the required third attitude gyroscopic bank-and-pitch indicator until Dec. 31 1979. *Granted 9/13/79.*
19503	Mackey Int'l Airlines	14 CFR § 121.191(a)(1)	To permit petitioner to begin DC-8-51 operations without first performing a full seating capacity emergency evacuation. *Granted 9/13/79.*
19509	North Air KS	14 CFR Parts 21 and 91	To allow petitioner, in effect, to operate a B-707-321C aircraft of United States registry, using an FAA-approved master minimum equipment list (MMEL) and a continuous airworthiness inspection program. *Granted 9/14/79.*

[FR Doc.79-29947 Filed 9-26-79; 8:45 am]
BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

[Docket No. EX79-01; Notice 2]

Model A and Model T Motor Car Reproduction Corp.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by the Model A and Model T Motor Car Reproduction Corporation of Detroit, Michigan ("Model A" herein) for a temporary exemption of its Model A replica passenger car from certain safety standards. The company had applied on the basis that compliance would cause it substantial economic hardship.

Notice of receipt of the petition was published on July 23, 1979, and an opportunity afforded for comment (44 FR 43135).

Model A has not yet commenced manufacturing motor vehicles but according to Automotive News (August 13, 1979) it has taken deposits on 10,000 orders for a replica of a 1928 Ford Model A roadster. This represents the total planned production run of the car. Model A, therefore, does not intend to achieve conformance with standards from which it may be exempted for three years.

The company requested exemption from every safety standard applicable to passenger cars except Standards Nos. 101, 102, 106, 107, 111, 112, 113, 114, 115, 118, 124, 127, 205, 210, 211, and 302. However, there will be partial compliance with some of the standards from which exemption is requested. This will be discussed in detail. In its first fiscal year ending March 31, 1979, Model A had a net loss of $109,000.

Subsequent to preparation of Notice 1, the petitioner informed NHTSA that the top speed of the Model A will be not more than 55 mph.

In support of its petition, the company argued that its replica vehicles are not likely to present a significant hazard to traffic safety. It believes the overall concept is such that the vehicles' appeal is primarily for occasional, limited use (e.g., auto shows, resort use) rather than extensive daily use on the public roads.

In further support of its argument that an exemption would be in the public interest, the company stated that it

"* * * has worked closely with Battle Creek Unlimited, a nonprofit organization, assisting the City of Battle Creek in coordinating new business for the community which has been designated by the Federal Government as an area of economic hardship. The Company has purchased a building in Battle Creek from the city under the Title 9 program in which Federal funds were utilized to allow the Company to establish a production facility in this area to create additional jobs. The Company has already hired personnel under the Federal CETA program, the Federal CETA program job hire No. 2 (Veterans) and the Federal WIN program (unemployed parents on ADC) for on-the-job training of the unemployed in the Battle Creek area. In addition, the Company has hired additional persons under a State of Michigan program which utilizes Federal funds to provide for the pre-training of unemployed in order to ready a work force for production this Fall."

As of September 18, 1979, the company had a work force of 144 employees, 51% of whom are receiving training under the programs. Model A has also emphasized that it is ordering parts, where feasible, from the depressed recreational vehicle industry, and that its parts orders have created many additional jobs for its vendors.

As a final remark in the preliminary portion of this Notice, NHTSA has noted that the Company intends subsequently to produce replicas of other Ford Motor Company products: 1955 Thunderbird, 1964 Mustang, 1940 Lincoln Continental, Model T, Model A pickup and Model B.

One comment was received on the petition, from the State of Maryland which opposed it as a setback for safety and difficulties that replica vehicles present under that state's current titling and registration regulations.

Since January 1, 1968, when the initial Federal motor vehicle safety standards became effective under the National Traffic and Motor Vehicle Safety Act, there has been no "right" to

manufacture motor vehicles without fulfilling the statutory obligation that they comply with all applicable Federal motor vehicle safety standards. In response to the inability of certain low volume manufacturers to comply with all initial safety standards by their effective dates, P.L. 90-283 provided the Secretary with authority to temporarily exempt such manufacturers from compliance if compliance would cause "substantial economic hardship". After expiration of the exemption authority in 1971, experience demonstrated a continuing need with the result that a permanent exemption authority was enacted in 1972, 15 U.S.C. 1410.

Pursuant to this authority the Administrator, as the Secretary's delegate, may,

"* * * under such terms and conditions and to such extent as he deems appropriate, temporarily exempt . . . a motor vehicle from any motor vehicle safety standard established under this Title if he finds—

(1)(A) that compliance would cause such manufacturer substantial economic hardship and that the manufacturer has, in good faith, attempted to comply with each standard from which it requests to be exempted.

* * * * *

(2) that such temporary exemption would be consistent with the public interest and the objectives of the Act."

The Traffic Safety Act does not deal specifically with the subject of new motor vehicles replicating those of an earlier era, perhaps because only a handful of such manufacturers existed at the time that both the Act and the exemption legislation were enacted. The principal U.S. replica car manufacturer at that time, SS Automobiles Inc., which produces a 1929 Mercedes SSK-type vehicle, the Excalibur, has never applied for an exemption under the 1972 authority, and certifies its vehicles as conforming to all Federal standards. This is an indication to the agency that there is no inherent incompatibility between replica vehicles and contemporary safety standards, when a replica vehicle is designed to meet them.

To date, the agency has been sympathetic to the petitions submitted by replica car manufacturers.[1] Exemption has been found to be consistent with the public interest, when they provide jobs for American workers and companies, and promote small businesses. The facts that most of the replicas are produced in quantities of less than 100, are low-speed vehicles, and suitable more for special use occasions than as substitutes for vehicles for every day use on the public roads have provided Administrators with basis for an assessment that their introduction into interstate commerce is not likely to have a measurable effect upon traffic safety.[2] Indeed, to date, no reports of accidents involving an exempted replica vehicle are known to the agency.

The petition of Model A, however, is readily distinguishable from any previously submitted. The manufacturer intends to produce up to 10,000 vehicles capable of the maximum national speed limit. It has made virtually no concession to modern exterior and interior design in its effort to replicate a 50 year old vehicle. Further, the vehicle is to be only the first in a family of replica vehicles and the likelihood is such that the agency may be petitioned in the future for additional exemptions.

Thus, the NHTSA is now presented with the issue whether multiple exemptions for mass-produced antique-type automobiles are consistent with the intent of Congress in enacting a comprehensive scheme for the reduction of traffic deaths and injuries, a scheme which has emphasized the design and manufacture of motor vehicles and equipment complaint with minimum Federal safety standards. Because of the emphasis that the petitioner has placed on Federal and State employment programs, the Model A petition also presents special considerations of the public interest.

The Administrator has determined, for the reasons given below, that the competing social interests which this petition represents are best met by granting Model A's requests but limiting many exemptions to a period of only one year.

The standards

Model A presented essentially two hardship arguments—that testing to conform was prohibitively expensive, and that if compliance were required, it would destroy the character of the vehicle and hence its sales appeal. The first argument is one that is commonly presented by low-volume manufacturers, and one the agency has accepted in providing hardship exemptions. The second argument has been presented before (*e.g.*, Albany, Vintage Reproductions) but the exemptions granted found other bases for hardship. While the bare argument that compliance with a particular standard would lessen sales appeal is too speculative to support an exemption the agency does recognize that the cost to conform to that standard might indeed prove prohibitive. The agency is also cognizant that hardship can be caused by lost sales from the delay occasioned while a manufacturer retools for compliance.

Although Model A did not detail its conformance cost estimates as the exemption regulation contemplates, the agency has not insisted on such submissions from a petitioner whose income statement, like Model A's, shows a net loss. In such instances, the agency has tended to view any expenditures of a more than modest nature as likely to cause "substantial economic hardship." Accordingly Modely A has in general presented acceptable hardship arguments.

Standard No. 103, *Windshield Defrosting and Defogging Systems.* Model A argued that the standard has no application in an open style vehicle such as the Model A replica which does not have side windows. NHTSA concurs with this argument which has formed the basis for an exemption from Standard No. 103 in other instances.

Standard No. 104. *Windshield Wiping and Washing Systems.* Petitioner will provide two wipers and a washer system. The company argued that compliance with the wiping pattern requirements was "not practicable without destroying the appearance of the vehicle to redesign the windshield and wipers to meet the standard." The wiping pattern requirements are for clearance of 99% of Area C (representing, in essence, that portion of the windshield directly in front of the driver), 94% of Area B (a larger area which includes Area C) and 80% of Area A (a still larger area that includes both Areas B and C). In Model A's original design the Model A wiped clear only 81% of Area C, 68% of Area B, and 67% of Area A. This results in restriction of

[1] These petitioners, docket numbers, vehicle replicated number of vehicles produced and/or planned, number of standards exempted, top speed, and Federal Register Decision Notices are given below.

Grants

1. Albany Motor Carriage Company, EX 73-7, 1906-style, 150 produced of 300 planned, 10 standards, 40 mph, 39 FR 3709, 39 FR 28175, 42 FR 31861.

2. Vintage Reproductions Inc., EX 74-6, 1901-style, 199 produced of 900 planned, 25 standards, 40 FR 3798.

3. Sbarro, EX 75-23, 1936 BMW 328 sports car, 24 produced, 12 standards, 40 FR 52752.

4. Lafer Automotive of Brazil, EX 75-24, 1952 MG TD sports car, 200 produced, 11 standards, 40 FR 58490.

5. Panther Westwinds Ltd., EX 76-2, 1930's style sedan, 4 produced, 2 standards, 41 FR 7168.

Denial

1. Auto Sport Importers, EX 73-6, 1936 Jaguar SS roadster, 50 to 100 to be produced, 4 standards, 38 FR 27106 (denied because of insufficient information).

[2] In granting the first such exemption, however, the agency warned that it did "not necessarily mean that exemptions will be provided any manufacturer of a replica-type vehicle" and that "each application will be reviewed on the merits and according to the facts of the particular case" (39 FR 3709).

the driver's vision in the center and to the right of the windshield. At NHTSA's urging, it revised its wiper design and sweeping arc so that 95% of Area C would be cleared, 79% of Area B, and 70% of Area A.

There is a problem, however, in that Model A's vendors appear unable to provide a motor for the wider arc in less than six months. Realizing the hardship that petitioner would be caused and the dislocation in the public employment programs if Model A were unable to commence production as planned, the Administrator has decided that the most satisfactory resolution of the conflicting interests involved is to grant Model A an exemption of six months for its old system and by imposing the following terms and conditions upon such grant under the authority provided by 15 U.S.C. 1410: that each such vehicle be labeled to warn the operator of restricted vision in inclement weather, and that the manufacturer notify owners when the new wiping system is available and offer to install it without charge.

Standard No. 105, *Hydraulic Brake Systems.* The vehicle "incorporates the principal components used in the Ford Pinto and Mustang car lines", and does not replicate the mechanical brake system of the Model A. However, the company has not yet tested for compliance to this standard.

The Administrator believes that good faith has been shown in attempting to meet Standard No. 105, and that an exemption should be provided until September 1, 1980. Within that time, petitioner will be able to verify compliance through testing.

Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Under the petition Model A will not be equipped with front and rear side marker lamps and reflectors. The company argued that compliance would compromise the sales appeal of the vehicle, and submitted a photograph of a side marker lamp installed on the Model A's front fender. The NHTSA regards this argument as too speculative to support a finding that the cost of providing the lamps and reflectors would cause substantial economic hardship. However, NHTSA understands that each vehicle has as original equipment cowl lights that operate when the headlamps are activated and the agency believes that this supplemental light source is an acceptable substitute for the front side marker lamps and reflectors meriting a three-year exemption. But there is no equivalent supplemental rear lighting device, and the company has been given one year to meet that portion of Standard No. 108.

Standard No. 109 and 110, *New Pneumatic Tires/Tire and Rim Combination.* These standards do not include tires and rims of the sizes necessary to replicate the Model A. Petitioner has assured NHTSA that the tires (Sears Allstate 525/550–18), have been designed and constructed by Armstrong Rubber Company in the same manner and of the same materials as bias ply tires that comply with the standard even though a wheel is not available on which to test them. In view of this assurance an exemption from the standards would not appear to compromise motor vehicle safety.

Standard No. 201, *Occupant Protection in Interior Impact.*

Standard No. 202, *Head Restraints.*

Exemptions are requested on the grounds that barrier crash testing would be necessary to ensure compliance with these standards which would create an economic hardship on the Company and further, if such testing required design changes, they could destroy the character of the vehicle and its sales market.

At NHTSA's urging, Model A re-evaluated its compliance status and concluded that its sole area of noncompliance with Standard No. 201 was its failure to provide sun visors. The intent of the standard is to provide protection in the header area, and since the windshield configuration of the Model A is such that it has no header, an exemption will not compromise safety. With respect to Standard No. 202, the petitioner informed NHTSA that it had several options for compliance, none of which it really deemed acceptable. NHTSA believes that this aspect of passenger protection should and can be provided, and Model A is granted a year in which to implement it.

Standard No. 203, *Impact Protection for the Driver From the Steering Control System.*

Standard No. 204, *Steering Control Rearward Displacement.*

The Model A employs "the basic Ford Motor Company energy absorbing steering column as used on the Fairmont and other Ford vehicles". As such, the petitioner feels there will not be improper rearward displacement but it terms testing costs "prohibitive". It also has stated that the steering wheel design may not meet the standard.

NHTSA believes that the company has demonstrated a good faith effort to meet these important passenger protection requirements, and has decided to provide the 3-year exemption requested from Standard No. 204. Because of the petitioner's uncertainty regarding its steering wheel design, the agency has determined that a one year exemption will allow Model A to determine whether or not the design complies and, if not, to develop an alternative design.

Standard No. 206, *Door Locks and Door Retention Components.*

Standard No. 207, *Seating Systems.*

Standard No. 208, *Occupant Crash Protection.*

Standard No. 212, *Windshield Mounting.*

Standard No. 214, *Side Door Strength.*

Standard No. 219, *Windshield Zone Intrusion.*

Petitioner argues that "to comply with these standards would require substantial additional costs in design and testing which may necessitate a significant change in the outer or interior design of the replica". The company explains that Standard No. 206 could not be met unless the door thickness was "increased substantially to accommodate currently available latching devices which in turn would require redesign of the exterior of the body." A similar reason is given for request for exemption from Standard No. 214.

NHTSA urged the company to re-evaluate its requests. In reply, Model A informed the agency that it had found a conforming latch and that its sole area of noncompliance involved its inability to find a hinge meeting the load requirements of S4.1.2. The year that NHTSA is providing should be sufficient for Model A to find or develop a conforming hinge. With respect to Standard No. 214, Model A argued that its configuration meets the intent of the standard to provide protection against impacts from the side. The height above the pavement of the vehicle's 4-inch steel box frame approximates that of the front bumper heights required by the Federal bumper standard, 49 CFR Part 581, so that in a side crash, the bumper should impact Model A's frame, not its door. A 1-year exemption will, therefore, allow Model A to verify its theory or to take remedial measures.

After review of the Company's data, it appears that the design of the seat which is "integrated with the body of the vehicle" might well meet Standard No. 207 if tested to it. The agency, therefore, considers that a good faith effort has been made to meet the standard and that an exemption is warranted. Standard Nos. 212 and 219 do not apply to open body type vehicles with removable or fold-down windshields. The substantial similarity of the Model A windshield to those excepted by the standards renders, in

the agency's view, these standards inapplicable and the petition moot.

With respect to Standard No. 208, petitioner asked for relief from the barrier impact requirements though it will offer a Type 1 seat belt system. Mode A appeared to refer to S4.1.2.3.1(a), but the requirement applicable to its product, a convertible, in reality is S4.1.3.2 which does not impose such a test. If, as the agency assumes, a seat belt warning system will be provided, Model A will apparently be able to meet Standard No. 208 and its petition for relief from this standard also will be moot. If NHTSA's assumption is incorrect, the cost of providing the system is not such as to cause hardship.

Standard No. 301–75, *Fuel System Integrity*

Petitioner has explained that:

The fuel system was specially designed for this vehicle utilizing Ford engine compartment components and a fuel tank of 14 gauge welded steel construction with a fuel capacity of 10 gallons. . . . This same tank is being used on Ford, Chevrolet, Dodge International Harvester and Jeep Truck products as an auxiliary tank and is located in the Model A replica forward of the rear axle between the steel frame of the vehicle.

Cost of testing is given as the primary argument for hardship. Upon review, the agency has determined that a good faith attempt has been made to meet the requirements of Standard No. 301–75 and that an exemption ought to be provided until September 1, 1980. This time will allow a better judgment both by the manufacturer and the agency of the actual state of the vehicle's compliance.

NHTSA hopes future manufacturers of replica passenger cars will, from the very beginning, design their products for compliance. It also trusts that any manufacturers wishing an exemption will apply in a timely manner. At no time during the design development process did Model A communicate with the agency to discern its responsibilities and only when it had received 3500 orders did it file an exemption petition. Since then, NHTSA has attempted to accommodate the petitioner's desire for an early decision by according the petitioner priority treatment, and reduced the comment period from 30 days to 20. It has also informed the company that it will expect future products to be designed from the beginning with compliance in mind.

The Public Interest

The Administrator is charged with finding that exemptions are "consistent with the public interest and the objectives of the [Traffic Safety] Act." In the instant case petitioner is using Federal, State, and City programs designed to foster employment, and it is clearly in the public interest that it be encouraged to do so. Further, the limited nature of the exemptions that are provided, where compliance appears substantially achieved, are consistent with the statutory objectives of the Act to reduce traffic accidents and consequent deaths and injuries.

Decision

It is hereby found that compliance with the safety standards indicated below would cause substantial economic hardship, that good faith efforts have been made, and that exemptions are consistent with the public interest and the objectives of the Traffic Safety Act. In consideration of the foregoing, Model A and Model T Motor Car Reproduction Corporation is hereby granted NHTSA Exemption No. 79–01 from the following safety standards or sections thereof, that expire on the dates indicated:

(1) Expiring March 1, 1980: Paragraph S4.1.2, *Wiped Areas*, of 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems*, provided: that the wiped areas are not less than 67% (A), 68% (B), and 81% (C), that each vehicle bear a label permanently affixed to its cowl or dash, readily visible to the driver, that reads: "Warning. The windshield wiping system of this vehicle does not totally clear areas deemed critical for visibility in rain or fog by Federal Motor Vehicle Safety Standard No. 104," and that the owner of each such vehicle manufactured between September 1, 1979 and March 1, 1980 shall be notified not later than April 1, 1980 of the availability of an improved wiper system and offered the opportunity to present the vehicle for installation of the improved wiper system, without charge.

(2) Expiring September 1, 1980: 49 CFR 571.105, Motor Vehicle Safety Standard No. 105, *Hydraulic Brake Systems;* Rear marker lamps and reflectors of Table III of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment;* 49 CFR 571.202, Motor Vehicle Safety Standard No. 202, *Head Restraints;* 49 CFR 571.203, Motor Vehicle Safety Standard No. 203, *Impact Protection for the Driver From the Steering Control System;* S4.1.2, *Door Hinges*, of 49 CFR 571.206, Motor Vehicle Safety Standard No. 206, *Door Locks and Door Retention Components*; 49 CFR 571.214, Motor Vehicle Safety Standard No. 214, *Side Door Strength;* and 49 CFR 571.301–75, Motor Vehicle Safety Standard No. 301–75, *Fuel System Integrity.*

(3) Expiring September 1, 1982: 49 CFR 571.103, Motor Vehicle Safety Standard No. 103, *Windshield Defrosting and Defogging Systems;* Paragraph S4.1.2, *Wiped Areas*, of 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems*, provided that the wiped areas are not less than 70% (A), 79% (B), and 95% (C); Front side marker lamps and reflector of Table III of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment;* 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires;* 49 CFR 571.110, Motor Vehicle Safety Standard No. 110, *Tire and Rim Combination;* Paragraph S3.4, *Sun Visors*, of 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupant Protection in Interior Impact;* 49 CFR 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement;* and 49 CFR 571.207, Motor Vehicle Safety Standard No. 207, *Seating Systems.*

(Sec. 2, Pub. L. 92–593, 86 Stat. 1153 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50).

Issued on September 21, 1979.

Joan Claybrook,

Administrator.

[FR Doc. 79-29970 Filed 9-26-79; 8:45 am]

BILLING CODE 4910-59-M

DEPARTMENT OF THE TREASURY

Customs Service

[521412]

Notice That the Customs Service Is Requesting the Views of the Public on the Standards it Uses for Orange Juice Products in Determining Same Kind and Quality Questions Under the Drawback Law

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice requesting public comments.

SUMMARY: The Customs Service applies the standards of identities of the Food and Drug Administration and the standards of grades of the Department of Agriculture for orange juice products in determining the same kind and quality questions for orange juice products. The Customs Service has been requested to reconsider a ruling based on these standards and, in the process of reconsidering the ruling, is inviting the views of the public concerning the use of these standards in determining same kind of quality questions for drawback substitution purposes.

DATES: Comments must be received on or before November 26, 1979.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, 1301 Constitution Avenue, N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Norman W. King, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-5856).

SUPPLEMENTARY INFORMATION:

Background

"Drawback" denotes a situation in which a duty or tax, lawfully collected, is refunded or remitted, wholly or partially, because of a particular use made of the merchandise on which the duty or tax was collected. One of the more common types of drawback is that allowed, under section 313(a), Tariff Act of 1930 (19 U.S.C. 1313(a)), upon the exportation of articles manufactured or produced in the United States with the use of imported merchandise. Under section 313(b), Tariff Act of 1930, as amended (19 U.S.C. 1313(b)), if domestic merchandise of the same kind and quality as imported merchandise is used in the manufacture of new and different articles, drawback may be allowed on the imported merchandise, notwithstanding the fact that none of the imported merchandise was actually used in the manufacture or production of the exported articles. Section 313(b) is often called the "drawback substitution law".

The Customs Service has the responsibility to determine the same kind of quality questions under the drawback substitution law. Customs has consistently applied the standards of identities of the Food and Drug Administration for orange juice products (21 CFR Part 146) as guidelines to determine whether one orange juice product was of the same kind as another. For example, 21 CFR 146.153 defines the standards of identity for the product "concentrated orange juice for manufacturing" and 21 CFR 146.145 defines the standards of identity for "orange juice from concentrate". Thus, two different orange juice products are defined by these standards.

Customs also has consistently applied the standards of grades for orange products of the Department of Agriculture (7 CFR Part 2852) as guidelines to determine whether products of the same kind were of the same quality. For example, two batches of orange juice from concentrate that meet the grade A standard under 7 CFR 2852.5681-5691 would be considered to be the same quality.

A processor proposed to substitute fresh orange juice (identified under 21 CFR 146.135) for orange juice from concentrate (identified under 21 CFR 146.145) for use in the manufacture of pasteurized orange juice (identified under 21 CFR 146.140). In applying the standards of identities, Customs ruled that fresh orange juice was not the same kind and quality as orange juice from concentrate for drawback purposes. Customs has been asked to reconsider that ruling.

To give the matter full and fair consideration, Customs is publishing this notice requesting the views of the public on its use of the standards of identities and grades in determining same kind and quality questions for drawback substitution purposes for orange juice products. To assist prospective commenters, there are set forth below brief descriptions of the standards of identities and grades and a brief statement of Customs reasons for using those standards and possible effects of not using the standards in determining same kind and quality questions.

Standards of Identities

The standards of identities for orange juice and orange juice products were published in the Federal Register (28 FR 10900) dated October 11, 1963. The citrus industry, primarily located in Florida, petitioned the Food and Drug Administration to establish standards of identities for orange juice products. The industry participated in the rulemaking process by the submission of written opinions and oral evidence at the hearing. The Commissioner of the Food and Drug Administration made certain findings of fact based upon the evidence. Findings of fact numbered 1 and 2 contained in the preamble of the rulemaking document (28 FR 10901) are quoted in full as follows:

> 1. The food commonly and usually known as orange juice is the natural liquid that is squeezed from mature oranges. Oranges generally used in producing orange juice are of the species Citrus sinensis.
>
> 2. Fresh orange juice is not a suitable name for the commercially packaged expressed juice of oranges. The housewife who for many years has squeezed oranges knows this juice to be orange juice. The term "fresh" is ambiguous in that it is difficult to determine and to draw the line when a product is fresh and when it is no longer fresh. The use of the term "fresh" on commerically packed orange juice or orange juice products would tend to confuse and mislead consumers.

The first sentence of finding of fact numbered 3 states that "Orange juice is the raw material out of which all other orange juice products are made." The first sentence of finding of fact numbered 18 (28 FR 10903) states that "Reconstituted orange juice differs from orange juice in many respects." It continues as follows:

> It is made from orange juice concentrate. It contains added water, and parts of it, if not all of it, have been subjected to heat-treatment. It is necessary to establish a minimum requirement for the percentage or orange juice soluble solids in the standards of identity for this product, especially since water is being added. A reasonable and practical requirement is 11.8° Brix. This product will then be comparable to the product prepared in the home by the consumer, from concentrate. The standard of identity should provide that the product may be heat-treated, either before or after reconstitution. The names "reconstituted orange juice" and "orange juice from concentate" are truthful, meaningful, and accurate designations for this product and are presently being used by some firms.

Briefly, the Commissioner found that orange juice was the natural liquid that is squeezed from mature oranges of the species Citrus sinensis and that the use of the term "fresh" juice for orange juice products (such as orange juice from concentrate) would "confuse and mislead consumers". Therefore, standards of identities were necessary to inform the consumer concerning the differences between orange juice and orange juice products. These standards of identities are set forth in 21 CFR Part 146.

Standards of Grades

The regulations of the Department of Agriculture set forth certain standards of grades for orange juice products and refer to the standards of identities of the Food and Drug Administration to define those products. For example 7 CFR 2852.5681 states that "orange juice from concentrate is the product defined in the standards of identity (21 CFR 146.145) issued pursuant to the Federal Food, Drug and Cosmetic Act." There are several standards of grades, such as grade A, B, or C, which determine the quality of the product based upon a scoring system for color, defects, and flavor including a minimum degree brix and brix-acid ratio.

Reasons for Customs Use of These Standards and Possible Effects of Not Using Them

The standards of grades and standards of identities have constituted useful guidelines for Customs in determining same kind and quality questions under the drawback law for orange juice products. The standards are used throughout the industry.

A rate of drawback is a contract between Customs and a drawback applicant based on the applicant's description of his manufacturing operation for certain products which permits him to file drawback claims for these products with reasonable certainty that he will receive a refund of the duty or tax collected. Drawback rates or contracts covering orange juice products are approved by applying the standards of identities and grades as guidelines to determine whether substituted domestic merchandise was of the same kind and quality as the imported merchandise, as required under the drawback law. Any changes in the guidelines would most likely affect these contracts.

To qualify for drawback, the imported merchandise and substituted domestic merchandise must be used in the manufacture of new and different articles. If new guidelines were developed by Customs for the determination of same kind and quality questions, those guidelines could affect the determinations of whether or not new and different articles have been manufactured with the use of the imported and substituted merchandise.

Comments

The Customs Service invites written comments (preferably in triplicate) on its use, for orange juice and orange juice products, of the standards of identities of the Food and Drug Administration and the standards of grades of the Department of Agriculture as guidelines in determining same kind and quality questions for purposes of substitution under the drawback law and what changes, if any, should be made.

All comments received in response to this notice will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 2335, Washington, D.C. 20229.

Drafting Information

The principal author of this notice was Paul G. Hegland, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

Dated: September 20, 1979.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 79-29981 Filed 9-26-79; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Debt Management Advisory Committees; Meetings

Notice is hereby given, pursuant to section 10 of Pub. L. 92-463, that meetings will be held in Washington on October 23 and 24, 1979 of the following debt management advisory committees:

American Bankers Association, Government Borrowing Committee.

Public Securities Association, U.S. Government and Federal Agencies, Securities Committee.

The agenda for the American Bankers Association Government Borrowing Committee meetings provides for working sessions on October 23 and a report to the Secretary of the Treasury and Treasury staff on October 23.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meetings provides for working sessions on October 23 and a report to the Secretary of the Treasury and the Treasury staff on October 24.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 190, revised, I hereby determine that these meetings are concerned with information exempt from disclosure under section 552b(c)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory committees established by the several major segments of the financial community, which committees are utilized by this Department at meetings called by representatives of the Office of the Secretary. When so utilized they are recognized to be advisory committees under Pub. L. 92-463. The advice provided consists of commercial and financial information given and recieved in confidence. As such these debt management advisory committee activities concern matters which fall within the exemption covered by section 552(b)(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the advice provided in reports of these committees, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of the meeting of these committees and for providing annual reports setting forth a summary of their activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: September 21, 1979.

Anthony M. Solomon,

Under Secretary for Monetary Affairs.

[FR Doc. 79-29973 Filed 9-26-79; 8:45 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[No. 37183 (Sub-1)]

Port of Lake Charles—Petition for Rulemaking—Freight Car Demurrage and Car Utilization and Beaumont Chamber of Commerce—Petition for Rulemaking—Freight Car Demurrage and Car Utilization

Decided: September 13, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Denial of petitions.

SUMMARY: Petitioners request the Commission to institute a rulemaking proceeding concerning freight car demurrage and car utilization. Petitioners contend that there has not been a recent thorough investigation of car demurrage and car utilization; that numerous reductions in free time and increases in demurrage charges have been authorized without any requirement that the carriers prove that the charges are accomplishing the objectives underlying those proposals; and that there has been no real evidence to show that railroad operating policies and facilities have improved such as to contribute significantly to car utilization.

The Commission denied the petitions. Initially, it noted that the petitions are exceedingly broad in scope, that except for general allegations petitioners have not submitted any material evidence to support a large scale rulemaking proceeding, and that such a rulemaking proceeding, if immediately instituted, would necessarily commit the Commission's limited resources without a prior careful appraisal of the benefits to be derived from such a proceeding.

The Commission then reviewed specific areas suggested by petitioners. It noted that it has consistently exercised its supervisory powers over demurrage, has recently revised the basic per diem charges, and has frequently urged the railroads to improve car utilization. With respect to an amendment of the average agreement or changes in the free time provisions, the set-aside of demurrage funds for the purchase of additional equipment, and the development of a system of penalties against the railroads for operating failures, the Commission stated that those issues require careful consideration before any changes are made and that, in any event, their consideration should await the disposition of specified pending proceedings. As an alternative, the Commission suggested that petitioners submit specific proposals to the Committee on Compensation, Association of American Railroads (A.A.R.). If the A.A.R. fails to act in a responsive manner on such specific proposals, then petitioners are not precluded from renewing their petitions to this Commission.

FOR A COPY OF THE DECISION CONTACT: Agatha L. Mergenovich, Secretary, Room 2215, Interstate Commerce Commission, Washington, D.C. 20423, (202) 275-7428.

FOR FURTHER INFORMATION CONTACT: Harvey Gobetz, (202) 275-7656.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29009 Filed 9-26-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, and has the necessary equipment and facilities for performing that service, and (2) has either performed service within the scope of the application or has solicited business which is controlled by those supporting the application and which would have involved transportation performed within the scope of the application.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth a specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and 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 rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

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 administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. §10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed on or before October 29, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

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.

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Decided: August 31, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 2229 (Sub-209F), filed May 1, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Jackie Hill (same address as applicant).

Transporting (1) *plastic sheeting and plastic film,* and (2) *accessories* used in the installation of the commodities in (1) above, from Denver, CO, to points in CT, ME, NH, RI, MA, VT, PA, and FL. (Hearing site: Denver, CO, or Dallas, TX.)

MC 7228 (Sub-45F), filed April 23, 1979. Applicant: COAST TRANSPORT, INC., 1906 S.E. 10th Avenue, Portland, OR 97214. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Transporting, (1) *bananas, and (2) agricultural commodities* which are otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6), when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in OR, and WA, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Portland, OR, or Seattle, WA.)

MC 35628 (Sub-409F), filed April 20, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, (a corporation), 134 Grandville Avenue, SW, Grand Rapids, MI 49503. Representative: Michael P. Zell (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, and those requiring special equipment), serving the facilities of Kay-Fries, Inc., at Stony Point, NY, as an off-route point in connection with applicant's otherwise authorized regular-route operations, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY, or Newark, NJ.)

MC 50069 (Sub-545F), filed April 23, 1979. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Transporting *petroleum products,* in bulk, in tank vehicles, from Dayton, OH, to (1) those points in IN north of a line beginning at the IN-OH State line and extending along IN Hwy 14 to juction U.S. Hwy 41, and then along unnumbered Newton County, IN, Hwy via Elmer, IN, to the IN-IL State line, and (2) those points in KY on and west of U.S. Hwy 231. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 55889 (Sub-51F), filed April 25, 1979. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Birmingham, AL, and points in Jefferson and Shelby Counties, AL, on the one hand, and, on the other, Andalusia, Athens, Brundidge, Citronelle, Clayton, Cullman, Decatur, Demopolis, Dothan, Elba, Enterprise, Eufaula, Eutaw, Fairhope, Fayette, Flomaton, Florala, Foley, Greensboro, Haleyville, Hartselle, Headland, Huntsville, Jasper, Linden, Luverne, Monroeville, Opp, Ozark, Robertsdale, Russellville, Samson, Stevenson, Troy, Tuscalossa, Union Springs, and Uniontown, AL. (Hearing site: Birmingham, AL.)

Note.—Tacking with existing regular-route authority is intended at Birmingham and common radial points to serve all points in applicant's regular-route system.

MC 58549 (Sub-29F), filed April 20, 1979. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby St., NE, P.O. Box 13727, Roanoke, VA 24034. Representative: Jerry D. Beard, (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Roanoke, Va, and Martinsville, VA, over U.S. Hwy 220, (2) between Roanoke, VA, and Warm Springs, VA, over U.S. Hwy 220, (3) between Glasgow, VA, and the VA-NC State line, over U.S. Hwy 501, (4) between the VA-KY State line and the VA-NC State line, from the VA-KY State line over U.S. Hwy 460 to junction U.S. Hwy 29, then over U.S. Hwy 29 to the VA-NC State line, and return over the same route, (5) between Martinsville, VA, and junction U.S. Hwys 58 and 501, over U.S. Hwy 58, (6) between Charity, VA, and junction VA Hwy 40 and U.S. Hwy 501, over VA Hwy 40, (7) between Lexington, VA, and the VA-WV State line, from Lexington over U.S. Hwy 11 to (a) junction Interstate Hwy 64, then over Interstate Hwy 64 to the VA-WV State line, and return over the same route, and (b) junction U.S. Hwy 60, then over U.S. Hwy 60 to the VA-WV State line, and return over the same route, (8) between junction Interstate Hwys 81 and 64 and the VA-TN State line, over Interstate Hwy 81 (also over U.S. Hwy 11), (9) between Wytheville, VA, and junction Interstate Hwy 77 and U.S. Hwy 460, over Interstate Hwy 77, (10) between Mouth of Wilson, VA, and Norton, VA, from Mouth of Wilson over U.S. Hwy 58 to junction U.S. Hwy 58 Alternate, then over U.S. Hwy 58 Alternate to Norton, and return over the same route, (11) between the VA-KY State line and VA-NC State line, over U.S. Hwy 23, (12) between Claypool Hill, VA, and Hansonville, VA, over U.S. Hwy 19, (13) between junction Interstate Hwy 81 and VA Hwy 100 and Pearlsburg, VA, over VA Hwy 100, and serving, in (1) through (13) above, inclusive, all intermediate points, and all off-route points in Alleghany, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties, Va. Applicant intends to tack the above authorities with its other operating rights. (Hearing site: Roanoke, VA.)

MC 73688 (Sub-87F), filed April 12, 1979. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Avenue, Memphis, TN 38107. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. Transporting *general commodities,* (Except commodities in bulk, in tank vehicles), between the facilities of the Henderson County Riverport Authority, in Henderson County, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: The certificate issued in this proceeding, so far as it authorizes the transportation of classes A and B explosives, will be limited in point of time to a period expiring 5 years from the date of issuance of the certificate.(Hearing site: Louisville, KY, or Evansville, IN.)

MC 78118 (Sub-45F), filed April 24, 1979. Applicant: W. H. JOHNS, INC., 35 Witmer Road, Lancaster, PA 17602. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101.Transporting *expanded plastic articles,* between the facilities of W. R. Grace Co., in Berks County, PA, on the one hand, and, on the other, points in OH, NJ, DE, MD, VA, NC, SC, GA, FL, and DC and those in the lower peninsula of MI, restricted to the transportation of traffic originating at and destined to the above described points.(Hearing site: Washington, DC, or Harrisburg, PA.)

MC 103498 (Sub-60F), filed April 23, 1979. Applicant: B & L TRUCK LINES, INC., 339 East 34th Street, Lubbock, TX 79404. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Transporting *petroleum products and lubricating oils,* (except commodities in

bulk), from facilities of Mobil Oil Corporation, at or near Beaumont, TX, to points in AR, KS, LA, MO, NM, 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 [formerly section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Houston or Dallas, TX.)

Note.—Dual operations may be involved.

MC 103798 (Sub-36F), filed April, 23, 1979. Applicant: MARTEN TRANSPORT, LTD., R.R. 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting (1) *cheese, cheese products, and synthetic cheese,* and (2) *materials, equipment, and supplies used in the manufacture or distribution of the commodities named in (1),* from points in MN and WI, to Logan, UT, and points in MO. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 103798 (Sub-37F), filed April, 23, 1979. Applicant: MARTEN TRANSPORT, LTD., R.R. 3, Mondovi, WI 54755. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. Transporting *foodstuffs* (except in bulk), from the facilities of Jeno's, Inc., at (a) Duluth, MN, and (b) Superior, WI, to points in AZ, CA, ID, CO, MT, NM, NV, OR, UT, WA, and WY. (Hearing site: Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 105269 (Sub-74F), filed April, 24, 1979. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting (1) *paper and paper products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper *products,* between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Champion International Corporation. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 106398 (Sub-883F), filed April 9, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 S. Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). Transporting *construction materials,* between the facilities of the Symons Corporation, at (a) Phoenix, AZ, (b) Hayward and City of Industry, CA, (c) Denver, CO, (d) Dania, FL, (e) Lithonia, GA, (f) Centralia and Des Plaines, IL, (g) La Place, LA, (h) Baltimore, MD, (i) Plymouth, MI, (j) Bloomington, MN, (k) Kansas City, MO, (l) Fairfield, NJ, (m) Victor, NY, (n) Charlotte, NC, (o) Cleveland and Port Union, OH, (p) King of Prussia and Pittsburg, PA, (q) Memphis, TN, (r) Dallas, Houston, and New Braunfels, TX, (s) Bellevue, WA, and (t) Waukesha, WI, on the one hand, and, on the other, points in the United States (including AK, but excluding HI). (Hearing site: Chicago or Des Plaines, IL.)

MC 106398 (Sub-899F), filed May 1, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr., (same address as applicant). Transporting *iron and steel articles,* from the facilities of Feralloy Corp., at Chicago, IL, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 106398 (Sub-900F), filed May 1, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *construction equipment,* between the facilities of REMA Equipment Co., at Atlanta, GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 106398 (Sub-901F), filed May 1, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *iron and steel articles,* from the facilities of East Coast Steel, at Eastover, SC, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 113678 (Sub-797F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting (1) *foodstuffs* (except in bulk), from points in ID, OR, and WA, to points in AZ, CA, MT, NV, ND, and UT; and (2) non-frozen *foodstuffs* (except in bulk), from points in ID, OR, and WA, to points in CO, KS, NE, NM, SD, TX, and WY. (Hearing site: Seattle, WA.)

MC 113678 (Sub-789F), filed March 28, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting (1) *rubber articles and plastic articles,* (except commodities in bulk, in tank vehicles), from the facilities of ENTEK Corp. of America, at or near Irving, TX, to points in AR, AZ, CA, CO, IL, IN, IA, KS, MO, NE, NM, NV, OH, OK, UT, and WY; and (2) *materials and supplies used in the manufacture or distribution of the commodities named in (1)* above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 113678 (Sub-796F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (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 *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides, and commodities in bulk), in vehicles equipped with mechanical refrigeration, and (2) *foodstuffs* (except those commodities named in (1) above), from the facilities of Geo. A. Hormel & Co., at or near (a) Austin and Owatonna, MN, (b) Ft. Dodge, IA, and (c) Fremont, NE, to points in CA and O. (Hearing site: Milwaukee, WI.)

MC 113678 (Sub-798F), filed April 12, 1979. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *glues, adhesives, caulkers, chemicals, and plastic containers,* (except commodities in bulk), from the facilities of Franklin Chemical Industries, Inc., at or near Columbus, OH, to points in TX, MO, CO, and UT. (Hearing site: Columbus, OH.)

MC 114569 (Sub-302F), filed April 23, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *bakery goods,* from the facilities of Mothers Cookies, at Louisville, KY, to those points in the United States in an east of ND, SD, NE, CO, OK, and TX. Note: Dual operations may be involved. (Hearing site: Louisville, KY, or Washington, DC.)

MC 117119 (Sub-738F), filed April 23, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). Transporting *canned and preserved foodstuffs,* from the facilities of Campbell Soup (Texas) Inc., at or near Paris, TX, to the facilities of Campbell Soup Company, at or near (a) Camden, NJ, (b) Chicago, IL, and (c) Napoleon, OH. (Hearing site: Dallas, TX, or Washington, DC.)

MC 117119 (Sub-739F), filed April 23, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as

applicant). Transporting *lecithin* (except in bulk), in vehicles equipped with mechanical refrigeration, from Helena and Stuttgart, AR, to points in CA, IL, IN, MD, MI, NJ, NY, OH, and PA. (Hearing site: Little Rock, AR, or Washington, DC.)

MC 117119 (Sub-740F), filed May 1, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting *plastic containers,* from Middletown, DE, to Waseca, MN. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 118959 (Sub-215F), filed April 30, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Marc J. Blumenthal, 39 South LaSalle Street, Chicago, IL 60603. Transporting (1) *bakery goods,* and (2) *materials and supplies used in the manufacture, sale, and distribution of bakery goods,* between the facilities of Bremner Biscuit Co., a division of Ralston Purina Co., at Louisville, KY, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Chicago, IL, or St Louis, MO.)

MC 121499 (Sub-9F), filed April 2, 1979. Applicant: WILLIAM HAYES LINES, INC., P.O. Box 610, Lebanon, TN 37087. Representative: John A. Crawford, 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. 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 Nashville, Tn, and New Albany, IN, over U.S. Hwy 31W, serving Louisville, KY, as an intermediate point, and serving (a) junction Tn Hwy 109 and U.S. Hwy 31W, at or near Mitchell, TN; (b) junction U.S. Hwy 68 and U.S. Hwy 31W, (c) junction KY Hwy 90 and U.S. Hwy 31W, (d) junction KY Hwy 218 and U.S. Hwy 31W, and (e) junction Western Kentucky Parkway and U.S. Hwy 31W, for purposes of joinder only; (2) between Nashville, TN, and New Albany, IN, from Nashville over Interstate Hwy 65 to junction Interstate Hwy 64, then over Interstate Hwy 64 to New Albany, and return over the same route, serving Louisville, KY, as an intermediate point, and serving (a) junction U.S. Hwy 31W/TN Hwy 109 and Interstate Hwy 65, (b) junction U.S. Hwy 68 and Interstate Hwy 65, (c) junction KY Hwy 90 and Interstate Hwy 65, (d) junction KY Hwy 218 and Interstate Hwy 65, and (e) junction Western Kentucky Parkway and Interstate Hwy 65, for purposes of joinder only; (3) between Nashville, TN and Lebanon, TN: over U.S. Hwy 70, serving all intermediate points; (4) between Nashville, TN, and Lebanon, TN: from Nasville over Interstate Hwy 40 to junction U.S. Hwy 231 then over U.S. Hwy 231 to Lebanon, and return over the same route, serving all intermediate points; (5) between Lebanon, TN, and Louisville, KY, from Lebanon over U.S. Hwy 231 to junction U.S. Hwy 31E, then over U.S. Hwy 31E to Louisville, and return over the same route, serving all intermediate points between Lebanon and junction U.S. Hwy 231 and TN Hwy 25, and serving (a) junction KY Hwy 90 and U.S. Hwy 31E and (b) junction KY Hwy 211, 218 and U.S. Hwy 31E, for purposes of joinder only; (6) between junction TN Hwy 109 and Interstate Hwy 40 and junction U.S. Hwy 31W and TN Hwy 109 over TN Hwy 109, serving no intermediate points, and serving junction U.S. Hwy 70 TN Hwy 109 and the termini for purposes of joinder only; (7) between junction KY Hwy 90 and U.S. Hwy 31E, at or near Glasgow, KY, and junction KY Hwy 90 and Interstate Hwy 65 near Cave City, KY, over KY Hwy 90; serving no intermediate points, but serving junction Ky Hwy 90 and U.S. Hwy 31W and the termini for purposes of joinder only; (8) between junction KY Hwy 218 and U.S. Hwy 31E and junction KY Hwy 218 and U.S. Hwy 31E, over Ky Hwy 218 serving no intermediate points, but serving junction KY Hwy 218 and U.S. Hwy 31W and the termini for purposes of joinder only; (9) between Memphis, TN, and Nashville, TN, over Interstate Hwy 40, serving no intermediate points; (10) between Memphis, TN, and junction U.S. Hwy 68 and Interstate Hwy 65/U.S. Hwy 31W, at or near Smiths Grove, KY, from Memphis over U.S. Hwy 79 to junction U.S. Hwy 68 at Russellville, KY, then over U.S. Hwy 68 to junction Interstate Hwy 65/U.S. Hwy 31W at or near Smiths Grove, KY, and return over the same route, serving no intermediate points; (11) between Memphis, TN and junction Western Kentucky Parkway and Interstate Hwy 65/U.S. Hwy 31W, at or near Elizabethtown, KY, from Memphis over U.S. Hwy 51 to junction Purchase Parkway, at or near Fulton, KY, then over Purchase Parkway to junction U.S. Hwy 62, then over U.S. Hwy 62 to junction Western Kentucky Parkway, then over Western Kentucky Parkway to junction Interstate Hwy 65/U.S. Hwy 31W, at or near Elizabethtown, KY, and return over the same route, serving no intermediate points; (12) between Memphis, TN, and Atlanta, GA, from Memphis over U.S. Hwy 72 to junction U.S. Hwy Alternate 72, then over U.S. Hwy Alternate 72 to junction Interstate Hwy 65, then over Interstate Hwy 65 to Birmingham, AL, then over U.S. Hwy 78 to Atlanta, GA, and return over the same route, serving no intermediate points, but serving junction Interstate Hwy 65 and U.S. Hwy 278 for purposes of joinder only; (13) between junction Interstate Hwy 65 and U.S. Hwy 278 at or near Cullman, AL, and Atlanta, GA, over U.S. Hwy 278, serving no intermediate points; (14) Between New Albany, IN, and Chattanooga, TN, from New Albany over Interstate Hwy 64, to junction Interstate Hwy 75, then over Interstate Hwy 75 to Chattanooga, TN, and return over the same route, serving Louisville, KY, as an intermediate point, and serving (a) junction Interstate Hwy 65 and U.S. Hwy 127; (b) junction Interstate Hwy 64 and U.S. Hwy 27; and (c) Chattanooga, TN, for purposes of joinder only; (15) between junction Interstate Hwy 64 and U.S. Hwy 127 and Chattanooga, TN: from junction Interstate Hwy 64 and U.S. Hwy 127, over U.S. Hwy 127 to junction U.S. Hwy 150, then over U.S. Hwy 150 to junction U.S. Hwy 27, then over U.S. Hwy 27 to Chattanooga and return over the same route, serving no intermediate points, but serving junction U.S. Hwy 27 and U.S. Hwy 150 and the termini for purposes of joinder only; (16) between junction Interstate Hwy 64 and U.S. Hwy 27 and junction U.S. Hwy 27 and U.S. Hwy 150 over U.S. Hwy 27 serving no intermediate points, and serving the termini for purposes of joinder only; (17) between Lebanon, TN, and Atlanta, GA, from Lebanon over U.S. Hwy 231 to Murfreesboro, TN, then over U.S. Hwy 41 to Atlanta, and return over the same route, serving Murfreesboro and Chattanooga for purposes of joinder only; (18) between Murfreesboro, TN, and Atlanta, GA, from Murfreesboro over Interstate Hwy 24 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Atlanta, and return over the same route, serving no intermediate points, and serving Murfreesboro and Chattanooga, TN, for purposes of joinder only, (19) between Nashville and Murfreesboro, TN, over U.S. Hwy 41, serving no intermediate points, and serving Murfreesboro for purpose of joinder only; and serving points in Wilson County, TN, as off-route points in connection with routes (1–19) above. (Hearing site: Atlanta, GA, or Memphis, TN.)

MC 124949 (Sub-5F), filed April 17, 1979. Applicant: HI-LINE TRUCKING, INC., P.O. Box 682, Sidney, MT 59270.

Representative: Joe Gerbase, 100 Transwestern Bldg., Billings, MT 59101. Transporting (1) *materials, equipment, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts,* and (2) *materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines,* (except the stringing or picking up of pipe in connection with main or trunk pipelines), (a) from points in Dawson and Richland Counties, MT, to those points in ND on and west of U.S. Hwy 83, and (b) from those points in ND on and west of U.S. Hwy 83, to points in MT, restricted against the transportation of water and oil well and gas well drilling fluids. (Hearing site: Billings, MT, or Denver, CO.)

MC 124988 (Sub-12F), filed March 12, 1979. Applicant: TRUCK SERVICE COMPANY, a corporation, 2169 E. Blaine, Springfield, MO 65803. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10582. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *drugs, cleaning compounds, iron and steel rust preventing or removing compounds, plastic articles* (except expanded plastic articles), *and bathroom and lavatory fixtures,* from Rensselaer, NY, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA; (2) *drugs and toilet preparations,* from Monticello, IL, to Menlo Park and Vernon, CA, and Seattle, WA; and (3) *drugs,* cleansing paper, cleansing towels, plastic (except expanded plastic articles), rubber articles (except expanded rubber articles), chemicals, and lanolin cloths and towels, (except commodities in bulk), from Myerstown, PA, to Menlo Park and Vernon, CA, Dallas, TX, and Seattle, WA, restricted in (1), (2), and (3) above against the transportation of commodities in bulk, under continuing contract(s) in (1), (2), and (3) above, with Sterling Drug, Inc., of New York, NY. (Hearing site: New York, NY.)

MC 125708 (Sub-166F), filed April 25, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting *fabricated steel articles,* from Tampa, FL, to points in the United States (except AK and HI). (Hearing site: Tampa, FL, or Washington, D.C.)

MC 125708 (Sub-167F), filed May 1, 1979. Applicant: THUNDERBIRD MOTOR FREIGHT LINES, INC., 425 W. 152nd Street, East Chicago, IN 46312. Representative: Anthony C. Vance, 1307 Dolley Madison Blvd., McLean, VA 22101. Transporting (1) *iron and steel articles,* from Midlothian, TX, to points in the United States (except AK and HI); and (2) (a) *scrap metal,* and (b) *materials, equipment, and supplies* used in the manufacture of iron and steel articles, in the reverse direction. (Hearing site: Dallas, TX, or Washington, D.C.)

MC 126118 (Sub-165F), filed April 9, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). Transporting *such commodities as are dealt in or used by manufacturers of motorcycles, snowmobiles, and recreational vehicles,* (except commodities in bulk and those which because of size or weight require the use of special equipment), from points in Los Angeles and Orange Counties, CA, to Lincoln, NE. (Hearing site: Lincoln, NE.)

Note.—Dual operations may be involved.

MC 127019 (Sub-15F), filed April 25, 1979. Applicant: LA RUE LAMB, d.b.a. LA RUE LAMB TRUCKING, Box 374, Myton, UT 84052. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Transporting *gilsonite,* in bulk, from points in Duchesne and Uintah Counties, UT, to points in IL, LA, ND, OH, and PA.(Hearing site: Salt Lake City, UT.)

MC 128888 (Sub-4F), filed April 25, 1979. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Baltimore, MD 21222. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, D.C. 20036. Transporting containers and container ends, and materials, equipment, supplies and accessories used in the manufacture, sale, and distribution of containers and container ends (except commodities in bulk), between points in DE, MD, NJ, NY, NC, OH, PA, VA, WV, and DC. (Hearing site: Washington, D.C.)

MC 129328 (Sub-12F), filed May 1, 1979. Applicant: PALTEX TRANSPORT CO., a Corporation, P.O. Box 296, Palestine, TX 75801. Representative: Kenneth R. Hoffman, 801 Vaughn Building, Austin, TX 78701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products,* (except commodities in bulk), from the facilities of Clevepak Corporation, at or near (a) Dallas, TX, to points in AZ, CA, CO, GA, KS, MO, and TN, and (b) Franklinton, GA, to points in AL, FL, LA, MS, NC, SC, and TN; and (2) materials, equipment, and supplies used in the manufacture, and distribution of the commodities in (1) above (except commodities in bulk), from points in AZ, CA, CO, GA, KS, MO, and TN, to the facilities of Clevepak Corporation, at or near Dallas, TX, and (b) from points in AL, FL, LA, MS, NC, SC, and TN, to the facilities of Clevepak Corporation, at or near Franklinton, GA, under continuing contract(s) in both (1) and (2) above, with Clevepak Corporation, of Dallas, TX. (Hearing site: Dallas, TX.)

MC 133119 (Sub-160F), filed April 30, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NA 68501. Transporting *such commodities as dealt in by chain grocery and food business houses,* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, ID, IL, IN, KS, MI, MN, MO, MS, MT, NC, ND, NE, SD, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 133689 (Sub-268F), filed April 24, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Transporting (1) *starch and chemicals* (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of starch and chemicals, (except commodities in bulk), from the facilities of National Starch & Chemical Corporation, at or near Chicago and Meredosia, IL, to points in IN, IA, MI, MN, MO, ND, OH, SD, and WI. (Hearing site: St. Paul, MN.)

MC 135989 (Sub-6F), filed May 1, 1979. Applicant: COAST EXPRESS, INC., P.O. Box 1215, Whittier, CA 90609. Representative: William J. Lippman, Suite 330, Steele Park, 50 South Steele Street, Denver, CO 80209. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wheels, brakes, and axle assemblies,* and (2) *parts* for the commodities in (1) above, (a) between Chicago, IL, Chino, CA, Chattanooga, TN, Davenport, IA, Warwick, RI, Montezuma, GA, Sedalia,

MO, Miguon, WI, and points in MI, OH, and IN, on the one hand, and, on the other, Seminole, OK, (b) between Davenport, IA, Warwick, RI, Montezuma, GA, Sedalia, MO, and points in OH, and IN, on the one hand, and, on the other, Chino, CA, and McMinnville, OR, (c) between Seminole, OK, on the one hand, and, on the other, McMinnville, OR, (d) from Elkhart, IN, to Sherman, TX, and (e) from Montezuma, GA, to Chattanooga, TN, restricted to the transportation of traffic originating at or destined to the facilities used by Kelsey-Hayes Company, Kelsey Axle and Brake Division, under continuing contract(s) with Kelsey-Hayes Company, Kelsey Axle and Brake Division, of Seminole, OK. (Hearing site: Los Angeles, CA, or Dallas, TX.)

MC 140768 (Sub-36F), filed April 24, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Transporting (1) *air conditioning, heating, and cooling equipment,* (2) *parts* from the commodities in (1) above, and (3) *materials and supplies* used in the manufacture, repair, and distribution of the commodities in (1) above, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Fedders Corporation, at or near (a) Edison, NJ, (b) Effingham, IL, and (c) Frederick, MD, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NJ, NH, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and DC. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 140898 (Sub-6F), filed April 20, 1979. Applicant: KENDRICK TRUCKING CORP., P.O. Box 19097, Louisville, KY 40219. Representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Transporting parts used in the repair and maintenance of mining, earthmoving, and quarrying, from the facilities of Lake Shore, Inc., at Louisville, KY, to points in IL, IN, MO, OH, TN, VA, and WV, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Louisville or Lexington KY.)

MC 141138 (Sub-16F), filed April 30, 1979. Applicant: STEVE SCHRANZ TRUCKING, INC., 350 Honeysuckle Lane, Belleville, IL 62221. Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transporting *dry animal and poultry feed, dry feed ingredients, and animal health products,* from the facilities of International Multifoods Corp., at East St. Louis, IL, to points in AR, IA, IL, IN, KS, KY, MI, MN, MO, NE, OH, TN, TX, OK, MS, and WI. (Hearing site: St. Louis, MO.)

MC 142368 (Sub-23F), filed April 30, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 19766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting automotive bumpers, from Oklahoma City, OK, to Glendora, CA. NOTE: The person or persons who appear to be engaged in common control between applicant and another regulated carrier, must either file an application under 49 U.S.C. 11343 [formerly Section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA.)

MC 143029 (Sub-3F), filed April 19, 1979. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by food and drug business houses, (except commodities in bulk), between points in IL, IN, IA, WI, and the Lower Peninsula of MI, under continuing contract(s) with Jewel Companies, Inc., of Melrose Park, IL. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

MC 143389 (Sub-6F), filed April 30, 1979. Applicant: MERCHANTS DUTCH EXPRESS, INC., P.O. Box 2525, 700 Pine Street, Monroe, LA 72107. Representative: Bruce E. Mitchell, 3390 Peachtree Road, Fifth Floor, Atlanta, GA 30326. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, between points in AZ and NM, and those in the United States in and east of ND, SD, KS, NE, OK, and TX, under continuing contract(s) with Con Pac, Inc., of Monroe, LA. (Hearing site: Memphis, TN.)

MC 143659 (Sub-8F), filed April 24, 1979. Applicant: VALLEY TRUCKING, INC., R.R. No. 2, Box 55 Fargo, ND 58102. Representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Transporting *foodstuffs* (except frozen, and commodities in bulk), from the facilities of RJR Foods, Inc., at or near Ortonville, MN, to points in IA, NE, ND, and SD, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Fargo, ND.)

Note.—Dual operations may be involved.

MC 144599 (Sub-4F), filed April 23, 1979. Applicant: TRANSFER, INC., 90 S. Ko-We-Ba Lane, Indianapolis, IN 46241. Representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *polyethylene plastics* (except in bulk), from the facilities of U.S. Industrial Chemical Co., at Tuscola, IL, to Indianapolis, IN. (Hearing site: Indianapolis, IN.)

MC 144688 (Sub-32F), filed April 13, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 S. 14th St., P.O. Box 81849, Lincoln, NE 68501. Transporting *containers, container parts, and materials, equipment, and supplies used in the manufacture or distribution of containers,* (except commodities in bulk), (1) from the facilities of Container Corporation of America, Inc., at or near (a) Lithonia and Atlanta, GA, (b) Jeffersonville, IN, and (c) Cincinnati and Piqua, OH, to points in AL, FL, GA, IN, KY, LA, MS, NC, OH, SC, and TN, and (2) from points in AL, FL, GA, IN, KY, LA, MS, NC, OH, SC, and TN, to the facilities of Container Corporation of America, Inc., at or near (a) Lithonia and Atlanta, GA, (b) Jeffersonville, IN, (c) Cincinnati and Piqua, OH, (d) Winston-Salem, Shelby, and Greensboro, NC, (e) Chattanooga, Nashville, Knoxville, and Memphis, TN, (f) New Orleans, LA, (g) Brewton, AL, and (h) Wildwood and Fernandina Beach, FL, restricted, in both (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC-145039-2F, filed April 9, 1979. Applicant: B & H PIGGYBACK SERVICE, INC., P.O. Box 4096, North Station, Winston-Salem, NC 27105. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687. 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 Winston-Salem, NC, on the one hand, and, on the other, those points in NC in and east of Ashe, Watauga, Avery, Mitchell, Yancey, McDowell, and Rutherford Counties, and in and west of Warren, Franklin, Johnston, Harnett, Cumberland, Hoke, and Scotland Counties, and those points in VA in and east of Craig, Giles, Bland, Tazewell, Russell, and Washington

Counties and in and west of Alleghany, Rockbridge, Amherst, Appomattox, Charlotte, Lunenburg, and Mecklenburg Counties, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Winston-Salem, NC.)

MC 145569 (Sub-4F), filed April 30, 1979. Applicant: M & M EQUIPMENT CO., INC., 24400 E. Alameda Avenue, Aurora, CO 80011. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. To operate as a *contract carrier*, by motor vehicle, in interestate or foreign commerce, over irregular routes, transporting *meats, meat products and meat by products, and articles distributed by meat-packing houses*, as described in sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the facilities of United Packing Company, at or near Denver, CO, to points in MA, CT, NY, PA, NJ, and MD, under continuing contract(s) with United Packing Company, of Denver, CO. (Hearing site: Denver, CO.)

MC 145759 (Sub-1F), filed May 2, 1979. Applicant: CHARLES A. DALBEY AND DAVID H. MURPHY, a partnership, d.b.a. MONTEREY PENINSULA MOVERS, 666 Redwood Avenue, Seaside, CA 93955. Representative: Alan F. Wohlstetter, 1700 K Street, NW, Washington, DC 20006. Transporting *used household goods*, between points in Monterey, Santa Cruz, San Benito, and San Luis Obispo Counties, CA, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. (Hearing site: Seaside, CA.)

MC 146128 (Sub-2F), filed April 30, 1979. Applicant: MERRITT FOODS COMPANY, d.b.a. MERRITT REFRIGERATED SERVICE, 2840 Guinotte, Kansas City, Mo 64120. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *confectionery*, in vehicles equipped with mechanical referigeration, from the facilities of Hollywood Brands, Inc., at Centralia, IL, to Kansas City, MO. NOTE: Dual operations may be involved. 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 [formerly section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Kansas City, MO.)

MC 146239 (Sub-2F), filed April 30, 1979. Applicant: INTERNATIONAL FOODS TRANSPORT, INC., P.O. Box 127, Hope, NJ 07844. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: (1) *glass containers*, and (2) *materials and supplies* used in the manufacture of glass containers (except commodities in bulk), between Port Allegany, PA, on the one hand, and, on the other, points in MD, NJ, NY, VA, and DC, under continuing contract(s) with Pierce Glass Company, of Port Allegany PA. (Hearing site: New York, NY.)

MC 146258 (Sub-5F), filed April 25, 1979. Applicant: M. R. BRUTON, INC., P.O. Box 547, Cuba, MO 65453. Representative: Stephen H. Loeb, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *iron and steel articles* (except commodities in bulk), from St. Louis, MO, to points in AL, AZ, AR, CA, FL, GA, KY, KS, LA, MS, NM, NC, SC, OK, TX, and TN. (Hearing site: St. Louis, MO.)

MC 146519 (Sub-3F), filed April 30, 1979. Applicant: CALIANA MARKETING, INC., 2120 Prairieton Road, Terre Haute, IN 47802. Representative: Robert W. Loser II, 1101 Chamber of Commerce Building, Indianapolis, IN 46204. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *baking powder* (except in bulk), from the facilities of Hulman & Co., at or near Terre Haute, IN, to Birmingham, Dothan, Mobile, and Montgomery, AL, Phoenix, AZ, Little Rock and Waldo, AR, Fresno, Los Angeles, San Francisco, Union City, and Sacramento, CA, Denver, CO, Jacksonville, Miami, and Tampa, FL, Wichita, KS, Lexington and Louisville, KY, Alexandria, Monroe, New Orleans, and Shreveport, LA, Greenville and Jackson, MS, Joplin, Kansas City, Springfield, and St. Louis, MO, Omaha, NE, Albuquerque, NM, Oklahoma City and Tulsa, OK, Bristol, Chattanooga, Knoxville, Memphis, and Nashville, TN, Arlington, Dallas, Fort Worth, Houston, San Antonio, Lubbock, Tyler, and El Paso, TX, and Salt Lake City, UT, under continuing contract(s) with Hulman and Co., of Terre Haute, IN. (Hearing site: Chicago, IL, or Washington, DC.)

MC 146659 (Sub-1F), filed April 24, 1979. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 338, Eden, NC 27288. Representative: K. Edward Wolcott, 1200 Gas Light Tower, 235 Peachtree Street NE., Atlanta, GA 30303. Transporting *malt beverage containers, container ends, and container caps*, from Ringgold, VA, and Greensboro, NC, to Eden, NC. (Hearing site: Charlotte, NC.)

MC 147148F, filed April 30, 1979. Applicant: GOLDEN TRIANGLE TRANSPORTATION, INC., Highway 82 East, P.O. Box 2043, Columbus, MS 39701. Representative: G. Lowrey Lucas, P.O. Box 1615, Jackson, MS 39205. to operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *titanium dioxide pigment*, from the facilities of the Kerr-McGee Corporation, at Hamilton and Tupelo, MS, to points in TX, under continuing contract(s) with Kerr-McGee Chemical Corporation, of Oklahoma City, OK. (Hearing site: Columbus or Jackson, MS.)

MC 147338F, filed April 16, 1979. Applicant: POWER PACKAGING TRANSPORTATION CORP., 1150 Powis Road, West Chicago, IL 60603. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. Transporting *foodstuffs, and materials, equipment, and supplies* used in the manufacure and distribution of foodstuffs (except commodities in bulk), between the facilities of Power Packaging, Inc., at or near (a) Chicago, IL, (b) Grand Prairie, TX, and (c) Placentia, CA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

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Decided: Sept. 11, 1979.

By the Commission, Review Board Number 2, Members Boyle, Eaton and Liberman.

MC 1824 (Sub-90F), filed April 30, 1979. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Representative: Charles S. Perry (same address as applicant). Transporting *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AR, AZ, CT, FL, GA, IA, IL, IN, KS, KY, MA, MD, MI, MN, MO, MS, MT, NC, ND, NE, NY, NJ, OH, PA, SC, SD, TN, TX, VA, VT, WI, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 4405 (Sub-602F), filed May 4, 1979. Applicant: DEALERS TRANSIT, INC., a corporation, P.O. Box 236, Tulsa, OK 74101. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. Transporting (1) *rock crushing equipment, shredders, conveyors,* and *screens,* and (2) *parts* for the commodities named in (1) above, from Cedar Rapids, IA, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 4484 (Sub-9F), filed April 30, 1979. Applicant: CROWN TRANSPORT, INC., R.D. #2, Wampum, PA 16157. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *cast iron pipe, fittings, valves, and hydrants,* from the facilities of Mueller Company at (a) Albertville, AL, and (b) Chattanooga, TN, to those points in the United States in and east of WI, IL, KY, TN, and MS. (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 30844 (Sub-642F), filed April 23, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). Transporting *prepared foodstuffs,* from Dunkirk, Williamson, and Hamlin, NY, to points in IL, MI, and WI. (Hearing site: Washington, DC.)

MC 53965 (Sub-150F), filed April 18, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Box 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Lawton, OK, and Ft. Worth, TX: from Lawton over U.S. Hwy 281, to Wichita Falls, TX, then over U.S. Hwy 287 to Ft. Worth, and return over the same route, serving no intermediate points, and serving Dallas, TX, as an off-route point. (Hearing site: Lawton or Oklahoma City, OK.)

Note.—Applicant intends to tack this authority at Lawton, OK, with authorized regular routes in OK, TX, NE, KS, CO, MO, and IA.

MC 56244 (Sub-79F), filed April 25, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., R.D. #2 P.O. Box 98, Gardners, PA 17324. Representative: John M. Musselman, 410 North Third Street, P.O. Box 1146, Harrisburg, PA 17108. Transporting *grain and soybean products, and foodstuffs* (except commodities in bulk), from the facilities of Archer Daniels Midland Company at Decatur, IL, to points in MD, NJ, NY, PA and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 56244 (Sub-80F), filed May 3, 1979. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. #2, Gardners, PA 17324. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. Transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk and frozen foods), from the facilities of Libby, McNeill & Libby, Inc., at Chicago, IL, to points in MD, NJ, PA, and DC, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 59655 (Sub-19F), filed April 19, 1979. Applicant: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, NJ 10901. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting (1) *glass containers,* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of (a) containers, (b) container ends, and (c) closures (except commodities in bulk), between points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of National Bottle Company. (Hearing site: New York, NY, or Washington, DC.)

MC 60014 (Sub-114F), filed May 4, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Transporting (1) *plastic pipe, and fittings,* and (2) *materials, supplies, and accessories* used in the installation of the commodities named in (1) above, from the facilities of R & G Sloane Manufacturing Company, Inc., at (a) Cleveland, OH, (b) Stone Mountain, GA, and (c) Bakersfield, Sun Valley, and Santa Ana, CA, to points in the United States (except AK and HI), and (3) *materials and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction. (Hearing site: San Francisco, CA.)

MC 73165 (Sub-469F), filed April 30, 1979. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same address as applicant). Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company at or near Romeo, MI, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX, restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations, (except traffic moving in foreign commerce). (Hearing site: Detroit, MI, or Washington, D.C.)

MC 73165 (Sub-471F), filed April 30, 1979. Applicant: EAGLE MOTOR LINES, INC., 830 33rd St. North, Birmingham, AL 35202. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting (1) *buildings,* complete, knocked down or in sections, (2) *building sections* and *building panels,* and (3) *parts and accessories* used in the installation and erection of the commodities in (1) and (2) above, from the facilities of Marathon Metallic Building Co., at or near Houston, TX, to points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Houston, TX.)

MC 94265 (Sub-298F), filed April 27, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Route 460 West, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *such commodities* as are dealt in by chain grocery and food business houses, (except commodities in bulk, in tank vehicles); in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, IL, IN, KS, KY, MI, MN, MO, MS, NC, NE, NY, OH, PA, SD, TN, TX, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Chicago, IL, or Washington, DC.)

MC 105045 (Sub-106F), filed May 4, 1979. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, IN 47701. Representative: Richard C. McGinnis, 711 Washington Building, Washington, DC 20005. Transporting *iron and steel articles,* from Coatesville, PA, to Winchester, KY, and Kenton and Newark, OH. (Hearing site: Philadelphia, PA and Washington, DC.)

MC 106074 (Sub-93F), filed April 26, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *glass containers,* from the facilities of Thatcher Glass Manufacturing Co., Division of Dart Industries, Inc., at Streator, IL, to points in NC. (Hearing site: Charlotte, NC, or Washington, DC.)

Note.—Dual operations may be involved.

MC 106074 (Sub-106F), filed May 4, 1979. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221 South, Forest City, NC 28043.

Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *animal feed* and *feed ingredients* (except commodities in bulk), from the facilities of Kal Kan Foods, Inc., at (a) Hutchinson, KS, Mattoon, IL, and (c) Columbus, OH, to points in FL, GA, NC, SC, TN, and VA. Hearing site: Charlotte, NC, or Washington, DC.)

Note:—Dual operations may be involved.

MC 106674 (Sub-383F), filed April 30, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting *fabricated metal products*, from the facilities of the United States Gypsum Company, at Franklin Park, IL, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-385F), filed April 23, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *precast and prestressed concrete products*, and (2) *accessories* used in the installation of precast and prestressed concrete products, from Bristol and Knoxville, TN, to points in AL, GA, KY, NC, VA, and WV. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109515 (Sub-15F), filed May 4, 1979. Applicant: OZELLA HARRINGTON, P.O. Box 604, Benson, AZ 85602. Representative: Earl H. Carroll, 363 North First Ave., Phoenix, AZ 85003. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *ammonium nitrate solution* and *ammonium nitrate*, in bulk, from Carlsbad, NM, to points in AZ, under continuing contract(s) with Apache Powder Company, of Curtiss, AZ. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 110525 (Sub-1296F), filed April 27, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chemicals, vegetable oils, animal oils, fats*, and *fat products*, in bulk, in tank vehicles, between Cincinnati, OH, on the one hand, and on the other, points in AR, IL, IN, KS, KY, MI, MO, TN, WI, and WV. (Hearing site: Cincinnati, OH.)

MC 110525 (Sub-1298F), filed April 27, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting *chromic acid*, in bulk, in tank vehicles, from Cleveland, OH, to Memphis, TN. (Hearing site: Cleveland, OH.)

MC 110525 (Sub-1301F), filed May 4, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Dowingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Transporting (1) *liquid chemicals*, in bulk, in tank vehicles, (a) from Savannah, GA, to points in FL, and (b) from the facilities of Dow Chemical USA, at Channahon, IL, to those points in the United States on and east of U.S. Hwy 85. (Hearing site: Washington, DC.)

MC 111274 (Sub-39F), filed April 30, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and components* used in the manufacture of grain drying, handling, and storage equipment, between Assumption, IL, on the one hand, and, on the other, points in IN, under continuing contract(s) with Grain Systems, Inc., of Assumption, IL. (Hearing site: Springfield or Chicago, IL.)

MC 111274 (Sub-40F), filed April 26, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *milk and milk products*, between Peoria, IL, and Logansport, IN, under continuing contract(s) with Producers Dairy, of Peoria, IL. (Hearing site: Springfield or Chicago, IL.)

MC 111375 (Sub-104F), filed March 12, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Daniel C. Sullivan, 10 S. LaSalle—Suite 1600, Chicago, IL 60603. Transporting (1) *foodstuffs, and pet foods*, and (2) *equipment and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) above, (a) between points in CA, on the one hand, and, on the other, points in OR and WA, and (b) from points in CA, OR, and WA, to points in IL, IN, IA, MI, MN, OH, and WI. (Hearing site: Los Angeles, CA.)

MC 111545 (Sub-280F), filed May 4, 1979. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, GA 30065. Representative: Robert E. Born (same address as applicant). Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company, at or near Romeo, MI, to points in FL, GA, NC, SC, and TN, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 112595 (Sub-87F), filed May 3, 1979. Applicant: FORD BROTHERS, INC., P.O. Box 727, Ironton, OH 45638. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215 Transporting *liquid chemicals*, in bulk, in tank vehicles, from the facilities of Dow Chemical, U.S.A., at Hanging Rock, OH, to points in MN, IA, MO, WI, IL, IN, KY, TN, MI, VA, WV, DE, MD, those in NY on the west of a line beginning at Point Breeze, and extending along NY Hwy 98 to junction NY Hwy 39, then along NY Hwy 39 to junction NY Hwy 16, at or near Yorkshire, NY, then along NY Hwy 16, to junction NY Hwy 17, then along NY Hwy 17 to junction U.S. Hwy 219, then along U.S. Hwy 219 to the NY–PA State line, and those in PA on and west of U.S. Hwy 219. (Hearing site: Columbus, OH, or Washington, DC.)

MC 113434 (Sub-133F), filed April 26, 1979. Applicant: GRA-BELL TRUCK LINE, INC., A-5253 144th Ave., Holland, MI 49423. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Transporting *such commodities* as are used or produced by food processors, between points in IL, IN, IA, KY, MI, OH, PA, and WV, restricted to the transportation of traffic originating at or destined to the facilities of Heinz U.S.A. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114045 (Sub-540F), filed April 25, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). Transporting (1) *building board, wallboard, and insulating materials*, (except commodities in bulk), and (2) *materials and supplies* used in the installation of the commodities named in (1) above, (except commodities in bulk), (a) from the facilities of Armstrong Cork Company at Marietta, PA, to points in AZ, CA, NV, NM, OK, and TX, and (b) from the facilities of Armstrong Cork Company, at or near Pensacola, FL, to points in TX. (Hearing site: Philadelphia, PA.)

MC 114725 (Sub-100F), filed April 20, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy

Road, Omaha, NE 68106. Transporting *sulfuric acid,* in bulk, in tank vehicles, (1) from Omaha, NE, to points in IA, KS, MO, and SD, and (2) from Kansas City, KS, to Lincoln, NE. (Hearing site: Omaha, NE.)

MC 114725 (Sub-101F), filed April 20, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Donald L. Stern, Suite 610, 7171 Mercy Road, Omaha, NE 68106. Transporting *phosphoric acid,* in bulk, in tank vehicles, from Omaha and Weeping Water, NE, to points in IA, SD, MO, and MN. (Hearing site: Omaha, NE.)

MC 115924 (Sub-35F), filed April 30, 1979. Applicant: SUGAR TRANSPORT, INC., P.O. Box 4063, Port Wentworth, GA 31407. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid fertilizer solutions,* in bulk, in tank vehicles, from points in Chatham County, GA, to points in FL, NC, and SC, under continuing contract(s) with Kaiser Agricultural Chemicals, Division of Kaiser Aluminum & Chemicals Corp., of Savannah, GA. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 116045 (Sub-50F), filed May 4, 1979. Applicant: NEUMAN TRANSIT CO., INC., P.O. Box 38, Rawlins, WY 82301. Representative: Leslie R. Kehl, 1600 Lincoln Center, 1660 Lincoln St., Denver, CO 80264. Transporting *hydrogen peroxide,* in bulk, from Natrona County, WY, to points in WY, restricted to the transportation of traffic having an immediately prior movement by rail. (Hearing site: Casper, WY.)

MC 119774 (Sub-99F), filed May 3, 1979. Applicant: EAGLE TRUCKING COMPANY, a corporation, P.O. Box 471, Kilgore, TX 75662. Representative: Bernard H. English, 6270 Firth Rd., Fort Worth, TX 76116. Transporting *scrap and waste paper,* in bales, from the facilities of Bird & Son, Inc., at or near Shreveport, LA, to points in AR and TX. (Hearing site: Shreveport, LA, or Dallas, TX.)

MC 119974 (Sub-79F), filed April 30, 1979. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance Street, Green Bay, WI 54304. Representative: L. F. Abel, P.O. Box 949, Green Bay, WI 54305. Transporting *such commodities* as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between AL, AR, CT, FL, GA, IA, IL, IN, KS, KY, MD, MI, MN, MO, MS, NC, ND, NE, NJ, OH, PA, SC, SD, TN, TX, UT, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 121664 (Sub-70F), filed April 30, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35201. Transporting *motor vehicle parts and accessories, scrap metal, coil steel, steel tubing,* and *sheet steel,* between Monroeville and Fayette, AL, Monticello, AR, Dexter, MO, Columbus, Greenwood, Indianapolis, Franklin, and North Vernon, IN, Middletown, OH, Atlanta, GA, and Verona, MS, restricted to the transportation of traffic originating at or destined to the facilities of Arvin Industries. (Hearing site: Indianapolis, IN, or Birmingham, AL.)

MC 124154 (Sub-75F), filed April 12, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, FL 32302. Transporting (1) *agricultural and construction equipment,* and *road construction equipment,* (2) *parts* for the commodities named in (1) above, and (3) *materials and supplies* used in the manufacture of the commodities named in (1) above, (except commodities in bulk), between points in GA, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Altanta or Albany, GA.)

MC 124174 (Sub-143F), filed April 23, 1979. Applicant: MOMSEN TRUCKING CO., (a corporation), 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen, (same address as applicant). Transporting (1) *irrigation systems,* and *parts* for irrigation systems, (2)(a) *solar energy systems,* and *fuelburning heating appliances,* and (b) *parts and accessories* used in the installation, operation, and maintenance of the commodities named in (2)(a) above, (3)(a) *pipe, and poles,* and (b) *materials, equipment, and supplies* used in the installation and maintenance of the commodities named in (3)(a) above, (4) *iron and steel articles,* and (5) *materials, equipment, and supplies* used in the manufacture or assembly of the commodities named in (1), (2), (3) and (4) above, between the facilities of Valmont Industries, Inc., at or near Valley, NE, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: The person or persons engaged in common control of applicant and another regulated carrier must either file an application for approval under 49 U.S.C. § 11343 or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Omaha, NE.)

Note.—Dual operations may be involved.

MC 124775 (Sub-10F), filed April 27, 1979. Applicant: HRIBAR TRUCKING, INC., 1521 Waukesha Road, Caledonia, WI 53108. Representative: Frank M. Coyne, 25 West Main Street, Madison, WI 53703. Transporting *crushed stone,* in dump vehicles, from Wausau, WI, to points in IL and IN. (Hearing site: Madison, WI, or Chicago, IL.)

MC 124964 (Sub-34F), filed April 25, 1979. Applicant: JOSEPH M. BOOTH, d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese and cheese products,* (except commodities in bulk), from Plymouth, WI and Van Wert, OH, to points in AL, FL, and GA, under continuing contract(s) with Borden Foods, a Division of Borden, Inc., of Columbus, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 124964 (Sub-35F), filed May 3, 1979. Applicant: JOSEPH M. BOOTH, d.b.a. J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, FL 32726. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs,* from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near (a) Holland, MI, (b) Fremont and Toledo, OH, and (c) Mechanicsburg and Pittsburgh, PA, to points in AL, FL, GA, LA, MS, NC, and SC, under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, of Pittsburgh, PA. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 126045 (Sub-26F), filed April 26, 1979. Applicant: ALTER TRUCKING AND TERMINAL CORPORATION, P.O. Box 3122, Davenport, IA 52808. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *iron and steel articles, and materials, equipment and supplies* used in the manufacture and distribution of iron and steel articles, between the facilities of Northwestern Steel and Wire Company, at Sterling, IL, on the one hand, and, on the other, points in AR, IN, IA, KS, MI, MN, MO, NE, ND, SD, TX, and WI. (Hearing site: Chicago, IL.)

MC 126305 (Sub-114F), filed April 25, 1979. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., R.D. 1, Box 18, Clayton, AL 36016. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Transporting *lumber* and *lumber products*, between points in VA, on the one hand, and, on the other points, those in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Montgomery or Birmingham, AL.)

MC 127524 (Sub-21F), filed April 3, 1979. Applicant: QUADREL BROS. TRUCKING COMPANY, INC., 1603 Hart St., Rahway, NJ 07065. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10582. Transporting *mineral oil*, in bulk, from Bayonne and Bayway, NJ, to Baltimore, MD. (Hearing site: New York, NY, or Newark, NJ.)

MC 127705 (Sub-79F), filed April 27, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *Fiberboard boxes*, from the facilities of Longview Fiber Company, at Milwaukee, WI, to points in IL, IN, OH, NY, NJ, WV, and PA, restricted to the transportation of traffic originating at the named and destined to the indicated destinations. (Hearing site: Washington, DC.)

MC 133384 (Sub-1F), filed April 30, 1979. Applicant: BARBERTON RECON CENTER, INC., 5075 Wooster Road W., Barberton, OH 44203. Representative: E. H. Van Deusen, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Transporting *used automobiles*, in secondary movements, in truckaway service, between Barberton, OH, on the one hand, and, on the other, points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC. Condition: Issuance of this certificate is conditioned upon the prior or coincidental cancellation, at applicant's written request, of Certificate MC-133384. (Hearing site: Columbus, OH.)

MC 134035 (Sub-36F), filed April 30, 1979. Applicant: DOUGLAS TRUCKING COMPANY, (a corporation), P.O. Box 698, Highway 75 South, Corsicana, TX 75110. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting (1) *plastic insulating materials*, and (2) *materials and supplies* used in the manufacture and distribution of plastic insulating materials, between Big Spring and Fort Worth, TX, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX.)

MC 134404 (Sub-51F), filed April 27, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *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), between those 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 Union Camp Corporation, under continuing contract(s) with Union Camp Corporation, of Wayne, NJ. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 134405 (Sub-70F), filed April 26, 1979. Applicant: BACON TRANSPORT COMPANY, (a corporation), P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. Transporting *anhydrous ammonia*, in bulk, in tank vehicles, from Ft. Madison, IA, to points in IL and MO. (Hearing site: St. Louis, MO.)

MC 134574 (Sub-29F), filed May 4, 1979. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB T5B 4K6 Canada. Representative: Ray F. Koby, P.O. Box 2567, Great Falls, MT 59403. Transporting *wine*, in containers, from points in CA, OR, and WA, to points in MT. (Hearing site: San Francisco, CA.)

MC 135725 (Sub-19F), filed April 23, 1979. Applicant: FRY TRUCKING, INC., 507 W. 5th Street, Wilton, IA 52778. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Transporting *soy lecithin, flour*, and *grits*, from points in AR, to points in IA, IL, IN, KY, MI, MN, NY, OH, PA, and WI. (Hearing site: Chicago, IL.)

MC 135895 (Sub-36F), filed April 23, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Transporting *plastic granules, plastic pellets, plastic powder, and ethanolamines*, in containers, from the facilities of Dow Chemical Corporation, at or near Baton Rouge and Plaquemine, LA, to points in AL, AR, FL, GA, LA, MS, NC, OK, SC, TN, and TX. (Hearing site: Baton Rouge or New Orleans, LA.)

MC 136155 (Sub-7F), filed April 30, 1979. Applicant: GAY TRUCKING COMPANY, a corporation, P.O. Box 7179, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *iron and steel articles*, between points in AL, FL, GA, MS, NC, SC, and TN. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 136545 (Sub-19F), filed April 23, 1979. Applicant: NUSSBERGER BROS. TRUCKING, CO., INC., 929 Railroad Street, Prentice, WI 54556. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Transporting *iron and steel articles*, from Chicago, IL, to points in MN and WI. (Hearing site: Chicago, IL or Minneapolis, MN.)

Note.—Dual operations may be involved.

MC 138635 (Sub-81F), filed April 26, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting *such commodities as are dealt in by chain grocery and food business houses* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, AZ, FL, GA, ID, IL, KY, MA, MN, MO, MS, MT, NC, NY, OH, PA, SC, TN, TX, UT, VA, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC or Chicago, IL.)

Note.— Dual operations may be involved.

MC 138635 (Sub-80F), filed April 30, 1979. Applicant: CAROLINA WESTERN EXPRESS, INC., Box 3995, Gastonia, NC 28052. Representative: Eric Meierhoefer, Suite 423, 1511 K Street NW., Washington, DC 20005. Transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds (except commodities in bulk, in tank vehicles), and filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in GA, NC, SC, TN, and VA, 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 named in* (1) *above, (except commodities in bulk, in tank vehicles)*, from points in SC and VA, to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Pittsburgh, PA.)

Note.— Dual operations may be involved.

MC 139459 (Sub-440F), filed April 30, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: HERBERT ALAN DUBIN, 1320 Fenwick Lane, Silver Sring, MD 20910. Transporting *chilled shot* and *iron sand*, from Westland and Detroit, MI, and Wadsworth and Cleveland, OH, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

MC 140024 (Sub-145F), filed April 27, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *foodstuffs*, (except in bulk), in vehicles equipped with mechanical refrigeration, from Fulton, Oswego, and Syracuse, NY, Danbury and New Milford, CT, Freehold and Secaucus, NJ, to Chicago, IL, St. Louis, MO, Denver, CO, Fullerton and Watsonville, CA, and Dallas and Houston, TX. (Hearing site: Denver, CO, or Washington, DC.)

MC 140024 (Sub-146F), filed April 19, 1979. Applicant: J. B. MONTGOMERY, INC., 5565 E. 52nd Avenue, Commerce City, CO 80022. Representative: Don L. Bryce (same address as applicant). Transporting *bakery goods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Pepperidge Farms, Inc., at or near (a) Downingtown, Fogelville, New Holland, and Philadelphia, PA, (b) Baltimore, MD, and (c) Milford, DE, to points in AR, CA, IL, NE, and UT, restricted to the transportation of traffic originating at the named facilities. (Hearing site: Denver, CO, or Washington, DC.)

MC 140104 (Sub-6F), filed April 27, 1979. Applicant: TOLEDO FRIGID LINES, INC., 4060 Fitch Road, Toledo, OH 43613. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 42315. To operate as a contract carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, Transporting (1) *such commodities* as are dealt in by chain grocery and food business houses, institutions, catalog showroom stores, and home center stores (except commodities in bulk), and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Toledo and Maumee, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Seaway Food Town, Inc., of Maumee, OH. (Hearing site: Columbus, OH, or Washington, DC.)

MC 140484 (Sub-39F), filed April 30, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day (same address as applicant). Transporting *such commodities*, as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points, in AL, AR, FL, GA, IA, IL, IN, KS, KY, MI, MN, NC, NY, OH, PA, SC, TN, TX, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC.)

MC 141684 (Sub-6F), filed April 27, 1979. Applicant: COMMAND CARGO CORPORATION, 7950 E. Baltimore Street, Baltimore, MD 21224. Representative: Steven L. Weiman, Suite 145, 4 Professional Drive, Gaithersburg, MD 20760. Transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities which because of size or weight require the use of special equipment, live laboratory animals, commercial papers, documents and written instruments as are used in the business of banks and banking institutions, and stocks, bonds, securities, and negotiable instruments), between Baltimore, MD, on the one hand, and, on the other, points in VA, MD, DE, PA, WV, and DC, restricted against the transportation of (1) articles weighing in the aggregate more than three hundred fifty pounds (350) from one consignor at one location to one consignee at one location, in any given day, and (2) tissue cultures and biological products, between Baltimore, MD, on the one hand, and, on the other, points in Howard, Frederick, and Montgomery Counties, MD, and DC. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 141804 (Sub-167F), filed May 1, 1979. Applicant: WESTERN EXPRESS, division of INTERSTATE RENTAL, INC., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman (same address as applicant). Transporting *hardware, building supplies*, and *home accessories*, between points in CA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles or San Francisco, CA.)

MC 142715 (Sub-40F), filed April 26, 1979. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). Transporting *such commodities* as are dealth in by retail discount, department, and variety stores (except commodities in bulk), from points in AL, FL, GA, MS, NC, SC, TN, and VA, to the facilities of Wal-Mart Stores, Inc., at or near Bentonville, Ft. Smith and Searcy, AR, restricted to the transportation of traffic originating at the indicated origins and destined to the named facilities (except traffic moving in foreign commerce). (Hearing site: Little Rock, AR, or St. Paul, MN.)

MC 143775 (Sub-84F), filed April 25, 1979. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). Transporting *toilet preparations, foodstuffs, and chemicals* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (1) between points in IL, on the one hand, and, on the other, points in GA, MA, NV, NJ, and NY, (2) from Atlanta, GA, to points in TN, VA, and MD, and (3) from Reno, NV, to points in CA, WA, and OR, restricted in (1), (2), and (3) above to the transportation of traffic originating at the facilities of the Alberto Culver Company. (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144234 (Sub-2F), filed May 4, 1979. Applicant: PDV CARTAGE, INC., Minonk, IL 61760. Representative: Douglas G. Brown, The INB Center—Suite 555, One North Old State Capitol Plaza, Springfield, IL 62701. Transporting *sulphuric acid*, from the facilities of Beker Industries Corp., at Marseilles, IL, to points in IN, IA, KY, MI, MO, and WI. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 144345 (Sub-10F), filed May 3, 1979. Applicant: DON'S FROZEN EXPRESS, INC., 3820 Ariport Way, Caldwell, ID 83605. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. Transporting *dairy products*, from the facilities of Dairymen's Creamery Ass'n. Inc., at Caldwell, ID, to points in UT. (Hearing site: Boise, ID, or Portland, OR.)

MC 144855 (Sub-9F), filed March 13, 1979. Applicant: TRANS CONTINENTAL CARRIERS, a corporation, 169 East Liberty Ave., Anaheim, CA 92803. Representative: David P. Christianson, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. Transporting (1) *foodstuffs, food-treating compounds*, and *chemicals*, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of foodstuffs (except commodities in bulk),

between points in the United States (except AK and HI), restricted to the transportation of traffic originating at, destined to or moving between the facilities used by (a) McCormick & Company, Inc., (b) All Portions, Inc., (c) Astro Foods, Inc., (d) McCormick & Company, Inc., Food Service Division, (e) Gilroy Foods, Incorporated, (f) Golden West Foods, Inc., (g) McCormick & Company, Inc., Grocery Products Division, (h) McCormick & Company, Inc., McCormick Flavor Division, (i) McCormick Foods, Inc., (j) Tubed Products, Inc., and (k) TV Time Foods, Inc. (Hearing site: Los Angeles, CA.)

MC 145054 (Sub-14F), filed April 27, 1979. Applicant: COORS TRANSPORTATION COMPANY, a corporation, 5101 York Street, Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln Street, Denver, CO 80264. Transporting *canned foods and canned juices,* from points in Yakima and Chelan Counties, WA, to points in AZ, CA, CO, NV, and UT. (Hearing site: Denver, CO.)

MC 145335 (Sub-1F), filed March 8, 1979. Applicant: RIVER ENTERPRISES, INC., P.O. Box 458, South Roxana, IL 62087. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction, mining, and contractors' machinery,* between points in IL, IN, KY, and MO, under continuing contract(s) with Bramco, Inc., Brandeis Machinery & Supply Corporation, Missouri-Illinois Tractor and Equipment Company, State Equipment Company of Indiana, and Rental Equipment Service Company, all of Louisville, KY, and (2) (a) *engines, engine parts, marine equipment and parts* for marine equipment, and (b) *tools and equipment* used in the installation and maintenance of engines, ships, and marine equipment, between Hartford, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with National Marine Service, Inc., of Hartford, IL. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 145384 (Sub-32F), filed April 23, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid Avenue, Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Transporting *lumber, lumber products, wood products, and millwork,* from points in CA, ID, OR, and WA, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX. (Hearing site: Portland, OR, or San Francisco, CA.)

Note.—Dual operations may be involved.

MC 145545 (Sub-2F), filed April 27, 1979. Applicant: CENTURY REEFER SERVICE, INC., 8 Main Street, Salisbury, MA 01950. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, D.C. 20005. Transporting (a) *parts and accessories* for drills, hoists, and compressors (except commodities which because of size or weight require the use of special equipment), from Claremont, NH, to Michigan City, IN, and Elk Grove Village, IL, and (b) *wheels,* from Seabrook, NY, to Dothan and Union Springs, AL; Compton and North Hollywood, CA, Denver, CO, Freeport and Chicago, IL, Columbus, Seymour, and South Bend, IN, Gardner and Westfield, MA, St. Louis, MO, Englewood, Pennsauken, and Blenheim, NJ, Orangeburg and Rochester, NY, Tarboro, NC, Celina, OH, Bedford, PA, and Delavan, Janesville, and Milwaukee, WI. (Hearing site: Boston, MA.)

MC 145754 (Sub-1F), filed February 6, 1979. Applicant: SUMMIT TRANSPORTATION COMPANY, a Corporation, P.O. Box 1937, Breckenridge, CO 80424. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver CO 80202. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dairy* and *health food products,* (except commodities in bulk), from Denver and Boulder, CO, to points in the United States (except AK and HI), and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction, under continuing contract(s) and in both (1) and (2) above with Mountain High Incorporated, of Denver, CO. (Hearing site: Denver, CO.)

MC 145904 (Sub-5F), filed April 25, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting *salad dressings,* from Grundy Center, IA, to points in CA, IL, IN, MO, MN, and WI. (Hearing site: Des Moines, IA, or Chicago, IL.)

MC 146185 (Sub-2F), filed April 27, 1979. Applicant: ROMAN WEBER, d.b.a. BULK FEED TRANSPORTS, Bartelso, IL 62218. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by (a) chain grocery and food business houses, and (b) animal, fish, and poultry feed dealers, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of the commodities in (1) above, between the facilities of Ralston Purina Company at (a) Bloomington and Vandalia, IL, (b) Evansville and Richmond, IN, (c) Clinton and Davenport, IA, (d) Louisville, KY, (e) Bridgeton, Kansas City, and Montgomery City, MO, (f) Red Wing, MN, (g) Memphis, TN and (h) Hager City, WI, on the one hand, and on the other, points in AR, IL, IN, IA, and MO, under continuing contract(s) with Ralston Purina Company, of St. Louis, MO. (Hearing site: St. Louis, MO.)

MC 146724 (Sub-1F), filed April 30, 1979. Applicant: DEAN RAPPLEYE, INC., P.O. Box 204, West Jordan, UT 84084. Representative: Jack H. Blanshan, Suite 200, 205 West Touby Avenue, Park Ridge, IL 60068. Transporting (1) *bananas,* and (2) *agricultural commodities* otherwise exempt from economic regulation under the provisions of 49 USC § 10526(a)(6), in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, CO, ID, MN, MT, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

MC 146965F, filed April 24, 1979. Applicant: REDDING LUMBER TRANSPORT, INC., 4161 Eastside Road, P.O. Box 3306, Redding, CA 96001. Representative: George La Bissoniere, 1100 Norton Building, Seattle, WA 98104. Transporting *lumber and lumber products,* between points in CA and OR. (Hearing site: Sacramento or Redding, CA.)

MC 147155, filed April 26, 1979. Applicant: FRANK B. TAGGART d.b.a. TAGGART SYSTEMS, Box 135, Cody, WY 82124. Representative: F. Robert Reeder, P.O. Box 11898, Salt Lake City, UT 84147. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bentonite,* in bags, from Greybull, WY, to Long Beach, Oxnard, Bakersfield, Healdsburg, Sacramento, Santa Maria, and Brawley, CA, under continuing contract(s) with Dresser Industries, Inc., of Houston, TX. (Hearing site: Salt Lake City, UT, or Billings, MT.)

MC 147165F, filed April 23, 1979. Applicant: RUIZ TRANSPORT, INC., 324 Suffolk Street, Lowell, MA 01852. Representative: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181. Transporting (1) *such*

commodities as are dealt in or used by (a) automotive service stations and (b) automotive supply dealers (except commodities in bulk, in tank vehicles), and (2) *petroleum products*, in containers, from Lowell, MA, to points in ME, NH, VT, CT and RI, under continuing contract(s) with Northeast Lubricants, Inc., of Lowell, MA. (Hearing site: Boston, MA, or Lowell, MA.)

Passenger

MC 143515 (Sub-7F), filed April 26, 1979. Applicant: P & W CHARTER SERVICE, INC., P.O. Box 2455, Yakima, WA 98907. Representative: Randy Ammerman, 216 So. 3rd Avenue, P.O. Box 2455, Yakima, WA 98907. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, beginning and ending at points in Chelan, Franklin, and Walla Walla Counties, WA and extending to points in the United States (including AK but excluding HI). (Hearing site: Yakima or Olympia, WA.)

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Decided: August 31, 1979.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

MC 409 (Sub-75F), filed May 8, 1979. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Saunders Avenue and Hwy 6, Sutton, NE 68979. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *anhydrous ammonia and* (2) *liquid fertilizer* (except anhydrous ammonia) bulk, from the facilities of Phillips Petroleum Company, at or near Aurora and Hoag, NE, to points in CO, IA, KS, MN, NE, MO, OK, SD, and WY. (Hearing site: Kansas City, MO.)

MC 13569 (Sub-50F), filed April 25, 1979. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, INC., 1200 South State Street, Girard, OH 44420. Representative: Michael R. Werner, Post Office Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Transporting *iron and steel* articles, between the facilities of Jones & Laughlin Steel Corporation, at Cleveland, Louisville, Warren, and Youngstown, OH, on the one hand, and, on the other, points in IN, IL, and MI. (Hearing site: Columbus, OH.)

MC 25798 (Sub-376F), filed April 26, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., Post Office Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell (same address as applicant). Transporting *foodstuffs*, from the facilities used by the Green Giant Company, at Blue Earth, Glencoe, Montgomery, Le Sueur, St. James, Cokato, Winsted, and Minneapolis, MN, to points in TX, restricted to the transportaion of traffic originating at the named origins and destined to the named destinations. (Hearing site: Tampa, FL.)

MC 25798 (Sub-377F), filed May 10, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. *Such commodities as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration*, between points in AL, AR, AZ, FL, GA, IA, ID, IL, IN, KS, KY, MA, MI, MN, MO, MS, MT, NC, ND, NE, NY, OH, PA, SC, SD, TN, TX, UT, VA, WV, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: Washington, DC, or Chicago, IL.)

MC 29079 (Sub-106F), filed April 30, 1979. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., P.O. Box 935, Kokomo, IN 46901. Representative: Chandler L. Van Orman, 1729 H Street, Northwest, Washington, DC 20006. Transporting (1) *metal articles*, from points in Tuscarawas County, OH, to points in IL, IN, KY, MD, MA, MI, MO, NJ, NY, NC, PA, SC, VT, VA, WV, WI and DC, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Washington, DC.)

MC 43038 (Sub-479F), filed April 25, 1979. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica Street, Owensboro, KY 42301. Transporting *motor vehicles* (except trailers), in secondary movements, in truckaway service, between Birmingham, AL, on the one hand, and, on the other, points in FL. (Hearing site: Detroit, MI, or Washington, DC.)

MC 43038 (Sub-480F), filed April 25, 1979. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica Street, Owensboro, KY 42301. Transporting *motor vehicles* (except trailers), in secondary movements, in truckaway service, between Jacksonville, and Tampa, FL, on the one hand, and, on the other, points in NC, SC, VA, and WV. (Hearing site: Detroit, MI, or Washington, DC.)

MC 43038 (Sub-481F), filed April 25, 1979. Applicant: COMMERCIAL CARRIERS, INC., 20300 Civic Center Drive, 4th Floor, Box CS 5027, Southfield, MI 48037. Representative: Nicholas W. Hetman, 3800 Frederica Street, Owensboro, KY 42301. Transporting *motor vehicles* (except trailers), in truckaway service, between Detroit, MI, on the one hand, and, on the other, points in AZ. (Hearing site: Detroit, MI, or Washington, DC.)

MC 50069 (Sub-546F), filed April 26, 1979. Applicant: REFINER'S TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, OH 43616. Representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Transporting *roofing materials*, from Heath, OH, to points in PA and WV. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 52709 (Sub-359F), filed May 7, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *automobile and railway car parts*, from the facilities of The General Tire & Rubber Company, at or near Ionia, MI, to points in ID, IL, IN, IA, KS, NE, and PA. (Hearing site: Grand Rapids, MI, or Denver, CO.)

MC 56679 (Sub-120F), filed May 8, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW., Atlanta, GA 30310. Representative: Leonard S. Cassell (same address as applicant). Transporting *internal combustion engines and parts of internal combustion engines* from New Holstein, WI, to McRae and Swainsboro, GA. (Hearing site: Atlanta or Savannah, GA.)

MC 81779 (Sub-2F), filed April 27, 1979. Applicant: PAUL A. JOHNSON, INC., 236 North Elm, Waterman, IL 60556. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting *iron and steel articles*, from Chicage, IL, to St. Louis, MO, and points in IL, IA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 82079 (Sub-76F), filed May 4, 1979. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW, Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting (1) *foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Chef Pierre, Inc., at or near Traverse City, MI, to points in KY and WI; and (2) *materials, equipment, and*

supplies used in the manufacture and distribution of foodstuffs, (except commodities in bulk), from points in IN, KY, OH and WI, to the facilities named in (1) above. (Hearing site: Chicago, IL, or Lansing, MI.)

Note.—Dual operations may be involved.

MC 83539 (Sub-519F), filed May 4, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (same address as applicant). Transporting *tractors* (except truck tractors), from the facilities of Ford Motor Company, at or near Romeo, MI, to points in AR, CT, DE, IA, IL, IN, KS, KY, LA, ME, MD, MA, MN, MO, NE, NH, NJ, NY, OH, OK, PA, RI, TX, VT, VA, WV, WI, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. Except traffic moving in foreign Commerce. (Hearing site: Detroit, MI, or Washington, DC.)

MC 83539 (Sub-520F), filed May 4, 1979. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Thomas E. James (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 the United States (except AK and HI), restricted to the transportation of traffic originating at the facilities of Western Zirconium, Inc. (Hearing site: Salt Lake City, UT, or Dallas, TX.)

MC 105269 (Sub-77F), filed May 8, 1979. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 968, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Transporting (1) *paper, paper products, and paper mill products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI. (Hearing site: Lansing, MI, or Chicago, IL.)

MC 106398 (Sub-888F), filed April 26, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *furnace and chimney lining products*, from Denver, CO, to points in AR, IL, IA, KS, MO, NE, NM, OK, LA, TX, and WY. (Hearing site: Chicago, IL.)

MC 106398 (Sub-889F), filed April 26, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting *sheet metal duct work, angles, and hanger straps*, from the facilities of John Gruss Co., Inc., at Shawnee Mission, KS, to points in the United States (except AK and HI). (Hearing site: Dallas, TX.

MC 106398 (Sub-890F), filed April 30, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting, (1) *plywood paneling, gypsum board, particleboard, pressboard, molding, trim, and roofing*, from the facilities of Sequoia Supply Co., at or near Jacksonville, FL, to points in GA, NC, SC, VA, WV, PA, NY, OH, IN, KY, TN, IL, WI, MO, AR, LA, MS, AL, and TX, and (2) *materials and supplies* used in the manufacture of commodities in (1) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 106398 (Sub-893F), filed April 27, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting (1) *poultry processing equipment and poultry equipment housing*, from the facilities of the USI Agri-Business Company in Forsythe County, GA, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacturing of the commodities in (1) above, in the reverse direction. (Hearing site: Dallas, TX.)

MC 106398 (Sub-894F), filed April 27, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Fred Rahal, Jr. (same address as applicant). Transporting (1) *steel tubing*, and (2) *accessories* for steel tubing from the facilities of the Oxylance Corporation at Atlanta, GA, to points in the United States (except AK and HI), and (3) *materials* used in the manufacture of commodities named in (1) and (2) above, in the reverse direction, restricted to the transportation of traffic originating at or destined to the facilities of the Oxylance Corporation, at Atlanta, GA. (Hearing site: Dallas, TX.)

MC 109449 (Sub-30F), filed May 4, 1979. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). Transporting *foodstuffs*, from the facilities of The Pillsbury Company at Minneapolis, MN to points in IN, OH, MI, IL, MO, KY, WI, PA and NY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: St. Paul, MN or Washington, DC.)

MC 109538 (Sub-31F), filed April 27, 1979. Applicant: CHIPPEWA MOTOR FREIGHT, INC., P.O. Box 850, Sioux Falls, SD 57101. Representative: Dennis Riswold (same as applicant). Transporting *meats, meat products, meat byproducts, 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*, 61, M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near Sioux Falls, SD, and Estherville and Sioux City, IA, to points in IL, IA, IN, KY, MI, MO, OH, and WI, restricted to the transportation of traffic originating at the named origins. (Hearing site: Chicago, IL, or Sioux Falls, SD.)

MC 109538 (Sub-32F), filed April 23, 1979. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 1000 East 41st Street, Sioux Falls, SD 57105. Representative: Edward G. Bazelon, 39 South LaSalle Street, 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 34 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, in (1)(a) and (1)(b), and return over the same route, serving all intermediate points in IA, and the off-route point of Belle Plaine, IA, (2) between points in IA; (a) from Davenport over U.S. Hwy 61 to junction IA Hwy 92, then over IA Hwy 92 to junction U.S. Hwy 218, then over U.S. Hwy 218 to Mt. Pleasant, then over U.S. Hwy 34 to Ottumwa, then over U.S. Hwy 63 to Oskaloosa, then over IA Hwy 163 to Des Moines (also from junction IA Hwy 92 and U.S. Hwy 218 over IA Hwy 92 to Oskaloosa), (b) from Mt. Pleasant over U.S. Hwy 218 to junction U.S. Hwy 61, then over U.S. Hwy 61 to Keokuk, (c) from Davenport over U.S. Hwy 61 to Maquoketa, then over IA Hwy 64 to Cedar Rapids, (d) from junction U.S. Hwys 6 and 218 over U.S. Hwy 218 to

junction U.S. Hwy 18, then over U.S. Hwy 18 to Clear Lake, (e) from Cedar Rapids over IA Hwy 150 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Waterloo, (f) from Oskaloosa over U.S. Hwy 63 to Waterloo, (g) from Des Moines over U.S. Hwy 65 to junction IA Hwy 330, then over IA Hwy 330 to Marshalltown, then over IA Hwy 14 to junction IA Hwy 57, then over IA Hwy 57 to Waterloo, (h) from junction U.S. Hwy 65 and IA Hwy 330 over U.S. Hwy 65 to Mason City, (i) from junction U.S. Hwy 65 and IA Hwy 175 over IA Hwy 175 to junction IA Hwy 14, (j) from Ft. Dodge over U.S. Hwy 20 to Waterloo, and (k) from Clear Lake over U.S. Hwy 18 to junction U.S. Hwy 69, then over U.S. Hwy 69 to Des Moines (also from junction U.S. Hwy 18 and Interstate Hwy 35 to Des Moines), in (2)(a) through (2)(k), and return over the same route, serving all intermediate points, and the off-route point of Ft. Madison, IA, (3) between Chicago, IL and points in MI; (a) from Chicago over U.S. Hwy 12 to St. Joseph, MI, then over U.S. Hwy 31 to South Haven, MI, (b) from Chicago over Interstate Hwy 94 to Kalamazoo, MI, and (c) from Chicago over Interstate Hwy 94 to junction U.S. Hwy 20, then over U.S. Hwy 20 to junction IN Hwy 2, then over IN Hwy 2 to South Bend, IN, then over U.S. Hwy 31, to Niles, MI, then over MI Hwy 60 to junction U.S. Hwy 131, then over U.S. Hwy 131 to Kalamazoo, MI, in (3)(a) through (3)(c), and return over the same route, serving all intermediate points in MI, and Michigan City and South Bend, IN, and the off-route points of Three Oaks, Buchanan and Dowagiac, MI, (4) between South Bend, IN, and Benton Harbor, MI, over U.S. Hwy 31, serving all intermediate points in MI, (5) between Chicago, IL and Independence, IA, over U.S. Hwy 20, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular-route operations, (6) between Iowa City, IA, and junction U.S. Hwy 218 and IA 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 109689 (Sub-349F), filed May 4, 1979. Applicant: W. S. HATCH CO., a corporation, P.O. Box 1825, Salt Lake City, UT 84110. Representative: Mark K. Boyle, 10 West Broadway, No. 400, Salt Lake City, UT 84101. Transporting *ferro phosphorous slag*, in bulk, from the facilities of Stauffer Chemical Company, at or near Silver Bow, MT, to the facilities of Kerr McGee Corporation, at or near Soda Springs, ID. (Hearing site: Salt Lake City, UT.)

MC 113528 (Sub-41F), filed April 16, 1979. Applicant: MERCURY FREIGHT LINES, INC., P.O. Box 1247, Mobile, AL 36601. Representative: John C. Bradley, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22201. 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 Dallas, TX, and Baton Rouge, LA, from Dallas over interstate Hwy 20 to junction U.S. Hwy 71, at or near Shreveport, LA, (also over U.S Hwy 80 to junction U.S. Hwy 71, at or near Shreveport, LA), then over U.S. Hwy 71 to junction U.S. Hwy 190, at or near Kotz Springs, LA, then over U.S. Hwy 190 to Baton Rouge, and return over the same route, serving those intermediate points within 15 miles of Baton Rouge, (2) serving points within a 15-mile radius of Baton Rouge, LA, as off-route points in connection with carrier's reguar-route operations authorized in (1) above, (3) serving Mt. Vernon, AL, as an off-route point in connection with carrier's otherwise authorized regular-route operations, and (4) serving Newnan, GA, as an off-route point in connection with carrier's otherwise authorized regular-route operations. (Hearing site: Dallas, TX, or Baton Rouge, LA.)

Note.—Applicant intends to tack (1) to other authorities.

MC 114098 (Sub-51F), filed May 8, 1979. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. BOX 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, Pennsylvania Ave., and 13th St. NW., Washington, DC 20004. Transporting *lumber* (1) from points in Georgetown County, SC, to points in GA, TN, and MD, and (2) from points in SC, to points in NC. (Hearing site: Charlotte, NC.)

Note.—Dual operations may be involved.

MC 114569 (Sub-303F), filed April 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting (1) *fiberglass cloth and fabric*, from Sequin, TX, to Spokane, WA, and (2) *boards, blocks, pallets, and panels*, (a) from La Mirada, CA, to Nogales, AZ, and (b) from Casa Grande, AZ, to points in CO and WA. (Hearing site: San Francisco, CA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114569 (Sub-304F), filed April 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting *boards, blocks, pallets, or panels*, between Michigan City, IN, and Park Forest South, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114569 (Sub-305F), filed April 26, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). Transporting (1) *foodstuffs* (except in bulk), from New York, NY, to points in CA, and (2) confectionery from points in MA, to points in CA, OR, and WA. (Hearing site: New York, NY, or Washington, DC.)

Note.—Dual operations may be involved.

MC 114608 (Sub-35F), filed April 25, 1979. Applicant: CAPITAL EXPRESS, INC., 5635 Clay Avenue, S.W., Grand Rapids, MI 49508. Representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 49226. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household appliances, and parts* for household appliances, from the facilities of White Westinghouse Appliance Company, Division of White Consolidated Industries, Inc., at or near Columbus, OH, to points in MI, under continuing contract(s) with White Westinghouse Appliance Company, Division of White Consolidated Industries, Inc., of Columbus, OH. (Hearing site: Pittsburgh, PA, or Washington, DC.)

Note.—The person or persons who appear to be engaged in common control with another carrier must either file an applicant under 49 U.S.C. § 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indication why such approval is unnecessary. Affidavits are due within 30 days from publication.

MC 115669 (Sub-187F), filed May 8, 1979. Applicant: DAHLSTEN TRUCK LINE, INC., 101 W. Edgar St., P.O. Box 95, Clay Center, NE 68933. Representative: Wilbur G. Hoyt (same address as applicant). Transporting (1) *anhydrous ammonia and liquid fertilizer* (except anhydrous ammonia), from the

facilities of Phillips Petroleum Company, at or near Aurora and Hoag, NE, to points in CO, IA, KS, MN, NE, MO, OK, SD, and WY. (Hearing site: Kansas City, MO)

MC 116628 (Sub-26F), filed April 25, 1979. Applicant: SUBURBAN TRANSFER SERVICE, INC., P.O. Box 168, Rutherford, NJ 07070. Representative: Thomas F. X. Foley, State Highway 34, Colts Neck, NJ 07722. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in or used by retail department stores, between New York, NY, on the one hand, and, on the other, points in CA, FL, IL, MI, and PA, under continuing contracts(s) with Bonwit Teller, Inc., of New York, NY. (Hearing site: Newark, NJ, or New York, NY.)

MC 117119 (Sub-742F), filed May 4, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: Martin M. Geffon, P.O. Box 156, Mt. Laurel, NJ 08054. Transporting *confectionery* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, at (a) Hackettstown, NJ, (b) Elizabethtown, PA, and (c) Chicago, IL, to points in WA, OR, and UT, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: New York City, NY, or Washington, DC.)

MC 118159 (Sub-328F), filed April 25, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Transporting *paper and paper products, and cellulose materials and products* (except commodities in bulk), from the facilities of Scott Paper Company, at or near (a) Philadelphia, PA, and (b) Albany and Fort Edward, NY, to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Chicago, IL.)

MC 118959 (Sub-216F), filed May 8, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *aluminum castings*, from Sheboygan, WI, to points in AR, IL, MO, SC, and VA. (Hearing site: Chicago, IL.)

MC 118959 (Sub-217F), filed May 8, 1979. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 South LaSalle Street, Chicago, IL 60603. Transporting *printed matter*, from E. Prairie, MO, to points in the United States (except AK and HI). (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 119349 (Sub-15F), filed April 30, 1979. Applicant: STARLING TRANSPORT LINES, INC., P.O. Box 1733, Fort Pierce, FL 33450. Representative Dwight L. Koerber, Jr., 805 McLachlen Bank Building, 666 Eleventh Street, N.W., Washington, DC 20001. Transporting (1) *bananas, and* (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under 49 U.S.C. 10526 (a)(6) in mixed loads with bananas, from Norfolk, VA, to those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Norfolk, VA.)

Note.—Dual operations may be involved.

MC 119619 (Sub-134F), filed April 4, 1979. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 W. 43rd Street, Chicago, IL 60609. Representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Transporting *foodstuffs* (except in bulk), from points in CT, DE, MD, NJ, NY, PA, RI, VA, ME, VT, NH, WV, and DC, to Denver, CO, Louisville, KY, and points in IL, IN, IA, MI, MN, MO, OH, WI, KS, and NE. (Hearing site: New York, NY.)

MC 119639 (Sub-19F), filed May 4, 1979. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, WA 98168. Representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Transporting (1) *meats, meat products and meat by-products*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank or hopper-type vehicles), (2) *foods* (other than those in (1) and (3) *commodities*, the transportation of which is otherwise exempt from regulation under 49 U.S.C. 10526 (a)(6), except those described in (2) above, when moving in mixed loads with the commodities in (1) and (2) above, between points in WA, and OR, on the one hand, and, on the other, points in AZ and NV. (Hearing site: Seattle, WA, or Portland, OR.)

MC 119789 (Sub-583F), filed April 27, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *lighting fixtures*, from Vermillion, OH, to points in AL, AR, CA, CO, FL, GA, ID, LA, MS, MT, NM, OR, TX, and WA. (Hearing site: Cleveland, OH.)

MC 119789 (Sub-586F), filed April 27, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *such merchandise* as is dealt in by specialty gift stores, from Charlotte, NC, to Wichita, KS. (Hearing site: Atlantic City, NJ.)

MC 119789 (Sub-589F), filed May 7, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same as applicant). Transporting *meats, meat products, meat byproducts and articles distributed by meat-packing houses* 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 hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (a) Albert Lea, MN and (b) Cedar Rapids, IA, to points in AL, FL, GA, NC, SC, and TN, restricted to the transportation of traffic originating at the above named origins and destined to the indicated destinations. (Hearing site: Oklahoma City, OK.)

MC 119789 (Sub-600F), filed May 11, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Iowa Beef Processors, Inc., at or near Wichita, KS, to points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, MI, OH, KY, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 119988 (Sub-200), filed April 27, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, TX 76102. Transporting *such commodities* as are dealt in by retail, department, and variety stores (except commodities in bulk) from points in the United States (except AK and HI) to Columbia, MS, and points in Angelina County, TX. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 123048 (Sub-437F), filed May 8, 1979. Applicant: DIAMOND

TRANSPORTATION SYSTEM, INC., 5021-21st Street, Racine, WI 53406. Representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Transporting *iron and steel articles,* from Gerald, MO, to points in AR, IL, IN, IA, KY, LA, MI, MN, NE, OH, PA, TN, TX, and WI. (Hearing site: St. Louis, MO, or Chicago, IL.)

MC 124159 (Sub-11F), filed May 11, 1979. Applicant: DAGGETT TRUCK LINE, INC., P.O. Box 158, Frazee, MN 56544. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *bananas and* (2) *agricultural commodities* otherwise exempt from regulation under 49 U.S.C. 10526(a)(6) formerly section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in CO, IL, IA, MN, NE, ND, SD, and WI, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 125368 (Sub-62F), filed May 9, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland Lowell, 6th Floor United American Bank Bldg., Nashville, TN 37219. Transporting *cheese and cheese spread,* from the facilities of Fisher Cheese Company, at or near Wapakoneta, OH, to points in AL, AR, DE, GA, KY, LA, MD, MI, MS, NJ, NC, OK, PA, SC, TN, TX, VA, WV, and DC. (Hearing site: Washington, DC, or Chicago, IL.)

MC 125729 (Sub-1F), filed May 4, 1979. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Transporting *currency,* between Atlanta, Ga, Baltimore, MD, Birmingham, AL, Boston, MA, Buffalo, and New York, NY, Charlotte, NC, Chicago, IL, Cincinnati and Cleveland, OH, Coral Gables and Jacksonville, FL, Culpeper and Richmond, VA, Dallas, El Paso, Houston, and San Antonio, TX, Denver, CO, Detroit, MI, Louisville, KY, Helena, MT, Kansas City and St. Louis, MO, Little Rock, AR, Los Angeles and San Francisco, CA, Memphis and Nashville, TN, Minneapolis, MN, New Orleans, LA, Oklahoma City, OK, Omaha, NE, Philadelphia and Pittsburgh, PA, Portland, OR, Salt Lake City, UT, Seattle, WA, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 128648 (Sub-18F), filed May 4, 1979. Applicant: TRANS-UNITED, INC., 425 West 152nd Street, P.O. Box 2081, East Chicago, IN 46312. Representative: Joseph Winter, 29 South LaSalle Street, Chicago, IL 60603. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by manufacturers and distributors of locomotive and railway car wheels* (except commodities in bulk), from the facilities of Griffin Wheel Company, Div. of Amsted Industries Incorporated, at or near (a) Bessemer, AL, (b) Colton, CA, (c) Bensenville and West Chicago, IL, and (d) Keokuk, IA, and (e) Kansas City, KS, to points in the United States (except AK and HI), under continuing contract(s) with Amsted Industries Incorporated, of Chicago, IL. (Hearing site: Chicago, IL.)

MC 133119 (Sub-161F), filed May 4, 1979. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Drive, Akron, IA 51001. Representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *frozen foods,* (1) from Murfreesboro and Nashville, TN, Seelyville, IN, Joplin and Carthage, MO, and Minneapolis, MN, to those ports of entry on the international boundary line between the United States and Canada in MN, ND, MT, ID, and WA, restricted to the transportation of traffic moving in foreign commerce, and (2) from Minneapolis, MN, to points in ND, SD, MT, ID, and WA, restricted to the transportation of traffic originating at the named origin. (Hearing site: Minneapolis, MN, of or Omaha, NE.)

MC 133689 (Sub-273F), filed May 7, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack P.O. Box 6010, West St. Paul, MN 55118. Transporting, *such merchandise* as are dealt in by chain grocery and food business houses (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, between points in AL, AR, GA, IA, IL, IN, KS, KY, MA, MI, MN, MO, MS, NC, ND, NE, NY, OH, PA, SD, TN, VA, VT, and WI, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc. (Hearing site: St. Paul, MN.)

MC 133928 (Sub-21F), filed May 4, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, CA 92667. Representative: Steven K. Kuhlman, P.O. Box 82028, Lincoln, NE 68501. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *composition board and wood fiber products* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture, distribution, and installation of the commodities in (1) above (except commodities in bulk), between the facilities of United States Gypsum Company, at or near Pilot Rock, OR, on the one hand, and, on the other, those points in the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), under continuing contract(s) with United States Gypsum Company, of Chicago, IL. (Hearing site: San Francisco, CA, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 134838 (Sub-24F), filed May 7, 1979. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39235, Bolton Station, Atlanta, GA 30318. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 39345. Transporting *lumber and lumber products,* between points in KY and WV, on the one hand, and, on the other, points in NC, SC, and GA. (Hearing site: Atlanta, GA.)

MC 134838 (Sub-24F), filed May 7, 1979. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39235, Bolton Station, Atlanta, GA 30318. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 39345. Transporting (1) *steel pipe, pipe fittings, beams, piling, rails, railway track accessories, pile drivers, and pile extractors,* (2) *parts* of the commodities in (1) above, and (3) *Materials, equipment and supplies* used in the manufacture, installation, dismantling and distribution of the commodities in (1) above (except commodities in dump or tank vehicles), between the facilities of L. B. Foster Company at Parkersburg and Washington, WV, on the one hand, and, on the other, points in AL, FL, GA, KY, LA, MS, NC, SC, VA, and TN. (Hearing site: Atlanta, GA.)

MC 135009 (Sub-5F), filed May 7, 1979. Applicant: PEAK TRANSFER CO., INC., 57 Hathaway Street, Wallington, NJ 07866. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10001. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *book parts, and printed matter,* between Crawfordsville, IN, and Willard, OH, on the one hand, and, on the other, points in NJ and NY, under continuing contract(s) with R.R. Donnelley & Son Co., Inc., of

Crawfordsville, IN. (Hearing site: New York, NY.)

MC 135658 (Sub-7F), filed April 25, 1979. Applicant: ROCK RIVER CARTAGE, INC., P.R. #2, Box 430, Rock Falls, IL 61071. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, (1) *iron and steel articles*, from the facilities of Inland Steel Company at East Chicago, IN, to points in IL on and west of U.S. Hwy 51 and on and north of U.S. Hwy 34, and those in IA on and east of U.S. Hwy 61 under continuing contract(s) with Inland Steel Company, of Chicago, IL, and (2) cold finished turned, ground and polished steel bars, from Gary, IN, to Rock Island and Moline, IL, under continuing contract(s) Republic Steel Corporation, Union Drawn Division, of Massillon, OH. (Hearing site: Chicago, IL.)

MC 136528 (Sub-4F), filed May 10, 1979. Applicant: GREAT NORTHEASTERN, INC., P.O. Box 115, Blue Ball, PA 17506. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cleaning products, pesticides, paint*, (except commodities in bulk), and (2) *materials, equipment, and supplies*, (a) for farms, (b) for dairies, and (c) used in water treatment, (except commodities in bulk and those which, because of size or weight, require the use of special equipment), between the facilities of Babson Bros. Co., at or near Oak Brook and Hillside, IL, and the facilities of Pfanstiehl Detergent Chemicals, Inc., at Romeoville, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Babson Bros. Co., of Oak Brook, IL. (Hearing site: Harrisburg, PA, or Washington, DC.)

MC 138308 (Sub-71F), filed April 30, 1979. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, Jackson, MS 39205. Transporting: (1) *petroleum, petroleum products, vehicle body sealer* and *sound deadener compounds*, (except commodities in bulk, in tank vehicle), and *filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AL, AZ, CA, FL, GA, IL, IN, MI, MS, NM, OH, TN, TX, and WI and (2)(a) *petroleum, petroleum products, vehicle body sealer*, and *sound deadener compounds* (except commodities in bulk, in tank vehicles), and *filters*, and (b) *materials, supplies*, and *equipment* used in the manufacture, sale, and distribution of the commodities in 2(a) above, (except commodities in bulk, in tank vehicle), from points in GA, IL, IN, NJ, NY, OH, PA, and VA, to the facilities of Quaker State Oil Refining Corporation, in Warren County MS, restricted in parts (1) and (2) above to the transportation of traffic originating or destined to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS. (Hearing site: Jackson, MS or Washington, DC.)

Note.—Dual operations may be involved.

MC 138469 (Sub-143F), filed April 25, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). Transporting *materials, supplies and machinery*, used in the manufacture and distribution of toilet preparations, household and industrial cleaning articles, insect repellents, grooming aids, food products, clothes hangers, medicated sprays and promotional materials, from points in CT, IN, MD, MA, MN, VT, and WV, to the facilities of Fuller Brush Company, at Great Bend, KS, restricted to transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Wichita, KS, or Oklahoma City, OK.)

MC 138469 (Sub-145F), filed April 26, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). Transporting *kitchen cabinets and parts for kitchen cabinets*, from San Antonio, TX, to the facilities of Customline Products, Inc., at Grand Junction, CO, restricted to transportation of traffic originating at named origin and destined to indicated destination. (Hearing site: Grand Junction or Denver, CO.)

MC 138469 (Sub-146F), filed May 7, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: William J. Green (same address as applicant). Transporting (1) *office and household fixtures and furnishings*, (2) *component parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) above, from the facilities of Triangle Pacific Corporation, at Union City, IN, to points in CT, DE, KY, ME, MD, MA, MI, NJ, NH, NY, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Oklahoma City, OK.)

MC 138469 (Sub-149F), filed May 10, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Transporting (1) *bananas* and (2) *agricultural commodities* otherwise exempt from regulation under 49 U.S.C. 10526(a)(6) [formerly 203(b)(6) of the Interstate Commerce Act], when moving in mixed loads with bananas, from the facilities of Del Monte Banana Co., at Port Hueneme, CA, to points in AZ, CO, ID, IL, IN, IA, KS, MN, MO, MT, NV, NE, NM, ND, OK, OR, SD, TX, UT, WA, WI and WY, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Los Angeles, CA.)

MC 139479 (Sub-4F), filed May 7, 1979. Applicant: ROBERT E. PIELEMEIER d.b.a. PIELEMEIER TRANSPORTATION, 1125 Fallen Leaf Road, Arcadia, CA 91006. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by chain supermarkets, (1) from points in CA (except La Habra) to points in Maricopa and Pinal Counties, AZ, and (2) from points in CA to points in Pima and Yuma Counties, AZ, under continuing contract(s) with Alpha Beta Company, of La Habra, CA. (Hearing site: Los Angeles, CA.)

MC 140159 (Sub-11F), filed May 8, 1979. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. Transporting *stone*, between points in Huntingdon, Fulton, Clearfield, and Blair Counties, PA, on the one hand, and, on the other, points in OH and IN. (Hearing site: Pittsburg, PA, or Washington, DC.)

MC 140389 (Sub-58F), filed May 7, 1979. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Transporting, *frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in AZ, AR, CA, CO, ID, IL, IN, IA, KS, LA, MN, MO, MT, NE, NV, NM, NC, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Jackson, MS, or New Orleans, LA.)

MC 140549 (Sub-14F), filed May 8, 1979. Applicant: FRITZ TRUCKING, INC., East Highway 7, Clara City, MN 56222. Representative: David Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Transporting *foodstuffs* from Owatonna, MN, to points in AL, AR, CA, CO, FL, LA, MS, OK, and TX. (Hearing site: Minneapolis or St. Paul, MN.)

Note.—Dual operations may be involved.

MC 140829 (Sub-228F), filed April 26, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *wall and insulating boards, and insulating materials, and (2) materials, equipment, and supplies* used in the installation of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from the facilities of Armstrong Cork Company, at or near Beaver Falls and Marietta, PA, to points in AR, CO, IL, IA, KS, LA, MN, MO, NE, ND, OK, SD, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-229F), filed April 24, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *electric light bulbs,* and *lighting fixtures,* and (2) *materials, equipment, and supplies* used in the manufacturing and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles) from St. Marys and Montoursville, PA, Dyersberg, TN, Versailles, KY, and points in Bristol and Essex County, MA, to points in CO, IL, KS, LA, MI, MN, MO, NY, OH, PA, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-232F), filed April 26, 1979. Applicant: CARGO, INC., P.O. Box 206, U.S. Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *uncut greeting cards* in sheets, between Dallas, TX, Lawrence and Topeka, KS, and Kansas City, MO, restricted to the transportation of traffic originating at the named origin and destined to the named points. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-235F), filed May 4, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and *materials, equipment, and supplies* used by meat packers (except commodities in bulk), between Britt and Mason City, IA, on the one hand, and, on the other, points in AR, CO, CT, DE, IL, IN, KS, KY, LA, ME, MD, MA, MI, MN, MO, NC, ND, NE, NH, NJ, NY, NM, OH, OK, PA, RI, SD, TN, TX, VA, WI, and DC, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-237F), filed May 4, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from the facilities of West Coast Shippers Association, at (a) New York, NY, and (b) Philadelphia, PA, to points in CO, IL, KS, MN, MO, NM, OK, and TX, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-238F), filed May 7, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *petroleum products* (except in bulk in tank vehicles), from Beaumont and Cheek, TX and Baton Rouge, LA, to points in IL, NJ, and NY. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-239F), filed May 7, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *artificial trees, light sets, decorations, and displays* and (2) *materials, equipment, and supplies* used in the manufacture of the commodities, in (1) above (except commodities in bulk, in tank vehicles), from East Douglas, MA, to points in AR, IN, IA, KS, LA, MN, NE, OK, TX, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-241F), filed May 4, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *such commodities* as are dealt in by manufacturers and distributors of home products (except commodities in bulk, in tank vehicles), from Easthampton, MA, to points in IL, IA, KY, TN, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829(Sub-252F), filed May 10, 1979. Applicant: CARGO, INC., P.O. Box 206, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *retail store fixtures, and equipment, materials, and supplies* used in the manufacture of retail store fixtures (except commodities in bulk, in tank vehicles), between the facilities of Lozier Corporation, at or near (a) Scottsboro, AL, (b) Kansas City, MO, (c) Omaha, NE, and (d) McClure, PA, on the one hand, and on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WI, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-253F), filed May 10, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *food products,* from Chicago, IL, to points in KS, OK, and TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 140829 (Sub-254F), filed May 11, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting (1) *foodstuffs* (except commodities in bulk, in tank vehicles), from Council Bluffs, IA, Omaha, NE, and Laramie, WY, to those points in the United States in and east of MT, WY, CO, and NM, and (2) *foodstuffs* and *materials, equipment,*

and supplies used in the manufacture and distribution of foodstuffs (except commodities in bulk, in tank vehicles), 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.)

Note.—Dual operations may be involved.

MC 140829 (Sub-255F), filed May 11, 1979. Applicant: CARGO, INC., P.O. Box 206, US Highway 20, Sioux City, IA 51102. Representative: David King (same address as applicant). Transporting *dry fertilizer, ice melting compounds, and vermiculite* (except commodities in bulk, in tank vehicles) from the facilities of Koos, Inc., at or near Kenosha, WI, to points in AR, CT, IA, KS, LA, ME, MA, MO, NE, NH, NJ, NY, ND, OK, PA, RI, SD, TX, and VT, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 142059 (Sub-71F), filed May 8, 1979. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same address as applicant). Transporting *wallboard and fibreboard,* from Lockport, NY, to points in the United States (except AK and HI). (Hearing site: Buffalo, NY, or Washington, DC.)

MC 142559 (Sub-93F), filed May 7, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon 100 East Broad Street, Columbus, OH 43215. Transporting (1) *paper, paper products, plastic articles, and furniture,* 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 the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the facilities of Scott Paper Company. (Hearing site: Columbus. OH.)

Note.—Dual operations may be involved.

MC 142559 (Sub-96F), filed May 9, 1979. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Transporting (1) *household appliances,* and (2) *materials and supplies used in the manufacture and distribution of household appliances,* (except commodities in bulk), between Columbus, OH, on the one hand, and, on the other, points in the United States, (except AK and HI). (Hearing site: Columbus, OH.)

Note.—Dual operations may be involved.

MC 143059 (Sub-78F), filed April 25, 1979. Applicant: MERCER TRANSPORTATION CO., a corporation, 12th Main Street, P.O. Box 35610, Louisville, KY 40232. Representative: James L. Stone (same as applicant). Transporting *composition board and sheets,* from the facilities of Champion International Corporation, (1) at or near Oxford, MS, to points in IL, IN, KY, MI, OH, TN, and WI, and (2) at or near South Boston, VA, to points in CT, DE, KY, MA, ME, MD, NH, NJ, NC, NY, OH, PA, RI, SC, TN, VT, WV and DC. (Hearing site: Louisville, KY, or Washington, DC.)

MC 144239 (Sub-9F), filed April 26, 1979. Applicant: J.L.T. CORPORATION, Route 22, White House Station, NJ 08889. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen sour dough bread,* in vehicles equipped with mechanical refrigeration, from the facilities of Parisian Baking Co., at San Francisco, CA, to Boston, MA, Baltimore, MD, Columbus, OH, New York, NY, and Philadelphia, PA, under continuing contract(s) with Parisian Baking Co., of San Francisco, CA. (Hearing site: New York, NY.)

MC 144658 (Sub-1F), filed May 4, 1979.Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *ferroalloys, silicon metal, and manganese metal,* (b) *and materials* used in the manufacture and distribution of the commodities in (1)(a) above, between the facilities of Foote Mineral Company, at or near (i) Graham, WV, and (ii) Cambridge, OH, on the one hand, and, on the other, points in AL, KY, TN, NC, MA, CT, and RI; (2)(a) *ferroalloys, silicon metal, and pig iron, and* (b) *materials* used in the manufacture and distribution of the commodities in (2)(a) above, between the facilities of Foote Mineral Company, at or near Keokuk, IA, on the one hand, and, on the other, points in AL, KY, TN, NC, MA, CT, RI, OH, IL, IN, MD, MI, NJ, NY, PA, VA, WV, WI, and DE; (3) *ferroalloys, silicon metal, manganese metal, chrome ore, manganese ore, and lithium chemicals,* between the facilities of Foote Mineral Company, at or near New Johnsonville, TN, on the one hand, and on the other, points in AL, CT, DE, IL, IN, IA, KY, MD, MA, MI, MO, NJ, NY, NC, OH, PA RI, VA, WV, and WI, under continuing contract(s) with Foote Mineral Company, of Exton, PA. (Hearing site: Washington, DC.)

MC 144688 (Sub-33), filed April 9, 1979. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Representative: Lavern R. Holdeman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Transporting *containers, container parts, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers (except commodities in bulk), (1) from the facilities of Container Corporation of America, Inc., at or near (a) Lithonia and Atlanta, GA, (b) Jeffersonville, IN, and (c) Cincinnati and Piqua, OH, to points in AL, FL, GA, IN, KY, LA, MS, NC, OH, SC, and TN, and (2) from points in the destination states in (1) above to the facilities of Container Corporation of America, Inc., at or near Lithonia and Atlanta, GA, (b) Jeffersonville, IN, (c) Cincinnati and Piqua, OH, (d) Winston-Salem, Shelby, and Greensboro, NC, (e) Chattanooga, Nashville, Knoxville, and Memphis, TN, (f) New Orleans, LA, (g) Brewton, AL, and (h) Wildwood and Fernandina Beach, FL, restricted in (1) and (2) above to the transportation of traffic originating at the named origins or destined to the indicated destinations. (Hearing site: Atlanta, GA.)

MC 145018 (Sub-7F), filed May 11, 1979. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Transporting *such commodities* as are dealt in or used by food processors, (except commodities in bulk), between Erie and North East, PA, and Westfield, NY, on the one hand, and, on the other, points in MD, ME, NH, VT, CT, MA, RI, and DC. (Hearing site: Harrisburg, PA.)

MC 145129 (Sub-3F), filed May 10, 1979. Applicant: WHITAKER TRANSPORTATION CO., INC., P.O. Box 1705, Chattanooga, TN 37401. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, GA 30349. 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 Hamilton County, TN, on the one hand, and, on the other, points in Bradley, Polk, Rhea, McMinn, Meigs, Madison, Marion, Sequatchie, Franklin, Roane Grundy, Bledsoe,

Warren, Coffee, Monroe, Lincoln, and Moore Counties, TN; Walker, Catoosa, Whitfield, Dade, Floyd, Murray, Chattooga, and Gordon Counties, GA, and Jackson, De Kalb, and Madison Counties, Al, restricted to transportation of traffic having a prior or subsequent movement by rail or water. (Hearing site: Chattanooga, TN.)

MC 145149 (Sub-7F), filed May 11, 1979. Applicant: MATADOR SERVICE, INC., P.O. Box 2256, 4111 E. 37th St. No. Wichita, KS 67201. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. Transporting *(1) anhydrous ammonia and (2) liquid fertilizer,* (except anhydrous ammonia), in bulk, from Hoag, NE, to points in IA, MO, KS, OK, CO, and WY. (Hearing site: Kansas City, MO.)

MC 145219 (Sub-5F), filed May 8, 1979. Applicant: BUILDERS TRANSPORT, INC. P.O Box 7057, Savannah, GA 31408. Representative: William P. Sullivan, 1320 Fenwick Lane, Suite 500, Silver Spring, MD 20910. Transporting *tires, tread stock, and tubes* from Findlay and Rossford, OH, and Texarkana, AR, to points in AL, FL, GA, NC, and SC. (Hearing site: Washington, DC, or Columbus, OH.)

Note.—Dual operations may be involved.

MC 145468 (Sub-22F), filed March 14, 1979. Applicant: K.S.S. TRANSPORTATION CORP., P.O. Box 3052, North Brunswick, NJ 08402. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Transporting *such commodities as* are dealt in or used by restaurants (except commodities in bulk), from points in GA, FL, MA, NC, NY, SC, and TX, to the facilities of Hardee's Food System, Inc., at Mason City, IA, and Independence, MO. (Hearing site: Des Moines, IA, or Chicago, IL.)

Note.—Dual operations may be involved.

MC 146179 (Sub-2F), filed May 4, 1979. Applicant: R & E, INC., 4009 Dahlman Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Transporting *meats, meat products and meat byproducts,* and *articles distributed by meat-packing houses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the facilities of Palamera Beef Corp., at Omaha, NE, to points in CT, IL, IN, IA, KS, MA, MI, MN, NJ, NY, OH, PA, and WI, restricted to the transportation of traffic originating at the named origin and destined to the indicated destinations. (Hearing site: Omaha, NE.)

MC 146458 (Sub-2F), filed May 9, 1979. Applicant: VIRGIL MOELLER d.b.a. MOELLER FARMS, Box 104, Spring Valley, MN 55975. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Transporting *animal and poultry feed, mineral mixtures, insecticides, livestock feeders, and poultry feeders,* (except liquid commodities, in bulk), from the facilities of Moorman Manufacturing Company, at or near Quincy, IL, to points in MN. (Hearing site: Minneapolis, MN.)

MC 146888 (Sub-2F), filed April 27, 1979. Applicant: GLASS CONTAINER TRANSPORT, INC., Route 1, Box 271, Ridgeway, SC 29130. Representative: Archie B. Culbreth, Suite 202, 2000 Century Parkway, Atlanta, GA 30345. Transporting *insulation and insulating materials,* from Villa Rica, GA, to points in AL, FL, GA, NC, SC, and TN. (Hearing site: Atlanta, GA.)

MC 147129F, filed April 9, 1979. Applicant: TRANS WESTERN TRUCKING, INC., Hwy 67, P.O. Box 812, Cleburne, TX 76031. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rubber articles and plastic articles,* from the facilities of Rubbermaid Commercial Products, Inc., at or near Cleburne, TX, to points in LA, AR, OK, NM, AZ, CA, NV, UT, and TX. (Hearing site: Dallas, TX.)

Note.—The person or persons who appear to be engaged in common control must either file an application under Section 11343(a) of the Interstate Commerce Act or submit an affidavit indicating why such approval is unnecessary.

MC 147149F, filed April 25, 1979. Applicant: P. T. & E. CO., 309 Industrial Blvd., Lufkin, TX 75901. Representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *oil well drilling mud, mud compounds, and additives,* (except commodities in bulk), between points in TX, OK, LA, and MS, under continuing contract(s) with Dresser Industries, Inc., of Houston, TX. (Hearing site: Houston or Dallas, TX.)

MC 147168F, filed April 27, 1979. Applicant: BEDFORD CAR CARRIER INC., 114 Green Lane, Bedford Hills, NY 10507. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Transporting *used motor vehicles* except trailers designed to be drawn by passenger automobiles), in truckaway service, between points in Westchester and Putnam Counties, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA. (Hearing site: White Plains, NY.)

MC 147169F, filed May 4, 1979. Applicant: SERVICEWAY MOTOR FREIGHT, INC., P.O. Box 243 Alcoa, TN 37701. Representative: John G. Hardeman, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *carbonated beverages and carbonated beverage containers,* between Knoxville, TN, on the one hand, and on the other, points in GA, KY, NC, SC, and VA. (Hearing site: Knoxville or Nashville, TN.)

MC 147309F, filed May 7, 1979. Applicant: PATH TRUCK LINES, INC., 3649 East Lake Road, Dunkirk, NY 14048. Representative: Ronald W. Malin, Bankers Trust Building, Jamestown, NY 14701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel bars, steel billets, and steel coils,* from the facilities of Roblin Steel Company, Division of Roblin Industries, Inc., at Dunkirk, NY and North Tonawanda, NY, to those points in the United States in and east of WI, IL, KY, and TN and in and north of SC and NC and (2) *equipment, materials, and supplies* use in the manufacture of steel, in the reverse direction. (Hearing site: Buffalo, NY.)

MC 148048F, filed March 8, 1979. Applicant: V. & K., INC., Route 3, Box 6281, Columbia, KY 42728. Representative: William L. Willis, 708 McClure Building, Frankfort, KY 40601. Transporting *passengers and their baggage,* in special and charter operations, between round-trip and one-way points in Adair, Casey, Cumberland, Metcalfe, Russell, and Taylor Counties, KY, on the one hand, and on the other, points in AL, FL, GA, IN, NC, OH, TN, VA, and DC. (Hearing site: Louisville or Lexington, KY.)

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29366 Filed 9-26-79; 8:45 am]

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[Volume No. 33]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Park and Crate

Dated: September 13, 1979.

Petitions for Modification, Interpretation or Reinstatement of Motor Carrier Operating Rights Authority

The following petitions seek modification or interpretation of existing motor carrier operating rights authority, or reinstatement of terminated motor carrier operating rights authority.

All pleadings and documents must clearly specify the suffix numbers (e.g., M1 F, M2 F) where the docket is so identified in this notice.

The following petitions, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being furnished the applicant. Protests to these applications will be *rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that if (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or (b) where the identify of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 42487 (Sub-885 (M1F)) (notice of filing of petition to delete a restriction), Published in the Federal Register of August 6, 1979 and republished as corrected in this issue. Petitioner: CONSOLIDATED FREIGHTWAYS CORP. of Delaware, 175 Linwood Dr., Menlo Park, CA 94025. Representative: Mark J. Andrews, Suite 1000, 1660 L St. NW, Washington, DC 20036. Petitioner holds a *motor common carrier* certificate in MC-42487 Sub 885, issued April 17, 1979, authorizing transportation, over regular routes, of *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 Houston, TX and New Orleans, LA, serving intermediate points of Orange and Beaumont, TX with service at points in the Orange, Beaumont and Houston, TX commercial zones, as defined by the Commission, restricted to the transportation of traffic moving to or from points in the below described route in Louisiana, and serving all intermediate points in Louisiana, with service at Baton Rouge, LA restricted to traffic moving to or from points west of the Louisiana-Texas state line, from Houston over US Hwy 90 to Iowa, LA then over US Hwy 115 to Kinder, LA, then over US Hwy 190 to Baton Rouge, LA, then over US Hwy 61 to New Orleans, and return over the same route. By the instant petition, petitioner seeks to delete the restriction which reads "with service at Baton Rouge, LA, restricted to traffic moving to or from points west of the Louisiana-Texas state line" from the above described authority.

MC 114552 (Sub-135F(M1F)) (correction) (notice of filing of petition to modify certificate), filed April 23, 1979, published in the Federal Register, issue of August 21, 1979, and republished, as corrected, this issue. Petitioner: SENN TRUCKING COMPANY, a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. Petitioner holds motor *common carrier* certificate in MC-114552 Sub 135, issued August 11, 1978, to transport in interstate or foreign commerce, over irregular routes, (1) *roofing asphalt* (except in bulk), from Memphis, TN, to points in AL, GA, IL, KY, MS, MO, NC, and SC, and (2) *commodities used in the manufacture and distribution of roofing asphalt* (except commodities in bulk), from points in AL, GA, IL, KY, MS, MO, NC, and SC to Memphis, TN. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at or destined to the facilities of the Trumbull Asphalt Company at Memphis, TN. This certificate may not be tacked or joined with the carrier's other irregular-route authority. By the instant petition, petitioner seeks to modify the authority as follows: delete the originating at or destined to in the restriction in this certificate, and modify the commodity description so as to authorize the transportation of *roofing and roofing materials* (except commodities in bulk), in (1) above, and commodities used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), in (2) above. The purpose of this republication is to indicate the modification of the commodity description, inadvertently omitted.

MC 125978 (Sub-4 (M1F)), (notice of filing of petition to modify territorial description) filed February 7, 1979. Petitioner: DEPENDABLE CAR TRAVEL SERVICE, INC., 130 West 42nd Street, New York, NY 10036. Representative: Edward M. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Petitioner holds a *common carrier* certificate in MC 125978 Sub-4, issued June 26, 1967, authorizing transportation over irregular routes, of *used passenger automobiles,* with or without baggage, personal effects, and pets of owners of such vehicles, in driveaway service, between points in NY, NJ, CT, and PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted against the transportation of vehicles (1) moving on government bills of lading, (2) having an immediately prior or subsequent movement by rail, and (3) moving for, from or on behalf of manufacturers of new automobiles and station wagons (except licensed vehicles transported for use of personnel of manufacturers). By the instant petition, Petitioner seeks to change the territorial description to authorize service, with the same restrictions, between points in CA, NY, NJ, CT, and Pa, on the one hand, and, on the other, points in the United States (except AK and HI).

Republications of Grants of Operating Rights Authority Prior to Certification; Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 78276 (Sub-9) (republication), filed September 1, 1977, published in the Federal Register October 27, 1977, and republished this issue. Applicant: MAZZEO & SONS EXPRESS, 311 South River St., Hackensack, New Jersey, 07601. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, New Jersey 07306. A Decision of the Commission, Divison 1, decided August 6, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of (1) *wearing apparel*, and (2) *materials, supplies and equipment*, used in the manufacture and sale of wearing apparel, when moving with the commodities in (1) above, between Baltimore, MD, Philadelphia, PA, Wilmington, DE, New York, NY, those points in Rockland and Suffolk Counties, NY, not within the New York, NY, commercial zone as defined by the Commission, and points in New Jersey, on the one hand, and, on the other, points in Georgia, North Carolina and South Carolina will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modify the commodity description.

MC 78276 (Sub-11) (republication), filed September 12, 1977, published in the Federal Register November 10, 1977, and republished this issue. Applicant: MAZZEO & SONS EXPRESS, 311 South River St., Hackensack, New Jersey, 07601. Representative: George A. Olsen, 69 Tonnele Ave., Jersey City, New Jersey 07306. A Decision of the Commission, Division 1, decided August 6, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes in the transportation of (1) *wearing apparel*, between Atlanta, GA, Charlotte, NC, Hialeah and Orlando, FL, Memphis, TN, and Spartanburg, SC, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee will be consistent with the public interest and the national transportation policy. The purpose of this republication is to modify the commodity description.

MC 141511 (Sub-1F) (republication), filed March 8, 1977, previously noticed in the Federal Register issue of April 28, 1977. Applicant: ROBERT W. RETTIG, d.b.a. PROTEIN EXPRESS, Route 3, Hartford, Wis. 53207. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. A Decision by the Commission, Division 1, Acting as an Appellate Division, decided February 2, 1979, and served March 2, 1979 finds that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *cheese*, in vehicles equipped with mechanical refrigeration, (a) from Fergus Falls, Winsted, and Zumbrota, MN, to Marathon, WI, and Booneville, MS, and (b) from Marathon, WI to Booneville, MS; and (2) *cheese, food products, and gift packages containing cheese*, in vehicles equipped with mechanical refrigeration, from points in WI to points in CO, FL, GA, KY, NJ, NM, NV, NY, OH, OR, PA, TN, UT, and WA, restricted in parts (1) and (2) to shipments originating at the named origins and destined to the named destination points. The purpose of this republication is to indicate the deletion of the facility and supplier reference in part (2) above.

MC 115826 (Sub-325F) (republication), filed June 13, 1978, published in the Federal Register issue August 10, 1978, and republished this issue. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colorado 80217. Representative: Howard Gore (same address as applicant). A Decision of the Commission, Review Board Number 3, decided July 2, 1979, and served August 14, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of (1) *frozen prepared foods*, and (2) *agricultural commodities*, otherwise exempt from economic regulation under 49 U.S.C. 10526 (a)(D), when moving in mixed loads with frozen prepared foods, in vehicles equipped with mechanical refrigeration (a) from the facilities of Artic Cold Storage at or near Santa Fe Springs, CA, to Erie, PA, Syracuse, NY, and points in Illinois, Kansas, Michigan, Missouri, and Ohio, and (b) from Erie, PA, to Atlanta, GA, Syracuse, NY, and points in Illinois, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

MC 129747 (Sub-3(MIF)) (republication) filed March 8, 1976, published in the Federal Register April 1, 1976, and republished this issue. Applicant: CASCO SERVICES, INC., 47 Chetwood Terrace, Fanwood, New Jersey 07023. Representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, New Jersey 07306. A Decision of the Commission, Review Board No. 3, decided January 24, 1979, and served February 26, 1979, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a common carrier, by motor vehicle, 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), in containers, between (1) points in that portion of the New York, NY Commercial Zone as defined by the Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt zone") and (2) Somerville, NJ, on the one hand, and, on the other, points in Middlesex, Monmouth, Ocean, and Somerset Counties, NJ, restricted to the transportation of traffic having a prior or subsequent movement by rail or water, that applicant if fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission rules and regulations. The purpose of this republication is to modify the territorial description.

Motor Carrier Operating Rights Applications; Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with the Commission within 30 days after the date of publication in the Federal Register with a copy being

furnished the applicant. Protests to these applications *will be rejected.*

A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l). In deciding whether to grant leave to intervene, the Commission considers, among other things, whether petitioner has (a) solicited the traffic or business of those persons supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanatin of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 143236 (Sub-32F), filed May 9, 1979. Applicant: WHITE TIGER TRANSPORTATION, INC., 40 Hackensack Avenue, South Kearny, NJ 07032. Representative: Jay Schiffres, 1511 K Street, N.W., Suite 505, Washington, DC 20005. Authority sought to operate as a *Common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such *commodities* as dealt in or used by retail department stores, (except commodities in bulk), from Jersey City, NJ, to the facilities of Famous-Barr Company at or near St. Louis, MO. (Hearing site: Newark, NJ, or New York, NY.)

Note.—Dual operations may be involved.

Broker, Water Carrier and Freight Forwarder Operating Rights Applications; Notice

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such an authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues of allegations phrased generally, protests not in reasonable compliance with the requirements of the rules may be rejected.

Interstate Commerce Commission; Office of Proceedings; Permanent Authority Decisions; Decision-Notice—Decided: September 11, 1979

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest with 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absense of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will

be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Broker

MC 130566F, filed April 9, 1979. Applicant: HIGHSMITH TOURS, INC., 5005 Thrush Lane, Richmond, VA 23227. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. To engage in operations, in interstate or foreign commerce, as a *broker* at Richmond, VA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning at Ashland, Colonial Heights, Petersburg, Richmond, and Hopewell, VA, and points in Chesterfield, Hanover, Henrico, New Kent, Charles City, and Prince George Counties, VA, and extending to points in the United States (except AK and HI. (Hearing site: Richmond, VA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc. Extension—New York, NY*, 54 M.C.C. 291 (1954).

MC 130587F, filed June 25, 1979. Applicant: POOLE ENTERPRISES, INC. d.b.a. POOLE ENTERPRISES TRAVEL, P.O. Box 1166, 5069 N. Sultana Avenue, Temple, CA 91780. Representative: David Boller, 700 S. Flower Street, Los Angeles, CA 90017. To engage in operations, in interstate or foreign commerce, as a *broker*, at Temple City, CA, in arranging for the transportation, by motor vehicle of *passengers* and *their baggage*, in the same vehicle with passengers, in special and charter operations, from Los Angeles, San Francisco, and San Diego, CA, to points in the United States (including AK, but excluding HI). (Hearing site: Los Angeles, CA.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, NY*, 54 M.C.C. 291 (1954).

MC 130595F, filed July 24, 1979: Applicant: BRIAR SPECIALIZED TRAVEL, INC., 15 Main St., Hackensack, NJ 07601. Representative: Victor C. Sellarole (same address as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Hackensack, NJ, in arranging for the transportation, by motor vehicle, of *passengers and baggage*, between points in the United States, including AK and HI. (Hearing site: New York, NY; or Newark, NJ.)

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.* 59 M.C.C. 291 (1952).

Permanent Authority Decisions

Decision-Notice

Decided: September 7, 1979.

The following broker, freight forwarder or water carrier applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Failure to file a protest within 30 days will be considered as a waiver of opposition to the application. A protest under these rules shall comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, as specifically noted below), and specify with particularity the facts, matters, and things relied upon. The protest shall not include issues or allegations phrased generally. A protestant shall include a copy of the specific portion of its authority which it believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use this authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission. A copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is either (a) required by the public convenience and necessity, or, (b) will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

Broker

MC 130585F, filed July 6, 1979. Applicant: WEISSMAN TEEN TOURS, INC., 517 Almena Ave., Ardsley, NY 10502. Representative: Ronald I. Shapss, 450 Seventh Ave., New York, NY 10001. To engage in operations, in interstate or foreign commerce, as a *broker*, at Ardsley, NY, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, (1) beginning and ending at Denver, CO, and Carway, MT, and extending to points in AZ, UT, NV, ID, CA, OR, WA, MT, WY, and SD, restricted to the transportation of passengers having an immediately prior movement by air, and (2) beginning and ending at points in the New York, NY Commercial Zone as defined by the Commission, and extending to points in the United States [including AK, but excluding HI]. [Hearing site: New York, NY]

Note.—Applicant is cautioned that arrangements for charter parties or groups should be made in conformity with the requirements set forth in *Tauck Tours, Inc., Extension—New York, N.Y.* 59 M.C.C. 291 (1952).

MC 130594F, filed July 23, 1979. Applicant: KEITH G. STEVER, 2133 Raynell St. Springfield, MO 65804. Representative: (same as applicant). To engage in operations, in interstate or foreign commerce, as a *broker*, at Springfield, MO, in arranging for the transportation, by motor vehicle, of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between points in the United States [except AK and HI]. (Hearing site: Kansas City or St. Louis, MO.)

Permanent Authority Decisions

Decision-Notice

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: September 7, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

MC 115213 [Sub-9F], filed May 7, 1979. Applicant: ELLIOTT AND FIKES TRUCK LINE, INC., P.O. Box 8827, Pine Bluff, AR 71611. Representative: Horace Fikes, Jr., 414 National Building, Pine Bluff, AR 71601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber*, from points in AR, to Memphis, TN, North Kansas City, MO, points in KS, OK, those in MO on and south of a line beginning at the northwestern boundary of Jackson County, MO, and extending along the northern boundary of Jackson County to the eastern boundary of Jackson County to the eastern boundary of Jackson County, then along the eastern boundary of Jackson County to

junction U.S. Hwy 40, and then along U.S. Hwy 40 to the Mississippi River, and those in TX on and east of a line beginning at the TX–NM State line, and extending along U.S. Hwy 84 to junction U.S. Hwy 380, then along U.S. Hwy 380 to junction U.S. Hwy 283, then along U.S. Hwy 283 to junction U.S. Hwy 84 near Coleman, TX, then along U.S. Hwy 84 to junction U.S. Hwy 281, at or near Evant, TX, then along U.S. Hwy 281 to the international boundary line between the United States and the Republic of Mexico at or near Hidalgo, TX. (Hearing site: Little Rock, AR, or Memphis, TN.)

Note.—The purpose of this application is to substitute single-line for joint-line service.

Permanent Authority Decisions

Decision-Notice

Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: September 11, 1979.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission within 30 days of publication of this decision-notice.

Petitions for intervention without leave (i.e. automatic intervention), may be filed only by carriers which are, or have been, participating in the joint-line service sought to be replaced by applicant's single-line proposal, and then only if such participation has occurred within the one-year period immediately proceeding the application's filing. Only carriers which fall within this filing category can base their opposition upon the issue of the public need for the proposed service.

Petitions for intervention with leave may be filed by any carrier. The nature of the opposition; however, must be limited to issues other than the public need for the proposed service. The appropriate basis for opposition, i.e. applicant's fitness, may include challenges concerning the veracity of the applicant's supporting information, and the bona-fides of the joint-line service sought to be replaced (including the issue of its substantiality). Petitions containing only unsupported and undocumented allegations will be rejected.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commisstion, review Board Number 3, Members Parker, Fortier, and Hill.

MC 200 (Sub-351F), filed May 9, 1979. Applicant: RISS INTERNATIONAL CORPORATION a Delaware corporation, 903 Grand Ave., Kansas City, MO 64106. Representative: Ivan E. Moody (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 unusal value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all intermediate points in IN on U.S. Hwys 40, 50, 150, 36, 31, 52, 24, 27, 30, 20, and IN Hwy 67, and serving all other points in IN as off-route points in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Kansas, City, MO.)

Note.— The purpose of this application is to substitute single-line for joint-line service.

MC 115603 (Sub-19F), filed May 17, 1979. Applicant: TURNER BROS. TRUCKING COMPANY, INC., P.O. Box 94626, Oklahoma City, OK 73109. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of manufactured and natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and, *earth drilling machinery and equipment, and machinery, equipment, materials, supplies, and pipe* incidental to, used in or in connection with: (a) the transportation, installation,

removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells, (1) between points in AR, on the one hand, and, on the other, points in LA; and, (20) between points in KS, OK, and TX, on the one hand, and, on the other, points in AL, FL, and GA. (Hearing site: Oklahoma City, OK.)

Note.— By this application, applicant intends and seeks to substitute a single-line service for its existing joint-line operations.

Finance Applications

Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, of rail carriers or motor carriers pursuant to Sections 11343 (formerly Section 5(2)) or 11349 (formerly Section 210a(b)) of the Interstate Commerce Act.

An original and one copy of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protest shall comply with Special Rules 240(c) or 240(d) of the Commission's *General Rules of Practice* (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC-F-13670. As stated in the original notice published July 27, 1978, authority was sought for purchase by WINTER TRUCK LINES, INC., 2620 McCormick Street, Wichita, KS 67213, of a portion of the operating rights of the Rock Island Motor Transit Co., 2744 Southeast Market Street, Des Moines, IA 50317, and for aquisition by Glen H. Winters, Thomas G. Winters, R. Patrick Winters, Gerry L. Winters and G. Elaine Winters of control of such rights through the transaction. Transferee's attorney: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, Co 80203, Transferor's attorneys: Donald Niemann, 1119 High Street, Des Moines, IA 50309 and Raymond Goldfarb, 72 West Adams Street, Chicago, IL 60603. An initial decision granted this authority on June 28, 1979 and was adopted by the Commission on August 22, 1979. The original Federal Register publication did not cover removal of a restriction on part of the authority. The grant of the authority *strikes the following restriction* as it appeared in the first part of the description in the original Federal Register publication: Restriction: The service authorized over Route No. 10 is subject to the following conditions: The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of, rail service of the C.R.I. & P. RR., hereinafter called the Railway. Said carrier shall not serve any point not a station on the railway. All contractural arrangements between said carrier and the railway shall be reported to the Commission and shall be subject to the revisions, if and as the Commission finds necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission may find necessary to impose in order to restrict said carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, rail service. Because the motor carrier operations authorized by the Commission exceed the scope of the authority described in the original publication, the issuance of a certificate will be withheld for a period of 30 days, during which period any interested person may file a petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been prejudiced by the striking of this restriction from the granted authority.

MC-F-13944F. Authority sought by FILM TRANSIT, INC., 3931 Homewood Road, Memphis, TN, 38118, to purchase all of the operating rights of TRANSWAY, INC., P.O. Box 1266, Metairie, La. 70004, in Docket MC-107304 and subs thereunder. Common control of both companies was approved in Docket MC-F-3158. Applicant's Representative: Warren A. Goff, Attorney at Law, 2008 Clark Tower, Memphis, TN. Operating Rights to be purchased: motion picture film, shipments having a prior and subsequent movement by air, magazines and limited weight shipments between points in described areas in Louisiana, Mississippi, Alabama and Florida. Transferee holds authority to transport the same types of traffic between points in described areas of Arkansas, Mississippi, Tennessee, Louisiana, Oklahoma, Alabama, Kentucky and Missouri, pursuant to certificates issued in Docket MC-67866 and subs thereunder. Application has been filed for temporary authority under Section 210(a)(b). (Hearing site: Washington, D.C.)

Application for Authority Under Section 5, Interstate Commerce Act, To Purchase Operating Rights of Motor Carrier

Summary of Authority Sought

Notice of Filing of the Application for Publication in the Federal Register

MC-F 14117F Transferee: WHEELER FREIGHTWAYS, a California corporation, 3375 South Polaris Avenue, Las Vegas, NV 89102. Transferor: C & E TRUCKING CO., INC., a California corporation, 11910 Greenstone Avenue, Santa Fe Springs, CA 90607. Representative: Robert Fuller, 13215 E. Penn Street, Suite 310, Whittier, CA 90602. Authority sought for the purchase by transferee of a portion of the operating rights of transferor as a motor common carrier over irregular routes as set forth in Certificate of Public Convenience and Necessity No. MC 142335 as follows: *machinery, material, supplies, and equipment* incidental to, or used in mining, milling, building construction, and highway building and maintenance, requiring special equipment, between points in that part of California south of a line extending from the Pacific Ocean through Monterey, Salinas, Fresno, Dunlap, and Independence, CA, to the CA-NV State line, on the one hand, and, on the other, points in that part of CA north of said line, and *machinery, materials, supplies, and equipment* incidental to, or used in mining, milling, building construction, and highway building and maintenance, between points in those parts of Inyo, San Bernardino, Riverside, Imperial and San Diego Counties, CA 10 miles east of a line beginning at Independence, CA, and extending along U.S. Hwy 395 to junction Interstate Hwy 15, thence extending along Interstate Hwy 15 to unnumbered state hwy, thence extending along unnumbered state hwy to Joshua Tree, CA, thence extending along CA Hwy 62 to junction Interstate Hwy 10, thence extending along Interstate Hwy 10 to junction U.S. Hwy 395, thence extending along U.S. Hwy 395 to Escondido, CA, thence extending along CA Hwy 78 to Ramona, CA, thence extending along CA Hwy 67 to junction Interstate Hwy 8, thence extending along Interstate Hwy 8 to junction County Road S-1 at Forest, CA, thence extending along County Road S-1 to the United States-Mexico Boundary line, on the one hand, and, on the other, points in CA beyond the above

described territory, and between points in CA, on the one hand, and, on the other, points in Nevada, and between points in NV. Restriction: The authority granted herein is subject to the following conditions; (1) the authority granted herein is restricted against the transportation of any shipment which requires special equipment and handling by reason of unusual weight, bulk, or length, except petroleum products in tank vehicles, in shipments of not less than 10,000 pounds between points in that part of CA on and north of a line extending from the Pacific Ocean through Monterey, Salinas, Fresno, Dunlap, and Independence, CA, to the CA-NV Boundary line, on the one hand, and, on the other, points in NV; and between Las Vegas, NV, on the one hand, and, on the other, points in NV, and (2) the authority granted herein is restricted against the transportation of commodities not requiring the use of special equipment by reason of size or weight when moving in the same vehicle at the same time as the commodities set forth in (1) above from one consignor to one consignee between Las Vegas, NV, on the one hand, and, on the other, points in NV, and (3) the authority granted herein is restricted against the transportation of shipments to or from military bases and facilities located in CA. Transferee presently holds authority from this Commission with lead docket No. MC 106679. Application has not been filed for temporary authority under 49 U.S.C. 11349. This application is filed simultaneously with companion application wherein authority is sought by transferor herein to purchase concurrently a portion of the operating rights in MC 106679 held by transferee herein.

MCF-14139F. Transferee: BUDIG TRUCKING CO., 1100 Gest Street, Cincinnati, OH 45203. Transferor: MIDLAND TRUCK LINES, INC., 311 Marion Street, St. Louis, MO 63104. Transferee's Representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, MO 63101. Transferor's Representative: Dave Ulmer, 1 Mercantile Center, 34th Floor, St. Louis, MO 63101. Authority sought for purchase by transferee of a portion of the operating rights of transferor as set forth in Certificate No. MC-21227 issued July 1, 1957 authorizing *regular route* operations as a motor *common* carrier, transporting: *General commodities* (with the usual exceptions), serving points in St. Louis County, MO and points in the St. Louis, MO-East St. Louis, IL Commercial Zone, as defined by the Commission, and the site of The Emerson Electric Manufacturing Company located near Ferguson, MO, as off-route points in connection with carrier's authorized regular-route operations to and from St. Louis, MO.; *general commodities* (with the usual exceptions), between St. Louis, MO and Mexico, MO, serving all intermediate points, and the off-route point of Fulton, MO; from St. Louis over Alternate U.S. Hwy. 40 to junction ByPass U.S. Hwy. 40, thence over ByPass U.S. Hwy. 40 to Wentzville, MO, thence over U.S. Hwy. 40 to Kingdom City, MO, and thence over U.S. Hwy. 54 to Mexico, and return from Mexico, MO over U.S. Hwy. 54 to junction MO. Hwy. 19, thence over MO. Hwy. 19 to junction U.S. Hwy. 40, thence over U.S. Hwy. 40 to Wentzville, MO, and thence as specified immediately above to St. Louis, MO.; between Kingdom City, MO, and Boonville, MO, serving all intermediate points; from Kingdom City over U.S. Hwy. 40 to Boonville, and return over the same route; *fresh meat, cured meat, smoked meat, lard, oleo; and eggs,* between St. Louis, MO and National Stock Yards, IL, serving all intermediate points; from St. Louis over U.S. Hwy. 40 to East St. Louis, IL, thence over city streets to National Stock Yards, and return over the same route; also *irregular route* authority transporting *general commodities* (with the usual exceptions) between points in the St. Louis, MO-East St. Louis, IL Commercial Zone, as defined by the Commission; and all of the authority contained in Certificate No. MC-21227 Sub-No. 11 issued August 17, 1976, authorizing *regular route* operations as a motor common carrier, transporting *general commodities* (with the usual exceptions), (1) between Kingdom City, MO, and Reform, MO, serving the intermediate points of Wainwright, Tebbetts, Mokans, and Portland, MO, and the off-route point of the facilities of Union Electric Company at or near Reform, MO, from Kingdom City over U.S. Hwy. 54 to junction MO Hwy. 94, thence over Missouri Highway 94 to junction Callaway County Route D, thence over Callaway County Route D to junction County Route O, thence over Callaway County Route O to junction Callaway County Route CC, thence over Callaway County Route CC to Reform, MO, and return over the same route; (2) between junction Missouri Highway 94 and Callaway County Route CC and Reform, MO, serving the intermediate point of Steedman, MO, and the off-route point of the facilities of the Union Electric Company at or near Reform, MO; from junction Missouri Highway 94 and Callaway County Route CC over Callaway County Route CC to Reform, MO, and return over the same route; (3) between junction U.S. Hwy. 54 and Callaway County Route O and junction Callaway County Route O and Callaway County Route CC, serving no intermediate points, and serving the termini for the purpose of joinder only; from junction U.S. Hwy. 54 and Callaway County Route O over Callaway County Route O to junction Callaway Route CC, and return over the same route; (4) between junction U.S. Hwy. 54 and Callaway County Route C and junction Callaway County Route C and Missouri Highway 94, serving no intermediate points and serving the termini for the purpose of joinder only; from junction U.S. Hwy. 54 and Callaway County Route C over Callaway County Route C to junction Missouri Highway 94, and return over the same route; (5) between junction Interstate Hwy. 70 and Callaway County Route D and junction Callaway County Route D and Callaway County Route O, serving the intermediate point of Readsville, MO, and the termini for the purpose of joinder only; from junction Interstate Hwy. 70 and Callaway County Route D over Callaway County Route D to junction Callaway County Route O, and return over the same route; (6) between junction Interstate Hwy. 70 and Missouri Hwy. 19 and junction MO Hwy. 94 and Callaway County Route D, serving the intermediate point of Rhineland, MO, and the termini for the purpose of joinder only; from junction Interstate Hwy. 70 and MO Hwy. 19 over MO Hwy. 19 to junction MO. Hwy. 94, thence over MO Hwy. 94 to junction Callaway County Route D, and return over the same route; (7) between junction Callaway County Route D and Callaway County Route K and junction Montgomery County Route K and Missouri Highway 19, serving no intermediate points and serving the termini for the purpose of joinder only; from junction Callaway County Route D and Callaway County Route K over Callaway County Route K and its continuation as Montgomery County Route K to junction Missouri Highway 19, and return over the same route. Transferee presently holds authority from this Commission in MC-77016. Application has been filed for temporary authority under 49 U.S.C. 11349.

Summary of Authority for Publication in the Federal Register Filed

No. MC-F-14141F. Transferee: T.F.S., INC., Box 126, Rural Route 2, Grand Island, Nebraska 68801. Transferor: LTL PERISHABLES, INC., 550 East 50th Street South, South St. Paul, Minnesota 55075. Applicants' Representatives:: Lavern R. Holeman, PETERSON, BOWMAN & JOHANNS, 521 South 14th

St., Suite 500, P.O. Box 81849, Lincoln, Nebraska 68501. Paul Nelson, 550 East 50th Street South, South St. Paul, Minnesota 55075. Authority sought to purchase by T.F.S., INC., Box 126, Rural Route 2, Grand Island, Nebraska 68801, of a portion of the operating rights of LTL Perishables, Inc., 550 East 50th Street South, South St. Paul, MN 55075, of control of such rights through the transaction. Applicants' representatives: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501, and Paul Nelson, 550 East 50th St., South St. Paul, MN 55075. Operating rights, as a *common carrier*, over irregular routes, sought to be transferred: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Whitehall Packing Company, Inc., at or near Whitehall and Eau Claire, WI, to points in CT, DE, IL, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV, and DC, with no transportation for compensation on return except as otherwise authorized. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the named origins and destined to the named destinations; (2) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61, M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Whitehall Packing Company, Inc., located at or near Whitehall and Eau Claire, WI, to points in IA, KS, MO, NE, ND and SD, with no transportation for compensation on return except as otherwise authorized; (3) (1) *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of TERMICOLD, INC., at or near Bettendorf, IA, to points in ND, CO, MI, IN, OH, KY, WV, VA, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT and DC; and (2) *Foodstuffs and materials, equipment and supplies* used in the processing and packaging of foodstuffs (except commodities in bulk), in vehicles equipped with mechanical refrigeration from points in ME, NH, VT, MA, RI, CT, DE, MD, WA, WV, KY, OH, MI, IN, WA, OR, CA, ID, ND, SD, NE, MN, IL, from points in PA east of U.S. Hwy 15, and from the facilities of General Foods Corporation at or near Avon, Fulton and Saratoga, NY, to the facilities of TERMICOLD, INC., at or near Bettendorf, IA, restricted in (1) and (2) above to traffic originating at or destined to the facilities of TERMICOLD, INC., located at or near Bettendorf, IA. T.F.S., holds authority as a contract carrier conducting operations between various points in the U.S. for the accounts of Oxford Cheese Corporation, Ag Service, Inc., Morgen Manufacturing Co., Bonsail Pool Co., and Endicott Clay Products Co. Application has been filed for temporary authority under Section 210a(b).

Note.—Dual operations may be involved.

MC-F 14143F. Transferee: WESTCHESTER FURNITURE DELIVERY, INC., P.O. Box 392, Milford, Connecticut 06460. Transferor: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Road, New Haven, Connecticut. Applicant's Representative: MAXWELL A. HOWELL, ESQUIRE, 1100 Investment Building, 1511 K Street, N.W., Washington, D.C. 20005. Transferee seeks authority under § 5 to purchase the operating rights of transferor, granted in Certificate MC-108247 and Subs thereto authorizing the following transportation: *Regular and Irregular Routes:* MC 10847, Between MA points, and points in NJ and NY, as follows: *New Furniture, unfinished furniture, children's vehicles and parts, cartons and containers, hardwood boxes, baby and doll carriages and parts*, and *carriage hardware*, from Ashburnham, Gardner, Baldwinsville, Tully, Fitchburg, Leominster, and Templeton, MA, over irregular routes to Winchendon and Athol, MA, thence over U.S. Highway 202 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction unnumbered highway near East Windsor Hill, CT, thence over unnumbered highway via South Windsor, CT, to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 via Meriden, CT, to junction U.S. Highway 5, thence over U.S. Highway 5 to North Haven, CT, thence over Alternate U.S. Highway 5 to New Haven, CT, thence over U.S. Highway 1 via New York, NY to Newark, NJ, and thence over irregular routes to Hoboken and Paterson, NJ and Long Island City, NY. From the above-specified MA points to New York, NY, as specified above, thence over U.S. Highway 9 to Fishkill, NY, and thence over NY Highway 52 to Beacon, NY (also from Gardner over MA Highway 68 to Baldwinsville, MA, thence over U.S. Highway 202 to Peekskill, NY, thence over U.S. Highway 9 to Fishkill, NY, and thence over NY Highway 52 to Beacon). From the above-specified MA points to Winchendon and Athol over irregular routes, thence over U.S. Highway 202 to junction MA Highway 2, thence over MA Highway 2 to the MA-NY State line, thence over NY Highway 2 to Troy, NY, and thence over NY Highway 7 to Schenectady, NY (also from Troy over U.S. Highway 4 to junction NY Highway 43, thence over NY Highway 43 to Albany, NY and thence over NY Highway 5 to Schenectady) (also from Troy over NY Highway 7 to junction NY Highway 32, thence over NY Highway 32 to Albany). *Baby and doll carriages returned for repairs, excelsior, moss, hay, straw, cotton*, in bales *cloth*, in bales, *newspapers, veneer*, and *wool*, From the above-specified destination points over the above-specified regular and irregular routes to points in MA as specified above. Service is authorized to and from the intermediate points of Hartford, New Haven, Milford, Thompsonville, Meriden, and Bridgeport, CT, Brooklyn, Bronx, New York, Albany, and Troy, NY, Jersey City, NJ, and Athol and Winchendon, MA, and the off-route points of New Britain, Manchester, and Waterbury, CT, and Cohoes, NY. *Irregular routes: New furniture*, except as authorized in Ex Parte MC-19 *Practices of Motor Common Carriers of Household Goods*, 17 MCC 467, Between New York, NY, on the one hand, and, on the other, points in VT, MA, RI, CT, NY (except those in Dutchess, Putnam, Orange, and Rockland Counties), NJ, PA, DE, MD, and DC. *Baby carriages, juvenile furniture*, and *toy vehicles*, uncrated, From Fitchburg, Gardner, and Leominster, MA, to New York, NY, points in Westchester County, NY, those on Long Island, NY, west of a line extending from Freeport, NY, to Oyster Bay, NY, and those in NJ on and south of New Jersey Highway 4 and on and east of a line beginning at Paterson, NJ, and extending through Passaic, Newark, Elizabeth, and Rahway, NJ, to Perth Amboy, NJ. *Baby and doll carriages*, uncrated, From Beacon, NY, to points in the above-described NJ territory, except those in Bergen, Passaic, Middlesex, Somerset, and Union Counties. (Sub-1) *New furniture*, except household goods as defined by the Commission, Between Ashburnham, Athol, Baldwinville, Fitchburg, Gardner, Leominster, Templeton, Tully and Winchendon, MA; Hoboken, Jersey City and Paterson, NJ; Albany, Beacon, Brooklyn, Bronx, Cohoes, Long Island City, New York City, Schenectady and Troy, NY; Fairfield County, Hartford, Manchester, Meriden, Milford, New Britain, New Haven, Thompsonville and Waterbury, CT, on the one hand, and, on the other.

points in VT, MA, RI, CT, NY (except those in Dutchess, Putnam, Orange, and Rockland Counties), NJ, PA, DE, MD, and DC. (Sub-3) *Organs*, From the facilities of Thomas International Corp., located at Philadelphia, PA, and at or near Milford, CT, to points in CT, ME, MA, NH, NJ, NY, PA, RI, and VT, with no transportation for compensation on return except as othewise authorized. This certificate is issued pursuant to an application filed after November 23, 1973, and in accordance with 49 CFR 1065 may not be tacked or joined with the carrier's other irregular-route authority, unless specifically authorized herein. (Sub-4TA) *Furniture parts and materials and supplies* used in the manufacture or assembly of furniture, From Newark, OH, to Milford, CT, restricted to the transportation of shipments originating at and destined to the facility of Chatham County Furniture, Division of U.S. Furniture Industries. And to substitute transferee as applicant in the following applications for temporary authority now pending: (Sub-5TA) R-2 *New Furniture, cabinets*, and *accessories* thereto, Between Milford, CT, on the one hand, and, on the other, points in ME and NH. (Sub-6TA) R-4 *New furniture, cabinets*, and *furniture parts* thereto, From Brooklyn, NY to points in OH. (Sub-7TA) R-5 *Furniture*, Between points in OH, CT and MA. Transferee holds no authority from this Commission. An application for temporary lease authority has been filed.

MC-F 14144F. Authority sought for purchase by CHURCHILL TRUCK LINES, INC., U.S. Hwy 36 West, P.O Box 250, Chillicothe, MO 64601, of a portion of the operating rights of INDIANHEAD TRUCK LINE INC., P.O. Box 3355, St. Paul, MN 55165, and control of such rights through the purchase. Applicant's representatives: John L. Bruemmer, Attorney for Transferor, 121 West Doty Street, Madison, WI 53703, and Frank W. Taylor, Jr., Attorney for Transferee, 1221 Baltimore Avenue, Suite 600, Kansas City, MO 64105. Operating rights sought to be purchased: A portion of Certificate MC-108449 authorizing the transportation of: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over irregular routes, from points in the Twin Cities area, namely, Minneapolis, St. Paul, Columbia Heights, Robbinsdale, South St. Paul, North St. Paul, Inver Grove Heights (formerly Invergrove), West St. Paul, Newport, St. Louis Park, Hopkins, Edina, Richfield, Fridley, Red Rock, McCarron Lake, Fort Snelling, and State Fair Grounds, MN, to points in IA, with no transportation for compensation on return except as otherwise authorized, and between points in the Twin Cities area as described immediately above, on the one hand, and, on the other, points in that part of IL on and north of U.S. Hwy 6, except Chicago, and points in the Chicago, IL Commercial Zone, as defined by the Commision. Transferee proposes to tack the authority sought in this application with its existing authority. Application has been filed for temporary authority under section 11349. (Hearing sites: Minneapolis or Kansas City.)

MC-F 14147F. Applicant: ALL FREIGHT EXPRESS, INC., 7200 South Ferdinand, Bridgeview, IL 60455. Representative: Eugene L. Cohn, One North LaSalle Street, Chicago, IL 60602. Applicant seeks to purchase that portion of the authority issued to O.K. Motor Service, Inc. in MC 52587 (Sub-10), authorizing operations as a *Common Carrier* by motor vehicle, over *irregular routes* transporting: *Iron and Steel Articles*, from the plant site of Jones & Laughlin Steel Corporation, located in Putman County, IL, to points in WI; and *Materials, Equipment and Supplies* used in the manufacture and processing of iron and steel articles, from points in WI, to the plant site of Jones & Laughlin Steel Corporation, located in Putnam County, IL. Restriction: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic originating at or destined to the named origins and destinations. Said operations are restricted against the transportation of commodities in bulk. Said operations are restricted against the transportation of oil field and pipeline commodities as defined by the Commission in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459. Vendee is authorized to operate as a Contract Carrier in IL, IN and WI. Application has not been filed for Temporary Authority. (Hearing Site: Chicago, IL.)

Note.—Dual operations may be involved.

MC-F-14150F. Authority sought for purchase by COHEY TRUCKING COMPANY, INC., 3015 Vermont Avenue, Baltimore, MD 21227 and William Cohey of the same address, of a portion of the operating rights of WESTERN MARYLAND TRANSFER, INC., 3225 Tate Street, Baltimore, MD 21226. Applicants' attorneys John R. Sims, Jr. and John L. Boyd, Jr., 915 Pennsylvania Bldg., 425 13th Street, NW, Washington, DC 20004. Operating rights sought to be purchased are those in Certificate No. MC 87285 authorizing operations (a) over regular routes in the transportation of general commodities with the usual exceptions, between Baltimore, MD, and Alexandria, VA, over U.S. 1 serving all intermediate points, and the off-route points within 10 miles of Washington, DC; and (b) over irregular routes, in the transportation of acid, machinery parts, rayox, and titanium dioxide from Baltimore, MD to Newport, DE; iron filings and machinery parts, from Newport, DE, to Baltimore, MD; acid, in containers, and asphalt, from Baltimore, MD to Washington, DC; and empty acid containers from Washington, DC to Baltimore, MD. Also included is irregular route transportation of rowing equipment, during the season extending generally from the first day of June to the third day of September inclusive between Baltimore, MD, on the one hand, and, on the other, Alexandria and Richmond, VA. Application has been filed for temporary authority under section 210(b)

Caption Summary

MC-F 14152F. Transferee: HOLMES FREIGHT LINES, INC., 7878 I St., Omaha, NE 68127. Transferor: GREAT PLAINS TRANSPORTATION COMPANY, 7878 I St., Omaha, NE 68127. Representative: Donald L. Stern, Suite 610, 7171 Mercey Road, Omaha, NE 68106. Authority sought for merger by Transferee of the operating rights and properties of Transferor. Transferee and Transferor are already commonly controlled by Thomas Fulkerson and K. Susan Edmunds. Operating rights sought to be merged: *General commodities*, except those requiring special equipment, over regular routes; between Omaha, NE and McCook, NE, serving the intermediate points of Lincoln and Hastings, NE, and intermediate pooints west of Hastings, restricted against service between Hastings and Heartwell, NE; between Holdrege, NE and Eustis, NE, serving all intermediate points; between Elwood, NE and Maywood, NE, serving all intermediate points, and the off-route point of Orafino, NE; between Hastings, NE and Grand Island, NE, serving all intermediate points; and between Holdrege, NE and Arapahoe, NE, as an alternate route for operating convenience only, in connection with carrier's regular route operations between Omaha, NE and McCook, NE, authorized in the first service route herein, serving no intermediate points; RESTRICTION: The authority granted above to the extent it authorizes the transportation of Classes A and B explosives, shall be limited, in point of

time, to a period expiring five years after April 13, 1965; *general commodities*, except Classes A and B explosives, groceries, and those requiring special equipment, over irregular routes, between points in NE within 60 miles of Wilsonville, NE, and between points in NE within 60 miles of Wilsonville, NE, on the one hand, and, on the other, points in NE; *general commodities*, except Classes A and B explosives and commodities requiring special equipment, over regular routes, serving Wray, CO, as an off-route point in connection with carrier's presently authorized regular-route operations. RESTRICTION: The operations authorized herein are restricted against the transportation of traffic originating at Omaha, NE and destined to Denver, CO, and traffic originating at Denver, CO, and destined to Omaha, NE. Transferee is authorized to operate as a common carrier in IA, IL, IN, KS, MO and NE. Application has not been filed for temporary authority under Section 210a(b). (Hearing site: Omaha, NE.)

MC-F-14153. Applicant: BRAZOS TRANSPORT CO. Applicant's Representative: Richard Hubbert, Sims, Kidd & Hubbert, P.O. Box 10236, Lubbock, TX 79408. Authority sought by Brazos Transport Co. for the merger into it of all of the operating rights of B & L Truck Lines, Inc. Operating rights sought to be merged: *Specified commodities* such as lumber and lumber products, as a common carrier, from points in AR on and west of a line beginning at the AR-MO State Line and extending along U.S. Hwy. 67 to Little Rock, AR; then along U.S. Hwy. 65 to the AR-LA State Line; to all points in OK and TX; those in that part of KS on and south of U.S. Hwy. 36; and those in that part of MO on and south of a line beginning at the MO-KS State Line and extending along U.S. Hwy. 36 to junction unnumbered Hwy. (formerly portion U.S. Hwy. 36); then along unnumbered Hwy. through Hamilton, Nettleton and Breckenridge, MO, to junction U.S. Hwy. 36; then along U.S. Hwy. 36 to junction unnumbered Hwy. (formerly portion U.S. Hwy. 36) at or near Utica, MO; then along unnumbered Hwy. to junction U.S. Hwy. 65; then along U.S. Hwy. 65 to junction U.S. Hwy. 36, approximately 2 miles south of Chillicothe, MO, and then along U.S. Hwy. 36 to the MO-IL State Line. B & L Truck Lines, Inc., holds other specific operating rights from numerous points in AR, OK, TX, LA, MO and MS for the transportation of various building materials, including gypsum products, to points throughout the South, Southwest and Midwest. All such authority is set out in MC-103498 and various subs thereof. This notice does not purport to be a complete description of all of the operating rights of B & L Truck Lines, Inc. It is believed to be sufficient for the purpose of public notice regarding the nature and extent of B & L Truck Lines, Inc.'s authority, without stating in full the entirety thereof. Transferor is authorized as a common carrier under MC-126930 and various subs thereof to transport specified commodities from specified points to points in the South, Southwest and Midwest. [Hearing site: Lubbock, TX or Washington, DC.]

Transfer Proceedings

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission within 30 days after the date of this publication. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-78127 filed May 8, 1979. Transferee: MINNEHAN TRANSPORTATION CO., INC., Rockingham Road, Bellows Falls, VT 05101. Transferor: J. J. MINNEHAN, INC., Same address as Transferee. Representative: Frederick T. O'Sullivan, PO Box 2184, Peabody, MA 01960. Authority sought for purchase by transferee of operating rights held by transferor in Permits No. MC 6607 and Subs 11, 12, 14, and 16, and Certificate No. MC 139624 Sub 3, issued April 10, 1953, December 11, 1975, July 17, 1974, December 22, 1975, and April 18, 1975, and April 5, 1977, authorizing (1) in No. MC 6607 various named commodities, including sugar, hides, dairy products, veneer, meats, canned goods, paper, potatoes, cotton and cotton waste, Navy yard equipment, materials, and supplies, agricultural commodities, fish, and groceries, from and to various points in MA, RI, CT, ME, NH, and VT; (2) in Sub 11, paper place mats and sugar service kits, from Boston, MA, to MA, RI, NH, VT, and a portion of CT and ME, under contract with Amstar Corp.; (3) in Sub 12, corn products and blends, and sugar and blends, from Boston, MA, to NH, VT, RI, and a portion of ME and CT, under contract with Amstar Corp. and Revere Sugar Refinery; (4) in Sub 14, corn products and blends, and sugar and blends, from Beverly and Boston, MA, to NH, VT, and RI, and a portion of ME and CT, under contract with CPC International, Inc.; (5) in Sub 16, water, in bulk, in tank vehicles, from Middleborough, MA, to Goshen, NY, under contract with Dairylea Co-Operative, Inc., and from Westerly, RI, to Groton, CT, under contract with General Dynamics Corp.; and in No. MC 139624 Sub 3, (1) wrecked, disabled and repossessed trucks, tractors and trailers (except trailers designed to be transported by passenger automobiles), in truck-away service, and (2) replacement vehicles for the wrecked or disabled vehicles described in (1), between Bellows Falls and Chester, VT, on the one hand, and, on the other, CT, NJ, MA, NH, ME, and NY. Transferee holds no authority from this Commission. An application seeking temporary lease authority has not been filed.

MC-FC-78219 filed June 29, 1979. Transferee: COURIER SYSTEMS, INC., 123 Pennsylvania Ave., South Kearny, NJ 07032. Transferor: Robert J. Dukin, 28 Canfield Rd., East Hanover, NJ 07936. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought for purchase by transferee of operating rights held by transferor in Certificate No. MC 75650, issued November 17, 1961, as follows: household goods, between points in NJ, on the one hand, and, on the other, points in NJ, NY, CT, RI, MA, PA, MD, DE, and DC. Transferee holds authority from this Commission under docket number MC 35077. An application for temporary lease authority has not been filed.

MC-FC-78238 filed July 24, 1979. Transferee: RUNYON ENTERPRISES, INC., Route 1, Box 10, Bidwell, OH 45614. Transferor: Steve Runyon, doing business as RUNYON TRUCKING, Same address as Transferee. (Dan Runyon, administrator for the estate of Steve Runyon) Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. Authority sought for purchase by transferee of operating rights held by transferor in Permit No. MC 144220 Sub 1, issued December 14, 1978, and Certificate No. MC 145146F, issued March 29, 1979, authorizing coal, in bulk, in dump vehicles, from mine sites in Athens, Gallia, Hocking, Jackson, Lawrence, Meigs, Perry, and Vinton Counties, OH, to West Columbia and Clifton, WV, restricted to traffic having subsequent movements by barge, and under contract with Raven Hocking Coal Corporation, of Mason, WV; and coal, in bulk, in dump vehicles, from points in Athens, Hocking, Jackson, Lawrence, and Vinton Counties, OH, to West Columbia and Clifton, WV. An application for temporary lease authority has not been filed: Transferee holds no authority from this Commission.

MC-FC 78240, filed July 19, 1979. Transfree: PETER DEL GRANDE, INC. d.b.a. JAMES GALLAGHER TRUCKING, 301 Jackson St., Camden, NJ 08101. Transferor: DRAKE MOTOR LINES, INC. (John M. Chilcott, Trustee in Bankruptcy). c/o Siegel, Sommers & Schwartz, 2 Park Ave., New York, NY 10016. Representatives: James F. Maher, Attorney for Transferor, 1100 Four Penn Center Plaza, Philadelphia, PA 19103. Richard Rueda, Attorney for Transferee, 133 N. 4th St., Philadelphia, PA 19106. Authority sought for the purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-70083 (Sub-No. 26), issued August 30, 1973, as follows: *Such commodities* as are dealt in by retail department stores, in retail delivery service, from the facilities of B. Altman Company, of St. Davids, PA, to points in NJ and DE, restricted against the transportation of articles weighing 50 pounds or less and having dimensions of less than 108 inches in length and girth combined, except in mixed shipments with packages or articles weighing more than 50 pounds and shipments with packages or articles weighing more than 50 pounds and having dimenisions of more than 108 inches in length and girth combined. Transferee presently holds authority from this Commission under MC-1475. Application has been filed for temporary authority under 49 U.S.C. 11349.

MC-FC 78247, Filed July 20, 1979. Transferees: QUALITY MOVERS EAST, INC., 601 N. Fourth Street, Jeannette, PA 15644. QUALITY MOVERS NORTH, INC., P.O. Box 710, Butler, PA 16001. Transferor: Roy W. Nichols, d.b.a. QUALITY MOVERS 601 N. Fourth Street, Jeannette, PA 15644. Representative: Robert E. Michelson, Sullivan & Dubin, Suite 500, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought for: (1) the transfer of the operating rights of transferor, as set forth in Certificate No. MC-75535, issued May 1, 1967, to transferee Quality Movers East, Inc., which authorizes the transportation of household goods between points in Westmoreland County, PA, on the one hand, and, on the other, points in DE, IL, MD, MI, NJ, NY, OH, WV and DC; and (2) the transfer of the operation rights of transferor, as set forth in Certificate No. MC-75535 Sub No. 1, issued August 27, 1974, to transferee Quality Movers North, Inc, which authorizes the transporation of household goods between points in Bulter Country, PA, on the one hand, and, on the other points in NY, OH, MD, WV, NJ, MI, and DC. Transferees presently hold no authority from this Commission. Application has not been filed for temporary authority under 49 U.S.C. 11349.

MC-FC 78252 filed July 30, 1979. Authority sought by SPARK, INC., Building A, 10 E. Oregon Avenue, Philadelphia, PA, 19148, to purchase a portion of the operating rights of DRAKE MOTOR LINES, INC., bankrupt, 20 Olney Avenue, Cherry Hill, NJ, 08002. (John M. Chilcott, Trustee.) Applicant's Representative: Richard Rueda, Esquire, 133 N. 4th Street, Philadelphia, PA 19106. Attorney for Transferor: James F. Maher, Esquire, Blank, Rome, Comisky & McCauley, 1100 Four Penn Center Plaza, Philadelphia, PA 19103. Operating right sought to be transferred: (1) *General commodities, except items dealt in by retail department stores, Classes A and B explosives, dangerous chemicals, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment,* over irregular routes, Between New York, NY on the one hand, and, on the other, points in Bergen, Hudson, and Essex Counties, NJ, points in that part of Passaic County, NJ, east and south of an imaginary straight line running from Riverdale, NJ to Oakland, NJ and points in that part of Union County, JN, east of an imaginary straight line running from the northern boundary of Union County through Union and Rahway, NJ to the southern boundary of Union County. Vendee is a non-carrier. Application has been filed for temporary authority under section 11349 (formerly 210a(b) of the Act). Operating rights to be sold are in Certificate No. MC 78003 Sub 12, issued January 5, 1967.

MC-FC 78258, filed August 7, 1979. Transferee: MALFIN EXPRESS, INC., 155 Lenox Street, Norwood, MA 02062. Transferor: LOVEJOY'S EXPRESS, INC., 86 Walnut Avenue, Norwood, MA 02062. Applicants' representatives: Robert G. Parks, 20 Walnut Street, Suite 101, Wellesley Hills, MA 02181 and Eli Flieshman, 148 State Street, Boston, MA 02109. Authority sought by transferee for the purchase of operating rights of the transferor set forth in Certificate No. MC-22425, and Sub 5 thereto, issued April 30, 1962 and November 12, 1963, respectively, as follows: *General Commodities*, with exceptions, over irregular routes, between Cambridge, Boston and Somerville, MA, on the one hand, and, on the other, Boston, Nedham, Dedham, Canton, Sharon, Foxboro, Mansfield, Norton, Attleboro, Newton, Dover, Sherborn, Holliston, Milford, Norwood, Walpole, Wrentham, Plainville, North Attleboro, South Attleboro, Westwood, Medfield, Millis, Medway, West Medway, North Bellingham, Franklin and Caryville, MA. *General Commodities,* with exceptions, over regular routes, between Boston, MA and Sharon, MA, serving all intermediate points; between Canton, MA, and Attleboro, MA, serving all intermediate points and the off-route points of Sharon and Foxboro, MA; and mill machinery and supplies, rosin, wool, cotton, cotton products, and groceries, over irregular routes, between Boston and Canton, MA, on the one hand, and, on the other, points in R.I. Transferee presently holds no authority from the Commission. Application has not been filed for temporary authority.

MC-FC 78259, filed August 7, 1979. Transferee: STUMPS REFRIGERATED EXPRESS, INC., R.F.D. 1, Tiro, OH 44887. Transferor: DAKOTA EXPRESS, INC., 550 E. Fifth St., S. St. Paul, MN 55075. Representative: Michael M. Briley, Attorney-at-Law, P.O. Box 2088, Toledo, OH 43603. Authority for purchase by transferee of the operating rights of transferor, as set forth in Certificate no. MC-83217 (Sub no. 54), issued May 16, 1972, as follows: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* (except commodities in bulk and hides), over irregular routes, from the facilities of Illini Beef Packers, Inc., at Joslin, IL, to points in CT, DE, IN, IA, ME, MD, NY, MA, MI, MN, NH, NJ,

OH, PA, RI, VT VA, WV, and DC, with no transportation for compensation on return except as otherwise authorized. Transferee presently holds no authority from this Commission, but has filed for temporary authority under 49 U.S.C. § 11349.

MC-FC 78261, filed August 2, 1979. Transferee: CAPITAL CITIES COACH CO., INC., 8800 Yellow Brick Road, Baltimore, MD 21237. Transferor: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought for purchase by Transferee of that portion of operating rights of Transferor in Docket No. MC-1501 [Sub-No. 104 [renumbered MC-1515 (Sub No. 8)] but not yet reissued) which authorizes the transportation of passengers, light express matter, mail and newspapers: 1. Between Washington, D.C. and Annapolis, MD, serving all intermediate points on Maryland Highway 214 between Washington, D.C. and a point two miles east of Chapel Road, restricted against pick-up or delivery of passengers moving to or from Washington, D.C. and all other intermediate points without restriction: From the junction of U.S. Highway 301 and Maryland Highway 450, at Priest Bridge, MD, over Maryland Highway 450 via Parole to Annapolis and return over the same route and From Washington over Maryland Highway 214 to junction Maryland Highway 2, thence over Maryland Highway 2 to Parole, MD, and thence over Maryland Highway 450 (formerly U.S. Highway 50) to Annapolis, and return over the same route. 2. Between junction U.S. Highway 301 and U.S. Highway 50 (formerly the Annapolis-Washington Expressway), at a point just south of Priest Bridge, MD, and the junction of Maryland Highway 450 and U.S. Highway 50 (formerly Annapolis-Washington Expressway), near Parole, MD, serving all intermediate points. From the junction of U.S Highway 301 and U.S. Highway 50 over U.S. Highway 50 to junction of Maryland Highway 450, near Parole, and return over the same route. 3. Between junction U.S. Highway 50 and 301 near Bowie, MD and Washington, D.C., serving the intermediate point of Lanham, MD, and serving junction Ardmore-Ardwick and U.S. Highway 50 for joinder only. From junction U.S. Highway 50 and 301 near Bowie, over U.S. Highway 50 to Washington and return over the same route. Restriction: The authority granted above is restricted to the transportation of passengers and their baggage and express and newspapers in the same vehicle with passengers, having a prior or subsequent movement beyond either Washington, D.C. or Lanham, MD. 4. Between junction U.S. Highway 50 and Ardmore-Ardwick Road and the Metroline Station of the Penn-Central Railroad at Lannham, MD, serving no intermediate points: From junction U.S. Highway 50 and Ardmore-Ardwick Road over Ardmore-Ardwick Road to an unnumbered access road, thence over unnumbered access road to the Metroliner Station of the Penn Central Railroad at Lanham, and return over the same route. As a matter directly related to this finance application, Capital Cities Coach Co., Inc. is filing for certificated authority over MD Hwy 3 between its junction with MD Hwy 450, near Priest Bridge, MD, and the junction of MD Hwy 3 and U.S. Hwy 50, serving all intermediate points. (Hearing site Washington, D.C.). Temporary authority is also being sought with respect to the authority sought to be purchased. Transferee holds no authority from the Commission.

MC-FC 78264, filed August 20, 1979. Transferee: Richard D. Lorenzen, d.b.a. R. L. TRANSPORT, Deloit, IA 51441. Transferor: Robert H. Carritt and Richard D. Lozenzen, d.b.a. C & L TRANSPORTATION, Beloit, IA 51441. Authority sought for purchase by transferee of operating rights of transferor in Permit No. MC 134834, issued January 4, 1972, authorizing malt beverages, from Minneapolis and St. Paul, MN, and La Crosse, WI, to Sioux City, IA, under contract with City Club Distributing Co., of Sioux City, IA. Transferee holds no authority from this Commission. An application for temporary lease authority has not been filed.

Operating Rights Application(s) Directly Related to Finance Proceedings

Notice

The following operating rights application(s) are filed in connection with pending finance applications under Section 11343 (formerly Section 5(2)) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under Section 10926 (formerly Section 212(b)) of the Interstate Commerce Act.

On applications filed before March 1, 1979, an original and one copy of *protests* to the granting of authorities must be filed with the Commission within 30 days after the date of this Federal Register notice. Such protests shall conform with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities.

Applications filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *General Rules of Practice* also but are subject to petitions to intervene either with or without leave. An original and one copy of the petition must be filed with the Commission within 30 days after date of publication. A petition for intervention 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, the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Verified statements in opposition should not be tendered at this time. A copy of the protest or petition to intervene shall be served concurrently upon applicant's representative or applicant if no representative is named.

Each applicant states that approval of its application will not significantly affect the quality of the human environment nor involve a major regulatory action under the Energy Policy and Conservation Act of 1975.

MC 2860 (Sub-182F), filed June 20, 1979. Applicant: NATIONAL FREIGHT, INC., 57 West Park Avenue, Vineland, NJ 08360. Applicant's representative: Peter J. Nickles, 888 16th Street, N.W., Washington, D.C. 20006. Authority sought to transport, over irregular routes, general commodities, with the usual exceptions, (1) Between Columbus, Atlanta, Augusta, GA: SC, NC, on the one hand, and, on the other, points in VA, (on and east of Route 15), MD, PA, DE, NY, NJ, CT, RI, and MA; and (2) Between Savannah, GA, on the one hand, and, on the other, points in

SC, NC, VA, (on and east of Route 15), MD, PA, DE, NJ, NY, CT, RI, and MA: and (3) Between Atlanta, Augusta, Columbus and Savannah, GA, on the one hand, and, on the other, points in SC. (Hearing site: Washington, D.C.)

Note.—The purpose of this application is to eliminate the gateways at Richmond, VA, Baltimore, MD, Darlington, McBee and Hartsville, SC. This proceeding is directly related to MC-F-14060F, published in the August 29, 1979, issue of the Federal Register, and is indirectly related to Docket Nos. MC-F-12190 and MC-2860 (Sub-No. 144).

MC 58721, (Sub-4F), filed August 15, 1979. Applicant: ASKINS MOVING & STORAGE, INCORPORATED, Post Office Box 3954, Florence, South Carolina 29501. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, South Carolina 29201. Authority sought to operate as a *common carrier* by motor vehicle over irregular routes, transporting *Household Goods, as defined by the Commission,* between points in South Carolina on the one hand, and, on the other, points in Florida, Georgia, North Carolina, South Carolina and Virginia. (Hearing site: Columbia, SC. Charlotte, NC or Washington, DC.)

Note.—Purpose of application is to eliminate the gateway between Sumter, South Carolina and points and places within a fifty (50) mile radius of Sumter, South Carolina. This application is directly related to the transfer application assigned Docket No. MC FC 78001.

MC 67866 (Sub-38F), filed June 7, 1979. Applicant: FILM TRANSIT, INC., 3931 Homewood Road, Memphis, Tennessee 38118. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38137. Authority is sought to operate as a *common* carrier, by motor vehicle, in the transportation of (1) *motion picture films, supplies,* and *commodities used in the operation of motion picture threatres;* and *dated publications,* over irregular routes, between Oklahoma City, OK, points in AR, those in AL on and west of a line beginning at the AL-TN state line extending along U.S. Highway 43 to Hamilton, AL, along U.S. Highway 78 to the AL-MS state line, those in KY on and west of a line beginning at Owensboro, KY and extending over U.S. Highway 431 to Central City, KY, then over U.S. Highway 62 to Greenville, KY, then over Kentucky Highway 171 to Kirkmansville, KY, then over Kentucky Highway 107 to Hopkinsville, KY, then over Alternate U.S. Highway 41 to the KY-TN state line, those in MS on and north of U.S. Highway 80, those in MO on and south of a line beginnig at the AR-MO state line and extending over U.S. Highway 62 to Malden, MO, then over MO Highway 25 to Townley, MO, then east over unnumbered highway through Lilbourn, MO, to junction U.S. Highway 62 then over U.S. Highway 62 to New Madrid, MO, those in TN on and west of a line beginning at the KY-TN state line and extending over U.S. Alternate 41 to Clarksville, TN, then over TN Highway 13 to Cunningham, TN, then over TN Highway 48 to Dickson, TN, then over TN Highway 46 to junction TN Highway 100, then over TN Highway 100 to Centerville, TN, then over TN Highway 50 to Lewisburg, TN, then over U.S. Highway 431 to the TN-AL state line, on the one hand, and, on the other, points in LA, those in AL on, south, and west of a line beginning at the AL-MS state line and extending along AL Highway 19 to U.S. Highway 78, then over U.S. Highway 78 to Winfield, AL, then over U.S. Highway 43 to Tuscaloosa, AL, then over AL Highway 69 to Greesboro, AL, then over Al Highway 61 to Uniontown, AL, then over U.S. Highway 80 to Browns, AL, then over AL Highway 5 to Catherine, AL, then over Al Highway 28 to Camden, AL, then over AL Highway 10 to Laverne, AL, then over U.S. Highway 29 to Brantley, AL, then over U.S. Highway 331 and AL Highway 189 to Elba, AL, then over U.S. Highway 84 to Dothan, AL, then over U.S. Highway 231 to the AL-FL state line, those in FL on and east of U.S. Highway 231, those in MS on and south of U.S. Highway 80, and those in Texas on the TX-AR state line extending from Texarkana, AR-TX to the TX-AR-LA state line; (2) *General Commodities, having an immediately prior or subsequent movement by air* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities, in bulk, commodities requiring special equipment, and commodities injurious, or contaminating to other lading), over irregular routes, (a) between Memphis, TN, on the one hand, and, on the other, New Orleans and Shreveport, LA, and Mobile, AL, (b) between Little Rock, AR, on the one hand, and, on the other, New Orleans, LA, Shreveport, LA, and Jackson, MS; (3) *General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, commodities requiring special equipment, shipments having an immediately prior or subsequent movement by air, commercial papers, documents, and written statements, as used in the business of banks and banking institutions, radioactive pharmaceuticals, and medical isotopes), between Lilbourn, MO, points in AR, and those in KY on and west of a line beginning at the IL-KY state line extending along U.S. Highway 68 to junction U.S. Highway 641, then along U.S. 641 to the KY-TN state line, those in MS on and north of U.S. Highway 80, those in TN on and west of a line beginning at the KY-TN state line and extending along U.S. Highway 31W to Nashville, then along U.S. Highway 31 to Columbia, then along TN Highway 50 to Lewisburg, then along U.S. Highway 431 to the TN-AL state line, those in AL on, west and north of a line beginning at the TN-AL state line and extending along AL Highway 17 to Hamilton, then over U.S. Highway 78 to the AL-MS state line, and those in MO, on and south of a line beginning at the AR-MO state line and extending along U.S. Highway 62 to New Madrid and the Mississippi River, on the one hand, and, on the other, points in LA on and east of a line beginning at Grand Isle, LA, extending along LA Highway 1 to Baton Rouge, LA, then over U.S. Highway 61 to the LA-MS state line, those in MS on, south and east of a line beginning at the MS-LA state line and extending along U.S. Highway 61 to Natchez, MS, then over U.S. Highway 84 to Waynesboro, MS, then over U.S. Highway 45 to the MS-AL state line, point in AL on and south of a line extending from the MS-Al state line over U.S. Highway 45 to Mobile, AL, then over Interstate Highway 10 to the AL-FL state line, those in FL on and south of a line beginning at the AL-FL state line and extending over Interstate Highway 10 to Pensacola, FL. Restriction: The operations authorized herein are subject to the following restrictions: Said operations are restricted against the transportation of any package or article weighing more than 70 pounds or exceeding 96 inches in length, or exceeding 108 inches in length and girth combined. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day. Paragraph (1) above involves the elimination of gateways in the joinder of MC-107304 with MC-67866 (Sub 4) the points of joinder located at any point along the southern boundary of AR or at any point on U.S. Highway 80 in MS or any point on AL Highway 19, north of U.S. Highway 78, and the joinder of MC-107304 with MC-67866 (Sub 10) at any point along the southern boundary of AR. Paragraph (2) above involves the elimination of gateways involved in the joinder of MC-107304 (Sub 9) with MC-67866 (Sub 15) to eliminate Jackson, MS

as the point of joinder on traffic moving between Memphis, TN and New Orleans, LA; Meridian, MS on traffic between Memphis, TN and Mobile, AL; Junction City, AR on traffic moving between Memphis, TN and Shreveport, LA; Junction City, AR, on traffic moving between Little Rock, AR, and New Orleans, LA, and Shreveport, LA; and Greenville, MS, on traffic moving between Little Rock, AR and Jackson, MS. Paragraph (3) above involves the elimination of New Orleans, LA as the gateway on traffic moving between MC-107304 (Sub 10) and MC-67866 (Sub 33). Note: This matter is directly related to MC-F-13944F, published in a previous section of this FR notice. (Hearing site: Memphis, TN.)

Note.—This application is directly related to the Docket No. MC-F-13944F Film Transit, Inc.—Purchase—Transway, Inc., published in a previous section of this FR Notice. This filing is to eliminate the gateway created by the joinder of authorities as follows:

MC 147759, filed August 3, 1979. Applicant: CAPITAL CITIES COACH CO., 8800 Yellow Brick Road, Baltimore, MD 21237. Representative: L.C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a common carrier, by motor vehicle, over the following specified regular routes, transporting passengers and their baggage, in the same vehicle with passengers: Between the junction of MD Hwys 3 and 450, at or near Priest Bridge, MD, and the junction of U.S. Hwy 301. MD Hwy 3 and U.S. Hwy 50, serving all intermediate points, as follows: From the junction of MD Hwys 3 and 450 over MD Hwy 3 to its junction with U.S. Hwys 50 and 301, and return over the same route. (Hearing Site: Washington, D.C.)

Note.—This application is being filed to permit applicant to acquire the necessary operating authority over the involved route segment so as to permit applicant to continue to provide all of the same services which Greyhound is operating over its existing certificated routes between Washington, DC and Annapolis, MD, including its route via Priest Bridge, MD. This matter is directly related to MC-FC 78261, published in a previous section of this FR notice.

Motor Carrier Alternate Route Deviations

Notice

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Passengers (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of this Federal Register notice.

Each applicant states that there will be no significant effect on either the quality of the human environment or energy policy and conservation.

Motor Carriers of Passengers

MC 1515 (Deviation No. 749), GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077, filed August 16, 1979. (Cancels Deviation No. 706.) Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage* and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: from Chicago, IL, over Interstate Hwy 94 to junction U.S. Hwy 41, South of the Wisconsin-Illinois State line, with the following access routes: (1) from junction Interstate Hwy 94 and Illinois Hwy 58, over Illinois Hwy 58 to junction U.S. Hwy 41, Skokie, IL, (2) from junction Interstate Hwy 94 and Illinois Hwy 68, over Illinois Hwy. 68 to junction U.S. Hwy 41 at Northbrook, IL, (3) from junction Interstate Hwy 94, and Illinois Hwy 137, over Illinois Hwy 137 to junction U.S. Hwy 41, and (4) from junction Interstate Hwy 94 and Illinois Hwy 132, over Illinois Hwy 132 to junction U.S. Hwy 41 at Gurnee, IL, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: from the Wisconsin-Illinois State line over U.S. Hwy 41 (segments of which have also been designated as Interstate Hwy 94) to Chicago, IL, and return over the same route.

Motor Carrier Intrastate Application(s)

Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Florida Docket 790716-CCT, filed August 29, 1979. Applicant: ALL FLORIDA FREIGHTWAYS, INC., P.O. Box 420524, 5520 N.W. 35th Ave., Miami, FL 33142. Representative John T. Bond, Suite 410, Hollywood Federal Bldg., 909 S. State Road No. 7, Hollywood, FL 33023. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, to, from and between all points and places in the State of Florida, over regular routes and on regular schedules. No duplicating authority sought. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Florida Docket 790721-CCT, filed August 29, 1979. Applicant: ALL SOUTHERN TRUCKING, INC., P.O. Box 2698, Tampa, FL 33601. Representative: John T. Bond, Suite 410, Hollywood Federal Bldg., 909 S. State Road No. 7, Hollywood, FL 33023. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Heavy articles, heavy equipment, contractors' equipment, farm equipment and machinery and other articles too bulky or too heavy for carriage by regular freight haulers, which by reason of their size, weight or bulk, require specialized handling or specialized equipment, and iron and steel articles and concrete forming systems composed of iron, steel, aluminum and/or wooden parts to, from and between all points and places in the State of Florida, on irregular routes and on irregular schedules. No duplicating authority sought. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Florida Public Service Commission, Fletcher Bldg., 101 East Gaines Street, Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket MC-5312 (Sub-5), filed August 6, 1979. Applicant: S & D TRUCKING CO., INC. 125 Reynolds Avenue, Dyersburg, TN 38024. Representative: Barret Ashley, 322

Church Avenue, P.O. Box H, Dyersburg, TN 38024. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, except household goods, explosives, and commodities requiring special equipment between Dyersburg and Memphis, to be used in conjunction with the applicant's present authority. Route description: From Dyersburg, TN, over US Hwy 51 to Memphis, TN, and return over the same route, serving all intermediate points, with close door authority between Memphis, TN, and Jackson, TN, via I-40, as an alternate route to the resulting authority which applicant will have on the granting of the authority between Dyersburg and Memphis. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, Cordell Hull Bldg., Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

Texas Docket 002600A6A, filed August 1, 1979. Applicant: RED ARROW FREIGHT LINES, INC., P.O. Box 1897, 3901 Seguin Road, San Antonio, TX 78297. Representative: James M. Doherty, Doherty, Birnbaum & Munson, P.O. Box 1945, Austin, TX 78767. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, (1) between Fort Worth, TX, and Abilene, TX, as follows: From Forth Worth, TX, over Interstate Hwy 30 to its intersection with Interstate Hwy 20, then over Interstate Hwy 20 to Abilene, TX, and return over the same route, serving the termini but serving no intermediate points; (2) between Fort Worth, TX, and Abilene, TX, as follows: From Fort Worth, TX, over Interstate Hwy 20 to Abilene, TX, and return over the same route, serving the termini but serving no intermediate points. Applicant proposes to tack and to coordinate the proposed additional services with all services authorized in intrastate commerce under Texas Common Carrier Motor Carrier Certificate No. 2600 and with all services authorized in interstate and foreign commerce under authorities granted in Docket No. MC-2226 and all subs thereunder. No duplicate authority is sought. Intrastate, interstate, and foreign commerce authority sought. HEARING: Date, time and place not yet fixed. Requests for procedural information should be addressed to Transportation Division, Railroad Commission of Texas, P.O. Drawer 12967, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29908 Filed 9-26-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 189
Thursday, September 27, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

[M-249, Amdt. 1; Sept. 24, 1979]

CIVIL AERONAUTICS BOARD.

Addition of item to the September 27, 1979, meeting agenda.

TIME AND DATE: 9:30 a.m., September 27, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 18a. Docket 36077—Application of Texas International Airlines for restriction removal under Subpart Q in the Amarillo-Albuquerque market (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

SUPPLEMENTARY INFORMATION: Action is required by September 30, 1979, since that is the statutory deadline for action under section 401(e)(7)(B) of the Act. Accordingly, the following Members have voted that Item 18a be added to the September 27, 1979 agenda and that no earlier announcement was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-1886-79, Filed 9-25-79; 3:25 pm]
BILLING CODE 6320-01-M

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1787-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (Eastern Time), Tuesday, September 18, 1979.

CHANGE IN THE MEETING: The following matter is added to the agenda for the open portion of the meeting:

1. Freedom of Information Act Appeal No. 79-8-FOIA-181, concerning the denial to the attorney of an alleged discriminatory EEOC official certain documents in an EEO complaint file.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; and J. Clay Smith, Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued September 17, 1979.

[S-1893-79 Filed 9-25-79; 3:58 pm]
BILLING CODE 6570-06-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, September 28, 1979.

PLACE: Commission Conference Room, 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

MATTERS TO BE CONSIDERED:

1. Recommendations as to the contract recipients for the Private Bar Loan Fund Program.
2. Request for extension of law professor program to conduct hearings on Federal Sector complaint of discrimination.

Closed to the Public

1. Litigation authorization; General Counsel Recommendations. A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required that this meeting be held and that no earlier announcement was possible.

In favor of holding meeting: Eleanor Holmes Norton, Chair; Daniel E. Leach, Vice Chair; Ethel Bent Walsh, Commissioner; and Armando M. Rodriguez, Commissioner.

CONTACT PERSON FOR MORE INFORMATION: Marie D. Wilson, Executive Officer, Executive Secretariart, at (202) 634-6748.

This notice issued September 25, 1979.

[S-1894-79 Filed 9-25-79; 3:58 pm]
BILLING CODE 6570-06-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 10:00 a.m. on Monday, September 24, 1979, the Board of Directors of the Federal Deposit Insurance Corporation met by telephone conference call to authorize payment of the insured deposits in The Farmers State Bank, Protection, Kansas, which was closed by the State Bank Commissioner of the State of Kansas as of the close of business Friday, September 21, 1979, and to appoint a liquidator for the assets of the closed bank.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required its consideration of the matter on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matter in a meeting open to public observation; and that the matter could be considered in a close meeting pursuant to subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(9)(B)).

Dated: September 24, 1979.

Federal Deposite Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[S-1881-79 Filed 9-25-79; 11:20 am]
BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday,

September 24, 1979, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. Lewis G. Odom, Jr., acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Recommendations regarding the liquidation of assets acquired by the Corporation from Franklin National Bank, New York, New York (Case Nos. 44,052-L and 44,062-L).

Legal Division memorandum dated September 11, 1979, in connection with an appeal from a denial of a request for records under the Freedom of Information Act.

The Board further determined, by the same majority vote, that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matter:

Application of Global Union Bank, a proposed new bank, to be located at Wall Street Plaza, New York (Manhattan), New York, for Federal deposit insurance.

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(B)).

Dated: September 24, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1882-79 Filed 9-25-79; 11:20 am]

BILLING CODE 6714-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2 p.m., October 1, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Requests by the Comptroller of the Currency for reports on the competitive factors involved in proposed mergers, purchase and assumption transactions, or consolidations:

Heritage Bank, National Association, Cherry Hill Township (P.O. Cherry Hill), New Jersey, and Coastal State Bank, Ocean City, New Jersey.

The Oneida National Bank and Trust Company of Central New York, Utica, New York, and The Little Falls National Bank, Little Falls, New York.

Memorandum and Resolution re: Adoption of appendix to Part 346 of the Corporation's rules and regulations, entitled "Foreign Banks."

Memorandum proposing the payment of a second dividend in connection with the receivership of The Peoples Bank of the Virgin Islands, Charlotte Amalie, Virgin Islands.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Memorandum re: Eatontown National Bank, Eatontown, New Jersey.

Recommendation with respect to payment for legal services rendered and expenses incurred in connection with liquidation activities:

O'Neill & Borges, Hato Rey, Puerto Rico, in connection with the liquidation of Banco Credito y Ahorro Ponceno, Ponce, Puerto Rico. (Two Memorandums)

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Report of the Controller re: Summary of liquidation and insurance expenses, estimated losses and other fiscal data, active liquidations—June 30, 1979.

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary (202) 389-4425.

[S-1891-79 Filed 9-25-79; 3:44 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 2:30 p.m., October 1, 1979.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

Jefferson Bank and Trust Company, a proposed new bank, to be located at 8703 Central Avenue, Capitol Heights, Maryland, for Federal deposit insurance.

Request for exemption pursuant to section 348.4(b)(2) of the Corporation's rules and regulations entitled "Management Official Interlocks":

Jefferson Bank and Trust Company, Capitol Heights, Maryland.

Notice of Acquisition of Control:

Bank of Granite, Granite, Oklahoma.

Application for consent to merge and establish a branch:

Erie Savings Bank, Buffalo, New York, an insured mutual savings bank, for consent to merge, under its charter and title, with Fredonia Savings and Loan Association, Fredonia, New York, and consent to establish the sole office of Fredonia Savings and Loan Association as a branch of the resultant bank.

First-Citizens Bank & Trust Company, Raleight, North Carolina, an insured State nonmember bank, for consent to merge, under its charter and title, with Bank of Conway, Conway, North Carolina, and for consent to establish the sole office of Bank of Conway as a branch of the resultant bank.

Application for consent to merge, establish branches, and to redesignate the main office location:

Bank of Chincoteague, Incorporated, Chincoteague, Virginia, an insured State nonmember bank, for consent to merge, under its charter, with Farmers & Merchants National Bank in Onley, Onley, Virginia, to establish the three offices of Farmers & Merchants National Bank in Onley as branches of the resultant bank which would bear the title "Farmers & Merchants Bank-Eastern Shore," and to redesignate the main office location of the resultant bank to be the site of the current main office of Farmers & Merchants National Bank in Onley.

Recommendations regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 44,038-L—Franklin National Bank, New York, New York.

Case No. 44,054-L—The Bank of Bloomfield, Bloomfield, New Jersey.

Memorandum re: Franklin National Bank, New York, New York.

Memorandum proposing the payment of an eighth dividend in connection with the receivership of Sharpstown State Bank, Houston, Texas.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION: Mr. Hoyle L. Robinson, Executive Secretary, (202) 389-4425.

[S-1892-79 Filed 9-25-79; 3:44 pm]

BILLING CODE 6714-01-M

8

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, October 2, 1979 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE DISCUSSED: Compliance and personnel.

DATE AND TIME: Thursday, Ocober 4, 1979 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory Opinions: AO 1979-21, Glenn E. Watts, Chairman CWA-COPE PCC. AO 1979-43, Richard Grayson. AO 1979-49, C. C. Clinkscales, III, Tres., Independent Campaign to Elect William E. Simon President. AO 1979-50, James M. Peirce, President, National Federation of Federal Employees (Public Affairs Council).
Public notice to National Banks to be issued by the Comptroller of the Currency and the FEC.
1980 elections and related matters.
Consultant's report on audit process (continued).
Appropriations and budget.
Pending legislation.
Classification actions.
Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-1888-79 Filed 9-25-79; 3:25 pm]

BILLING CODE 6715-01-M

9

September 25, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: October 2. 1979, 10 a.m.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Briefing of the Commission by Richard Solom, Chairman of the Subcommittee on *Ex Parte* and Separation of Functions with respect to the report of that Subcommittee. Mr. George Bruder has also been invited to express his individual views on the issue of separation of functions.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary, Telephone (202) 357-8400.

[S-1887-79 Filed 9-25-79; 3:25 pm]

BILLING CODE 6450-01-M

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Friday, October 5, 1979.

PLACE: Room 532, (open); Room 540 (closed) Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions Open to Public

(1) Oral Argument in Kroger Company, Docket 9102.

Portions Closed to the Public

(2) Executive Session to discuss Oral Argument in Kroger Company, Docket 9102.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1890-79 Filed 9-25-79; 3:39 pm]

BILLING CODE 6750-01-M

11

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 A.M., NOON THURSDAY, OCTOBER 4, 1979.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Presentation on use of marketing research by the Association of National Advertisers and the American Association of Advertising Agencies, with question and answer period to follow.

CONTACT PERSON FOR MORE INFORMATION: Ira J. Furman, Office of Public Information: (202) 523-3830; Recorded Message: (202) 523-3806.

[S-1889-79 Filed 9-25-79; 3:39 pm]

BILLING CODE 6750-01-M

12

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of emergency meeting held.

TIME AND DATE: 5:35 p.m., Thursday, September 20, 1979.

PLACE: 2025 M Street NW., Washington, D.C., 4th Floor Conference Room.

STATUS: Closed.

MATTER CONSIDERED:

1. Emergency loan request, under Section 208 of the Federal Credit Union Act, by a federal credit union impacted by a recent hurricane.

At its previously announced open meeting, the morning of September 20, the Chairman publicly announced that he had just received word that in the afternoon the emergency meeting might be necessary.

In the afternoon the Board voted:

1. that because of the emergency nature of the loan request, the Board meet to consider the request prior to giving 7 days advance notice; and
2. that based on the Board's consideration of the public interest and General Counsel certification, this meeting could properly be closed.

CONTACT PERSON FOR MORE INFORMATION: Rosemary Brady, Secretary of the Board, telephone (202) 254-9800.

[S-1893-79 Filed 9-25-79; 2:43 pm]

BILLING CODE 7535-01-M

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUCEMENT: [to be published].

STATUS: Open Meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, September 19, 1979.

CHANGES IN THE MEETING: Additional item/change in location of meeting.

The following additional item will be considered at a closed meeting scheduled for Wednesday, September 26, 1979, at 10 a.m.

Administrative proceeding of an enforcement nature.

The open meeting scheduled for Wednesday, September 26, 1979, at 1:30 p.m. with Professor Louis Loss of Harvard Law School to discuss the American Law Institute Proposed Federal Securities Code, will be held in room 825.

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272-2462.

September 24, 1979.

[S-1883-79 Filed 9-25-79; 1:35 pm]

BILLING CODE 8010-01-M

14

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of October 1, 1979, in Room 825, 500 North Capitol Street, Washington, D.C.

An open meeting will be held on Tuesday, October 2, 1979, at 10 a.m. A closed meeting will be held on Tuesday, October 2, 1979, immediately following the 10 a.m. open meeting.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402 (a)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meeting in closed session.

The subject matter open meeting scheduled for Tuesday, October 2, 1979, at 10 a.m., will be:

1. Consideration of whether to adopt Rule 17d-1(d)(6) under the Investment Company Act of 1940, which, subject to conditions, would permit an investment company and certain affiliated persons to enter into a joint arrangement to receive securities and/or cash pursuant to a portfolio company's plan of reorganization. For further information, please contact Mark B. Goldfus at (202) 272-2048.

2. Consideration of whether to adopt Rule 17d-1(d)(7) under the Investment Company Act of 1940 to permit, subject to conditions, the joint purchase of liability insurance policies by an investment company and affiliated person of such company. For further information, please contact Mark B. Goldfus at (202) 272-2048.

3. Consideration of whether to issue a release announcing the adoption of: (1) amendments to Securities Exchange Act Rule 15b9-2, which requires SECO broker-dealers to pay annual assessments; and (2) Form SECO-4-79, an assessment and information form for SECO broker-dealers, which specifies SECO assessments for fiscal 1979. For further information, please contact Janet R. Zimmer at (202) 272-2863.

The subject matter of the closed meeting scheduled for Tuesday, October 2, 1979, immediately following the open, will be:

Litigation matters.

Formal order of investigation.

Formal order of investigation and institution of injunctive action.

Opinion.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: George Yearsich at (202) 272-2178.

September 24, 1979.

[S-1884-79 Filed 9-25-79; 1:35 pm]

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federal register

Thursday
September 27, 1979

Part II

Department of Transportation

Federal Highway Administration

Research and Development; Proposed Revision of Regulations

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Parts 511, 521, 531, 541]

[FHWA Docket No. 79-21]

Research and Development; Proposed Revision of Regulations

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Highway Admnistration is considering the revision of policies and procedures applicable to federally funded research and development projects conducted by the State highway agencies. These revisions would clarify and reduce existing requirements and provide greater flexibility.

DATES: Written comments must be received on or before November 26, 1979.

ADDRESS: Submit written comments, preferably in triplicate, to FHWA Docket No. 79-21, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed stamped postcard.

FOR FURTHER INFORMATION CONTACT: Harry H. Hersey, Office of Research and Development, 703-557-5257; or Lee J. Burstyn, Office of the Chief Counsel, 202-426-0754, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET, Monday through Friday.

SUPPLEMENTARY INFORMATION: The existing regulations were originally published at 41 FR 55176 on December 17, 1976. This proposed revision of Subchapter F (at the present time consisting of parts 520, 522, 524, 530, 540, 542, 544, and 560) of Chapter I of title 23, Code of Federal Regulations would codify material contained in the Federal-Aid Highway Program Manual, volume 5, chapters 1 through 4, section 1.[1]

These proposed regulations set forth the policies and procedures which are applicable to State Highway Agencies which elect to conduct federally aided research and development (R & D) projects. The FHWA encourages such projects to promote the effective utilization of available resources and aid the highway program. Specific benefits to be derived are: increased highway performance, enhanced safety, improved environmental compatibility, and reduced costs.

The procedures to be followed in R & D projects have been modified to reduce unnecessary requirements and paperwork. An individual statement for each study will no longer be required in the R & D work program. The budget limit for individual Type B programs, essentially a small-scale study, has been increased from $30,000 to $50,000. In addition, the work program limit for completing Type B studies has been eliminated.

Technical papers and articles must now be submitted to the FHWA for information purposes, but do not require review and acceptance. However, interim and final study reports do require submission and approval by the FHWA. The requirements for the submission of progress reports have been modified.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044. A regulatory evaluation is available for inspection in the public docket and may be obtained by contacting Harry H. Hersey of the program office at the address specified above.

In consideration of the foregoing, and under the authority of 23 U.S.C. 307(c), 315 and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b), the Federal Highway Administration proposes to revise Chapter I, Subchapter F of title 23, Code of Federal Regulations to read as set forth below.

Issued on: September 19, 1979.

R. D. Morgan,

Associate Administrator for Engineering and Traffic Operations.

PART 511—R & D STUDIES AND PROGRAMS

Sec.
511.1 Purpose.
511.3 Definitions.
511.5 Civil Rights policy.
511.7 Policy on R & D programs.
511.9 Study proposals and changes.
511.11 Work program and changes.
511.13 Equipment.
511.15 Patents and inventions.

Authority: 23 U.S.C. §§ 307(c), 315; 49 CFR 1.48(b).

§ 511.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for Research and Development (R & D) federally funded studies and the R & D work program.

§ 511.3 Definitions.

(a) "Budget item" is a short descriptive title in the budget tabulation with its associated budget estimate.

(b) "Highway Research Information Service (HRIS)" is a computerized storage and retrieval system for two types of information:

(1) Resumes of ongoing R & D studies, and

(2) Abstracts of R & D reports and articles.

(c) "Major change" is a change, including termination, in the objective, scope, or work plan or principal investigator of a study which significantly alters the course or the expected results of the study. Also a change in the cost of the study which modifies the initial estimated cost by 15 percent or more.

(d) "Minor change" is any other change in the study.

(e) "Nonexpendable equipment" is equipment having a useful life of more than 1 year and an acquisition cost of more than $300 per unit.

(f) "Proposal" is an outline of specific research or development to be conducted which includes such items as description of the objectives, work plan, cost estimate, and time schedule.

(g) "R & D work program" is an annual or biennial listing of proposed work and estimated cost.

(h) "Type B study" is a small-scale study which does not exceed $50,000 or require more than 2 years to complete (this time limit may be extended for experimental construction studies or for reasonable delays not to exceed 1 year) and is one of the following types: (1) Short term study related to local or regional problems; (2) exploratory, survey, or feasibility study; (3) experimental construction study (see Federal-Aid Highway Program Manual, Volume 6, Chapter 4, Section 2, Subsection 4 (FHPM 6-4-2-4),[2] Construction Projects Incorporating Experimental and/or Evaluation Features); or (4) implementation effort.

(i) "Type A study" is a study which addresses regional or national problems or exceeds the limitations of a Type B study defined in paragraph (h) of this section.

(j) "Work plan" is the section of the study proposal which contains the detailed description of the procedures which will be used to conduct the research.

[1] This document is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

[2] This document is available for inspection and copying as prescribed in 49 CFR Part 7, appendix D.

§ 511.5 Civil Rights policy.

The implementation of these program activities shall be in accordance with the policy of the Federal Highway Administration (FHWA) to ensure compliance with Title VI of the Civil Rights Act of 1964, 49 CFR Part 21, and Related Statutes and Regulations, as stated in 23 CFR Part 200, the Title VI Program.

§ 511.7 Policy on R & D programs.

(a) Each State Highway Agency (SHA) is encouraged to maintain a viable R & D program, adequately funded, to address its most urgent short- and long-range problems. To promote effective utilization of available resources, the SHA's are encouraged to cooperate with the FHWA and other SHA's to achieve R & D objectives established at the national level. An SHA R & D program is primarily a problem-solving service to the practicing engineers and other users. It can best be justified as a continuing activity when it is demonstrated that R & D results and end products are used and pay dividends to the highway program as a whole.

(b) Each SHA is further encouraged to participate with other segments of the research and development community to solve regional and national problems. To assure a minimum of duplication in R & D work, new studies shall be coordinated with the work of others in the subject area.

(c) In order to benefit from the results of research and development, each SHA should develop an active technology transfer program to promote the use of those results.

§ 511.9 Study proposals and changes.

(a) An SHA desiring Federal aid initiates a request for Type A or Type B study by submitting the study proposal to the FHWA for approval. A research study proposal shall establish the necessity for a research undertaking, clearly define the objective, provide a detailed work plan for achieving the objective, and indicate how the research findings are expected to be used. An HRIS or other literature search shall be made for Type A studies to minimuze duplication of work. Such a search is encouraged for Type B studies.

(b) The SHA's may initiate new research and development studies at any time during the work program period. New studies may address a new subject area or may extend, modify, or refine previous work in a subject area.

(c) Major Changes—Major changes in the objective, scope, work plan, principal investigator, or cost shall be fully documented and submitted to the FHWA for prior approval except as provided in 23 CFR Part 521, R & D Management Option.

(d) Minor Changes—Minor cost changes may be made by the SHA without the FHWA approval except for the purchase of nonexpendable equipment costing over $1,000. The FHWA shall be promptly informed of all actions taken by the SHA. Other minor changes shall be submitted to the FHWA for approval except as provided in 23 CFR Part 521.

§ 511.11 Work program and changes.

(a) Each SHA desiring Federal aid for R & D work must prepare an R & D work program and submit it to the FHWA for approval. It shall include each approved Type A and Type B study until either the study's draft final report has been accepted by the FHWA as fulfilling the technical requirements, or the study has been terminated. It shall include the following information in tabular form for each budget item:

(1) State study number.
(2) Type A or B.
(3) Study title.
(4) Budget estimate for program year.
(5) Estimated cost for previous year for continuing studies.
(6) Accumulated expenditures to date.
(7) Approved total study budget.
(8) Completion date.

(b) Each SHA is encouraged to include in the R & D work program information regarding R & D work funded entirely by the SHA's. This information will assist the FHWA in its role of coordinating research and development, and will provide the FHWA with a more complete picture of each SHA's capabilities and resources.

(c) Individual budget items for "Administration", "Research Correlation Service", "Implementation", and "Contingencies" shall be included as needed in each SHA's R & D work program, in addition to the budget items for Type A and Type B studies, and a listing of proposed studies.

(d) After the work program is approved, subsequent changes which are made for individual studies are automatically changes in the current R & D work program and no further action is required, unless a cost increase exceeds the funds available in the project agreement. If a cost increase exceeds the funds available in the project agreement, and there are unobligated balances available, the cost increase may be approved and the PR-2 must be modified in accordance with 23 CFR Part 630, Subpart C at or prior to final voucher stage. Other work program changes, such as a cost increase in the administrative budget item, shall be submitted to the FHWA for approval.

§ 511.13 Equipment.

(a) Nonexpendable equipment for an R & D study shall be purchased and managed in such a manner that only those equipment costs reasonably attributable to the study are charged to that study. Nonexpendable equipment purchased with Federal-aid funds shall be properly disposed of at the completion of the study and the residual value credited to the study. The SHA shall obtain prior FHWA approval on all equipment purchased, rented, or disposed of which exceeds $1,000, except as provided in 23 CFR Part 521, R & D Management Option. This approval may be requested as a part of the proposal submission, or as a separate submission.

(b) Each SHA shall maintain an inventory record for each piece of nonexpendable equipment purchased or built under the Federal-aid R & D program including equipment acquired by a contractor. Property records shall include:

(1) A description of the property including the manufacturer's serial number, model number, or other identification number.
(2) Source of the property including the study number or title.
(3) Acquisition date and unit acquisition cost.
(4) Location, use and condition of the property and the date the information was reported.
(5) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value.

(c) When nonexpendable property is acquired with Federal-aid funds, the title shall rest with the SHA.

§ 511.15 Patents and Inventions.

If an R & D study produces patents, patent rights, processes or inventions, the SHA shall follow procedures similar to those set forth in 41 CFR 1-9.1, Administration of Negotiated Contracts, to assure the preservation of the public's rights in inventions resulting from these studies.

PART 521—R & D Management Option

Sec.
521.1 Purpose.
521.3 Policy.
521.5 Definitions.
521.7 Procedures.

Authority: 23 U.S.C. 117, 307(c), 315; 49 CFR 1.48(b).

§ 521.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for

reducing specified Research and Development (R & D) administrative requirements if a State highway Agency (SHA) satisfies specified management standards.

521.3 Policy.

The SHA's which meet certain R & D management standards may operate under the R & D management option which grants greater flexibility in the administration of the Federal-aid R & D program.

521.5 Definitions.

(a) "Federal-aid R & D work program" is an annual or biennial statement of proposed work and estimated cost.

(b) "Type B study" is a small-scale study as defined in 23 CFR 511.3(h).

(c) "Type A study" is a large-scale study as defined in 23 CFR 511.3(i).

521.7 Procedures.

(a) Any SHA operating under the R & D management option may take the following actions on Federal-aid R & D studies without prior Federal Highway Administration (FHWA) approval:

(1) Initiation of new Type B studies listed in the current SHA R & D work program except those which require the FHWA approval of the statement of work (work plan) in accordance with the FHWA procedures for the administration of negotiated contracts.

(2) Make all minor changes listed in 23 CFR Part 511, R & D Studies and Programs.

(3) Make changes in the principal investigator of a study.

(4) Make all major changes in Type B studies listed in 23 CFR Part 511, R & D Studies and Programs.

(5) Purchase or rent equipment up to 20 percent of the total study budget.

(b) The FHWA shall be fully informed of all actions the SHA takes in accordance with the above paragraph by transmittal of copies of the action documents to the FHWA.

(c) If an SHA desires to manage its Federal-aid R & D program under this option, the SHA shall submit a request to the FHWA for approval.

(d) The FHWA will review the SHA's request and will determine if the SHA is capable of accomplishing the legislative objectives of 23 U.S.C. 307(c) without the FHWA review and approval of actions listed in paragraph (a) of this section. The FHWA review will be based on the following criteria:

(1) The SHA has established an R & D advisory council or committee.

(2) The SHA has documented its current internal operating procedures which include the requirements of Subchapter F of Title 23, Code of Federal Regulations.

(3) The SHA has an R & D management staff, including a designated R & D manager, to direct and control the Federal-aid R & D program.

(4) The SHA has established internal reporting and review procedures to accomplish the legislative objectives of 23 U.S.C. 307(c) without the FHWA review and approval of actions listed in paragraph (a) of this section.

(e) If the SHA's request satisfies the criteria, its request to operate under the R & D management option shall be approved by the FHWA. If the SHA's R & D management is in substantial (but not complete) agreement with the criteria, the SHA's request may be approved on a provisional basis for a period not to exceed 1 year.

(f) Any R & D management options shall be reviewed annually to determine compliance with the approved procedures and staffing.

PART 531—R & D REPORTS AND IMPLEMENTATION ACTIVITIES

Sec.
531.1 Purpose.
531.3 Definitions.
531.5 Policy.
531.7 Report requirements.
531.9 Types of reports.
531.11 Implementation procedures.
Appendix.—Technical report documentation page.

Authority: 23 U.S.C. 307(c), 315; 49 CFR 1.48(b).

§ 531.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for reports from the Research and Development (R. & D.) studies and for implementation activities.

§ 531.3 Definitions.

(a) "Final report" is a report documenting a completed study.

(b) "Implementation" is the packaging and followup of research results to provide the basis for adopting the innovations into practice.

(c) "Implementation package" is material in any media (such as printed manuals, training courses, movies, computer programs, or video tape) used to transfer technology.

(d) "Interim report" is a report documenting a major phase of a study.

(e) "Summary final report" is a final report summarizing a completed study which has been previously documented in interim reports.

§ 531.5 Policy.

All studies shall be completely documented in a timely manner. When the work is not normally expected to result in a final report, such as for implementation efforts, this provision will not apply.

§ 531.7 Report requirements.

All of the following items apply to interim and final reports prepared for publication and distribution. Individual items may also apply to other reports and papers as specified.

(a) Technical Report Documentation Page, DOT F 1700.7 (Appendix) shall be completed and included in each report.

(b) Adherence to the Department of Transportation (DOT) document, (DOT-TST-75-97), "Standards for the Preparation and Publication of DOT Scientific and Technical Reports" [3] is encouraged in the preparation of all R & D interim and final reports.

(c) Include a credit reference to the Federal Highway Administration (FHWA) such as, "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(d) Include a disclaimer statement equivalent to the following:

"The contents of this report reflect the views of the author(s) who is (are) responsible for the facts and the accuracy of the data presented herein. the contents do not necessarily reflect the official views or policies of the (SHA or the) Federal Highway Administration at the time of publication. This report does not constitute a standard, specification, or regulation."

(e) The State Highway Agencies (SHA) are encouraged to provide both English and SI (metric) units of measurement in their reports.

(f) The author shall be free to copyright material developed under the contract with the provision that the SHA and the FHWA reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes.

(g) Reports of nonprofitmaking organizations may be published if the FHWA fails to complete its review within 4 months from submission. Reports of nonprofitmaking organizations may be published even though the FHWA does not concur with the findings and conclusions in the report, provided the FHWA has the right to include technical comments in the report in a clearly identified section such as "sponsors comments."

[3] This publication is available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D. The publication may be purchased from the National Technical Information Service, Springfield, Va. 22161, Order Number PB 245400.

§ 531.9 Types of reports.

(a) *Interim reports.* These reports shall be submitted to the FHWA for review and acceptance prior to publication. They shall be submitted when major phases of a study are completed as stipulated in the approved work plan, or when significant scientific breakthroughs are realized.

(b) *Final reports.* (1) A final report shall completely document all data gathered, analyses performed, and the results achieved. For a study where a number of interim reports have been published, a summary final report is satisfactory, provided adequate detailed documentation of the work completed has been published previously.

(2) The SHA's shall determine if a study produced implementable results. If so, the study report shall recommend procedures for implementation, indicate expected benefits, and, if needed, recommend additional work to achieve implementation.

(3) The final report shall be sent to the FHWA for review and acceptance prior to publication.

(c) *Film reports.* (1) Where motion pictures, film clips, or sets of slides are produced in connection with a study, a minimum of one reproducible copy of the film or slide documentation shall be furnished to the FHWA. The master copy of any film produced shall be available for subsequent use of the FHWA as necessary.

(2) Motion picture films produced shall include a brief credit line for the SHA and the FHWA support and simple waiver statement equivalent to the following: "This film presents recent research results and does not necessarily reflect the FHWA policy at the time of production."

(d) Publication of papers and articles. Publication of significant technical findings from a study are encouraged. If the results reported have not appeared in reports submitted to the FHWA, copies shall be submitted to the FHWA before submission for publication or release to the media. All papers should contain a disclaimer statement. All papers that contain previously undisclosed findings shall contain a statement equivalent to the following:

This paper presents findings from a study sponsored jointly by the SHA and the FHWA and at the time of publication was not reviewed by the FHWA for policy implications.

(e) *Progress reports.* (1) For all studies in an approved work program, progress reports shall be submitted to the FHWA as specified in the FHWA's approval of the study. A minimum of two progress reports shall be submitted each year.

(2) These reports shall contain sufficient information to evaluate the progress and possible future course of a study.

§ 531.11 Implementation procedures.

(a) *Early consideration of implementation.* In all R & D activities, implementation is a continuing consideration, beginning with the research problem selection and work plan development, and extending throughout the research effort.

(b) *Implementation budget item.* (1) Each SHA is encouraged to include an implementation budget item in the R & D work program with the suggested title "Implementation." Under this general budget item, an SHA may conduct necessary activities to enhance the adoption of R & D findings. Such findings need not have resulted from the SHA's own R & D program.

(2) Documentation of activities carried out under this budget item shall be sent to the FHWA. This documentation shall include an evaluation of the degree of success and the benefits derived. An annual summary report is required, however, special reports on major successful efforts may be submitted. When implementation activities results in training materials such as audiovisual items, one reproducible copy of such material shall be sent to the FHWA to be considered for possible wider dissemination.

BILLING CODE 4910-22-M

APPENDIX

Technical Report Documentation Page

1. Report No.	2. Government Accession No.	3. Recipient's Catalog No.
4. Title and Subtitle		5. Report Date
		6. Performing Organization Code
7. Author(s)		8. Performing Organization Report No.
9. Performing Organization Name and Address		10. Work Unit No. (TRAIS)
		11. Contract or Grant No.
12. Sponsoring Agency Name and Address		13. Type of Report and Period Covered
		14. Sponsoring Agency Code
15. Supplementary Notes		
16. Abstract		
17. Key Words	18. Distribution Statement	

19. Security Classif. (of this report)	20. Security Classif. (of this page)	21. No. of Pages	22. Price

Form DOT F 1700.7 (8-72) Reproduction of completed page authorized

BILLING CODE 4910-22-C

PART 541—COOPERATIVELY FUNDED R. & D. STUDIES

Sec.
541.1 Purpose.
541.3 Definitions.
541.5 Policy.
541.7 Criteria for 100-percent funding.
541.9 Pooled funding procedures.

Authority: 23 U.S.C. 307(c), 315; 49 CFR 1.48(b).

§ 541.1 Purpose.

The purpose of this regulation is to prescribe policies and procedures for cooperatively funded studies.

§ 541.3 Definitions.

(a) "Pooled funding" is the cooperative funding of a study or program by two or more State highway agencies (SHA).

(b) "National pooled fund study" is a pooled fund study on a problem of national significance administered by the Federal Highway Administration (FHWA) Washington Headquarters in cooperation with the sponsoring SHA's.

(c) "Regional Cooperative Study (RCS)" is a pooled fund study on a problem of regional significance administered by the lead SHA and the appropriate FHWA regional office in cooperation with the other sponsoring SHA's. It may include the SHA's in adjacent FHWA regions.

(d) "Lead State" is the SHA which has agreed to administer the RCS for all the sponsoring SHA's.

(e) "National Cooperative Highway Research Program (NCHRP)" is a pooled fund program directed toward problems of national significance sponsored by the SHA's and the FHWA, and administered by the Transportation Research Board, National Academy of Sciences.

§ 541.5 Policy.

When widespread national or regional interest is shown in the solution of a significant problem, the FHWA encourages arrangements by which a Research and Development (R & D) study may be cooperatively sponsored by two or more SHA's. The study may be administered by a lead SHA under its own procedures, by NCHRP, or by the FHWA Washington Headquarters under the Federal Procurement Regulations, 41 CFR Chapter 1.

§ 541.7 Criteria for 100-percent funding.

(a) The following criteria are used by the FHWA for determining when Federal-aid funds used for R & D studies and programs without State matching would best serve the interests of the Federal-aid highway program:

(1) The proposed study or program addresses a national or regional problem of high priority, and the results are expected to be immediately implementable.

(2) The study proposed satisfies the requirements in 23 CFR Part 511, R & D Studies and Programs.

(b) The NCHRP satisfies the criteria set forth in paragraph (a) of this section, and Federal-aid funds without State matching may be used in this program.

§ 541.9 Pooled funding procedures.

(a) *National Cooperative Highway Research Program.* Interested SHA's participate in a continuing program by contributing annually a percent of their Federal-aid funds apportioned each year. The SHA's contribution may be furnished entirely from Federal-aid funds without SHA matching. The SHA's contribution also may be financed from both Federal- and State-matching funds or entirely from SHA funds. Proposals for funding under the NCHRP are submitted in accordance with the procedures under the triparty agreement between the National Academy of Sciences, the FHWA, and the American Association of State Highway and Transportation Officials dated June 29, 1965, and as amended.

(b) *National pooled fund study.* (1) A request for a 100 percent pooled fund R & D study may be initiated by two or more SHA's and submitted to the FHWA for review. If the request meets the criteria set forth in § 541.7(a), the FHWA may approve the request as a 100 percent pooled fund R & D study.

(2) This SHA-initiated study proposal shall indicate the willingness of other SHA's to cooperate and contribute funds. A technical committee consisting of representatives from the sponsoring SHA's is formed to review the prospects and monitor the study. The R & D study is administered by the FHWA Washington Headquarters under the Federal Procurement Regulations. All other SHA's will be advised of the study and may join in the effort.

(c) *Regional Cooperative Study.* (1) When widespread regional interest is shown in the solution of a significant problem, an R & D study may be cooperatively sponsored by two or more SHA's and administered by a lead SHA under its own procedures. Either the lead SHA or the appropriate regional office may act as the fiscal agent for the study.

(2) To initiate an RCS, the sponsoring SHA shall obtain statements from other interested SHA's within a region of their willingness to cooperate in financing the study. The sponsoring SHA shall then submit to the FHWA a proposal for a Type A study for review and approval. The proposed financing plan shall be indicated in the submission. When the conduct of an RCS is considered in the national interest and is of sufficient urgency, justification may be submitted to the FHWA for approval to finance the study with 100 percent Federal-aid funds.

(3) For RCS, the administrative and contracting procedures for Type A studies apply in accordance with 23 CFR Part 511, R & D Studies and Programs.

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federal register

Thursday
September 27, 1979

Part III

Department of Energy

Appropriate Technology Small Grants Program; Proposed Rulemaking and Public Hearing

DEPARTMENT OF ENERGY

[10 CFR Part 470]

[Docket No. CAS-RM-79-601]

Appropriate Technology Small Grants Program; Proposed Rulemaking and Public Hearing Amending Program Guidelines

AGENCY: Department of Energy.

ACTION: Proposed rule.

SUMMARY: The Department of Energy (DOE) is proposing amendments to the Program Guidelines for the Appropriate Technology Small Grants Program (program) which were issued by DOE pursuant to the Energy Research and Development Administration Appropriation Authorization of 1977. The proposed amendments would modify and clarify parts of the Program Guidelines, based on the experience gained in administering the program, and would update the Program Guidelines to reflect the applicability of DOE's recently issued Assistance Regulations.

DATES: Written comments must be received by 4:30 p.m., e.s.t., on November 26, 1979. The public hearing will be held on November 14, 1979, at 9:30 a.m., e.s.t. Requests to speak at the hearing must be received by 4:30 p.m., e.s.t., on November 2, 1979, and speakers will be notified by November 6, 1979. Written copies of a speaker's statement must be received by 4:30 p.m., e.s.t., on November 12, 1979.

ADDRESSES: Send written comments, requests to speak and copies of speaker's statement to Joanne Bakos, Office of Conservation and Solar Applications, Mail Stop 2221C, Department of Energy, 20 Massachusetts Avenue, NW., Washington, D.C. 20585. The public hearing will be held in Room 3000A, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Ann Hegnauer, Office of Small Scale Technology, 20 Massachusetts Avenue, NW., Washington, D.C. 20585 (202) 376-4480.
Joshua P. Smith, Office of the General Counsel, 20 Massachusetts Avenue, NW., Washington, D.C. 20585 (202) 376-9469.
Joanne Bakos, Office of Hearings and Dockets, 20 Massachusetts Avenue, NW., Washington, D.C. 20585 (202) 376-1651.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Discussion of Proposed Amendments to the Program Guidelines.
III. Opportunities for Public Comment.
IV. Other Matters.

I. Background

Section 112 of the Energy Research and Development Administration Appropriation Authorization of 1977 (Pub. L. 95-39) (Act), required the Department of Energy (DOE), as the successor to the Energy Research and Development Administration (ERDA), to establish a small grants program (the program) for the purpose of encouraging projects for the development and demonstration of appropriate technology. Pursuant to section 112(c) of the Act, such projects involve energy-related systems and supporting technologies appropriate to (1) the needs of local communities and the enhancement of community self-reliance through the use of available resources; (2) the use of renewable resources and the conservation of non-renewable resources; (3) the use of existing technologies applied to novel situations and uses; (4) applications which are energy-conserving, environmentally sound, small scale, durable and low cost; and (5) applications which demonstrate simplicity of installation, operation and maintenance.

On April 12, 1978, DOE issued proposed guidelines for implementing the program, as required by section 112 of the Act (43 FR 16185, April 17, 1978). After reviewing public comments, DOE issued final Program Guidelines for implementing the program in Part 470 of Chapter II of Title 10 of the Code of Federal Regulations on August 3, 1978 (43 FR 35020, August 8, 1978). In accordance with the Program Guidelines, DOE implemented the program in fiscal years 1978 and 1979 on a phased-in regional basis.

II. Discussion of Proposed Amendments to the Program Guidelines

A. Introduction

Based on its experience in administering the program and in order to reflect the recent issuance of DOE's generic regulations governing financial assistance, DOE is proposing several amendments to the Program Guidelines. Some amendments would affect the regulations generally, while others would affect only specific sections of the regulations. The proposed amendments are discussed below, and DOE is interested in comments on the appropriateness and clarity of all the proposed amendments.

B. Proposed Amendments Which Apply to the Program Guidelines in General

All references to the ERDA Financial Assistance Manual (ERDA-FAM) and the ERDA Procurement Regulations (ERDA-PR) have been deleted from the Program Guidelines, as these have been superseded, respectively, by the DOE Assistance Regulations (10 CFR Part 600; 44 FR 12920, March 8, 1979) (DOE-AR) and the DOE Procurement Regulations (41 CFR Part 9-9, 44 FR 34424, June 14, 1979) (DOE-PR). The applicability of these new regulations to particular provisions of the Program Guidelines is discussed, as appropriate, below.

The terms "support" and "program announcement" have been replaced throughout Part 470 by the terms "assistance" and "program solicitation," respectively. These changes in terminology are proposed to allow easier cross-reference to the appropriate provisions of DOE-AR, which use the terms "assistance" and "program solicitation."

All references to contracts and cooperative agreements as instruments for financial assistance under the program have been deleted. While section 112(d)(1) of the Act authorizes the use of grants, agreements and contracts, DOE believes, based on its use of grants in the operation of the program and the requirements of the Federal Grant and Cooperative Agreement Act of 1977 (Pub. L. 95-224), as implemented by DOE-AR, that grants, which do not involve substantial involvement between the Federal Government and the recipient, are the most appropriate means of awarding assistance for the program.

C. Definitions (§ 470.2)

DOE is proposing several amendments to definitions. The term "assistance" is defined as "financial assistance or award under the program through grants," in accordance with DOE's determination on award instruments discussed above. The definitions of "affiliate," "Indian tribe" and "State government" are revised to correct inadvertent errors. Finally, a definition of "concern" is added, since that term is important to the definitions of both "affiliate" and "small business."

D. Program Solicitation (§ 470.13)

DOE is proposing several revisions to the required contents of each region's program solicitation. The amendments reflect the requirements of DOE-AR and DOE's evaluation of program solicitations which have been used in the program. As a result of these amendments, the program solicitation will provide more complete information on application and selection procedures and policies.

The proposed amendments would delete or replace certain items and would require that each regional

program solicitation also include the following new or revised items: (1) A description of the program; (2) the eligibility requirements for proposers; (3) a simple application form, together with instructions; (4) a description of the evaluation and selection procedures, including a notice to proposers that if the proposer expressly indicates that only Government evaluation is authorized, DOE may be unable to give full consideration to a proposal; (5) instructions to proposers as to how to identify information in their proposals which they do not want disclosed for purposes other than evaluation; (6) a statement notifying proposers that information in proposals will be handled in accordance with the procedures set forth in DOE-AR and disclosed, if appropriate, only in accordance with DOE's Freedom of Information regulations (10 CFR Part 1004); (7) notice to proposers of their right to request a debriefing, as provided in § 470.18 and (8) notice to proposers of their right to request a waiver of DOE's title to inventions made under a grant.

E. Evaluation and Selection (§ 470.14)

DOE is proposing the following amendments to the evaluation and selection procedures set forth in § 470.14. DOE is deleting the terms "technical evaluation panel" and "State review panel" and revising the language of the section to conform to the actual function of the individual technical reviewers and State reviewers. The technical and State reviewers do not act as collegial groups but rather forward to the DOE selection panel their individual evaluations on each proposal provided to them.

DOE is also proposing to amend § 470.14(c) by revising one of the criteria used by the State reviewers and to add an additional criteria. The reference to ERDA-FAM 503 is deleted from § 470.14(c)(10), and the paragraph is revised to state that reviewers are to consider the reasonableness of the proposer's budget for carrying out a proposal. A new paragraph § 470.14(c)(11) is added to direct State reviewers to consider the need of the proposer to receive assistance under the program. This criteria is added to promote the best use of the limited funds available under the program to assist innovative proposals which might not otherwise receive funding.

Section 470.14(d) is deleted and the subsequent paragraphs have been appropriately redesignated. This paragraph which set forth the program policy as to the selection of reviewers and restrictions on their access to proposal information were based on the provisions of ERDA-FAM and ERDA-PR which are no longer in effect. The selection and performance of reviewers is now governed by current DOE regulations and policies.

Section 470.14(e), as redesignated, is revised to make clear that a DOE selection official in each region shall select the proposals which are to be funded in that region.

F. Allocation of Funds (§ 470.15)

DOE is proposing two significant changes to the formula for the annual allocation of fiscal year funds available for assistance, set forth in § 470.15. Instead of dividing the funds among the ten standard Federal regions entirely on the basis of population, as currently provided in the regulations, DOE is proposing to allocate two-thirds of funds according to population and to allocate the remaining one-third according to the number of proposals, received per hundred thousand of population in the region, which meet the "prescreening" requirements of § 470.14(a). DOE is also proposing to reduce the minimum level of assistance to projects in each state of a region from 25 percent to 10 percent of the funds available to the region divided by the number of states in the region. These amendments will improve the opportunity for funding in areas where interest in the program is high, while still maintaining the equitable distribution of funds to all regions.

To implement the revised allocation formula, DOE will annually inform the Regional Program Managers as to the date by which all regional program solicitations must close, in order for DOE to receive the necessary information from the regions for the purpose of allocating fiscal year funds according to the formula in § 470.15. This deadline would not prevent individual regions from establishing earlier local deadlines for proposals.

Since the allocation formulas for fiscal years 1978 and 1979 as set forth in § 470.15(a) and (b) are no longer applicable, DOE is proposing to delete these paragraphs and to designate the revised annual allocation formula as § 470.15(a).

G. Cost Sharing and Funds From Other Sources

Section 470.16 is amended to delete the references to ERDA-FAM and ERDA-PR. The appropriate procedures for cost sharing are now provided by DOE policies and regulations.

H. General Requirements (§ 470.17)

Section 470.17 is amended to delete the references to ERDA-FAM and ERDA-PR and to reference, as the generally governing requirements for the program, DOE-AR and any other DOE or Federal requirements applicable to the award and administration of grants. Section 470.17 is also revised to indicate that grants are the only instrument of assistance to be used under the program.

I. Debriefing (§ 470.18a)

Section 470.18 is amended to provide specifically for the debriefing of unsuccessful proposers. Upon written request by a proposer, within 30 working days of notification of elimination from consideration, an unsuccessful proposer will be provided a debriefing. The debriefing will be provided at the earliest feasible time, as determined by the Regional Program Manager.

J. Inventions and Patents (§ 470.19)

Since § 600.82 of DOE-AR sets forth appropriate policy and procedures concerning title to inventions made under grants, § 470.19 is deleted. DOE's patent policy is set forth in section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908) and is implemented in Part 9-9 of the DOE-PR (41 CFR Part 9-9). Under DOE policy, title to inventions made under DOE grants vests in the Government unless a waiver of the Government's rights is granted. In the past, DOE has approved class waivers on a regional basis which apply to grants under this program. At the present time, a request is being made for a class waiver to be applicable to the program on a nationwide basis. This request has not yet been acted upon, however it is expected that if the class waiver is granted, the patent provisions appropriate for grants under the nationwide program would be generally similar to those now applicable to the regional class waivers. The regional class waivers provide that the grantee retains title to inventions subject to the Government's license and march-in rights. The waivers operate to grant the waiver automatically to small businesses who desire the waiver and to others who have an intention and plan to commercialize inventions. Appropriate information on requesting waivers is provided in the regional program solicitations pursuant to the proposed amendments to § 470.13.

III. Opportunities for Public Comment.

A. *Written Comments.* Interested persons are invited to participate in this rulemaking by submitting data, views, or arguments with respect to the proposed amendments to the Program Guidelines set forth in this notice. Comments should be submitted to the address

indicated in the addresses section of this preamble and should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Appropriate Technology Small Grants Program" (Docket No. CAS-RM-79-601)." Fifteen (15) copies should be submitted. All comments received will be available for public inspection in the DOE Reading Room, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m. and 4:30 p.m., e.s.t., Monday through Friday. All comments received by [60 days after publication] before 4:30 p.m., e.s.t., and all other relevant information will be considered by DOE before final action is taken on the proposed amendments to the Program Guidelines.

Pursuant to the provisions of 10 CFR 1004.11 (44 FR 1908, January 8, 1979), any person submitting information which he or she believes to be confidential and which may be exempt by law from public disclosure should submit one complete copy, and fifteen copies from which information claimed to be confidential has been deleted. In accordance with the procedures established at 10 CFR 1004.11, DOE shall make its own determination with regard to any claim that information submitted be exempt from public disclosure.

B. *Public Hearing.*

1. *Request Procedures.* The time and place of the public hearing are indicated in the dates and addresses sections of this preamble. DOE invites any person who has an interest in this proposed rulemaking or who is a representative of a group or class of persons that has an interest in the proposed rulemaking to make a written request for an opportunity to make an oral presentation. Such a request should be directed to DOE at the address indicated in the addresses section of this preamble and must be received before 4:30 p.m., e.s.t., on November 2, 1979. A request may be hand delivered between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Requests should be labeled both on the document and on the envelope "Appropriate Technology Small Grants Program—Public Hearing (Docket No. CAS-RM-79-601)."

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of a group or class of persons that has such an interest; and give a concise summary of the proposed oral presentation and a telephone number where the requester may be contacted through the day before the hearing. Each person selected to be heard will be notified by DOE before 4:30 p.m., e.s.t., November 6, 1979. Each person selected to be heard must submit 15 copies of her or his statement to the address given in the addresses section of this preamble before 4:30 p.m., e.s.t., November 12, 1979. In the event that any person wishing to testify cannot provide 15 copies, alternative arrangements can be made in advance of the hearing by so indicating in the letter requesting an oral presentation or by calling Joanne Bakos at (202) 376-1651.

2. *Conduct of the Hearing.* DOE reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the hearing. This will not be a judicial type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of the persons presenting statements. Any decision made by DOE with respect to the subject matter of the hearing will be based on all information available to DOE. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if she or he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person who wishes to have a question asked at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any person wishing to make an oral presentation at the hearing, but who does not file a timely request as specified above, may notify Joanne Bakos before the hearing or the presiding officer during the hearing of his or her desire to make a presentation. Such person will be admitted as a "limited" participant and will be heard at such time and for such duration as the presiding officer may permit.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room GA-152, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

IV. Other Matters

A. *Environmental Review.* As part of the original development of the Program Guidelines, DOE determined that the regulations did not constitute a major Federal action with significant impact on the human environment, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) (NEPA). While DOE believes that, due to the small scale and diversity of projects funded under the program, this conclusion is still correct, DOE is currently developing an Environmental Assessment (EA) to evaluate the environmental effects of the Program, as required by 40 CFR 1501.3 and DOE's NEPA Guidelines. When the EA is completed, it will be made available for public comment.

B. *Regulatory Review.* It has been determined that the proposed amendments to the Program Guidelines are significant, as that term is used in Executive Order 12044 and amplified in DOE Order 2030. This determination is based upon the demonstrated public interest in the Appropriate Technology Small Grants Program. It has been further determined that this regulatory action is not likely to have a major impact, as defined by Executive Order 12044 and DOE Order 2030; consequently, no regulatory analysis will be prepared in this instance.

C. *Urban Impact Analysis.* This proposed regulation has been reviewed in accordance with OMB Circular A-116 to assess the impact on urban centers and communities. In accordance with DOE's finding that the regulation is not likely to have a major impact, DOE had determined that no community and urban impact analysis of the rulemaking is necessary, pursuant to section 3(a) of Circular A-116.

(Energy Research and Development Administration Appropriation Authorization of 1977, Pub. 95-39, 91 Stat. 180, 42 U.S.C. 5907a; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat 565, 42 U.S.C. 7101 *et. seq.*)

In consideration of the foregoing, DOE hereby proposes to amend Part 470 of Chapter II of Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., September 21, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications.

1. Section 470.2 is amended by deleting the terms "ERDA-FAM", "ERDA-PR", and "Support" and their corresponding definitions; and by amending certain definitions in the section to read as follows:

§ 470.2 Definitions.

* * * * *

"Affiliate" means a concern which, either directly or indirectly, controls or has the power to control another concern, is controlled by or is within the power to control of another concern or, together with another concern, is controlled by or is within the power to control of a third party, taking into consideration all appropriate factors, including common ownership, common management and contractual relationships.

"Assistance" means financial assistance or award under the program by grant.

"Concern" means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity) with its principal place of business located in the United States. "Concern" includes, but is not limited to, an individual, partnership, corporation, joint venture, association or cooperative. For the purpose of making affiliation findings, any business entity, whether organized for profit or not, and any foreign business entity, (i.e. any entity located outside the United States) shall be included.

* * * * *

"Indian tribe" means any tribe, band, * * *

* * * * *

"State government" means the government of a State, or an interstate organization.

* * * * *

2. Section 470.13 is amended by changing the heading of the section, by deleting the word "and" from the end of paragraph (b)(10) and by further amending paragraph (b) as follows:

§ 470.13 Program solicitation.

* * * * *

(b) Each program solicitation shall set forth the requirements and procedures for applying for grants under the program, including—

(1) A description of the program;

(2) The eligibility requirements;

* * * * *

(4) A simple application form for submitting a proposal for assistance under the program, together with instructions for completing the application form;

* * * * *

(6) An explanation of the evaluation and selection procedures, including a notice to proposers that if the proposer expressly indicates that only Government evaluation is authorized, DOE may be unable to give full consideration to the proposal.

* * * * *

(12) A statement notifying proposers how to identify information in the proposal which the proposer does not want disclosed for purposes other than the evaluation of the proposal.

(13) A statement notifying proposers that all information contained in the proposal will be handled in accordance with the policies and procedures set forth in 10 CFR Part 600 entitled "Assistance Regulations" and disclosed, if appropriate, in accordance with 10 CFR Part 1004 entitled "Freedom of Information."

(14) A statement notifying proposers of their right to request a debriefing pursuant to the procedures set forth in § 470.18; and

(15) A statement notifying proposers of their right to request a waiver of DOE's title to inventions made under the program.

(3) Section 470.14 is amended by deleting paragraph (d); by redesignating paragraphs (e) and (f) as paragraphs (d) and (e) respectively; and by amending paragraphs (b), (c), (d) and (e) as follows:

§ 470.14 Evaluation and selection.

* * * * *

(b) The Regional Program Manager shall select a number of technical evaluation reviewers, representing several different disciplines, to ensure adequate technical review of the proposals. Each technical evaluation reviewer shall evaluate those proposals which he or she receives from the selection panel established pursuant to paragraph (d) of this section and shall provide his or her findings and comments to the selection panel. In addition to the general criteria underlying the establishment of the program as set forth in § 470.10, the major criteria to be considered by each technical evaluation reviewer shall include—

* * * * *

(c) Each State or combination of States shall nominate, and each Regional Program Manager shall select, a number of State reviewers for each State or combination of States, respectively. The nominations and selections shall take into consideration representation by persons from a variety of backgrounds, including persons who are able to evaluate proposals of potential merit in various fields and from various types of proposers. Each State reviewer shall evaluate those proposals which he or she receives from the selection panel pursuant to paragraph (d) of this section and, taking into account the findings and comments of the technical evaluation reviewers, provide his of her findings and comments to the selection panel. In addition to the general criteria underlying the establishment of the program as set forth in § 470.10, the criteria to be considered by each State reviewer shall include—

* * * * *

(10) The adequacy of the business aspects of the proposal, including the reasonableness of the proposer's budget for carrying out the proposal; and

(11) The need of the proposer to receive assistance under the program.

(d) A selection panel composed of DOE personnel appointed by the Regional Program Manager shall, taking into account the findings of the technical evaluation reviewers, forward to the appropriate State reviewers for their evaluation those proposals judged by the selection panel to be of sufficient technical merit to warrant further review. After receiving the finding and comments of the State reviewers, the selection panel shall, taking into account the findings and comments of the technical evaluation and State reviewers, evaluate and rank the proposals in accordance with the criteria stated in the program solicitation.

(e) For each region, a DOE selection official shall select proposals for assistance from the ranking established by the selection panel, taking into account the following program policy factors in order to determine the mix of proposed projects which will best further specific program goals—

* * * * *

4. Section 470.15 is amended by deleting paragraphs (a), (b) and (c), by redesignating paragraph (d) as paragraph (c) and by adding new paragraphs (a) and (b) to read as follows:

§ 470.15 Allocation of funds.

(a) DOE shall annually allocate fiscal year funds available for assistance among the ten standard Federal regions, according to the following formula:

(1) Two-thirds to be allocated according to population; and

(2) One-third to be allocated according to the number of proposals received, per hundred thousand of population of the region, which meet the requirements set forth in § 470.14(a).

(b) The minimum annual level of assistance for projects for each State within a region shall be ten percent of the fiscal year funds allocated to the region, divided by the number of States in the region.

* * * * *

§ 470.16 [Amended]

5. Section 470.16 is amended by deleting the last sentence of the section.

6. Section 470.17 is amended by deleting the words "cooperative agreement or contract" from paragraph (b) and revising paragraph (a) to read as follows:

§ 470.17 General requirements.

(a) Except where this part provides otherwise, the award and administration of grants under the program shall be governed by—

(1) 10 CFR Part 600, entitled "Assistance Regulations";

(2) Such other requirements applicable to this part as DOE may from time to time prescribe; and

(3) Any Federal requirements applicable to grants under this part.

* * * * *

7. Section 470.18 is amended by changing the heading of the section and by revising the section to read as follows:

§ 470.18 Debriefing.

Upon written request, unsuccessful proposers will be accorded debriefings. Such debriefings must be requested within 30 working days of notification of elimination from consideration. Debriefings will be provided at the earliest feasible time as determined by the Regional Program Manager.

§ 470.19 [Deleted]

8. Section 470.19 is deleted.

9. Part 470 is further amended by deleting the words "program announcement" and "support" wherever they appear and substituting the words "program solicitation" and "assistance," respectively.

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federal register

Thursday
September 27, 1979

Part IV

Federal Election Commission

Presidential Election Campaign Fund and Presidential Primary Matching Fund; Transfer of Regulations to New Chapter

FEDERAL ELECTION COMMISSION

11 CFR Chapters I, IX

Deletion of Chapter

AGENCY: Federal Election Commission.

ACTION: Deletion of Chapter; Transfer of Contents to New Chapter.

SUMMARY: The Federal Election Commission hereby deletes 11 CFR, Chapter IX; and transfers the material currently appearing in that chapter to 11 CFR, Chapter I, Subchapter G. The Commission also sets forth the index of 11 CFR, Chapter I, to which future recodification of Commission regulations will conform.

EFFECTIVE DATE: September 27, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Ann Fiori, Assistant General Counsel for Legislation and Regulations, 1325 K Street, Northwest, Washington, D.C. (202) 523-4143.

SUPPLEMENTARY INFORMATION: On May 7, 1979, the Commission created a new chapter of 11 CFR—Chapter IX—and prescribed regulations to be codified as Parts 9031 through 9038 of that chapter (See, 44 FR 26733). The subject matter of these regulations was formerly in Parts 130 through 134 of 11 CFR, Chapter I. The new numbering of the regulations was based on the Commission's plan to renumber all of its substantive regulations according to the U.S. Code Section upon which each is based. This will permit the user to more easily cross-reference statutory and regulatory material.

Since prescription of those regulations, agreement has been reached with the Office of the Federal Register to accomodate the Commission's special numbering requirements by expanding Chapter I of 11 CFR to encompass Parts 1 through 9999. The Federal Register was able to make this special concession because the FEC is, at present, the sole occupant of 11 CFR.

As further revisions are made to Commission regulations they will be renumbered according to the new system. (See, for example, the Notice of Proposed Rulemaking relating to Convention Financing Regulations published on June 6, 1979, at 44 FR 32608.) When our revision is completed, 11 CFR, Chapter I will be arranged as follows:

Subchapter A—Administrative
Parts 1 through 5
Subchapter B—[Reserved]
Subchapter C—General
Parts 431 through 455
Subchapter D—[Reserved]
Subchapter E—Presidential Election Campaign Fund: General Election Financing
Parts 9001 through 9007
Subchapter F—Presidential Election Campaign Fund: Convention Financing
Part 9008
Subchapter G—Presidential Election Campaign Fund: Primary Matching Fund
Parts 9031 through 9038

Since the transfer being made today is merely technical, the Commission's action is not rulemaking within the scope of 26 U.S.C. 9039(c) requiring transmittal of proposed regulations to Congress.

Title 11, Code of Federal Regulations is amended as follows:

11 CFR, Chapter IX is hereby deleted and the material contained therein transferred without change to 11 CFR Chapter I, Subchapter G, Parts 9031 through 9038.

Dated: September 21, 1979.

Robert O. Tiernan,

Chairman, Federal Election Commission.

[FR Doc. 79-29905 Filed 9-26-79; 8:45 am]

BILLING CODE 6715-01-M

federal register

Thursday
September 27, 1979

Part V

Department of Justice

Law Enforcement Assistance Administration

Final Guideline Revision for the Definition of a Juvenile Detention or Correctional Facility

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

Final Guideline Revision for Definition of Juvenile Detention or Correctional Facility

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., is issuing a revision to the State Planning Agency Grants Guideline Manual, M 4100.1F, Change 3, July 25, 1978, Chapter 3, Paragraph 52(n)(2) and Appendix 1, Paragraph 4.

Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, requires states, in order to receive formula grant funds, to:

> Provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities.

In July 1978, LEAA issued a guideline revision for implementation of the formula grant provisions of the JJDP Act which contained criteria for identifying a juvenile detention or correctional facility. Since that time, concern has been expressed over these definitional criteria. The areas of concern involve both the scope and the underlying basis of the present definition, its impact on such groups as private non-profit and community-based organizations as well as its potential impact on the eligibility of a number of jurisdictions to continue participation in the JJDP Act. The Office of Juvenile Justice and Delinquency Prevention determined that these concerns merited a reexamination of the juvenile detention or correctional facility criteria. On March 29, 1979, a notice of reexamination of the definition of detention and correctional facilities was published in the Federal Register.

In order to assist the Office of Juvenile and Delinquency Prevention in formulating the proposed guideline change, the notice of reexamination provided interested organizations and individuals the opportunity to submit written views, comments and specific recommendations on the juvenile detention or correctional facility criteria.

As a result of the reexamination process, OJJDP published in the June 27, 1979 Federal Register a proposed revision to the definition of a juvenile detention or correctional facility. This publication provided interested individuals the opportunity to again submit comments and recommendations on the proposed revision. A total 41 comments were received and analyzed. The responses included comments from 20 of the 57 states and territories eligible to participate in the JJDP Act formula grant program. Appendix A provides additional information regarding the review and analysis of these comments.

The final guideline revision for the definition of a juvenile detention or correctional facility as contained in M 4100.1F, Paragraph 52(n)(2) is as follows:

Juvenile Detention or Correctional Facility Definition

52(n)(2). For the purpose of monitoring, a juvenile detention or correctional facility is:

(a) Any *secure* public or private *facility* used for the *lawful custody* of *accused or adjudicated juvenile offenders* or *non-offenders;* or

(b) Any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult *criminal offenders.*

The definition of underlined terms are provided in Appendix 1, Paragraph 4(a)–(k) of M 4100.1F. No changes are being made in the definition of terms.

David D. West,

Acting Associate Administrator, Office of Juvenile Justice and Delinquency Prevention.

Appendix A—Supplemental Information Including a Review and Analysis of Comments Received in Response to the June 27, 1979, Proposed Guideline Revision for the Definition of a Juvenile Detention or Correctional Facility

A total of 41 comments were received and included in the analysis. The response included comments from 20 of the 57 states and territories eligible to participate in the JJDP Act formula grant program. Some respondents took the opportunity to comment on issues other than those which OJJDP specifically identified in the Federal Register publication. These supplemental comments included views on the definition of terms used in the juvenile detention or correctioal facility criteria (e.g., secure and non-secure).

All comments and recommendations were logged, reviewed, and analyzed. The review and analysis consisted of recording each response as to whether or not a specific recommendation was presented. This recording effort was established to determine whether the respondent recommended each component of the criteria to be: (1) retained, (2) eliminated, or (3) modified, or if no specific recommendation was made. The analysis also identified and recorded substantive responses for consideration during the revision process.

The results are presented according to each component of the proposed definition of a juvenile detention or correctional facility.

Criterion (a)

A juvenile detention or correctional facility is:

"Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders."

A total of 34, or 82.9% of the 41 comments provided a recommendation on this criterion. A very large percentage of the respondents recommended that this criterion be retained; their comments indicated that the criterion dealing with security has broad support. No respondents recommended the elimination of this criterion. Those who recommended that the criterion be modified generally felt that specific types of secure facilities (i.e., mental health, diagnostic and/or specialized treatment facilities) should be exceptions to the criterion. With regard to the suggested exception of secure mental health and diagnostic facilities from the general prohibition against placement in secure facilities, it is OJJDP's position that the general jurisdiction of juvenile courts over status offenders and non-offenders is an insufficient basis for such placement. Rather the use of existing mental health law, with appropriate due process protections, is a more acceptable procedure.

It is OJJDP's position that all juvenile status offenders or non-offenders in any category should not be placed in any secure facility. However, for the purposes of monitoring, Section 223(a)(12)(A) may be interpreted to include within its scope only juveniles who are before a juvenile, family, or other civil court for reasons which are unique to the individual's status as a juvenile. In other words, for the purposes of monitoring, a juvenile committed to a mental health facility under state law governing civil commitment of all individuals for mental health treatment would be considered as outside the class of juvenile non-offenders defined by Section 223(a)(12)(A) of the Act.

It should be perfectly clear that these distinctions for monitoring purposes would *not* permit placement of status offenders or non-offenders in a secure mental health facility following an adjudication for a status offense or a court finding that the juvenile is a non-

offender. The placement of status offenders or non-offenders in such a facility for diagnostic purposes is not allowable. A separate civil mental health commitment proceeding would be required before a status offender or non-offender could be placed in a secure facility and, for monitoring purposes, be outside the scope of Section 223(a)(12)(A). Any placement of such status offender or non-offender must occur only after a full due process hearing is undertaken to protect the rights of the child.

The prohibition against placing status offenders and non-offenders in secure facilities is in keeping with the *Report of the Advisory Committee* which recommends that status offenders not be placed in secure facilities, training schools, camps and ranches. The difficulty with any definition that prohibits placement of status offenders and non-offenders in secure facilities lies in determining what program and architectural features make a facility secure. Discussions between OJJDP staff and knowledgeable people in the field resulted in the definition of security being related to the overall operation of the facility. Where the operation involves exit from the facility only upon approval of staff, use of locked outer doors, manned checkout points, etc., the facility is considered secure. If exit points are open but residents are authoritatively prohibited from leaving at anytime without approval, it would be a secure facility. If the facility is not characterized by the use of physically restricting construction hardware or procedures and provides its residents access to the surrounding community with minimal supervision, it would be a non-secure facility.

This definition was not intended to prohibit the existence within the facility of a small room for the protection of individual residents from themselves or others, or the adoption of regulations establishing reasonable hours for residents to come and go from the facility. OJJDP recognize the need for a balance between allowing residents free access to the community and providing facility administrators with sufficient authority to maintain order, limit unreasonable actions on the part of residents, and ensure that children placed in their care do not come and go at all hours of the day and night or absent themselves at will for days at a time.

Experts advising OJJDP recommend that security rooms be used only in an emergency situation, and not without court approval. The OJJDP definition does not include this requirement. However, the limited use of security in individual emergency cases will have to be monitored by the state to insure it is not used in excess.

Although the Federal Register notice did not specifically request comments on the definition of terms used in the criteria, several respondents offered comments. The term "secure" received the most comments. A secure facility is defined as:

"One which is designed and operated so as to ensure that all entrances and exists from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents."

Generally, respondents felt the definition of secure should be clarified. Others recommended that the definition be limited to locked rooms, buildings, or physical restraint. However, OJJDP considers its current definiton, which includes elements of both physical security and psychological restraint, to provide the necessary elements to guide states in the classification of facilities. OJJDP is available to assist states, as necessary, in applying the criteria to specific facilities.

Criterion (b)

A juvenile detention or correctional facility is:

"Any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders."

Of the 41 comments, 33 or 80.5% provided a recommendation on this criterion. A large percentage of the respondents recommended that this criterion be retained.

Those who recommended a modification of this criterion generally would delete that word "adult". The impact of deleting the term "adult" would be to preclude the placement of juveniles awaiting trail on criminal charges or convicted of a crime in non-secure facilities that also house status offenders and non-offenders. This would be a return to the 1976 wording of this criterion.

The word "adult" was added to criterion (b) in 1977 because it was felt by the OJJDP Administrator that the inclusion of juvenile criminal offenders in the prohibition unnecessarily foreclosed a potentially valuable treatment option and was unnecessary to achieve consistency with the Section 223(a)(12) separation requirement. Thus, by including the term adult in the criterion the state has the option of placing a juvenile convicted in criminal court either in a juvenile facility, in an adult facility, or in a non-secure facility housing status offenders and non-offenders.

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