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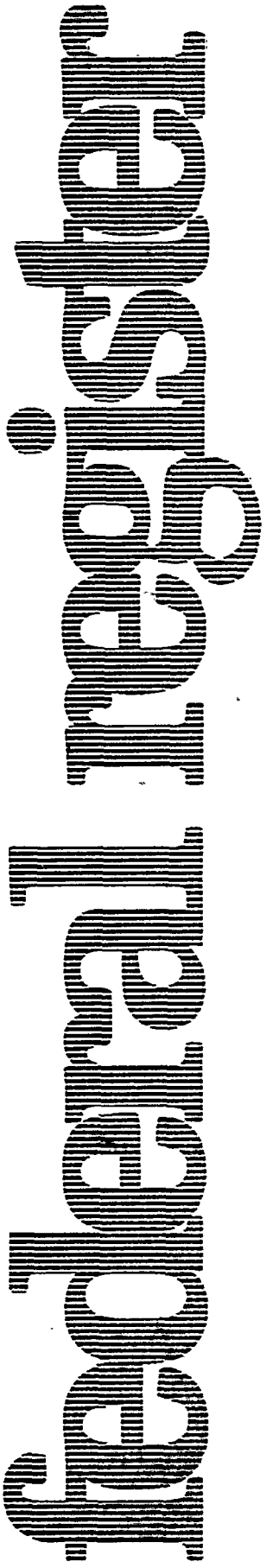

Wednesday
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Highlights

Briefings on How To Use the Federal Register—For details on briefings in Washington, D.C.; New Orleans, La.; Salt Lake City, Utah; Seattle, Wash.; Chicago, Ill.; St. Louis, Mo.; and Pittsburgh, Pa., see announcement in the Reader Aids section at the end of this issue.

30059 **Salute to Learning Day** Presidential proclamation

30312-30398 **Energy Conservation** Many agencies propose amendments to Federal financial assistance programs to encourage additional conservation of petroleum and natural gas (Parts IV through VIII of this issue) (33 documents)

30101-30102 **Minority Businesses** Commerce/MBDA seeks applications under program to operate development projects; apply by 6-1-80 (4 documents)

30195 **Grant Awards** NFAH announces policy and procedures for reconsideration of financial assistance declined by NEA

30194 **Criminal Justice Evaluation** Justice/NIJ solicits applications for available funds

30138 **School Construction** HEW/OE gives notice of cutoff date for receipt of applications for fiscal year 1980; apply by 6-30-80

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30137 **Educational Information Centers** HEW/OE announces closing date for transmittal of State program plans for fiscal year 1980; mailed or hand delivered by 7-1-80

30140 **Diabetes Control** HEW/PHS announces availability of funds for State-based programs; apply by 5-16-80

30062 **Iranian Permanent Residents** Justice/INS restricts readmission to the United States after travel to, in, or through Iran; effective 5-7-80

30063 **Iranian Nationals** Justice/INS announces proceedings to determine deportability of aliens in United States; effective 5-7-80

30063, 30086 **Oversold Flights** CAB clarifies carriers' obligations to pay denied boarding compensation and simplifies carriers' reporting requirements; comments by 7-7-80 (2 documents)

30069 **Protection of Information** PS makes clarifying amendments to regulations implementing National Security Information Policy; effective 7-7-80

30306 **Federal Land Acquisition/Protection** Interior/Sec'y publishes final policy statement for studies, recommendations under Land and Water Conservation Fund Program; effective 6-6-80 (Part III of this issue)

30100 **Japanese Countertop Microwaves** Commerce/ITA postpones preliminary antidumping determination; effective 5-7-80

30208 **Sunshine Act Meetings**

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30306 **Part III, Interior/Sec'y**
30312 **Part IV, Interagency Coordinating Council**
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Title 3—

The President

Proclamation 4755 of May 5, 1980

Salute to Learning Day, 1980

By the President of the United States of America

A Proclamation

Throughout our history, Americans have been committed to the ideas of education and learning. In the eighteenth century, the law often decreed that land be set aside in each township for public schools. In the nineteenth century, hundreds of towns that were scarcely more than clearings in the wilderness nevertheless had their Lyceums, named for the garden in Athens where Aristotle taught, and dedicated to public enlightenment. As our Nation grew, teachers in every town and city spread the love of learning and offered the opportunity to make the American dream come true. In the twentieth century, education has become available to Americans of all ages, both inside the classroom and through a widening range of facilities and technological aids that allow them to pursue whatever skills and knowledge they might wish from childhood through old age.

America's gifts to the world include not only our Constitution, the incandescent light bulb and the automobile, but the free public school and the land-grant college system.

From the beginning we Americans have found practical ways to organize ourselves to make our dreams reality. And so we have built schools, public and private, from log cabin classrooms in the backwoods to gleaming city campuses of steel and marble. Today, education is our Nation's largest enterprise. State and local governments have exercised primary responsibility for public education, gradually expanding its range. The Federal government has sought to ensure access to equal educational opportunity for all our people. Higher education—once the privilege of a tiny elite—is now within the reach of virtually every American. We have been able to build the most comprehensive and open system of public education in the world because of the continuing commitment of Americans to the essential freedom to pursue knowledge and truth, and to the principle that if the people are to rule, they must be prepared.

Now, to meet the needs of the generations to come, we have established a Department of Education to express our national commitment to education, to promote equal educational opportunity, to assist local authorities in their efforts to improve our schools, and to administer Federal education programs more efficiently.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby proclaim this day, the 7th of May 1980, as Salute to Learning Day in honor of this beginning.

I call upon all parents and students, all teachers and administrators, all lawmakers and public officials—I call upon all my fellow citizens to celebrate this day. As a people, let us dedicate ourselves anew to building an educational system which will cherish young people, instill self-discipline and prepare students for tomorrow's world; which will encourage scientific curiosity and foster artistic creativity; which will support research, reward good teaching and honor high intellectual accomplishment.

Only by making this commitment can we pass on a tradition of educational excellence and equal opportunity to Americans of the twenty-first century and

give them the tools they will need to shape their own interpretations of the American dream and make their own contributions to life, liberty, and the pursuit of happiness.

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

Jimmy Carter

[FR Doc. 80-14284
Filed 5-6-80; 11:04 am]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 45, No. 90
Wednesday, May 7, 1980

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

Soil Conservation Service

7 CFR Part 600

Organization and Functions

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: Soil Conservation Service revises the information on organization and functions to reflect the current structure of the Service.

EFFECTIVE DATE: May 4, 1980.

FOR FURTHER INFORMATION CONTACT: Verne M. Bathurst, Deputy Administrator for Administration, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013; (202) 447-6297.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been determined to be exempt from those requirements. Verne M. Bathurst, Deputy Administrator for Administration, made this determination because this action involves only agency management and administrative organization. Notice of the Soil Conservation Service (SCS) organization and a description of administrative responsibilities and functions was published in the Federal Register on December 17, 1973 at 38 FR 34642, and presently appears at 7 CFR Part 600.

The organization of SCS has recently been restructured with concomitant changes in responsibilities. Consequently, SCS is publishing this rule to reflect such changes. Since this rule affects solely agency administrative organization and management, SCS has determined that publication of this rule for public comment is inappropriate. The organization and functions expressed by this rule are, therefore, effective on May 4, 1980.

PART 600—ORGANIZATION

Accordingly, 7 CFR 600.2 through 600.8 are revised to read as follows:

§ 600.2 National office.

(a) Chief. The Chief is responsible for the development of rules, policies, and procedures and the general direction and supervision of the programs assigned to SCS.

(b) Associate Chief. The Associate Chief assists the Chief and serves as Acting Chief in his absence.

(c) Deputy Chiefs. Six deputy chiefs assist the Chief as follows:

(1) Deputy Chief for Administration. The Deputy Chief for Administraton, with the assistance of an Associate Deputy Chief, is responsible for activities in administrative services, personnel, financial management, and management services.

(2) Deputy Chief for State and Local Operations. The Deputy Chief for State and Local Operations, with the assistance of an Associate Deputy Chief, is responsible for activities in conservation planning and application, land treatment programs, rural development, and land use.

(3) Deputy Chief for Natural Resource Projects. The Deputy Chief for Natural Resource Projects, with the assistance of an Associate Deputy Chief, is responsible for activities in basin and area planning, project development and maintenance, and water quality project implementation.

(4) Deputy Chief for Technology Development and Application. The Deputy Chief for Technology Development and Application, with the assistance of an Associate Deputy Chief, is responsible for activities in ecological sciences, economics, engineering, social sciences, and international activities.

(5) Deputy Chief for Natural Resource Assessments. The Deputy Chief for Natural Resource Assessments, with the assistance of an Associate Deputy Chief, is responsible for activities in soils, inventory and monitoring, integrated resource information systems, and cartography and remote sensing.

(6) Deputy Chief for Planning and Evaluation. The Deputy Chief for Planning and Evaluation, with the assistance of an Associate Deputy Chief, is responsible for activities in appraisal and program development, evaluation and analysis, budget formulation, and program integration.

(d) Assistant Chiefs. Each assistant chief represents the Chief in designated areas of the United States in coordinating and integrating all phases of SCS programs and activities. They provide leadership and guidance to state conservationists and technical service center directors.

(e) Administrative Support Staff. The administrative support staff provides for a coordinated administrative management program for National Office activities.

(f) Legislative Affairs Staff. The legislative affairs staff provides coordination and staff assistance to the Chief in the conduct of legislative affairs.

(g) Information and Public Affairs Staff. The information and public affairs staff directs a program of information support and public affairs activities.

(h) Public Participation Coordinator. The public participation coordinator provides coordination and assistance to the Chief regarding participation by the public in decisionmaking as it affects all agency programs and activities.

(i) Equal Opportunity and Civil Rights Staff. The equal opportunity and civil rights staff provides agency leadership in assuring compliance with civil rights laws and in developing and conducting a comprehensive equal employment opportunity program for the agency.

(j) Environmental Coordinator. The environmental coordinator provides for coordination of environmental quality objectives with all programs and activities of SCS. The coordinator monitors quality and environmental assessments and presents SCS's views on matters of environmental policy.

§ 600.3 Technical Service Centers.

Technical service centers are located at Broomall, Pennsylvania; Forth Worth, Texas; Lincoln, Nebraska; and Portland, Oregon. Each technical service center provides specialized technical

assistance and services to an assigned group of states.

§ 600.4 State offices.

Each state office is under the direction and supervision of a state conservationist. Each state conservationist is responsible to the Chief for SCS programs in a state. The Caribbean Area office, under the direction and supervision of a director, serves the Commonwealth of Puerto Rico and the U.S. Virgin Islands. The Director of the Caribbean Area has the same responsibility and authority as a state conservationist. All references to state conservationists in this chapter include the Director of the Caribbean Area.

§ 600.5 Area offices.

Except for some states and the Caribbean Area, states have area offices which serve as a supervisory level between the state and field offices. Each area office is under the direction and supervision of an area conservationist who is responsible for SCS activities in the area.

§ 600.6 Field offices.

Each field office is under the direction and supervision of a district conservationist who is responsible for SCS activities in the geographical area served by the field office. Usually, the geographical area of a field office includes one or more conservation districts and one or more counties.

§ 600.7 Other field offices.

Other field offices serve specialized activities, such as watershed protection and flood prevention projects, resource conservation and development areas, and SCS soil survey activities. Direction and supervision of these offices are designated by the state conservationist.

§ 600.8 Plant materials centers.

Plant materials centers assemble and test plant species for conservation uses. Usually, a center serves two or more states, and is under the jurisdiction of the state conservationist of the state in which located. Centers are directed and supervised by a manager who is responsible to an area or the state office as designated by the state conservationist.

(5 U.S.C. 552)

Dated: May 1, 1980.

David G. Unger,

Associate Administrator.

[FR Doc. 80-13967 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 211

Documentary Requirements: Immigrants, Waivers; Prohibition Against Readmission to the United States for Lawful Permanent Residents After Travel to, in, or Through Iran

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: These amendments bar the readmission to the United States of returning lawful permanent resident aliens after travel to, in, or through Iran unless the Secretary of State has granted permission for such travel.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 633-3048.

For specific information: Marvin J. Gibson, Assistant Commissioner, Inspections, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536. Telephone: (202) 633-3019.

SUPPLEMENTARY INFORMATION: Because of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the U.S. Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. On April 17, 1980 the President further ordered the regulation of departures from and entry into the United States by lawful permanent residents after travel in Iran. These amendments are made pursuant to the President's order. (Executive Order 12211.)

8 CFR 211.1(b)(1) is amended to bar the use of Forms I-151 and I-551 for readmission to the United States by lawful permanent residents after travel to, in, or through Iran. An alien crewman is exempted if his/her travel to Iran was pursuant to his employment. Section 211.1(b) (2) and (3) are amended to invalidate a reentry permit and prohibit a lawful permanent resident from obtaining a visa waiver after travel to Iran unless the Secretary of State has granted permission for the travel.

Accordingly, the following amendments are made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

1. 8 CFR 211.1(b)(1), is amended to read as follows:

§ 211.1 Visas.

(a) * * *

(b) *Aliens returning to an unrelinquished lawful permanent residence.* (1) *Form I-151 or I-551, Alien Registration Receipt Card.* An immigrant alien returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present an Alien Registration Receipt Card (Form I-151 or I-551) duly issued to him in lieu of an immigrant visa, provided that during such absence he did not travel to, in, or through Iran. An alien regularly serving as a crewman in any capacity required for normal operation and services aboard an aircraft or vessel of American registry who is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad not exceeding one year may present an Alien Registration Receipt Card (Form I-151 or I-551) duly issued to him in lieu of an immigrant visa, notwithstanding travel to, in, or through Iran pursuant to his employment as a crewman. A spouse or a child of a member of the Armed Forces of the United States or of a civilian employee of the United States Government stationed foreign pursuant to official orders may present an Alien Registration Receipt Card (Form I-151 or I-551) when returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad: *Provided,* such spouse or child resided abroad while such member of the Armed Forces or such civilian employee was on overseas duty and is preceding or accompanying the member or employee or is following to join the member or employee within four months of the member's or employee's return to the United States, and during the temporary absence did not travel to, in, or through Iran.

2. 8 CFR 211.1(b)(2) is amended by adding a new sentence to the end of the existing paragraph to read as follows:

(2) *Reentry permit.* * * * A reentry permit shall be invalid when presented by an alien who, during his temporary absence abroad, traveled to, in, or through Iran, unless the Department of

State has granted the alien permission to travel to, in, or through Iran.

3. 8 CFR 211.1(b)(3) is amended by adding a new sentence to the end of the existing paragraph to read as follows:

(3) *Waiver of visas.* * * * If the alien has traveled to, in, or through Iran, a waiver will not be authorized unless the Secretary of State has granted the alien permission to travel to, in, or through Iran.

* * * * *

(Sec. 103, 211 (8 U.S.C. 1103, 1181))

The foregoing action is taken in accordance with Executive Order 12211 of April 17, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Dated: May 2, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-13961 Filed 5-2-80; 11:26 am]

BILLING CODE 4410-10-M

8 CFR Part 242

Proceedings To Determine Deportability of Aliens in United States: Apprehension, Custody, Hearing, and Appeal; Restriction on Reinstatement of Voluntary Departure for Nationals of Iran

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This amendment is intended to expedite the departure of Iranians who are unlawfully in the United States by precluding reinstatement of voluntary departure by immigration judges in cases involving Iranian nationals.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT:

For general information: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-3048.

For specific information: David Dixon, Special Assistant. Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 633-2648.

SUPPLEMENTARY INFORMATION: Because of the Iranian Government's failure to resolve the international crisis it created by the unlawful detention of American citizens in the United States Embassy in Tehran, the President of the United States announced the break in diplomatic relations with that country on April 7, 1980. In further response to the international crisis it has been determined to expedite the departure of Iranians unlawfully present in the United States. Consequently, the Immigration and Naturalization Service will amend its regulations to preclude Iranian nationals unlawfully in the United States from obtaining reopening of a deportation hearing by an immigration judge for the purpose of reinstating voluntary departure.

This amendment is effective immediately because of the urgency of the international crisis. Publication is made in order to swiftly and efficiently advise the public of this action.

Accordingly, the following amendment is made to Chapter I of Title 8 of the Code of Federal Regulations:

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL

8 CFR 242.22 is amended by inserting a phrase after the word "decision" in the second sentence to read as follows:

§ 242.22 Reopening or reconsideration.

* * * "except for the purpose of reinstating a grant of voluntary departure,"

(Sec. 103, 242; 8 U.S.C. 1103, 1252)

The foregoing actions are taken in accordance with the President's proclamation of April 7, 1980, issued in the course of, and in response to, the international crisis created by the unlawful detention of American citizens in the American Embassy in Tehran.

Dated: May 2, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-13962 Filed 5-2-80; 11:26 am]

BILLING CODE 4410-10-M

CIVIL AERONAUTICS BOARD

14 CFR Part 250

[Reg. ER-1175; Amdt. No. 15 to Part 250]

Oversales; Reporting Requirements for Denied Boarding Compensation

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB simplifies carriers' reporting requirements for their denied boarding compensation (DBC) payments and makes permissive the release of liability on the back of the compensation drafts. This action is taken at the Board's own initiative.

DATES: Adopted: May 1, 1980. Effective: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: For general information: David Schaffer, Office of the General Counsel, 202-673-5442; for reporting information; Clifford Rand, OEA, 202-673-6044; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

Release of Liability

The Board's rules require the carriers to issue a draft for payment to eligible passengers for any DBC due. These rules also require the DBC draft to include a statement on its back that if a passenger signs the draft and cashes it within 30 days, the airline is released from all further liability that might result from the bumping. There no longer appears to be a reason for continuing to make this statement mandatory. If a carrier chooses to deal differently with the subject of further liability, after payment of DBC, it is our belief that it should be free to do so. We are thus amending § 250.8 to remove the reference to the statement releasing the carrier from liability.

Reporting Requirements

ER-1050, 43 FR 24277, June 5, 1978, updated and revised the reporting requirements of § 250.10 so that more useful data would be collected. At that time the requirement to report oversales by individual markets on Form 250 was suspended indefinitely. The Board has not found those reports to be useful in policy development or otherwise, and they had not in fact been published since 1975. The Board stated that the filing of Form 250 would only be required if there appeared to be a future regulatory need for that type of information.

Also, at that time, the reporting of system-wide oversales on Form 251 was revised in a number of respects. The new Form 251 required that the number of volunteers and non-volunteers who are denied boarding be listed separately, and that the total compensation paid to each category also be listed. These data were needed to enable the Board to monitor carriers' compliance with the oversales rules, and to determine whether further regulatory action would be necessary.

The changes to Form 251 have provided the Board with as much data as needed to monitor the oversales rules. Because Form 250 is no longer needed, we are amending § 250.10(a) to eliminate it. We are also eliminating the requirement that carriers with both domestic and international operations

file separate Form 251 reports for each. The separation of the reports does not serve any current purpose, and the information would be easier to use if put into one report.

Finally, we are amending § 250.10(b) to clarify the definition of "passengers enplaned" (line 7) in the Form 251 reports. This item will no longer include passengers who do not have confirmed reservations and are therefore not subject to the Board's DBC rules. The term will also be changed to "total boardings." Also, reported boardings on international flights will include only passengers carried on those flight segments to or from the United States that are subject to Part 250.

Final Rule

Since these amendments are interpretative in nature or relieve restrictions, the Board finds that notice and public procedure thereon are unnecessary and that they may be immediately effective.

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 250, *Oversales,* as follows:

1. Section 250.8 is amended to read:

§ 250.8 Denied boarding compensation drafts.

(a) Every carrier shall tender to a passenger eligible for denied boarding compensation, on the day and place the denied boarding occurs, except as provided in paragraph (b), a draft for the appropriate amount of compensation provided in § 250.5.

(b) Where a carrier arranges, for the passenger's convenience, alternate means of transportation that departs before the draft can be prepared and given to the passenger, tender shall be made by mail or other means within 24 hours after the time the denied boarding occurs.

2. Section 250.10 is amended to read:

§ 250.10 Reports of unaccommodated passengers.

Every carrier shall file, on a monthly basis, the information specified in CAB Form 251.[1] The reporting basis shall be all flights originating or terminating at, or serving, a point within the United States or its territories or possessions. The reports are to be submitted within 30 days after the month covered by the report. "Total Boardings" reported on line 7 of Form 251 shall include only passengers with confirmed reservations. For international flights, "total boardings" reported on line 7 shall include only passengers with confirmed reservations on flight segments to or from the United States that are subject to Part 250.

3. Form 251 is changed to read as shown in the attachment.

(Sections 204, 403, 404, 407 and 411 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, 766 and 769; 49 U.S.C. 1324, 1373, 1374, 1377 and 1381.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

Attachment

Note.—CAB Form 251 will not appear in the Code of Federal Regulations but is reproduced here for informational purposes only.

BILLING CODE 6320-01-M

[1] Form 251 may be obtained from the Publications Services Section, Civil Aeronautics Board,

Approved by GAO
B-180226 (R0505)
Expires 8-31-81

CAB Form 251
(Rev. 4-80)

CIVIL AERONAUTICS BOARD
Washington, D.C. 20428

Name of Air Carrier

OAG Carrier Code

REPORT OF PASSENGERS DENIED CONFIRMED SPACE

(To be filed with the Reports Control Section, Data Systems Management Division, Office of Comptroller within 30 days after the end of each month)

Month of _____, 19____

(See Instructions on back)

1.	Number of passengers denied boarding involuntarily who qualified for denied boarding compensation and:	
	(a) were given alternate transportation within the meaning of § 250.5.	
	(b) were not given such alternate transportation.	
2.	Number of passengers denied boarding involuntarily who did not qualify for denied boarding compensation due to:	
	(a) government requisition of space.	
	(b) substitution of smaller capacity equipment.	
	(c) failure of passenger to comply with ticketing, check-in, or reconfirmation procedures, or to be acceptable for transportation under carrier's tariff.	
3.	TOTAL NUMBER DENIED BOARDING INVOLUNTARILY	
4.	Number of passengers denied boarding involuntarily who actually received compensation.*	
5.	Number of passengers who volunteered to give up reserved space in exchange for a payment of the carrier's choosing.	
6.	Number of passengers accommodated in another section of the aircraft:	
	(a) Upgrades	
	(b) Downgrades	
7.	Total Boardings	
8.	Amount of compensation paid to passengers who:	
	(a) were denied boarding involuntarily and were given alternate transportation within meaning of § 250.5 (See item 1(a) above).	
	(b) were denied boarding involuntarily and were not given alternate transportation. (See item 1(b) above).	
	(c) volunteered for denied boarding. (See item 5 above).	

I, the undersigned, (Title)_____ of the above-named carrier certify that the above report has been examined by me and to the best of my knowledge and belief is a true, correct and complete report for the period stated.

(Date) (Signature)

* If any passengers qualified for denied boarding compensation but were not offered compensation, attach a statement as to the number of such passengers and an explanation of why the offer was not made.

BILLING CODE 6320-01-C

Instructions

(a) Reports shall be filed by all air carriers holding certificates under section 401(d)(1), (2), (5), or (7) of the Federal Aviation Act of 1958, and all foreign route air carriers holding section 402 permits, authorizing the transportation of persons. Reports shall be filed for all flights originating or terminating at, or serving, a point within the United States or its territories or possessions. See Part 250 of C.A.B. regulations (14 CFR Part 250) for further information.

(b) With respect to line 1, "alternate transportation" for passengers denied boarding involuntarily means comparable air transportation accepted by the passenger which, at the time the arrangement is made, is planned to arrive at the passenger's destination or first stopover (of 4 or more hours) no later than 2 hours for domestic flights or 4 hours for international flights. See § 250.5 of C.A.B. regulations for further information.

(c) "Total number denied boarding involuntarily" should equal the sum of lines 1 and 2. If this is not so, attach notes explaining any discrepancy.

(d) With respect to line 5, a passenger who "volunteers" is a person who responds to the carrier's request for volunteers pursuant to § 250.2b of C.A.B. regulations and willingly consents to exchange his confirmed reserved space for a payment of a carrier's choosing. Any passenger selected by the carrier for denied boarding in accordance with any boarding priority other than a request for volunteers is considered to have been denied boarding "involuntarily," whether or not the passenger accepts denied boarding compensation.

(e) Total boardings on line 7 shall include only passengers with confirmed reservations. For international flights, total boardings shall include only passengers with confirmed reservations on flight segments to or from the United States that are subject to Part 250.

(f) With respect to line 8, "compensation paid" includes all payments made to passengers, *i.e.* payments actually accepted by passengers, plus payments offered or mailed that are not rejected.

(g) Note on the report any abnormal conditions, such as strikes, having a bearing on the results.

[FR Doc. 80-14109 Filed 5-6-80; 8:45 am]
BILLING CODE 6320-01-M

14 CFR Part 385

[Reg. OR-169, Amdt. No. 101 to Part 385]

Amendment of Delegation of Authority to the Director, Bureau of Consumer Protection, Regarding Certain Classes of Information

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its delegation of authority to permit the Director, Bureau of Consumer Protection, to grant or deny confidential treatment of certain classes of information in accordance with Freedom of Information Act standards.

DATES: Effective: May 1, 1980. Adopted: May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Juliana M. Winters, Bureau of Consumer Protection, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; (202) 673-5947.

SUPPLEMENTARY INFORMATION: In the past, some persons have asked us for assurances, before turning over materials to the Bureau of Consumer Protection, that such materials would not be made available to persons requesting disclosure under the Freedom of Information Act (FOIA), 5 U.S.C. 552. We expect additional requests for confidentiality will be made in the future. The Director, however, is in the best position to determine in the first instance whether information received by the Bureau should be given confidential treatment. Accordingly, we are delegating to him the authority over confidentiality requests made during the course of Bureau informal investigations. The decision to grant confidentiality, however, should be coordinated with the Managing Director because he has the responsibility, when FOIA requests are made, to decide whether the Board records will be released. We are, therefore, requiring the Director to obtain the approval of the Managing Director before granting confidential treatment.

Since this amendment is administrative in nature, affecting a rule of agency organization and procedure, the Board finds that notice and public procedure are unnecessary, and that the rule may become effective immediately.

Accordingly, the Board amends 14 CFR Part 385, *Delegations and Review of Action Under Delegation; Nonhearing Matters,* as follows:

In § 385.22, new paragraph (f) is added, to read:

§ 385.22 Delegation to the Director, Bureau of Consumer Protection.

* * * * *

The Board hereby delegates to the Director, Bureau of Consumer Protection, the authority to:

* * * * *

(f) Issue orders denying, or with the approval of the Managing Director granting, conditional or complete confidential treatment of information supplied by any person to the Bureau of Consumer Protection. Confidential treatment may only be granted upon a finding that, if the information were in the Board's possession and a Freedom of Information Act (FOIA) request were made for the information—

(1) At the time of the confidentiality request, the FOIA request would be denied on the basis of one or more of the FOIA exemptions; and

(2) At any later time, the FOIA request would also be denied, absent a material change in circumstances (which may include a demonstration that the asserted exemption does not apply).

* * * * *

(Sec. 204(a) Federal Aviation Act of 1958, as amended, 72 Stat. 743 (49 U.S.C. 1324). Reorganization Plan No. 3 of 1961, 75 Stat. 837 (5 U.S.C. Appendix)).

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-14108 Filed 5-6-80; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 141, 260

[Docket No. RM80-2; Order No. 79]

Discontinuance of Collection of Data, Under FPC Forms Nos. 3, 3A, 3P, and 82

May 1, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: The Federal Energy Regulatory Commission hereby discontinues the collection of data under FPC Forms No. 3, No. 3A, No. 3P, and No. 82 because the information contained in these forms is no longer needed by the Commission to carry out its regulatory responsibilities. With respect to Form No. 40, the Commission is discontinuing the collection of detailed data which relates to gas reservoirs. Other information in this latter form concerning the gas reserves

commitment status continues to be necessary to the Commission to fulfill its regulatory responsibilities. This information will, therefore, continue to be collected on behalf of the Commission by the Energy Information Administration.

EFFECTIVE DATE: May 1, 1980.

FOR FURTHER INFORMATION CONTACT:
(Forms Nos. 3, 3A, 3P, and 82) Daniel G. Lewis, Federal Energy Regulatory Commission, Office of Electric Power Regulation, 825 N. Capitol Street NE., Mail Stop 300 RB, Washington, D.C. 20426, (202) 376-9227.
(Form No. 40) B. William Herbert, Federal Energy Regulatory Commission, Office of Pipeline and Producer Regulation, 825 N. Capitol Street NE., Mail Stop 3100N, Washington, D.C. 20426, (202) 357-9091.

I. Background

On October 23, 1979, the Federal Energy Regulatory Commission (Commission) issued a Notice of Proposed Rulemaking (44 FR 61976, October 29, 1979). The rulemaking proposed to discontinue use of FPC Forms No. 3, 3A, 3P, 40 and 82.

Form No. 40 expired in March 1978. The Commission no longer requires the detailed gas reservoir information from Form No. 40. Information concerning the gas reserves commitment status is, however, still necessary to the Commission's regulatory responsibilities. The Energy Information Administration (EIA) is now authorized to collect such data.[1] As a result, Form No. 40 has been superseded by EIA's Form EIA-23. Among the data on Form EIA-23 are those which relate to the gas reserves commitment, and this information is transmitted to the Commission by EIA.

Forms No. 3, 3A, 3P and 82 were established under authority granted to the Federal Power Commission (FPC) (the Commission's predecessor agency) by section 311 of the Federal Power Act (FPA) (16 U.S.C. 791(a), *et seq.*).[2] The Commission's authority under section 311 was transferred to the Secretary of Energy pursuant to section 301(b) of the Department of Energy Organization Act (DOE Act) (42 U.S.C. 7101, *et seq.*).[3] The Secretary in turn delegated this authority to EIA[4] and to the Commission to the extent needed to perform its other vested or delegated functions.[5] Because of these changes in the Commission's regulatory responsibilities, the Commission no longer requires the data from these forms to perform its statutory or delegated functions.

II. Discontinued Forms

Nine comments were received in this docket. Based upon a review of these comments and its own analysis, the Commission by this final rule discontinues collection of the five forms described below.

Form No. 3—Typical Net Monthly Bills for Electric Service (18 CFR 141.21). Form No. 3 was submitted annually by utilities. It was designed to obtain information concerning monthly bills for specific quantities of electric service to certain customers. Form EIA-213 is now being used by EIA to collect this information.

Form No. 3A—All-Electric Homes Data Sheet (no CFR reference) (expired June 30, 1979.) Form No. 3A was voluntarily filed by utilities on an annual basis. Neither the Commission nor EIA now uses the information contained therein; the form, therefore, is discontinued by this final rule.

Form 3P—Residential Electric Bill Data for the U.S. Bureau of Labor Statistics (18 CFR 141.28). Form 3P was designed to secure monthly electric bill data from electric utilities and was submitted by the Commission to the U.S. Bureau of Labor Statistics (BLS). EIA now collects the data for BLS on Form EIA-101.

Form No. 40—Natural Gas Companies Annual Report of Proved Domestic Gas Reserves (18 CFR 260.13) (expired March, 1978). Form No. 40 required certain natural gas companies to submit to the Commission an annual report of proved domestic reserves. These data are now collected by EIA on its Form EIA-23. Information in Form EIA-23 concerning the gas reserves commitment status is gathered by EIA on behalf of the Commission to fulfill the Commission's regulatory responsibilities.

Form No. 82—Retail Rate Level Change (18 CFR 141.27) (expired June 30, 1978). Form No. 82 was designed to secure from electric utilities, within 60 days of the effective date of a new retail rate schedule, the 12-month dollar effect of such change. Neither the Commission nor EIA needs the information contained in the form; it is therefore discontinued.

III. Summary of Comments

In response to the proposed rulemaking, the Commission received comments from the Energy Information Administration and nine public respondents including six electric utilities, two natural gas companies, and one university. EIA concurred in the discontinuance of Forms No. 3A and 82. EIA also indicated that it is presently collecting the data contained in FPC Forms No. 3, 3P, and 40.

The general reaction to the rulemaking from the public commentors was very favorable. Three respondents, however, expressed a need for some of the data contained in Form 3 and stated that the continued collection of the information by either the Commission or EIA is necessary. As noted above, EIA is presently collecting the information from Form No. 3 on its own Form No. EIA-213.

One commentor objected to the discontinuation of Form 3A because of the public's interest in the information. The Commission recognizes that the public might have some interest in the information collected by way of this form but does not believe that this reason by itself justifies continued collection of the information by the Commission. As stated above, the data collected in these forms is not needed by the Commission to perform its regulatory responsibilities.

IV. Public Procedure and Effective Date

The Commission has complied with 5 U.S.C. 553 by having provided public notice and an opportunity to participate in this rulemaking. Adoption of this rulemaking will eliminate a requirement imposed on industries regulated by the Commission. Therefore, the Commission finds good cause to waive the 30-day requirement set forth in 5 U.S.C. 553(d) and to make this final rule effective immediately. Thus, Forms No. 3, 3A, 3P, 40, and 82 are discontinued as of the date of issuance of this rule.

(Department of Energy Organization Act, 42 U.S.C. 7101, *et seq.*; E.O. 12009, 42 FR 46267.)

For the reasons stated above, the Commission hereby discontinues Forms No. 3, 3A, 3P, 40, and 82, effective immediately.

In addition, in consideration of the foregoing, the Commission amends Parts 141 and 260 of Chapter I, Title 18, Code of Federal Regulations, as set forth below, effective immediately.

[1] Federal Energy Administration Act (15 U.S.C. 761, *et seq.*), as amended by section 205 of the DOE Act.

[2] Section 311 authorizes the Commission to conduct investigations regarding the generation, transmission, distribution and sale of electric energy.

[3] Section 301(b) vests in the Secretary the powers of the FPC under the FPA and the Natural Gas Act (NGA) (15 U.S.C. 717, *et seq.*) which were not transferred to the Commission by Title IV of the DOE Act.

[4] Department of Energy Delegation Order No. 0204-3, October 1, 1977.

[5] Department of Energy Delegation Order No. 0204-1, October 1, 1977.

By the Commission.
Kenneth F. Plumb,
Secretary.

§ 141.21 [Revoked]
1. Section 141.21 is revoked.

§ 141.27 [Revoked]
2. Section 141.27 is revoked.

§ 141.28 [Revoked]
3. Section 141.28 is revoked.

§ 260.13 [Revoked]
4. Section 260.13 is revoked.

[FR Doc. 80-14115 Filed 5-6-80; 8:45 am]
BILLING CODE 6450-85-M

18 CFR Part 273

[Docket No. RM79-53]

Natural Gas; Order Extending Period for Interim Collections Pending Jurisdictional Agency Determination

April 30, 1980.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule.

SUMMARY: This order amends § 273.202(b)(2)(i) of the Federal Energy Regulatory Commission's regulations implementing the Natural Gas Policy Act of 1978 (NGPA). The amendment extends the period during which sellers of natural gas are authorized to make interim collections of NGPA ceiling prices pending a jurisdictional agency determination of eligibility until July 31, 1980.

EFFECTIVE DATE: April 30, 1980.

FOR FURTHER INFORMATION CONTACT: Roger B. Coven, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-9124.

On June 19, 1979, the Federal Energy Regulatory Commission (Commission) issued final Part 273 Regulations Implementing the Natural Gas Policy Act of 1978 (NGPA).[1] Subpart B of Part 273 established rules governing interim collection of NGPA ceiling prices pending jurisdictional agency determinations of eligibility. Subject to certain restrictions not relevant here, § 273.202(b)(2) provides that interim collections can be made during the period that an application for determination is pending before a jurisdictional agency until the earlier of:

(i) 12 months after the first delivery for which collection is made under this section (18 months in the case of deliveries beginning before May 1, 1979); or

(ii) The date on which the Commission receives a notice of jurisdictional agency determination under § 274.104.

Under § 273.202(b)(2), interim collection authority will terminate for some sellers subject to the 12 month limitation on May 1, 1980. Interim collection authority for sellers who filed shortly after December 1, 1978, will begin to expire under the 18 month limitation in early June, 1980.

The Commission has received written requests from three jurisdictional agencies to extend the period during which interim collections can be made.[2] The jurisdictional agencies stated that massive volumes of filings have been received and that due to limited manpower, processing cannot be completed before interim collection authority terminates with respect to many of the filings.[3]

The Commission understands that the initial flow of well determination filings to the jurisdictional agencies has been great. Furthermore, the Commission believes that expiration of interim collection authority due to the resulting backlog of filings would cause unnecessary hardship and administrative and accounting burdens for sellers. In the order which established final Part 273 regulations we stated, "[i]f it becomes apparent that the time limitation is likely to cause a problem, we may consider a revision of the rule."[4] The Commission believes that such a problem does exist based on the information submitted by the three jurisdictional agencies mentioned above.

Accordingly, we amend § 273.202(b)(2) to provide that the period during which interim collections can be made will not expire prior to July 31, 1980, unless the Commission receives a notice of jurisdictional agency determination under § 274.104.[5] The Commission believes that this extension should be sufficient to allow jurisdictional agencies to catch up with the backlog of well determination filings.

In view of the need for prompt Commission action in these circumstances to prevent the expiration of interim collection authority for certain sellers of natural gas, and since notice and opportunity for comment are impracticable, unnecessary and contrary to the public interest, the Commission finds that good cause exists to issue these amendments without opportunity for notice and public procedure thereon. For the same reasons, good cause exists to issue these regulations effective immediately.

(Natural Gas Act, as amended 15 U.S.C. 717-717w; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432; Department of Energy Organization Act, 42 U.S.C. 7101-7352. E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 273 of Subchapter H, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below effective immediately.

By the Commission.
Kenneth F. Plumb,
Secretary.

Section 273.202 is amended in paragraph (b) by deleting paragraph (b)(2), and substituting the following in lieu thereof:

§ 273.202 Collection pending jurisdictional agency determination of eligibility.

* * * * *

(b) *Period of Collection.* * * *

(2) Ending on the earlier of:

(i) 12 months after the first delivery for which collection is made under this section (18 months in the case of deliveries beginning before May 1, 1979), but in no case before July 31, 1980; or

(ii) The date on which the Commission receives a notice of jurisdictional agency determination under § 274.104.

[FR Doc. 80-14118 Filed 5-6-80; 8:45 am]
BILLING CODE 6450-85-M

[1] Order No. 36, Docket No. RM79-53 (June 19, 1979).

[2] The West Virginia Oil & Gas Division, Department of Mines and the United States Geological Survey in Casper, Wyoming requested a 90 day extension of the interim collection period. The Railroad Commission of Texas petitioned the Commission to amend § 273.202(b)(2) so that interim collection authority would not terminate prior to August 1, 1980.

On April 25, 1980, Indicated Producers filed a Joint Petition of Indicated Producers For Modification of the Commission's Rules and Regulations Pertaining to Interim Collections in which they support the request of West Virginia and Texas for an extension of time. Although the Indicated Producers urged a modification of § 273.202(b)(2) that would permit greater extensions of the interim collection period, the Commission believes that the extension allowed by this order will be adequate.

In another petition filed with the Commission, the Interstate Oil Compact Commission (Compact) supports the petitions of Texas and West Virginia. Furthermore, Compact states that it is joined in its petition by the Corporation Commission of the State of Oklahoma and the Oil Conservation Division of the Energy and Minerals Department of the State of New Mexico.

[3] The West Virginia Oil & Gas Division states that it has reviewed over 16,000 applications for determination and that nearly 1,000 applications remain to be reviewed for which interim collection authority will cease if the requested extension is not granted. Of the filings that have been reviewed, about 4,000 have yet to be fully processed and forwarded to the Commission.

[4] Order No. 36, Docket No. RM79-53 (June 19, 1979), mimeo at 9-10.

[5] Once a notice of an affirmative determination by a jurisdictional agency has been received by the Commission, the seller may be authorized to make interim collections under § 273.203.

POSTAL SERVICE

39 CFR Part 267

Protection of Information; National Security Information

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule makes certain minor or clarifying amendments to the regulations that implement the Postal Service's National Security Information Policy. These changes are consistent with Executive Order 12065, which deals with national security information, and are in accord with recommendations of the Information Security Oversight Office of the General Services Administration.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: A. Scott Hamel, (202) 245-4142.

SUPPLEMENTARY INFORMATION: To carry out the above purposes, § 267.5 of title 39, Code of Federal Regulations, is amended by (1) adding a provision for reporting to the Information Security Oversight Office (ISOO) of the General Services Administration as recommended by that office; (2) making a minor change to the membership of the Postal Service oversight committee; and (3) including a mailing address for Freedom of Information requests and mandatory review requests as recommended by ISOO.

Accordingly 39 CFR is amended as follows:

In § 267.5, paragraphs (c)(1) (iv) through (vii) are redesignated as paragraphs (c)(1) (v) through (viii); paragraph (e)(3)(ii) is redesignated as paragraph (e)(3)(iii); paragraph (c)(1)(ii) is amended, and paragraph (e)(3)(i) is redesignated as (e)(3)(ii) and amended, and new paragraphs (c)(1)(iv) and (e)(3)(i) are added reading as follows:

§ 267.5 National security information.

* * * * *

(c) * * *

(1) * * *

(ii) Chair a committee composed of the Records Officer, the Chief Postal Inspector (USPS Security Officer), the General Counsel, the Exective Assistant to the Postmaster General, and the Director, Operating Policies Office, or their designees, with authority to act on all suggestions and complaints concerning the Postal Service's compliance with the Executive Order;

* * * * *

(iv) Inform the Director, Information Security Oversight Office, General Services Administration, whenever violations of paragraph (c)(1)(iii) of this section occur;

(v)-(viii) [Redesignated]

* * * * *

(e) * * *

(3) * * *

(i) Requests for documents made under the Freedom of Information Act (FOIA) and mandatory review requests (requests under section 3-501 of the Executive Order for the declassification and release of information) should be submitted to: USPS Records Officer, U.S. Postal Service, Washington, D.C. 20260.

(ii) In response to an FOIA request or a mandatory review request, the Postal Service shall not refuse to confirm the existence or non-existence of a document, unless the fact of its existence or non-existence would itself be classifiable.

(iii) [Redesignated]

(39 U.S.C. 401)

W. Allen Sanders,

Associate General Counsel for General Law and Administration.

[FR Doc. 80-13939 Filed 5-6-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1486-7]

Approval and Promulgation of Implementation Plans; Ohio: Clarification of Revision to Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Clarification of final rule.

SUMMARY: On January 4, 1980, EPA took final action to suspend the compliance date for the Cleveland Electric Illuminating Company's Eastlake and Avon Lake Power Plants in Ohio (45 FR 1022). The purpose of today's notice is to clarify the final rule published on January 4. EPA stated in the Supplementary Information Section of the January 4 Notice that the compliance date suspension would extend until no later than the plan attainment date of June 17, 1980; however, the June 17, 1980, termination provision was inadvertently omitted from the text of the regulation. Today's notice conforms the regulation to EPA's intent as stated in the Supplementary Information.

EFFECTIVE DATE: Since this action is a clarification of an already effective final action, EPA has determined that it should be effective upon the date of publication. (May 7, 1980.)

ADDRESS: The docket 5A-79-1 for the final rule which this Notice clarifies is on file at USEPA Region V, 230 South Dearborn Street, Chicago, Illinois and at the Public Information Reference Unit, Room 2922, USEPA, 401 M Street, SW., Washington, D.C. 20460. The docket may be inspected and copied during normal business hours.

FOR FURTHER INFORMATION CONTACT: Steve Rothblatt, Chief, Air Programs Branch, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604. (312) 886-6030.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows: Section 52.1882(b)(7) is revised to read as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

§ 52.1882 Compliance Schedules.

* * * * *

(b) * * *

(7) Section 52.1882(b)(4)(iii)(G) is suspended for Cleveland Electric Illuminating Company's Eastlake and Avon Lake facilities pending final rulemaking on the June 12, 1979, (44 FR 33712) proposed revision to the Ohio State Implementation Plan, but in no event will the suspension extend beyond the plan attainment date of June 17, 1980.

Dated: April 30, 1980.

Douglas Costle

Administrator.

[FR Doc. 80-14079 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR PART 52

[FRL 1477-3]

Revision to the New Jersey State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On March 11, 1980 (45 FR 15531), the Environmental Protection Agency (EPA) promulgated conditional approval of the New Jersey State Implementation Plan (SIP) with regard to its ability to meet the requirements of Part D of the Clean Air Act, as amended. This conditional approval required, among other things, the submission to EPA of adequate test methods which can be used to determine compliance with the provisions of a New Jersey regulation, 7:27-16.1 *et seq.*, "Control

and Prohibition of Air Pollution by Volatile Organic Substances."

The purpose of this notice is to advise the public that this condition has been fulfilled through the submittal of the required test procedures under cover of letters dated March 5, April 9 and April 10, 1980, and that EPA is taking final action to approve the State's submission. Furthermore, EPA is incorporating the provisions of the State's submission into the approved SIP and is revoking the applicable condition on its approval of the plan. Until all conditions are met conditional approval of the SIP will continue.

EFFECTIVE DATE: This action is made immediately effective, May 7, 1980, inasmuch as it provides no additional burden upon any affected party.

ADDRESSES: Copies of the State's submission are available for inspection at the following addresses:

Environmental Protection Agency, Air Programs Branch, Region II Office, 26 Federal Plaza—Room 908, New York, New York 10007

Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

New Jersey Department of Environmental Protection, Bureau of Air Pollution Control, John Fitch Plaza, Labor and Industry Building, Room 1110, Trenton, New Jersey 08625

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, 26 Federal Plaza—Room 908, New York, New York 10007 (212) 264–2517.

SUPPLEMENTARY INFORMATION: In the March 11, 1980 issue of the Federal Register (45 FR 15531) the Environmental Protection Agency promulgated conditional approval of the New Jersey State Implementation Plan (SIP) with regard to its ability to meet the requirements of Part D of the Clean Air Act, as amended. The reader is referred to this Federal Register notice for a detailed discussion of EPA's findings. Today's notice discusses one condition of EPA's approval of the plan which required the State to submit, by March 1, 1980, adequate test methods which can be used to determine compliance with the provisions of New Jersey Administrative Code (N.J.A.C.) 7:27–16.1 *et seq.*, "Control and Prohibition of Air Pollution by Volatile Organic Substances." This condition was promulgated at 40 CFR 52.1581(c)(1).

In response to this condition, on March 5 and April 10, 1980 the State submitted to EPA a draft regulation entitled, "Sampling and Analytical Procedures for the Determination of Volatile Organic Substances from Source Operations," to be adopted as Title 7, Chapter 27 B, Subchapter 3 of the N.J.A.C. The April 10 submittal resulted from the fact that, in an April 9, 1980 letter, the State advised EPA that procedures for determining the volatile organic substance content of cutback and emulsified asphalts, which are regulated by N.J.A.C. 7:27–16.7, had been inadvertently omitted from its March 5 submittal. These procedures are included in the later draft submitted to EPA.

Based on its review of the submitted documents, EPA finds that the applicable condition on its approval of the New Jersey SIP has been fully met. Therefore, EPA is incorporating into the SIP the test methods submitted and is revoking the applicable condition. Furthermore, this action serves to continue EPA's conditional approval.

EPA finds that further notice and comment on this issue are unnecessary (see 5 U.S.C. 553(b)(B)—the Administrative Procedure Act) insofar as the corrective action was clearly identified in EPA's promulgation and the State's submittal clearly addresses the specified criteria for approval.

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

(Secs. 110, 172, and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: April 28, 1980.

Douglas Costle,

Administrator, Environmental Protection Agency.

Title 40, Chapter I, Subchapter C, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart FF—New Jersey

1. Section 52.1570 paragraph (c) is amended by adding a new subparagraph (25) as follows:

§ 52.1570 Identification of plan.

* * * * *

(c) * * *

* * * * * *

(25) Supplementary submittals, dated March 5, April 9 and April 10, 1980 from the New Jersey Department of Environmental Protection consisting of test methods to be used in determining compliance with the provisions of N.J.A.C. 7:27–16.1 *et seq.*, "Control and Prohibition of Air Pollution by Volatile Organic Substances."

§ 52.1581 [Amended]

2. Section 52.1581 is amended by revoking and reserving paragraph (c) in its entirety.

[FR Doc. 80-14080 Filed 5-6-80; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1474-4]

Redesignation of Attainment Status: Eagle Valley, Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This notice revises the attainment status designation of Eagle Valley (Carson City) in Nevada for photochemical oxidants (O_x). The revision is the result of the EPA's revising the O_x standard of 0.08 ppm to an ozone standard of 0.12 ppm (44 FR 8202, February 8, 1979). Eagle Valley is redesignated from nonattainment for O_x to attainment for ozone.

DATE: Effective May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Rodney L. Cummins, Chief, Technical Analysis Section (A–4–3), Air Technical Branch, Air and Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, Phone: (415) 556–2002.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 9012) the EPA promulgated the State of Nevada's designation of Eagle Valley as nonattainment for O_x.

On February 8, 1979 (44 FR 8202) the EPA revised the O_x standard of 0.08 ppm to an ozone standard of 0.12 ppm. In addition, the EPA established a statistical method of determining whether the standard has been exceeded. The national standard for ozone is published as a revision to 40 CFR 50.9 and the statistical method is found in the new Appendix H, 40 CFR Part 50.

Because of the change in the standard, Governor List of Nevada submitted to the EPA, in a letter dated July 24, 1979, the State's redesignation of Eagle Valley as a revision to the State

Implementation Plan. The Governor recommended that the O_x nonattainment area be redesignated as an ozone attainment area. The redesignation has been supported by data which indicate that the ozone air quality standard was not violated during the three year period, 1976 through 1978.

On January 3, 1980 (45 FR 1647) EPA published a notice of proposed rulemaking concerning the redesignation request. The notice proposed to approve the redesignation and provided a 30-day comment period. No comments were received.

Under section 107(d)(5) of the Clean Air Act, a state may revise its designations of attainment status and submit them to the EPA for promulgation. Based upon a review of the air quality data for ozone in Eagle Valley and the use of the statistical method for determining whether violations of the standard have occurred, the EPA has determined that the standard for ozone has been attained. Thus, this notice redesignates Eagle Valley to attainment for ozone.

As a result of the redesignation, the State is not subject to the requirements of Part D of the Clean Air Act for ozone in the Eagle Valley area.

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) of the Clean Air Act, as amended (42 U.S.C. 7407(d) and 7801(a))

Dated: April 28, 1980.

Douglas M. Costle,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

Subpart C—Section 107 Attainment Status Designations

1. In § 81.329—Nevada, the attainment status designations table for O_x (published in 43 FR 9012, March 3, 1978), is revised to read as follows:

§ 81.329 Nevada.

* * * * *

Nevada—O_x

Designated area	Does not meet primary standard	Cannot be classified or better than national standard
Las Vegas Valley	X	
Truckee Meadows	X	
Lake Tahoe Basin	X	
Rest of State		X

* * * * *

[FR Doc. 80-14081 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for St. Johns County, Fla., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of St. Johns, Florida. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of St. Johns, Florida, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 125147B, Panel 08 published on October 23, 1979, in 44 FR 61015, indicates that Lot 26, as shown on the Plat of Tivoli, as recorded in Map Book 13, Page 3, in the Office of Public Records of St. Johns County, Florida, is within the Special Flood Hazard Area.

Map No. H & I 125147, Panel 08 is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on May 28, 1976. The structure is in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13624 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Fulton County, Ga., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the County of Fulton, Georgia. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the County of Fulton, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 135160A Panel 17, published on October 23, 1979, in 44 FR 61015, indicates that Lot 13, Block C, Unit 1, Lake Island Estates, Fulton County, Georgia, as recorded in the Deed, Book 7225, Page 387, in the Office of the Clerk of the Superior Court of Fulton County, Georgia, is within the Special Flood Hazard Area.

Map No. H & I 135160 Panel 17 is hereby corrected to reflect that the above mentioned property is not within the Special Flood Hazard Area identified on September 3, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13825 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for Fulton County, Ga., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included Fulton County, Georgia. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Fulton County, Georgia, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland, Phone: (800) 638-6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 135160A Panel 28, published on October 23, 1979, in 44 FR 61015 indicates that Land Lot 93 of the 13th Land District, Fulton County, Georgia, as recorded in Condominium Plat Book 4, Page 24, in the Office of Public Records of Fulton County, Georgia, is within the Special Flood Hazard Area.

Map No. H & I 135160A Panel 28, is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on September 3, 1976. The property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1968 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13826 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Independence, Iowa, Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Independence, Iowa. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Independence, Iowa, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755-6570 or toll free line (800) 424-8872 (in Alaska and Hawaii call toll free (800) 424-9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner for maintaining flood insurance coverge on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is

pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 190031C Panel 06, published on October 23, 1979, in 44 FR 61022, indicates that a 0.156 acre tract of land in the S.W. quarter of Section 35, Township 89 North, Range 9 West of the 5th P.M., also described as a property lying east of Lot 5, Block 7, Melone's Addition, Independence, Iowa, as recorded in Book 389, Page 203, in the Office of the Recorder, Buchanan County, Iowa, is within Zone B.

Map No. H & I 190031C Panel 06 is hereby corrected to reflect that the above mentioned property is not within the Zone B identified on May 16, 1977. This property is in Zone C.

(National Flood Insurance Act of 1968) (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4000–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Federal Insurance Administrator, 44 FR 20963)

Issued: April 23, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13827 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for St. Tamany Parish, La., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Tamany Parish, Louisiana. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Tamany Parish, Louisiana, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation & Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 225205A Panels 62 and 63, published on October 23, 1979, in 44 FR 61021, indicates that Drainage District No. 4, St. Tamany Parish, Louisiana, as established by Ordinance No. 812, adopted by the Police Jury of St. Tamany Parish, Louisiana, on May 18, 1978, is within the Special Flood Hazard Area.

Map No. H & I 225205A Panels 62 and 63 is hereby corrected to reflect that the portion of the above mentioned property East of the W–14 Main Diversion Canal, with the exception of the areas designated for Drainage Servitude as shown on the Servitude Plan, Drainage District No. 4, by J. J. Krebs & Sons, Inc., dated December 27, 1979, is not within the Special Flood Hazard Area identified on September 17, 1976. This property is in Zone C.

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

Issued: March 6, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13828 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Baltimore, Md., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps were published identifying Special Flood Hazard Areas. This list included the City of Baltimore, Maryland. It has been determined by the Federal Insurance Administrator, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Baltimore, Maryland, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, SW., Washington, D.C. 20410, (202) 755–6570 or Toll Free Line (800) 424–8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the

National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620 toll free, (800) 492–6605 toll free (Maryland only).

The Map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 240087A, Panel No. 08, published on October 23, 1979, in 44 FR 61009, indicates that Lot No. 52, Ward 27, Section 3, Block 5691, being known as 5953 Lillyan Avenue, City of Baltimore, Maryland, recorded in Liber W.A. No. 3775, Pages 594 through 596, in the Office of Land Records of the City of Baltimore, Maryland, is located within the Special Flood Hazard Area.

Map No. H & I 240087A, Panel No. 08, is hereby corrected to reflect that the structure located on the above-mentioned property is not within the Special Flood Hazard Area identified on March 15, 1978. The structure is in Zone C.

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

Issued: February 11, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13829 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of Quincy, Mass., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of Quincy, Massachusetts. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Quincy, Massachusetts, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area; removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 255219 A, Panel 04 published on October 23, 1979, in 44 FR 61006 indicates that the property located at 507–509 Hancock Street, Quincy, Massachusetts, as described in the Direct Reduction Mortgage, recorded in Book 5667, Pages 337 through 339 in the Norfolk County Registry of Deeds, Dedham, Massachusetts, is within the Special Flood Hazard Area.

Map No. H & I 255219 A Panel 04 is hereby corrected to reflect that the existing structure located on the above property is not within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13831 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for St. Charles County, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290315 Panel 0250A, published on October 23, 1979, in 44 FR 61024, indicates that Lot 27 of Corrected

Plat of Powell Park, Forest Gardens and Howell School Addition, St. Charles County, Missouri, as recorded in Book 736, Page 1337, in the Office of the Recorder, St. Charles County, Missouri, is partially within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13832 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for St. Charles County, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street SW., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290315 Panel 0250A, published on October 23, 1979, in 44 FR 61024, indicates that Lot 25 of Corrected Plat of Powell Park, Forest Gardens and Howell School Addition, St. Charles County, Missouri, as recorded in Book 425, Page 666, in the Office of the Recorder, St. Charles County, Missouri, is partially within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

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

Issued March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13833 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for St. Charles County, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290315 Panel 0250A, published on October 23, 1979, in 44 FR 61024, indicates that a 1.316 acre tract of land in U.S. Survey 285, Township 46 North, Range 4 East, St. Charles County, Missouri, as recorded in Book 718, Page 1088, and Book 785, Page 685, respectively, in the Office of the Recorder, St. Charles County, Missouri, is partially within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on

September 15, 1978. This structure is in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13834 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for St. Charles County, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included St. Charles County, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and other further technical review of the Flood Insurance Rate Map for St. Charles County, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290315 Panel 0250A, published on October 23, 1979, in 44 FR 61024, indicates that Lot 19 of Corrected Plat of Powell Park, Forest Gardens and Howell School Addition, St. Charles County, Missouri, as recorded in Plat Book 8, Pages 6 through 9, in the Office of the Recorder, St. Charles County, Missouri, is partially within the Special Flood Hazard Area.

Map No. H & I 290315 Panel 0250A is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on September 15, 1978. This structure is in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13835 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 70

[Docket No. FEMA-5712]

Letter of Map Amendment for the City of St. Charles, Mo., Under National Flood Insurance Program

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which maps identifying Special Flood Hazard Areas have been published. This list included the City of St. Charles, Missouri. It has been determined by the Federal Insurance Administrator after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of St. Charles, Missouri, that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, Acting Assistant Administrator, Program Implementation and Engineering Office, National Flood Insurance Program, 451 Seventh Street, S.W., Washington, DC 20410, (202) 755–6570 or toll free line (800) 424–8872 (in Alaska and Hawaii call toll free (800) 424–9080).

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year, provided that no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Telephone: (800) 638–6620.

The map amendments listed below are in accordance with § 70.7(b):

Map No. H & I 290318 Panel 0002B, published on October 23, 1979, in 44 FR 61024, indicates that Lot 288, Willowbrook Subdivision Plat 2, St. Charles, Missouri, as recorded in Book 13, Page 5, in the Office of the Recorder, St. Charles County, Missouri, is within the Special Flood Hazard Area.

Map No. H & I 290318 Panel 0002B is hereby corrected to reflect that the existing structure on the above mentioned property is not within the Special Flood Hazard Area identified on March 31, 1978. This structure is in Zone C.

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

Issued: March 24, 1980.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 80-13836 Filed 5-6-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 26

Public Entry and Use; National Wildlife Refuges in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations for the continued opening of wildlife refuges and ranges in Alaska to public access, use and recreation.

SUMMARY: The Director has determined that the opening to public entry and use of the Refuges and Ranges, in Alaska, are compatible with the objectives for which these areas were established and will provide additional recreational opportunity to the public. These special regulations do not apply to National Wildlife Monuments, or the refuges withdrawn under Section 204(c) of the Federal Land Policy and Management Act. These special regulations describe the conditions under which public access, use and recreation, including sport hunting and fishing, will be permitted on the Refuges and Ranges listed.

DATES: These regulations are effective from May 7, 1980 through May 31, 1982.

FOR FURTHER INFORMATION CONTACT: The Refuge Operations Supervisor or the respective Refuge Manager at the address or telephone number listed below:

Don Redfearn, Supervisor, Refuge Operations, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503, (907) 276-3800.

John Martin, Refuge Manager, Aleutian Islands National Wildlife Refuge, P.O. Box 5251, FPO Seattle, WA 98791.

Charles Strickland, Refuge Manager, Clarence Rhode National Wildlife Range, P.O. Box 346, Bethel, Alaska 99559, (907) 543-3151.

John Sarvis, Refuge Manager, Izembek National Wildlife Range, Pouch 2, Cold Bay, Alaska 99571, (907) 532-2445.

James E. Frates, Refuge Manager, Kenai National Moose Range, P.O. Box 2139, Soldotna, Alaska 99669, (907) 262-7021.

Robert L. Delaney, Refuge Manager, Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615, (907) 486-3325.

Averill Thayer, Refuge Manager, William O. Douglas Arctic Wildlife Range, Federal Building and Courthouse, 101 12th Avenue, Box 20 Fairbanks, Alaska 99701, (907) 452-1951, extension 250.

SUPPLEMENTARY INFORMATION: The primary authors of this document are the Refuge Managers listed above. The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for 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 or ranges 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, and Public Land Order 2214. Funds are available for the administration of the recreation activities permitted by these regulations. The provisions of these special regulations supplement the regulations governing public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations. The public is invited to offer suggestions and comments at any time.

§ 26.34 Special regulations concerning public access, use, and recreation for individual national wildlife refuges in Alaska.

1. All commercial operations including guiding services and/or fur trapping must obtain an annual Federal Permit from the Refuge Manager.

2. Permission to enter or use that portion of the refuge selected by the Native villages under the Alaska Native Claims Settlement Act should be obtained from the respective village.

3. The possession, use and transporting of firearms is authorized for hunting and personal protection in accordance with applicable State and Federal laws unless specifically prohibited or otherwise restricted by the refuge manager.

4. See Alaska State regulations for specific fish and game regulations. Public access, use and recreation including sport fishing and hunting is permitted in accordance with State of Alaska Fish and Game regulations and other applicable State of Alaska and Federal regulations with certain restrictions as delineated below:

Aleutian Islands National Wildlife Refuge

A. A special use permit is required for public access, use and recreation activities on all Islands of the Aleutian Islands National Wildlife Refuge except Adak, Atka, Attu and Shemya.

B. Live, unexploded World War II ordnance and other debris is present on refuge lands. Despite sporadic attempts by ordnance teams to clear the area ever since the war ended, the passage of time, the climate, and the thick mat of tundra make complete removal virtually impossible. Visitors are advised to use extreme caution in all activities. The U.S. Fish and Wildlife Service assumes no responsibility for accidents. Tampering, destructing, disturbing, digging, searching, or removing of mines, weapons, unexploded World War II ordnance and debris is prohibited.

C. The U.S. Naval complex at Adak and the Aleutian Islands Refuge Office periodically publishes warnings about the location and dangers of unexploded ordnance. All ordnance areas are closed to public access, use, and recreation.

D. Recreational uses such as hiking, boating, camping, berry and plant picking, photography, skiing and associated activities are permitted on Adak, Atka, Attu and Shemya Islands.

E. The use of any motorized vehicles is permitted only on established roads on Adak, Atka, Attu and Shemya Islands except that snowmobiling is authorized only on an area of Adak Island delineated on a map available from the Refuge Manager.

F. The use of motorized boats is authorized only on Andrew Lake, Adak Island.

Clarence Rhode, Nunivak, Cape Newenham, Chamisso, Hazen Bay, and Bering Sea National Wildlife Refuges

A. The use of snowmachines is permitted only during periods of complete snow cover.

B. Motorized vehicles are prohibited with the exception of:

(1) Boats

(2) Snowmachines

a. On Nunivak; except for removal of legally harvested muskox, snowmachines may not be operated within one mile of any living muskox or area known to be occupied by any living

muskox as determined through normal visual means.

(3) Aircraft:

a. Aircraft landing is permitted on all refuges except Nunivak. Unless authorized by Special Use Permit, aircraft landing on Nunivak is restricted to the airstrip situated near the village of Mekoryuk. Float and/or ski planes are restricted to within a three (3) mile radius of the village of Mekoryuk.

Izembek National Wildlife Range and Unimak Island

A. Live, unexploded World War II ordnance and other debris is present on refuge lands. Despite sporadic attempts by ordnance teams to clear the area ever since the war ended, the passage of time, the climate, and the thick mat of tundra make complete removal virtually impossible. Visitors are advised to use extreme caution in all activities. The U.S. Fish and Wildlife Service assumes no responsibility for accidents. Tampering, destroying, disturbing, digging, searching, or removing of mines, weapons, unexploded World War II ordnance and debris is prohibited.

B. The landing of aircraft is permitted only at the airstrips at False Pass and Cape Sarichef and on lakes, bays, lagoons and adjacent beaches on Unimak Island. The landing of aircraft is prohibited on Izembek National Wildlife Range, except in the event of emergency.

C. The use of motorized vehicles is restricted to the established road system.

D. The use of boats driven by air thrust, commonly known as airboats and jet boats, is prohibited.

Kenai National Moose Range

A. The landing and operations of aircraft other than emergency conditions is authorized only on lakes and areas as delineated on a map available from the Refuge Manager. In addition the following aircraft regulations apply:

(1) The landing of aircraft on any road, glacier, or ice field is prohibited.

(2) Hidden Lake, Swanson Lake, Gene Lake, and Pepper Lake are designated aircraft landing areas in season for the purpose of sport ice fishing only.

(3) Bottenintin Lake is a designated aircraft landing area.

B. The operation of off-road vehicles including those commonly referred to as all-terrain vehicles (ATV's) is prohibited on the Kenai National Moose Range with the exception of snowmobiles. Snowmobiles are authorized only on designated areas as delineated on a map available from the Refuge Manager. In addition the following snowmobile regulations apply:

(1) Only snowmobiles with an overall width less than 40 inches will be permitted.

(2) The use of snowmobiles may be authorized during December 1 through April 30 when determined and announced by the Refuge Manager that snow depth is sufficient to protect underlying vegetation and terrain along the route of travel.

(3) The use of snowmobiles as aid in big game hunting or for transporting big game animals, except fur animals, is not authorized.

(4) The use of snowmobiles on maintained roads within the Moose Range is prohibited. Snowmobiles may cross a maintained road only after stopping and when traffic on the roadway allows safe snowmobile crossing.

(5) The area above timberline located between Skilak Lake and Tustumena Lake is not authorized for snowmobile use.

(6) The area within T4N, R10W, Section 5 and those portions of Sections 6 and 7 east of the Sterling Highway right-of-way, including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake and Nordic Lake, is not a designated snowmobile area.

(7) The use of snowmobiles for racing purposes is prohibited.

(8) The Swanson River Canoe Route lakes and portages are closed to snowmobile use.

(9) An area including the Swan Lake Canoe Route and several road-connected public recreational lakes is not a designated snowmobile area. This closed area is bound on the west by the Swanson River Road, on the north by the Swan Lake Road, on the east by the section line immediately west of Arrow Lake and proceeds south 5.8 miles to its intersection with the Moose River. The closed area boundary continues downstream along the west bank of Moose River, to the Moose Range boundary. Maps of this closed snowmobile area are available from the Refuge Manager.

C. The use of motorized boats and canoes, other motorized watercraft, engines, including chain saws, auxiliary power units, etc., is prohibited within the Moose Range except as described with the following restriction:

(1) Boats and canoes with motors of ten (10) horsepower or less are permitted on all lakes and rivers within the Moose Range except the canoe system. The canoe system which includes those lakes and their related shore areas, waterways, tributaries, and portages within the existing Swan Lake Canoe Route and Swanson River Canoe Route as described on maps available at Kenai Moose Range Headquarters.

(2) The use of airboats and motorboats exceeding ten (10) horsepower is authorized only on Skilak and Tustumena Lakes and the Kenai and Kasilof rivers; and provided further that Hidden Lake is open to motorboats exceeding ten (10) horsepower.

D. Camping is permitted throughout the Kenai National Moose Range. The public is encouraged to abide by the following:

(1) Do not camp within 100 feet of maintained roads except at designated refuge facilities.

(2) Limit overnight camping to a period not to exceed fourteen (14) days, except as may be otherwise posted by Refuge information signs and brochures.

Kodiak National Wildlife Refuge

A. The landing and operations of fixed-wing aircraft under other than emergency conditions is prohibited on land but is authorized on all waters within the Kodiak National Wildlife Refuge.

B. The landing and operation of rotary winged aircraft, also known as helicopters, under other than emergency conditions is prohibited except by Federal permit. Permits are issued by the Refuge Manager, Kodiak National Wildlife Refuge, P.O. Box 825, Kodiak, Alaska 99615.

C. The use of motorized land vehicles including snow machines is prohibited.

D. The use of airboats and jet boats is prohibited. Other motorized boats are authorized.

E. Construction, occupancy, and use of commercial cabins on Kodiak National Wildlife Refuge is subject to the provisions of 43 CFR, Part 21 and 50 CFR, Part 26.35. In addition, the following special regulations shall apply:

(1) All permittees are required to appear in person, annually, prior to the season of use, at the Headquarters of the Kodiak National Wildlife Refuge during regular working hours (Monday through Friday, 8 a.m. to 5 p.m.) for issuance of permits.

(2) Commercial set-net site permittees must hold a valid salmon set-net or beach seine limited entry permit for Kodiak Island waters, and the permit must be in permittee's possession when applying for a Special Use Permit.

(3) There will be no new cabin site permits issued for lands within the Kodiak National Wildlife Refuge. Only those cabins covered by a Special Use Permit during 1979 may be considered for a permit.

(4) Special Use Permits for erection of temporary structures may be issued in

lieu of cabins on refuge lands in furtherance of recognized and accepted commercial operations. In these instances all temporary structures must be removed annually at the end of the occupancy period.

(5) No special use permitted commercial cabins may be used for recreation purposes nor may the cabins be occupied or used outside of the permitted period of use.

F. Occupancy and use of recreational cabins on the Kodiak National Wildlife Refuge are subject to the following provisions:

(1) Drawings are held quarterly for recreational cabins. Applications must be received for the drawings three months prior to the period of intended use. Cabins not reserved during the drawings are available on a first-come, first-serve basis. Maps and additional information may be obtained from the Refuge Manager.

(2) Occupancy of recreational cabins may not exceed seven continuous days.

G. Guiding permits are issued by the Refuge Manager.

(1) All guides are required to appear in person, annually, prior to the season of use, at the Headquarters of the Kodiak National Wildlife Refuge during regular working hours (Monday through Friday, 8 a.m. to 5 p.m.) for issuance of permits.

William O. Douglas Arctic Wildlife Range

A. Landing of aircraft is permitted except during June 1 to September 30 when it is restricted to lakes, streams, icefields and gravel bars. No restrictions are imposed on emergency landings.

B. Snowmachines less than 46 inches in width may be used for subsistence purposes, provided that snow depth is sufficient to protect underlying vegetation. All other motorized land vehicles are prohibited, unless authorized by Special Use Permits.

C. The use of motorized watercraft is prohibited, except on the Beaufort Sea.

D. Wild berries may be picked for personal use.

E. Although firearms and other weapons may be possessed, target shooting and plinking are prohibited. Firearms and weapons must be of the type that may be legally possessed under existing State and Federal regulations.

F. Domestic animals are not permitted to enter the Wildlife Range. The Refuge Manager may issue a Special Use Permit authorizing pack animals and dog teams. Permits are not required for dog teams and pack dogs being used in subsistence activities.

G. All refuse, not completely burned must be removed from the Wildlife Range. All metal material and other unburnable garbage such as fuel cans, food tins and debris must be removed.

Dated: April 18, 1980.

LeRoy W. Sowl,

Acting Alaska Area Director, U.S. Fish and Wildlife Service.

[FR Doc. 80-13990 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 45, No. 90
Wednesday, May 7, 1980

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

Virginia Fire-Cured Tobacco, U.S. Type 21; Official Standard Grades

AGENCY: Agricultural Marketing Service, Tobacco Division, USDA.

ACTION: Proposed rule.

SUMMARY: It is proposed that the official standard grades for Virginia Fire-cured Tobacco, U.S. Type 21, be modified and implemented beginning with the 1980–81 season. Modifications are as follows: Nondescript (N group) reduce injury tolerances from 60 percent to 50 percent. Delete grade N1G and add two new grades, N1GL and N1GD.

DATE: Written comments must be received by June 6, 1980, in order to be sure of consideration. The comment period is being limited to 30 days because if the proposal is adopted, sufficient lead time must be available to the Agricultural Stabilization and Conservation Service (ASCS) to submit price support proposals. A 60-day comment period would be too restrictive as producers' marketing plans may be affected by this proposal.

ADDRESS: Send comments in duplicate to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Thomas A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, Room 502 Annex Building, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering modifications of the Official Standard Grades for Virginia fire-cured tobacco, U.S. type 21, pursuant to the authority contained in the Tobacco Inspection Act (49 Stat. 731; 7 U.S.C., 511 et seq.).

Changes in cultural practices in the Virginia fire-cured tobacco industry which have intensified during the last 3 years have made it necessary to modify certain standard grades; delete one grade; and add two new grades. The proposed modifications are aimed at resolving or minimizing these problem areas, where appropriate, by reducing the amount of injury tolerance in certain grades if Virginia fire-cured tocacco. The proposal would also delete a grade which does not adequately describe the full range of body and color and substitute two new grades to more accurately describe body and color in that particular group of grades. The proposed modifications are aimed at providing the most accurate definitions and grade determinations for the Virginia fire-cured tobacco brought to market.

This proposal would: (1) modify definitions to clarify terminology related to grade determinations; (2) rephrase rules to govern and facilitate grade applications; (3) modify certain percentage factors to reduce tolerances to more accurately describe the product of today's cultural practices; (4) delete grade N1G; and (5) add grades N1GL and N1GD in an effort to more accurately describe tobacco as it is presently prepared for market.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file the same in duplicate with the Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250, not later than June 6, 1980.

All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows: In Subpart C of Part 29, delete §§ 2259, 2409, 2410, 2440, 2461, and 2481 and substitute therefor the following:

Subpart C—Standards

Official Standard Grades for Virginia Fire-Cured Tobacco (U.S. Type 21)

Definitions

§ 29.2259 Color symbols.

As applied to this type, color symbols are: L-light brown, F-medium brown, D-dark brown, M-mixed or variegated, G-green, GL-light green, and GD-dark green.

Rules

§ 29.2409 Rule 18.

Any lot of tobacco containing 20 percent or more of green leaves or any lot which is not crude but contains 20 percent or more of green and crude combined shall be designated by the color symbols "G", "GL", or "GD".

§ 29.2410 Rule 19.

Crude leaves shall not be included in any grade of any color except green, light green, or dark green. Any lot containing 20 percent or more of crude leaves shall be designated nondescript.

Grades

§ 29.2440 (N group).

Extremely common tobacco which does not meet the minimum specifications or which exceeds the tolerance of the lowest grade of any other group except scrap.

U.S. Grades and Grade Name and Specifications

N1L—First quality light colored nondescript, thin to medium body and 50 percent injury tolerance
N1D—First quality dark colored nondescript, medium to heavy body and 50 pecent injury tolerance
N1GL—First quality light colored crude green nondescript, thin to medium body and 50 percent crude leaves or injury tolerance
N1GD—First quality dark colored crude green nondescript, medium to heavy body and 50 percent crude leaves or injury tolerance
N2—Substandard Nondescript—Nondescript of any group or color; over 50 percent crude leaves or injury tolerance

Summary of Standard Grades

§ 29.2461 Summary of standard grades.

4 Grades of Wrappers: A1F, A2F, A1D, A2D
16 Grades of Heavy Leaf: B1F, B2F, B3F, B4F, B5F, B1D, B2D, B3D, B4D, B5D, B3M, B4M, B5M, B3G, B4G, B5G
20 Grades of Thin Leaf: C1L, C2L, C3L, C4L, C5L, C1F, C2F, C3F, C4F, C5F, C2D, C3D, C4D, C5D, C3M, C4M, C5M, C3G, C4G, C5G
21 Grades of Lugs: X1L, X2L, X3L, X4L, X5L, X1F, X2F, X3F, X4F, X5F, X1D, X2D, X3D, X4D, X5D, X3M, X4M, X5M, X3G, X4G, X5F
5 Grades of Nondescript: N1L, N1D, N1GL, N1GD, N2

1 Grade of Scrap: S

Special factors "U" and "W" may be applied to all grades Tobacco not covered by the standard grades is designated "No-G".

U.S. Standard Sizes Applicable

A1, A2	45, 46, 47
B1	45, 46, 47
B2	44, 45, 46, 47
B3, B4, B5	43, 44, 45, 46, 47
C1	45, 46, 47
C2, C3, C4, C5	44, 45, 46, 47
X3, X4, X5 M and G[1]	45

[1]No size is applied to these grades if tobacco is under size 45.

§ 29.2481 Key to standard grademarks.

Groups:
A—Wrappers
B—Heavy Leaf
C—Thin Leaf
X—Lugs
N—Nondescript
S—Scrap

Qualities:
1—Choice
2—Fine
3—Good
4—Fair
5—Low

Colors:
L—Light brown
F—Medium brown
D—Dark brown
M—Mixed or variegated
G—Green
GL—Light green
GD—Dark green

Dated: May 2, 1980.

William T. Manley,
Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-12826 Filed 5-6-80; 8:45 am]
BILLING CODE 3410-02-M

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Docket No. R-0290]

International Banking Operations; Additional Investments Under General Consent Procedures

AGENCY: Board of Governors of the Federal Reserve System.
ACTION: Proposed rule.

SUMMARY: The Board of Governors of the Federal Reserve System proposes to amend provisions of Regulation K governing investments by member banks, Edge and Agreement Corporations, and bank holding companies ("investors"). Under current regulations, the Board has granted its general consent for an investor to make certain additional investments in an organization in which it already has an investment. The amount that may be invested under the general consent is limited to a percentage of the investor's historical cost in the organization. In response to many inquiries from banking organizations, the proposed rule would clarify certain rights of accumulation under the provision. It would also limit the amount that may be invested in one organization to 10 per cent of the investor's capital and surplus.

DATE: Comments must be received by June, 16, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0290, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Michael L. Kadish, Attorney, Legal Division (202-452-3428), or Henry N. Schiffman, Division of Banking Supervision and Regulation (202-452-2523), Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: On June 14, 1979, the Board revised its regulations governing the international operations of member banks, Edge and Agreement Corporations, and bank holding companies and consolidated them into one regulation, Regulation K. Section 211.5 of Regulation K sets forth the kinds of investments that are permissible for U.S. banking organizations and establishes procedures by which such investments may be made. To afford U.S. banking organizations a degree of flexibility in managing their foreign investments, the Board granted its general consent (*i.e.*, no prior notification to or approval of the Board required) for the making of limited additional investments in organizations in which the investing banking organization already has an interest. In paragraph (c) (1) (ii) of that section, the Board grants its general consent for the following:

> Any additional investment in an organization if: * * * (B) the additional amount invested does not in any calendar year exceed 10 per cent of the investor's historical cost plus dividends for that year. The amount that may be invested under this provision of the general consent may, if not exercised, be carried forward and accumulated for up to five consecutive years * * *.

The Board proposes to clarify this provision by first defining historical cost. The proposed amendment would also clarify the existing rule by providing that both the direct and indirect historical cost of an investor in an organization must be considered in calculating the amount that may be invested under this section; *i.e.*, an investor's historical cost in an organization consists of the cost of any direct investment in the organization plus the cost of any investment in the organization by a subsidiary of the investor. The proposed rule also would amend this section to clarify that an investor may reinvest cash dividends only in the year in which they are received. The right to reinvest dividends received would continue to be noncumulative under the proposed amendment.

The proposed rule would generally permit an investor to make additional investments in an amount not exceeding the sum of 50 per cent of historical cost plus cash dividends received during the year less any amounts that it has invested in the organization (including dividends reinvested) during the previous four calendar years. In calculating the additional amount that an investor may invest in an organization in any year, all amounts invested by the investor in the organization during a year must be considered, regardless of whether invested pursuant to general consent, prior notification, or specific consent procedures. Finally, the Board proposes to amend § 211.5(c)(1)(ii) by establishing a limit on the amount that may be invested under this provision of the general consent procedures. An additional investment could not be made under general consent if the amount of the additional investment were to exceed 10 per cent of the investor's capital and surplus. such an investment would have to be made under specific consent procedures.

Pursuant to its authority under sections 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 601, 615) and section 4(c)(13) of the Bank Holding Company Act (12 U.S.C. 1843(c)(13)), the Board proposes to amend 12 CFR 211.5(c)(1)(ii) to read as follows:

§ 211.5 Investments in other organizations

* * * * *

(c) *Investment Procedures.* * * *

(1) *General consent.* The Board grants its general consent for the following:

* * *

(ii) any additional investment in an organization in any calendar year so long as (A) the investment does not cause the organization to be a direct or indirect subsidiary or joint venture of the investor; (B) the total amount invested in that calendar year does not exceed 10 per cent of the investor's capital and surplus; and, (C) the total amount invested in that calendar year does not exceed cash dividends received in that year plus the greater of (*1*) 10 per cent of the investor's direct and indirect historical cost[6] in such organization, or (*2*) 50 per cent of the investor's direct and indirect historical cost in that organization less any amounts invested in that organization during the previous four calendar years; or

* * * * *

By order of the Board of Governors, April 30, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-14071 Filed 5-6-80; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Parts 211, 225

Reg. K; Docket No. R0291]

Nonbanking Activities of Foreign Bank Holding Companies and Foreign Banks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: Foreign banks that have branches, agencies, or commercial lending company subsidiaries in the U.S., companies controlling such foreign banks, and foreign companies that have bank subsidiaries in the U.S. are subject to the nonbanking prohibitions of the Bank Holding Company Act (12 U.S.C. 1841 *et seq.*). That Act also affords exemptions from the nonbanking prohibitions for qualifying foreign organizations. The regulation proposed for comment implements and interprets those exemptions by describing the types of foreign organizations that are eligible to use the exemptions and the types of nonbanking activities and investments that are permissible.

DATE: Comments must be received by June 30, 1980.

ADDRESS: Comments, which should refer to Docket No. R-0291, may be mailed to Theodore E. Allison, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Frederick R. Dahl, Associate Director (202/452-2726), Division of Banking Supervision and Regulation; C. Keefe Hurley, Jr., Senior Counsel (202/452-3269), or Kathleen M. O'Day, Attorney (202/452-3786), Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Section 8(a) of the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*) ("IBA") provides that a foreign bank that does business in the United States through a branch, agency or commercial lending company shall be subject to the provisions of the Bank Holding Company Act ("BHCA") in the same manner and to the same extent as a bank holding company. Companies that own such foreign banks are also subject to the provisions of the BHCA. Foreign banks and companies that control U.S. banks are "bank holding companies" and, therefore, subject to the nonbanking prohibitions of the BHCA.

Sections 4(c)(9) and 2(h) of the BHCA afford foreign institutions certain exemptions from those prohibitions subject to regulation by the Board. These exemptions are intended to limit the extraterritorial impact of the prohibitions on the nonbanking business of foreign organizations. Section 4(c)(9) authorizes the Board to exempt by regulation or order nonbanking activities of foreign organizations the greater part of whose business is outside the U.S. where the Board determines that the exemption is not substantially at variance with the purposes of the BHCA and is in the public interest. Section 225.4(g) of Regulation Y (12 CFR 225.4(g)) implements section 4(c)(9). Section 2(h) permits a foreign organization that is principally engaged in the banking business outside the U.S. to acquire and hold shares of foreign nonbanking companies, and directly to engage in nonbanking activities in the United States.

There is considerable overlap between the exemptions afforded under sections 2(h) and 4(c)(9). For example, both permit a foreign organization to engage in any type of nonbanking activity abroad, yet, there are essential differences between the two. Section 4(c)(9) depends upon the Board for its implementation both as to the kinds of organizations that qualify for the exemption and the types of nonbanking activities exempted. The Board has broad discretionary power under that section. Section 2(h), on the other hand, is self-implementing, but requires Board regulation for clarification and interpretation. By its terms it applies only to foreign institutions "principally engaged in the banking business outside the United States."

Under the Board's proposals:

1. Foreign organizations in order to qualify for either exemption would be required to be principally engaged in the banking business outside the United States (*i.e.*, more than half of their business must be banking and more than half of their banking business must be outside the United States).

2. Foreign organizations that fail to qualify for two consecutive years would no longer be entitled to the exemptions.

3. Foreign organizations that do not qualify under the proposed numerical criteria would have an opportunity to petition the Board for specific determinations as to eligibility for the exemptions.

4. Permissible nonbanking activities in the U.S. would be determined by reference to the four-digit "establishment" category of the Standard Industrial Classificaiton (SIC).

5. Activities in the United States that are included in Division H of the SIC (Finance, Insurance and Real Estate) could only be engaged in with specific Board approval under sections 4(c)(8) or 4(c)(9) of the BHCA.

The Board has attempted to resolve issues in connection with these two exemptions in a manner consistent with the purposes of the statutes and their legislative histories. There follows a discussion of these issues and the Board's proposed responses:

Qualifying foreign organizations. Because many foreign banks engage in nonbanking activities abroad that would not be permissible for U.S. bank holding companies, the failure of a foreign institution to qualify for the exemptions of sections 2(h) and 4(c)(9) would present it with the choice of either foregoing doing a banking business in the U.S. or conforming its worldwide activities to the standards that apply to domestic bank holding companies.

In April 1979, the Board proposed to change the definition of "foreign bank holding company" in § 225.4(g) of Regulation Y to ensure that organizations that qualify for the exemption afforded by section 4(c)(9), in addition to being foreign, are principally

[6] The "historical cost" of an investment consists of the actual amounts paid for shares or otherwise contributed to the capital accounts, as measured in dollars at the exchange rate in effect at the time each investment was made. It does not include subordinated debt or unpaid commitments to invest even though these may be considered investments for other purposes of this Part. For investments acquired indirectly as a result of the acquisition of a subsidiary, the historical cost to the investor is measured as of the date of acquisition; at the net assets value of the equity interest in the case of subsidiaries and joint ventures, and by the book carrying value in the case of portfolio investments.

engaged in banking outside the U.S. (44 FR 24,864). The proposal reflected the Board's policy that only foreign organizations with considerable banking experience should be permitted to acquire U.S. banks. That proposal, on which no final action was taken, is subsumed in the current proposals.

It continues to be the Board's view that a foreign organization that controls a domestic bank should be principally engaged in banking abroad to ensure that it is a source of financial and managerial strength to the subsidiary bank. Moreover, it is the Board's view that a foreign organization that engages in the banking business in the United States through a branch, agency, or commercial lending company should also be predominantly a banking organization. Thus, the Board is proposing that the statutory requirement of section 2(h), that an organization be principally engaged in banking outside the United States, also be used for the exemptions afforded by section 4(c)(9). Foreign bank holding companies and foreign banks with branches and agencies in the U.S. would receive comparable treatment under the exemptions.

The Board's proposed redefinition of "foreign bank holding company" included the term "principally engaged in the banking business outside the United States." Several commenters on that proposal pointed out that the term is susceptible to several meanings. It is the Board's view that the most reasonable interpretation of the term and that most consistent with Congressional intent is that which would include only foreign organizations for which more than half of their activities worldwide are banking and more than half of their banking activities are located outside the United States.

Definition of "Banking Business"

Under the IBA, a foreign bank with a U.S. branch or agency is subject to the nonbanking prohibitions of the BHCA. "Foreign bank" is defined in section 1(b)(7) of the IBA as including, in addition to companies that engage in the business of banking, "foreign commercial banks, foreign merchant banks *and other foreign institutions that engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized.*" (Emphasis added.) This expansive definition brings within the scope of the BHCA foreign institutions on the basis of banking activities that are usual in the institution's home country. It would appear that the objective of ensuring that a foreign organization that does a U.S. banking business is a source of financial and managerial strength to those banking operations can be accomplished by a test that is broader than commercial banking in the U.S. context. The Board proposes to treat as "banking" the activities in § 211.5(d) of Regulation K (12 CFR 211.5(d)) that have been determined to be usual in connection with banking or financial operations abroad.

Measurement of banking business. Under the proposed criteria, a foreign institution must meet two tests in order to qualify for nonbanking exemptions. First, more than half of its worldwide business must be banking; and second, more than half of its banking business must be outside the U.S. The first test involves a measurement of banking versus nonbanking business; the second, foreign banking versus U.S. banking.

Measurement of banking and nonbanking business poses problems primarily because under most accounting conventions consolidation occurs at ownership levels above 50 per cent, while control is assumed at 25 per cent levels of ownership under the BHCA. The proposed regulation would address these problems by using as a measurement total assets *or* total revenues, leaving it to the foreign organization to choose the level of ownership (25 or 50 per cent) at which consolidation or combining will take place.

Measurement of foreign versus U.S. banking presents fewer problems once it is determined which activities will be considered banking. The Board proposes that a foreign organization be required to meet this test on the basis of more than half of its banking assets being located *or* banking revenues being derived outside the U.S. It is also proposed that all of the assets and revenues of a U.S. subsidiary bank, branch, or agency be counted as U.S., regardless of whether the assets or revenues are booked at foreign offices of the U.S. bank or received from or belong to foreign residents.

Change in status. In its proposal to revise the definition of "foreign bank holding company," the Board invited comment on the question of whether the test should be applied only at the time of an application to form a bank holding company or continuously thereafter. Comments on this issue were divided. It was pointed out that under the tests proposed, uncontrollable events such as exchange rate fluctuations could result in temporary disqualification of some organizations.

The Board proposes that an organization that fails to qualify for two consecutive years, as reflected in its annual report filed with the Board, lose its eligibility for the exemptions. Such an organization could apply for a specific determination as discussed below. Activities and investments undertaken while a foreign organization qualified for the exemptions could be retained after the loss of qualified status. However, activities or investments undertaken after the end of the first fiscal year in which the organization did not meet the criteria would not be grandfathered. Such an organization would, in effect, be on notice of the possible loss of qualified status.

Other foreign organizations—Most foreign institutions currently conducting a banking business in the U.S. would qualify under the recommended defintion of "principally engaged in the banking business outside the United States." In addition, most foreign organizations with tiered structures would qualify since the test would be applied on a consolidated basis.

There are, however, instances where large reputable foreign banks owned by industrial groups would fail to qualify under the recommended test even on a consolidated basis. Some of these institutions may have the financial history, condition and banking experience to enable them to operate on a safe and sound basis in the U.S. banking market. Strict application of the "principally engaged" test would force the parents of such foerign banks to either forego doing a banking business in the U.S. or divest their nonbanking (foreign as well as U.S.) interests.

The Board has the authority under section 4(c)(9) to grant exemptions on a case-by-case basis to foreign organizations where the Board determines that under the circumstances the exemption would not be substantially at variance with the purposes of the Act and would be in the public interest. The Board would exercise this authority where application of the qualifying tests would prevent sound and reputable foreign banks from doing business in the U.S. The Board proposes to permit these organizations to apply for exemption from the nonbanking prohibitions of the BHCA. The Board would examine the particular facts and circumstances of each case to determine if granting the exemption were appropriate under section 4(c)(9). If the Board were to determine that a potential for abuse exists, the Board could deny the exemption or approve the application conditioned in a manner to prevent the occurrence of such abuses.

Nonbanking activities in the United States—Section 2(h) permits a foreign organization to engage in activities in the U.S. through a foreign nonbanking company where the U.S. activities are in the same general line of business or in a business related to that of the foreign nonbanking company. The foreign company must be principally engaged in business outside the U.S. and the exemption may not be used to engage in the securities business in the U.S. Banking and financial activities and activities permissible under section 4(c)(8) of the BHCA may only be engaged in with the Board's approval.

It is clear from the legislative history of the IBA that Congress intended the Board to use the Standard Industrial Classification system for determining the comparability of U.S. and foreign nonbanking activities. While the SIC system categories are not precise, they do appear to afford a reasonable basis for comparing activities. Because it conforms to Congressional intent, and due to the complexity and burden of devising an alternative classification system, the Board proposes that the SIC be used as the standard by which U.S. activities of exempt foreign organizations are measured. The Board invites comments on the feasibility of using the SIC for determining whether U.S. and foreign nonbanking activities are in the same general lines of business.

Section 2(H)(2)(1)(B) states that an exempt foreign company:

> may engage in the United States in any *banking or financial operations* or types of activities permitted under section 4(c)(8) or in any order or regulation issued by the Board under such section *only with the Board's prior approval under that section* (emphasis added)

The legislative history of that provision indicates that its purpose was to preserve competitive equality with domestic organizations by limiting the banking and financially related activities that a foreign institution could conduct under that exemption, and not to inhibit investments by commercial and industrial companies that have a foreign bank in their ownership structures.

It is proposed that banking or financial operations in the U.S. only be permitted where such are permissible under section 4(c)(8) of the BHCA or upon application under section 4(c)(9). Division H (Finance, Insurance and Real Estate) of the SIC would be used to determine which activities are "banking or financial." In addition to comments on this general approach to the issue, specific comments are invited as to any activities within Division H that should *not* be treated as banking or financial operations.

Section 8 of the IBA permanently grandfathered nonbanking activities of foreign banks that were commenced or applied for prior to July 26, 1978. Commenters on the proposed regulations may wish to take the opportunity to comment on any interpretive issues with respect to the grandfather provisions of the IBA.

Pursuant to its authority under the International Banking Act of 1978 (12 U.S.C. 3101 *et seq.*) and the Bank Holding Company Act (12 U.S.C. 1841 *et seq.*), the Board proposes to amend Regulation Y (12 CFR Part 225) and Regulation K (12 CFR Part 211) as follows:

PART 225—BANK HOLDING COMPANIES

1. Section 225.4(g) of Regulation Y would be revised to read as follows:

§ 225.4 Nonbanking activities.

* * * * *

(g) *Foreign banks and foreign bank holding companies.* In addition to the exceptions afforded by this Part, foreign banks and foreign bank holding companies may engage in activities and make investments under Part 211 (Regulation K).

PART 211—CORPORATIONS ENGAGED IN FOREIGN BANKING AND FINANCING UNDER THE FEDERAL RESERVE ACT

2. Regulation K would be amended by designating sections 211.1 through 211.7 as Subpart A. Section 211.1(b) of Regulation K would be revised to read as follows:

§§ 211.1-211.7 [Redesignated as Subpart A]

Subpart A

§ 211.1 Authority, purpose and scope.

* * * * *

(b) *Purpose and scope.* This Part is in furtherance of the purposes of the FRA, the BHCA, and the IBA. It applies to corporations organized under section 25(a) of the FRA (12 U.S.C. 611–631), "Edge Corporations"; to corporations having an agreement or undertaking with the Board under section 25 of the FRA (12 U.S.C. 601–604(a)), "Agreement Corporations"; to member banks with respect to their foreign branches and investments in foreign banks under section 25 of the FRA (12 U.S.C. 601–604(a)); [1] and to bank holding companies with respect to the exemption from the nonbanking prohibitions of the BHCA afforded by section 4(c)(13) of the BHCA (12 U.S.C. 1843(c)(13)); to foreign banks with respect to the limitations on interstate banking under section 5 of the IBA (12 U.S.C. 3103); and to foreign banks and foreign bank holding companies with respect to the exemptions from the nonbanking prohibitions of the BHCA and the IBA afforded by sections 2(h) and 4(c)(9) of the BHCA (12 U.S.C. 1841(h) and 1843(c)(9)).

3. Regulation K would be amended by adding a Subpart B.* Within Subpart B, a new section, 211.23, would be added as follows:

Subpart B

§ 211.23 Nonbanking activities of foreign banking organizations.

(a) *Definitions.* The definitions of section 211.2 apply to this subsection subject to the following:

(1) "Directly or indirectly" when used in reference to activities or investments of a foreign banking organization means activities or investments of the foreign banking organization or of any subsidiary of the foreign banking organization.

(2) "Foreign banking organization" means a foreign bank that operates a branch, agency or commercial lending company subsidiary in the United States; a foreign bank that controls a bank in the United States; and a company of which such foreign bank is a subsidiary.

(3) "Subsidiary" means an organization more than 25 percent of the voting stock of which is held directly or indirectly by a foreign banking organization or which is otherwise controlled or capable of being controlled by a foreign banking organization.

(b) *Qualifying foreign banking organizations.* To qualify for the exemptions afforded by this section a foreign banking organization, unless specifically made eligible for the exemptions by the Board, shall meet the folowing requirements:

(1) More than 50 percent of its total assets shall be banking assets or more than 50 percent of its total revenues shall be derived from the banking business; and

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[1] Section 25 of the FRA, which refers to national banking associations, also applies to State member banks of the Federal Reserve System by virtue of section 9 of the FRA (12 U.S.C. 321).

* Also included within new Subpart B will be regulations concerning interstate banking operations of foreign banks and bank holding companies, designated as section 211.22. (See 44 F.R. 62902)

(2) more than 50 per cent of its total banking assets shall be located outside the United States or more than 50 per cent of total banking revenues derived from outside the United States. All assets and revenues of a United States subsidiary bank, branch, agency, or commercial lending company shall not be considered as "outside the United States."

(c) *Determing assets and revenues.* (1) For purposes of paragraph (b) of this section, the total assets and revenues of an organization shall be determined on a consolidated or combined basis. Assets and revenues of companies in which the foreign organization owns 50 per cent or more of the voting shares shall be included when determining total assets or revenues. The foreign organization may include assets or revenues of companies in which it owns 25 per cent or more of the voting shares if all such companies within the organization are included;

(2) Assets or revenues that involve activities listed in § 211.5(d) shall be considered banking assets or banking revenues when conducted within the foreign banking organization by a foreign bank or its subsidiaries.

(d) *Loan of eligibility for exemptions.* A foreign organization that qualified under paragraph (b) of this section shall cease to be eligible for the exemptions of this section if it fails to meet the test of paragraph (b) for two consecutive years as reflected in its Annual Reports (F.R. Y–7) filed with the Board. A foreign organization that ceases to be eligible for the exemptions may continue to engage in activities or retain investments commenced or acquired prior to the end of the first fiscal year for which its Annual Report reflects nonconformance with paragraph (b) of this section. Activities commenced or investments made after that date may continue to be engaged in or held only with the consent of the Board under paragraph (e) of this section.

(e) *Specific determination of eligibility for nonqualifying foreign banking organizations.* A foreign organization that does not otherwise qualify for the exemptions afforded by this section, including organizations that cease to be eligible for the exemptions, may apply to the Board for a specific determinaiton of eligibility for the exemptions. In determining whether eligibility for the exemptions would be consistent with the purposes of the BHCA and in the public interest, the Board shall consider the history and the financial and managerial resources of the organization, the amount, type and location of its nonbanking activities, and whether eligibility of the foreign organization would result in undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Such determination shall be subject to any conditions and limitations imposed by the Board.

(f) *Permissible activities and investments.* A foreign organization that qualifies under paragraph (b) may:

(1) Engage in activities of any kind outside the United States;

(2) Engage directly in activities in the United States that are incidental to its activities outside the United States;

(3) Own or control voting shares of any company that is not engaged, directly or indirectly, in any activities in the United States except as shall be incidental to the international or foreign business of such company;

(4) With the prior specific consent of the Board, own or control (i) voting shares of a commercial lending company; or (ii) 25 per cent or more of the voting shares of another foreign banking organization;

(5) Own or control voting shares of any company in a fiduciary capacity under circumstances that would entitle such shareholding to an exemption under section 4(c)(4) of the BHCA if the shares were held or acquired by a bank;

(6) Subject to the following limitations, own or control voting shares of a foreign company that is engaged directly or indirectly in business in the United States:

(i) more than 50 per cent of the foreign company's consolidated assets shall be located, and consolidated revenues derived from, outside the United States;

(ii) the foreign company shall not engage directly or indirectly in the business of underwriting, selling, or distributing securities in the United States except to the extent permitted bank holding companies;

(iii) if the foreign company is a subsidiary of the foreign banking organization, its direct or indirect activities in the United States shall be subject to the following limitations:

(A) The foreign company's activities in the United States shall be the same kind of activities or related to the activities engaged in by the foreign company abroad as measured by the "establishment" categories of the Standard Industrial Classification (SIC) (an activity in the United States shall be considered related to an activity outside the United States if it consists of supply, distribution or sales in furtherance of the activity);

(B) The foreign company may acquire the assets or shares of a United States company that would cause more than 50 per cent of the foreign company's assets or revenues associated with a particular SIC category to be located in or derived from the United States only after the parent foreign banking organization has given 60 days prior written notice to the Board. The Board may, during the notification period, disapprove the investment, suspend the period, or authorize the acquisition to be made prior to the termination of the notification period;

(C) The foreign company may engage in activities in the United States that consist of banking or financial operations, or types of activities permitted by regulation or order under section 4(c)(8) of the BHCA, only with the prior approval of the Board. Activities within Division H (Finance, Insurance, and Real Estate) of the SIC shall be considered banking or financial operations for this purpose.

(g) *Exemptions under section 4(c)(9) of the BHCA.* A foreign organization that is of the opinion that other activities or investments may, in particular circumstances, meet the conditions for an exemption under section 4(c)(9) of the BHCA may apply to the Board for such a determination by submitting to the Reserve Bank of the district in which its banking operations in the United States are principally conducted a letter setting forth the basis for that opinion.

(h) *Reports.* A foreign organization shall inform the Board, through such Reserve Bank within 30 days after the close of each quarter, of all shares of companies engaged, directly or indirectly, in activities in the United States that were acquired during such quarter under the authority of this section. Such information shall (unless previously furnished) include a brief description of the nature and scope of each company's business in the United States. Information required need by given ony insofar as it is known or reasonably available to a foreign organization. If any required information is unknown and not reasonably available to the foreign banking organization, either because the obtaining thereof would involve unreasonable effort or expense or because it rests peculiarly within the knowledge of a company that is not controlled by the organization, the information need not be provided, but the organization shall (1) give such information on the subject as it possesses or can acquire without unreasonable effort or expense together with the sources thereof, and (2) include a statement either showing that unreasonable effort or expense would be involved or indicating that the company whose shares were acquired is

not controlled by the organization and stating the result of a request made to such company for information. No such request need be made, however, to any foreign government, or an agency or instrumentality thereof, if, in the opinion of the organization, such request would be harmful to existing relationships.

Board of Governors of the Federal Reserve System, April 30, 1980.

Theodore E. Allison,

Secretary of the Board.

[FR Doc. 80-14070 Filed 5-6-80; 8:45 am]

BILLING CODE 6210-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 250

[EDR-400; Docket No. 36294; Dated: May 1, 1980]

Oversales; Clarification of Carriers' Obligations To Pay Denied Boarding Compensation

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB proposed to clarify carriers' obligations to pay denied boarding compensation when offering extra sections of the same flight as alternate transportation on a flight that has been oversold. This part of the proposal is in response to a petition by the Aviation Consumer Action Project. The notice also proposes to eliminate the exception to eligibility for compensation when the passenger is denied boarding because of government requisition of space.

DATES: Comments by: July 7, 1980.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable.

Requests to be put on the Service List: May 19, 1980.

The Docket Section prepares the Service List and sends it to each person listed on it, who then serves comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent Docket 36294, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION:

Extra Sections

The Aviation Consumer Action Project (ACAP) has requested, through a petition filed August 3, 1979, that the CAB issue a clarifying amendment to 14 CFR Part 250 to indicate that using a second aircraft as an extra section to carry passengers booked on an oversold flight does not relieve a carrier of the obligation to pay denied boarding compensation (DBC) to the persons bumped from the flight.

Citing examples in which extra sections departed several hours later than the original flight on which passengers were confirmed, ACAP asserted that the airlines were apparently using extra sections to evade their responsibility for compensating bumped passengers, and consequently were defeating the intent of the rule (14 CFR Part 250, ER-1050, 43 FR 24277, June 5, 1978) to minimize consumer loss, inconvenience, and distress caused by overbooking. ACAP stated that the Board doubled the amount of DBC payable to passengers whose arrival is delayed 2 hours domestically and 4 hours internationally in the hope of deterring the airlines from the practice of overbooking altogether. ACAP further stated that the use of an extra section as a means of avoiding liability was not contemplated in the exceptions to the DBC eligibility rules listed in § 250.6. Thus, ACAP argued, refusal to pay denied boarding compensation to passengers who are carried on a second section was not the intent of the Board and should not be condoned.

Answers to the petition were filed by Air BVI, Aloha Airlines, American Airlines, Delta Air Lines, and Hawaiian Airlines. All of the answers generally opposed the petition. They stated that the Board should not restrict the ability of carriers to use flexible methods of handling passengers, such as extra-section flights, especially during heavy travel periods. The carriers contended that the petition is contrary to the public interest and administratively unsound, because it seeks to implement a rule of general applicability to satisfy an isolated situation. All of the carriers agreed that the action of an air carrier described in the ACAP petition, where two passengers were placed on an extra section 4½ hours after the original flight had departed and denied DBC payment, was not acceptable under the rule. If the extra section departed within a reasonable time after the first section, however, the practice should be acceptable, they argued, because the passengers would be provided with substantially what they purchased. The carriers pointed out that the use of extra sections is an important means of carrying large numbers of passengers during short peak travel periods. Smaller carriers also use extra sections to satisfy demand where the traffic to be carried is unpredictable. The carriers stated that the use of extra sections thus creates greater flexibility, reduces costs to the consumer, and reduces the risk that they will not be able to arrive at their destinations when planned. Their suggested acceptable time for departure of an extra section ranged from 15 minutes (suggested by Hawaiian Airlines) to 2 hours (suggested by American Airlines).

The Board finds merit on both sides of the extra section issue. We agree with the carriers that there is nothing basically wrong with the use of extra-section flights, and that they may be a useful and efficient way of expanding the immediate supply of air service to meet short-peak or unpredictable demand.

That position does not, of course, answer the question of when denied boarding compensation should be paid. A central justification for denied boarding compensation is to compensate bumped passengers for lost time and inconvenience, spreading some of the cost over the entire flying population rather than concentrating it on an unlucky few. Moreover, the Board's rules for the protection of passengers on oversold flights have received wide publicity, so that consumers expect to be compensated for this inconvenience. The fact that there are beneficial aspects to the scheduling of extra sections does not of itself eliminate this rationale for payment to delayed passengers.

From this viewpoint, the important question is whether failing to board the original flight has significantly delayed or disrupted the travel plans of the passenger. Although extra sections may be used in such a way that they cause very little delay, we have seen some cases, including those cited by ACAP, where bumped passengers have been held up for several hours before boarding a flight that the carrier labels an extra section. In our tentative judgment, then, the regulatory problem is to separate out those extra sections that leave promptly and provide transportation substantially similar to that expected by the passenger from those that do not provide substantially the transportation paid for.

We propose to draw the line at 1 hour after the original flight leaves. This period appears to us to approximate the length of a delay that should be expected as a reasonable possibility

under a variety of circumstances (for example, airport congestion) by anyone who travels by air. It would be added in a new paragraph in § 250.6.

This proposal would not affect the right of carriers to schedule an extra section in advance and to book passengers on that section. Passengers who made reservations on a scheduled extra section would not be entitled to denied boarding compensation, as long as they were informed when the reservation was confirmed of the planned departure time.

We tentatively believe this proposal is a reasonable compromise between the concerns voiced by ACAP, and the need of airlines for some flexibility in the use of extra sections. The connection within the rule between departure of the original flight and the permitted delay for an extra section, however, makes its effectiveness dependent on good faith and reasonableness of the carriers in the use of extra sections. If a carrier deliberately delayed an original flight's departure to ensure that an extra "section" left within 1 hour after the original flight, it would be in violation of section 411 of the Federal Aviation Act, prohibiting unfair and deceptive practices.

We also propose amendments to § 250.9. That section now requires that a written explanation of rights be given to all passengers who are bumped from oversold flights. We proposed to amend this section to provide that a copy of the explanatory statement be given to all passengers who are transferred to an extra section, so that they will know their rights if their plane is delayed more than 1 hour. The statement would have to be given at the time the passenger is moved to the extra section. The proposed requirement to give these passengers a simple statement about their rights in what is taking place would appear to pose no major problems. We would, however, like to have comments from the carriers about any implementation problems they see in this part of the proposal.

Part 250 requires a carrier to give an eligible passenger DBC on the day and at the place that bumping occurs, except when alternate transportation arranged for the passenger leaves before the compensation check can be prepared (§ 250.8). Under the proposed rule, the carrier may find obeying this requirement somewhat difficult. Passengers delayed on an extra section will not be at the carrier's gate when they become eligible for compensation, but will be on board the plane. We therefore propose changing § 250.8 to state that the carrier may send within 24 hours, by mail or other means, payment to any passenger who becomes eligible for DBC because of transfer to an extra section. We ask specifically for comment from the public and carriers about whether this is a practicable approach.

With the maximum uncompensated delay for an extra section set at 1 hour, it will be important to fix the time of departure. We propose to define it as the moment when the carrier, having enplaned the passengers, moves the aircraft away from the boarding gate for takeoff. This is an adaptation of a similar provision in the rules concerning charter flight delays, 14 CFR 208.32a(a)(1)).

Government Requisition of Space

Section 250.6 now permits a carrier to avoid paying denied boarding compensation to a passenger who is bumped from the flight by a government official. There no longer appears to be a need for this provision and we propose to eliminate it. In practice, this exception is rarely invoked. If it were, it could place an unfair burden on the individual who is bumped. As in other types of takings, the government should assume the normal costs of its actions, and the carrier may provide in its tariffs that the agency involved must compensate it for any DBC paid to a bumped passenger.

Proposed Rule

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 250, *Oversales,* as follows:

1. In § 250.6, paragraph (b) would be amended, the word "or" would be added at the end of paragraph (c) and a new paragraph (d) would be added so that it reads:

§ 250.6 Exceptions to eligibility for denied boarding compensation.

A passenger denied boarding involuntarily from an oversold flight shall not be eligible for denied boarding compensation if:

(a) * * *

(b) The flight for which the passenger holds confirmed space is unable to accommodate him because of substitution of equipment of lesser capacity when required by operational or safety reasons;

(c) The passenger is offered accommodations or is seated in section of the aircraft other than that specified on his ticket at no extra charge, except that a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund; or

(d) The passenger is offered a seat on an aircraft, used as an extra section of the same flight, that departs within 1 hour of the original flight's departure. For purposes of this section, a flight departs when the carrier, having enplaned each passenger, moves the aircraft away from the boarding gate for takeoff.

2. Section 250.8 would be amended to read:

§ 250.8 Denied boarding compensation drafts.

(a) Every carrier shall tender to a passenger eligibile for denied boarding compensation, on the day and place the denied boarding occurs, except as provided in paragraph (b), a draft for the appropriate amount of compensation provided in § 250.5.

(b) Where a carrier arranges, for the passenger's convenience, alternate means of transportation that departs before the draft can be prepared and given to the passenger, or where the passenger has become eligible for denied boarding compensation as a result of being delayed on an extra section of a flight, tender shall be made by mail or other means within 24 hours after the time the denied boarding occurs.

3. The disclosure statements under the heading "Compensation for Involuntary Denied Boarding" and "Method of Payment" in § 250.9 would be amended to read:

§ 250.9 Written explanation of denied boarding compensation and boarding priorities.

* * * * *

Compensation for Involuntary Denied Boarding

If you are denied boarding involuntarily you are entitled to a payment of "denied boarding compensation" from the airline unless: (1) You have not fully complied with the airline's ticketing, check-in, and reconfirmation requirements, or you are not acceptable for transportation under the airline's tariff filed with the CAB; or (2) you are denied boarding because the flight is canceled; or (3) you are denied boarding because a smaller capacity aircraft was substituted for safety or operational reasons; or (4) you are given a seat on an extra section of the flight that departs within 1 hour of the original flight; or (5) you are offered accommodations in a section of the aircraft other than that specified in your ticket, at no extra charge. (A passenger seated in a section for which a lower fare is charged must be given an appropriate refund.)

* * * * *

Method of Payment

The airline must give each passenger who qualified for denied boarding compensation, a payment by check or draft for the amount specified above, on the day and place the involuntary denied boarding occurs. However, if the airline arranges alternate

transportation for the passenger's convenience that departs before the payment can be made or if the passenger becomes eligible for denied boarding compensation as a result of being delayed on an extra section of a flight, the payment will be sent to the passenger within 24 hours.

* * * * *

(Secs. 204, 403, 404, 411, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 760, and 769 (49 U.S.C. 1324, 1373, 1374, and 1381))

By the Civil Aeronautics Board.

Phyllis T. Kaylor

Secretary.

[FR Doc. 80-14107 Filed 5-6-80; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[FRL 1486-8; Docket No. A-79-34]

Prevention of Significant Deterioration for Hydrocarbons, Carbon Monoxide, Nitrogen Oxides, Ozone, and Lead (PSD Set II)

AGENCY: Environmental Protection Agency, Washington, D.C.

ACTION: Advanced notice of proposed rulemaking.

SUMMARY: Part C Title I of the Clean Air Act requires the prevention of significant deterioration of air quality. Section 163 of this Act provides for the establishment of air quality increments to restrict the maximum allowable increase in ambient concentration of sulfur dioxide and particulate matter (Set I pollutants). Section 166 requires the Administrator to conduct a study and promulgate regulations to prevent significant deterioration resulting from other criteria pollutants. The other criteria pollutants now include hydrocarbons, carbon monoxide, ozone, nitrogen oxides, and lead (Set II pollutants).

EPA proposes to undertake the study mandated by section 166 of the Act and solicits comments on specific issues and aspects related to this contemplated action.

DATE: Comments received on or before July 7, 1980, will be considered by the Environmental Protection Agency.

ADDRESS: Comments should be submitted to: Cental Docket Section (A-130), Environmental Protection Agency, Attn.: Docket No. A-79-34, 401 M Street, S.W., Washington, D.C. 20460.

Docket No. A-79-34, containing material relevant to this rulemaking, is located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2903B, 401 M Street, S.W., Washington, D.C. The public may inspect this docket between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Nancy Mayer, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711; phone (919) 541-5497.

SUPPLEMENTARY INFORMATION: The EPA intends to undertake a study and develop regulations in compliance with section 166 of the Clean Air Act. Section 166 requires prevention of significant deterioration of air quality caused by the emission of Set II pollutants. In section 163 of the Act, Congress established air quality increments to restrict the maximum allowable ambient concentration increases of sulfur dioxide and particulate matter (Set I pollutants). These two pollutants are primarily of stationary source origin, are relatively stable, and are generally characterized by more accurate modeling and better data availability than the Set II pollutants. In recognition of these differences, section 166 does not restrict EPA to an increment system for Set II pollutants, but does still require that numerical measures be developed that are at least as effective as the increment system established in section 163 would be. Section 166 further adds that the system developed "may contain air quality increments, emission density requirements, or other measures."

This notice informs interested parties of EPA's intent to begin a process which will result in EPA's and States' plans to prevent the significant deterioration of air quality caused by the emission of Set II pollutants.

EPA is now reviewing a range of regulatory alternatives which appear the most reasonable at this time. Many of these alternatives are obviously more directly applicable to some pollutants than to others. The alternatives currently under consideration include the following:

A. *Emission Controls Only.* This system would rely primarily on the requirements for best available control technology (BACT) on major new stationary sources and the Federal standards for motor vehicle emissions with the possible addition of inspection and maintenance requirements. Control requirements under this system would not vary as a function of ambient concentrations or the proximity of sources so long as the National Ambient Air Quality Standards were not violated.

B. *Ambient Air Quality Increments.* This would call for developing an area classification system establishing numerical limits for allowable ambient air quality degradation. This system would be similar to that already in effect for particulates and sulfur dioxide but not now applicable to Set II pollutants.

C. *Emission Density Zoning (EDZ).* An EDZ system would set theoretical air quality increments to serve as a guideline for establishing maximum allowable emission limits per unit land area. Once these limits were established, emission limits rather than ambient air quality would determine all preconstruction review and enforcement actions under PSD.

D. *Inventory Management.* This system would require State and local agencies to develop and maintain detailed emission inventories, with the provisions for mandatory periodic public review whenever the local emission inventory increased by a preestablished quantity or percentage. This public review would be required prior to allowing any further incremental increase in emissions and could include an environmental analysis, a public education program, a public hearing, and a vote by elected officials from the potentially impacted area.

E. *Statewide Emission Limitation (Bubble).* This system would set areawide emission limitations to insure that there would be no net increases in emissions. This area could be defined as a State, a portion of a State or possibly more than one State. Every local increase (after some fixed time) would require an offsetting decrease somewhere else within the defined area.

F. *Avoidance of Co-located HC and NO_x Sources.* This approach would prevent significant deterioration resulting from the formation of ozone. Such a program would focus special attention on the HC/NO_x ratio and prevent the juxtaposition of HC and NO_x sources within a certain fixed distance of each other.

G. *Emission Fees.* A fee system would strengthen the requirements for BACT on new major stationary sources. A fee levied against each source based on its quantity of emissions would provide the source an incentive to develop and incorporate new technology.

H. *Marketable Permits.* Marketable permits establish a permit to emit a certain fixed quantity of emissions and allow that permit to be bought and sold in the market. Like an emission fee system, the cost of these permits provides an incentive to the source to minimize the quantity of emissions. Furthermore, limiting the number of marketable permits within an area can

regulate the exact quantity of emissions within that area.

I. *"De minimus" Level.* This alternative would not require PSD review in areas that show air quality concentrations and/or emissions below a certain, "de minimus" level. This would eliminate periodic assessments in undeveloped areas.

J. *Transportation BACT.* This alternative would require means to reduce emissions associated with motor vehicle related sources. These means could involve specifications for road systems or performance standards for public transportation systems, such as specified levels of service for public transportation. Additional criteria for existing transportation processes could also be considered.

The issues EPA presently considers important in developing a PSD Set II program include:

A. How should the baseline be defined? What should be the baseline date? What actions would be counted in determining increment consumption? How would the various alternatives affect industrial, commercial and other sources?

B. How can these regulations best protect air quality in pristine areas against significant deterioration in situations where emissions from indirect sources represent the most significant threat?

C. What type of additional control requirements could or should these regulations require for mobile sources? What should be the balance between control of mobile sources versus stationary sources?

D. Given the difficulty of modeling many of the Set II pollutants, what type and level of detail of modeling can or should EPA or a State require?

E. How much preconstruction monitoring should EPA or a State require? How much post-construction monitoring?

F. What size and type of sources should be subject to preconstruction review?

G. What size areas would be most appropriate under an emission density zoning system? Under an increment system?

H. How much consistency should be required between PSD Set II and other programs, specifically, PSD Set I, New Source Review/Nonattainment and Visibility? What is the true extent of attainment vs. nonattainment areas and how will this affect the PSD Set II program?

I. How will class I areas and surrounding areas which impact them best be treated?

J. What level of detail will be most appropriate for Federal regulations promulgated under this program and what degree of flexibility should be left to the States?

K. How should regulations handle increment allocation when an area covers two or more States?

L. What methodologies, other than first-come-first-served, exist for determining increment allocation?

M. How much data are available for rural areas? Which alternatives would only need existing data and which would require substantially more data than are currently available? What degree of accuracy is necessary for rural emission inventories?

Special Analyses

This regulation is classified as significant/major and meets the criteria calling for a full regulatory analysis. All analyses will comply with guidance contained in the May 29, 1979 Federal Register, "Improving Environmental Regulations; Final Report Implementing E. O. 12044."

Public Participation

EPA has traditionally placed a high priority on public participation in the decision-making process and now seeks to expand the opportunity for the public to provide comments during the regulatory development process by holding public meetings prior to proposal.

State and local air pollution programs will receive an opportunity to participate through organizations of State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials (STAPPA and ALAPCO) respectively. EPA also plans to conduct public meetings for review of the proposed rulemaking.

Dated: April 23, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-14077 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1486-6]

Indiana State Implementation Plan; Extension of Comment Period

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

ACTION: Proposed rulemaking, notice of extension of comment period.

SUMMARY: The USEPA is giving notice that the comment period for the notice of proposed rulemaking on the Indiana State Implementation Plan (SIP) published March 27, 1980 (45 FR 20432) has been extended from April 28, 1980 to June 27, 1980.

DATE: Comments are now due on or before June 27, 1980.

FOR FURTHER INFORMATION CONTACT: Robert Miller, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6031.

SUPPLEMENTARY INFORMATION: This notice extends the period for submitting comments on the notice published March 27, 1980 (45 FR 20432) proposing rulemaking on revisions to Indiana's SIP. These revisions pertain to the particulate, sulfur dioxide, carbon monoxide, and ozone strategies for nonattainment areas in Indiana. Additionally, the proposal addressed certain general requirements of the Clean Air Act.

The Indiana Air Pollution Control Board on April 8, 1980, requested a 60 day extension of time for filing their comments regarding USWPA's proposed action on the revisions.

USEPA has decided that the extension of the public comment period is appropriate and the comment period is hereby extended to June 27, 1980.

Dated: April 29, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-14074 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 52

[FRL 1465-7]

Proposed Revision of Maryland State Implementation Plan

Correction

In FR Doc. 80-12066, appearing in the issue of Friday, April 18, 1980, at page 26368, make the following correction:

In the chart appearing on page 26369, under the column headed "Current status," the eighth line which reads ".04][1)i(i) and all of .04][1)i(ii) . . ." should read ".04][1)e(i) and all of .04][1)e(ii) . . .

Also, line 16 of the same column, which reads ".04][1)e(i) and all of .04][i)e(ii) . . ." should read ".04][1)i(i) and all of .04][1)i(ii) . . ."

This Correction Notice replaces the one which appeared in the issue of Tuesday, April 29, 1980, on page 28380, in the center column, which was in error.

BILLING CODE 1505-01-M

40 CFR Part 52

[FRL 1486-5]

State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule: Proposed approval of revision.

SUMMARY: U.S. Environmental Protection Agency (USEPA) proposes to approve the Michigan Air Pollution Control Commission's (MAPCC) request for a revision to the Michigan State Implementation Plan (SIP). The proposed revision is a Final Order issued by the MAPCC. The Final Order was the result of the Stipulation and Consent Order entered into by the Dundee Cement Company and the Air Quality Division of the Michigan Department of Natural Resources. The Order provides for a final compliance date of December 31, 1983, for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases at the Dundee Cement Company located near Dundee in Monroe County, Michigan.

Any Order which has been issued to a major source and extends the SIP compliance date for meeting the particulate emission limitations must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act. 42 U.S.C. Section 7410. If approved by USEPA, the extension will constitute a revision to the SIP. The purpose of this Notice is to invite public comment on USEPA's proposed approval of the MAPCC Order dated October 17, 1979.

DATE: Comments must be received on or before June 6, 1980.

ADDRESS: Send comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

The State Order, supporting material and public comments received in response to this Notice may be inspected and copied (for appropriate charges) during normal business hours at the above address or at: Michigan Department of Natural Resources, Air Quality Division, State Secondary Complex, General Office Building, 7150 Harris Drive, P.O. Box 30028, Lansing, Michigan 48909.

FOR FURTHER INFORMATION: Contact Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

The Dundee Cement plant is located in a particulate attainment area, designated by USEPA on October 5, 1978, (43 FR 45993). The nearest primary particulate nonattainment areas are approximately 35 km northeast and south of the plant, and the closest secondary particulate nonattainment area is approximately 6 km east.

The Dundee Cement Company operates two 1,600 ton per day (each) wet process rotary cement kilns and related cement manufacturing process equipment. From the time the plant was built in 1959, the particulate emissions from the rotary kilns have been controlled by an electrostatic precipitator. The original precipitator unit operated at approximately 97.5 percent efficiency. Particulate emissions were about seven times greater than the Commission's limit. Despite various changes and upgrading efforts, the precipitators have not attained consistent satisfactory performance.

On October 26, 1979 the State of Michigan formally submitted a State Implementation Plan revision for particulate matter and visible emissions in Monroe County, Michigan.

The proposed SIP revision is a Final Order, APC No. 08-1979, issued to the Dundee Cement Company by the Michigan Air Quality Control Commission. The Order extends the compliance date for the Dundee Cement Company to December 31, 1983, for meeting the particulate and visible emission limitations. The schedule for compliance is contained in the following paragraphs of the Order:

4. * * *

(a) On and after the effective date of this Order and until completion of the program referenced in paragraph 4(c), [of the Final Order] the emissions of particulate matter from the Company's cement kilns shall not exceed 0.65 pounds particulate per 1,000 pounds of exhaust gases.

(b) By October 1, 1979, and quarterly thereafter, the Company shall submit to the Staff a report of the Company's progress toward formulation of the control strategy referenced in paragraph 4(c).

(c) By January 1, 1980, the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with the particulate emission limitations referenced in paragraphs 4(e) and 4(f) as expeditiously as practical but not later than December 31, 1983. The Company and the Commission agree to incorporate the elements of the control strategy into either a new or amended order.

(d) The elements of the control strategy referenced in paragraph 4(c) shall include the following:

(1) Not later than June 1, 1980, the Company shall as necessary under the control strategy submit to Staff, pursuant to the Commission's rules, an application for an installation permit describing the air pollution control devices(s) and/or other equipment (hereinafter "the kiln stack control equipment") to be used to control the kiln stack emissions.

(2) Not later than November 1, 1980, the Company shall submit to the Staff evidence to substantiate that the kiln stack control equipment has been placed on order with the supplier.

(3) Not later than September 1, 1981, the Company shall begin on-site installation of the kiln stack control equipment and shall notify the Staff in writing that this installation has begun.

(4) Not later than November 1, 1983, the Company shall have completed installation of the kiln stack control equipment and shall notify the Staff in writing that this installation has been completed.

(5) Not later than December 31, 1983, the Company shall have placed in operation the kiln stack control equipment and shall notify the Staff in writing that the kiln stack control equipment has been placed in operation.

(6) Not later than 180 days after the kiln stack control equipment has been placed in operation, the Company shall complete the testing (conducted according to procedures approved by Staff) of the kiln stack control equipment and submit to the Staff the detailed report of the test data and results.

(e) After completion of the program referenced in paragraph 4(c), but not later than December 31, 1983, the particulate matter emissions from the Company's cement kilns shall not exceed 0.20 pounds per 1,000 pounds of exhaust gases.

(f) After completion of the program referenced in paragraph 4(c), but not later than December 31, 1983, visible emissions (excluding water vapor) from the Company's cement kilns shall not exceed 20% opacity except that visible emissions of not more than 40% opacity (excluding water vapor) are allowed for not more than three (3) minutes in any 60-minute period, but such emissions shall not be allowed on more than three (3) occasions during any 24-hour period. The Company reserves the right to petition the Commission for an exception to the opacity limitations set forth in this paragraph based on

economic and technological infeasibility.

5. The heat input to either kiln from petroleum coke shall not exceed 25 percent of the total heat input to that kiln.

6. Visible emissions from the truck loading facility shall not exceed 20 percent opacity except as specified in Rule 336.41.

7. Particulate emissions from the truck loading facilities shall not exceed 0.15 pounds per 1,000 pounds of exhaust gases calculated on a dry gas basis.

8. Visible emissions from the clinker coolers shall not exceed 20 percent opacity except as specified in Rule 336.41.

9. Particulate emissions from the clinker coolers shall not exceed 0.3 pounds per 1,000 pounds of exhaust gases calculated on a dry gas basis.

10. By January 1, 1980, the Company shall submit to the Staff a malfunction abatement plan to prevent, detect, and correct malfunctions and equipment facilures which result in emissions from process equipment which exceed any applicable emission limit. The malfunction abatement plan shall be in writing and shall specify the following:

(a) A complete preventive maintenance program, including identification of the supervisory personnel responsible for overseeing the inspection, maintenance and repair of air cleaning devices, a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the major replacement parts which will be maintained in the inventory for quick replacement.

(b) An identification of the source and air cleaning device operating variables that will be monitored in order to detect a malfunction or failure, the normal operating range of these variables, and a description of the method of monitoring or surveillance procedures.

(c) A description of the corrective procedures or operational changes that will be taken in the event of a malfunction or failure in order to achieve compliance with the applicable emission limits.

11. Within thirty (30) days after submission of the plan referenced in paragraph 10, Staff shall either approve the plan; or, if in the opinion of the Staff the plan does not carry out the objectives of paragraph 10, the Staff may disapprove the plan, state in writing its reasons for disapproval and require the preparation of an amended plan within thirty (30) days following receipt by the Company of Staff's written reasons. Within the thirty (30) day period following receipt of Staff's reasons, the Company shall submit an amended plan which complies with Staff's requirements. The Company may at any time request a hearing before the Commission for the purpose of appealing any Staff decision under this paragraph. The Company shall implement the plan within 60 days after approval by Staff or the Commission.

12. By January 1, 1980, the Company shall submit to the Staff a reasonable plan for controlling fugitive dust emissions associated with the rotary limestone drill, unpaved roads in the quarry, and the paved roads on the plant site.

13. The Company has demonstrated to the satisfaction of the Commission that the operation of the Company's cement kilns at the Company's plant in Dundee, Michigan, pursuant to the requirements of the Order, will not prevent attainment or maintenance of the National Primary Ambient Air Quality Standards for particulate matter.

14. It is the express finding of the Commission that the Company's past actions and the requirements of paragraph 4 provide for compliance with the emission limitations set forth in paragraphs 4(e) and (f) of the Order within a reasonable time and also provide for the implementation of at least reasonably available control technology as expeditiously as practicable. The past actions leading to the above finding include compliance with Performance Contract 873-03 which required the Company to install air pollution control equipment which was expected to control cement kiln emissions at or below the levels specified in paragraphs 4(e) and (f) and further include the recent company finding or organic substances in the raw materials at levels sufficient to impair the collection efficiency of the kiln emission control equipment, thereby making compliance with the emission levels specified in 4(e) and (f) technically infeasible by the currently installed control equipment.

15. The Company, the Commission, and the Chief of the Air Quality Division of the Department of Natural Resources agree that the Consent Order, any supporting data, and any necessary data that may be requested by the U.S. Environmental Protection Agency which is available to the Staff or provided by the Company shall be transmitted to the U.S. Environmental Protection Agency for approval as a revision to the Michigan State Implementation Plan.

USEPA reviewed the Order as a proposed SIP revision and concluded that the operation of the Dundee Cement plant under either the interim (0.65 lb. TSP/1000 lb. exhaust gas) or the final 0.20 lb. TSP/1000 lb. exhaust gas) emission limitations will not threaten or prevent the attainment and maintenance of the TSP NAAQS in the plant vicinity, nor contribute significantly to existing violations at nearby primary and secondary particulate nonattainment areas.

All interested persons are invited to submit written comments on the proposed SIP revision. Written comments received by the date specified above will be considered in determining whether USEPA will approve the revision. After the public comment period, the Administrator of USEPA will publish in the Federal Register the Agency's final action on the proposed SIP revision.

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

This proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410).

Dated: April 24, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-14075 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 81

[FRL 1486-4]

Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Minnesota

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

ACTION: Proposed rule.

SUMMARY: On February 15, 1980 the State of Minnesota, pursuant to section 107(d)(5) of the Clean Air Act (Act) requested that USEPA change the ozone attainment designation for the following Minnesota counties: Carlton, Lake, St. Louis, Olmsted, Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington, and Sherburne. These counties are currently designated as nonattainment for ozone. Based on the revised National Ambient Air Quality

Standards (NAAQS) for ozone and based on an analysis of ambient air quality monitoring data the State of Minnesota has requested the designation for Carlton, Lake, St. Louis and Olmsted Counties to be changed from nonattainment to attainment for ozone and that the designation for Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington, and Sherburne Counties be changed from nonattainment to unclassified. USEPA has reviewed the redesignation request from the State of Minnesota and at this time proposes to approve these changes in the attainment status.

The purpose of this notice is to announce receipt of the redesignation request; to discuss the results of USEPA's review; to propose rulemaking action on the redesignation request; and to invite public comment either on the redesignation request or on USEPA's proposed rulemaking.

DATE: Comments on these redesignations and on USEPA's rulemaking action are due June 6, 1980. A thirty day comment period is being provided to enable publication of final action on these redesignations as soon as possible because of the statutory growth restrictions imposed by Section 110(a)(2)(I) of the Clean Air Act.

ADDRESS: Send comments to: Gary Gulezian, Chief, Regulatory Analysis section, Air Programs Branch, U.S. Environmental Protection Agency, 230 S. Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Edward Doty, Technical Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6048.

Copies of the redesignation request, technical support documents, and the supporting air quality data are available at the address cited above and at:

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Minnesota Pollution Control Agency, 1935 W. County Road, B-2, Roseville, Minnesota 55113.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added section 107(d) to the Clean Air Act (Act) directing each state to submit to the Administrator of the USEPA a list of those areas within the State which had ambient air concentrations of specific pollutants (SO2, TSP, NOx, CO, O3) above the USEPA established NAAQS level for each of these pollutants. These areas were designated as nonattainment areas. The areas within each State which had ambient air concentrations below the NAAQS level were designated as attainment; whereas those areas which lacked sufficient monitoring data to accurately determine their status were designated as unclassified.

The purpose of these nonattainment area designations was to determine which areas within the State required additional measures to control and to reduce the emissions of these five air pollutants. For those areas designated as nonattainment, the Clean Air Act Amendments of 1977 required the State to submit a revised State Implementation Plan (SIP) by January 1, 1979. Because Volatile Organic Compounds (VOC) are precursor elements in the formation of ozone, the revised SIP for ozone was to provide for sufficient reductions in these elements to ensure attainment of the ozone NAAQS by December 31, 1982 (or under certain circumstances by December 31, 1987).

In the March 3, 1978 Federal Register (43 FR 8962) and in the October 5, 1978 Federal Register (43 FR 45993) the Administrator of the USEPA promulgated lists of the nonattainment areas for each pollutant in each State. These lists also contained classifications for the attainment and unclassified areas within the State. In Minnesota the following areas were designated as onattainment for ozone in the March 3, 1978 Federal Register: Carlton, Lake, St. Louis, Olmsted, Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington, and Sherburne. All other areas within the State were designated as attainment for ozone. These designations were made based on USEPA guidance promulgated in 1971 (36 FR 8186). This guidance stated that an area was to be designated as nonattainment for ozone (formerly known as photochemical oxidants) if in a calendar year the second highest maximum hourly average concentration of ozone in the ambient air was above 0.08 ppm.

In the February 8, 1979, Federal Register (44 FR 8202) the USEPA, in accordance with the provisions of section 108 and 109 of the Clean Air Act revised the NAAQS for ozone. In that Federal Register USEPA relaxed the primary and secondary NAAQS for ozone from 0.08 ppm to 0.12 ppm. The method for determining "attainment of the ozone standard" was also changed in the February 8, 1979 Federal Register. Originally an area was classified as attainment if the hourly average level of 0.08 ppm was not exceeded more than 1 hour per year. The revised method stated that an area was in attainment of ozone standard "when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm is equal to or less than one."

Furthermore, it should be noted that when using the revised method to determine an area's attainment status, the USEPA requires the use of the most recent three years of ozone data to determine the "expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm". Less than three years of data may be used only if three years of data does not exist. The "Guideline for the Interpretation of the Ozone Air Quality Standards" (EPA 450/4-79-003) and the December 7, 1979, Richard G. Rhoads memorandum to the Directors of the Air and Hazardous Materials Divisions, Regions I-X entitled "Criteria for Ozone Redesignations Under Section 107" further elaborate and clarify the requirements for data requirements when redesignating an area for the ozone NAAQS and are available for inspection at the USEPA offices previously mentioned.

On February 15, 1980, the Minnesota Pollution Control Agency (MPCA) submitted to the USEPA a request for the redesignation of all of the State's ozone nonattainment areas. The State requested that USEPA change the designation of Carlton, Lake, St. Louis and Olmsted Counties from nonattainment to attainment and change the designation for Anoka, Dakota, Carver, Hennepin, Ramsey, Scott, Washington, and Sherburne Counties from nonattainment to unclassified.

A synopsis of USEPA's review of the monitoring data and USEPA's proposed rulemaking action is presented below.

Carlton County

The original nonattainment designation for Carlton County was based on monitored exceedances of the 0.08 ppm standard during the 1976 monitoring period. However, during 1976 no exceedances of the 0.12 ppm standard were monitored and the highest monitored concentration was 0.097 ppm. Based on the absence of monitored exceedances of the current 0.12 ppm ozone NAAQS occurring in 1976, the State has requested a redesignation of Carlton County as attainment for ozone.

After reviewing the State's recommendation and the monitoring data, the USEPA proposes to redesignate Carlton County as attainment for ozone.

Lake County

Continuous ozone monitoring was conducted in Lake County during 1977, 1978 and 1979. The highest concentration observed during this period was 0.120 ppm. Based on the absence of monitored exceedances, the State has requested that Lake County be redesignated as attainment for ozone. After reviewing the available data, the USEPA concurs with the State's request and proposes to redesignate Lake County as attainment.

St. Louis County

The 1975 data from three monitors were considered when measuring the ozone concentrations in St. Louis County. Two of these monitors were located in St. Louis County (one in the City of Duluth) and the third monitor was located fifteen miles east of St. Louis County in the City of Ely in northeastern Lake County. St. Louis County is predominantly rural in nature. Duluth is the only major city in the County which may have significant VOC sources.

Based on measured violations of the old 0.08 ppm ozone NAAQS, St. Louis County was designated as nonattainment. A reanalysis of the 1975 data from the two monitors located in St. Louis County indicates that there were two exceedances of the 0.12 ppm ozone NAAQS at the Duluth site. These exceedances occurred on July 9th at 11:00 P.M. and at midnight. The measurements were 0.130 ppm, and 0.145 ppm respectively. These exceedances of the 0.12 ppm NAAQS were recorded within twenty four hours after the startup of the monitor. Considerable instability was noted in the recorded ozone concentrations during this twenty four hour period. However, after the initial twenty four hour startup period, the monitor registered much lower concentrations. Additionally, it should be noted that these two high concentrations were noted around midnight. Such high concentrations are rarely observed at this time of the day.

Due to the conditions of the monitor and the time at which the exceedances occurred, USEPA believes that the two exceedances are not valid and should be excluded from consideration. Consequently, for the monitors located in St. Louis County there were no valid exceedances of the 0.12 ppm ozone NAAQS.

Since ozone is not a local phenomena and since its formation often occurs miles downwind of the major VOC sources, it is often necessary to analyze data from monitors located some distance downwind of the major VOC sources. Therefore, to accurately assess the attainment status of St. Louis County the State of Minnesota examined the ozone data from the monitor located in the City of Ely in Lake County. As mentioned earlier (in the Lake County portion of this notice) during the years 1977, 1978, and 1979 there were no exceedances of the 0.12 ppm ozone NAAQS at this site.

Based on the absence of valid exceedances of the 0.12 ppm standard, the MPCA has requested the redesignation of St. Louis to attainment. After review of the available data, the USEPA considers the MPCA request to be approvable, and proposes to redesignate St. Louis County as attainment for ozone.

Olmsted County

In Olmsted County, only one quality assured exceedance (0.140 ppm observed on May 18, 1978) of the 0.12 ppm standard was detected during 1977, 1978, and 1979. Calculating the expected number of exceedances per year for the three year period, yields a value of 0.9. Since the expected exceedances per year for the three year period is below the standard level (1.0), the MPCA has requested a redesignation of Olmsted County as attainment for ozone.

After reviewing the State's recommendation and the available monitoring data, the USEPA proposes to redesignate Olmsted County as attainment for ozone.

Twin Cities Metropolitan Area (AQCR 131) and Sherburne County

The nonattainment designations for the Twin Cities Metropolitan Area (Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, and Washington Counties) and Sherburne County were based on exceedances of the 0.08 ppm standard during 1975. In 1975, violations of the 0.12 ppm standard were observed only in Sherburne County.

Ozone monitoring was conducted in the Twin Cities Metropolitan Area during 1976, 1977, and 1978 with no detected exceedances of the 0.12 ppm standard. However, it should be noted that the monitoring system was reduced to a limited form with no monitoring conducted downwind of the urban area. Ozone Monitoring was not conducted in Sherburne County during 1977 and 1978. Due to the limited monitoring network in operation during the years 1976–1978 MPCA indicated that it does not consider the 1976–1978 data to be representative of the true regional ozone concentrations during this period.

In 1979 the monitoring system was expanded in the area and downwind sites were added. During the year no violations of the ozone NAAQS were recorded. However, it must be noted that the MPCA indicated that an analysis of the meteorological data for 1979 suggests that abnormal meteorological conditions were prevalent during the ozone season and were responsible for the low ozone concentrations. The MPCA believes that if normal meteorological conditions prevail in 1980 a more accurate indication of the ozone concentrations in the Twin Cities and Sherburne County areas will be obtained. Consequently, even through the absence of exceedances of ozone NAAQS in the Twin Cities Metropolitan Area during the 1977—1979 period and in Sherburne County during 1979 would indicate a redesignation to attainment, the MPCA has only requested a redesignation to unclassified. The MPCA will make a final determination on the attainment/nonattainment status of these areas after the 1980 ozone data have been collected and analyzed.

Based on the observed conditions and the meteorological data, the USEPA proposes to redesignate Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington, and Sherburne Counties as unclassified. This proposal is made with the understanding that the designation of these counties will be reconsidered after the 1980 ozone data are collected and analyzed.

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

This Notice of Proposed Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

(Sec. 107, Clean Air Act as amended (42 U.S.C. 7407))

Dated: April 14, 1980.

John McGuire,

Regional Administrator.

[FR Doc. 80-14076 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-194; RM-3472]

FM Broadcast Station in Lawton, Okla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes assignment of a Class A FM channel to Lawton, Oklahoma, as its third FM assignment, in response to a petition filed by Linda A. Meyer.

DATES: Comments must be filed on or before June 24, 1980, and reply comments must be filed on or before July 14, 1980.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Myra Kovey, Broadcast Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

Adopted: April 24, 1980.

Released: May 1, 1980.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Lawton, Oklahoma); BC Docket No. 80-194; RM-3472; Notice of Proposed Rule Making.

1. *Petitioner, Proposal, Comments:* (a) Linda A. Meyer ("Meyer") has filed a petition for rulemaking[1] proposing the assignment of Channel 237A to Lawton, Oklahoma, as a third FM channel assignment.[2] Supporting comments have been filed by Frederick R. Morton.

(b) The channel assignment can be made in conformity with the minimum distance separation requirements.

(c) Petitioner states that she will apply for the channel, if assigned.

2. *Community Data:*

(a) *Location:* Lawton, seat of Commanche County, is located approximately 128 Kilometers (80 miles) southwest of Oklahoma City.

(b) *Population:* Lawton–74,300 (1970 U.S. Census); Commanche county–108,444.

(c) *Local Aural Broadcast Service:* Two AM stations—one fulltime, one daytime—only; two FM stations.

3. *Economic Considerations:* According to petitioner, Lawton boasts a large military reservation, Fort Sill, just north of its boundaries and numerous industries including the Lawton Coca-Cola Bottling Company, Lawton Manufacturing Company and Mead Foods. the Goodyear Tire and Rubber Company is building a multi-million dollar plant west of the city, petitioner states.

4. *Preclusion Considerations:* Assignment of Channel 237A to Lawton would cause preclusion to one community without local aural service and with a population exceeding 1,000, Walters, Oklahoma (pop. 2,611). A staff study indicates that other channels are available for assignment to this community.

5. *Other Considerations:* Intermixture does not seem to be an obstacle here. Thus, while Lawton's two existing FM assignments are Class C facilities, Meyer is willing to apply for and operate on a Class A channel despite the disadvantageous competitive position. See *Yakima, Wash.*, 42 FCC 2d 548 (1973).

6. In view of the foregoing, the Commission proposes to amend the FM Table of Assignments, Section 73.202(b) of the Commission's Rules, as it pertains to Lawton, Oklahoma, as follows:

City	Channel No.	
	Present	Proposed
Lawton, Oklahoma	251,268	237A, 251, 268

7. Authority to institute rulemaking proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before June 24, 1980, and reply comments on or before July 14, 1980.

9. For further information concerning this proceeding, contact Myra G. Kovey, Broadcast Bureau, (202) 632-9660. However, members of the public should note that from the time a notice of proposed rulemaking is issued until it is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message is a message (spoken or written) concerning the merits of a pending rulemaking other than comments officially filed at the Commission or oral presentation required by the Commission.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposals(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice or Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs or other documents shall be furnished the Commission.

[1] Public Notice of the petition was given on September 19, 1979, Report No. 1192.

[2] We have modifed Meyer's original request, which was for the assignment of Channel 285A, to avoid conflict with the proposed assignment of Channel 284 to Burkburnett, Texas (BC Docket No. 79-178, RM-3357).

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW, Washington, D.C.

[FR Doc. 80-14073 Filed 5-6-80; 8:45 am]
BILLING CODE 6712-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 258

[FRL 1484-7]

Pre-Proposal Draft Regulation for Distribution and Marketing of Sledge-Derived Fertilizers and Soil Conditioners; Notice of Public Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency will hold a series of public meetings in May 1980, to review and discuss a pre-proposal draft regulation that would control the distribution and marketing of fertilizers and soil conditioners containing municipal sewage sludge.

The pre-proposal draft regulation includes requirements for publicly owned treatment works as well as for sludge-product manufacturers in the private sector. It addresses two types of sludge products (fertilizers and soil conditioners) and discusses various types and degrees of control over each.

EPA has developed the pre-proposal regulation to present to the public the basis issues of concern, tentative approaches for addressing these issues, and alternative levels of control for achieving public health and environmental protection.

DATES: Five one-half day public meetings will be held to provide an opportunity for the public to present their views on the pre-proposal draft. Dates are:

May 19, 1980—Atlanta, Ga.
May 21, 1980—New York, N.Y.
May 22, 1980—Chicago, Ill.
May 27, 1980—Los Angeles, Calif.
May 30, 1980—Seattle, Wash.

ADDRESSES:

May 19, 1980—Holiday Inn Downtown, Holiday Hall 1, 175 Piedmont Avenue, NE., Atlanta, GA (404) 659-2727;
May 21, 1980—EPA Regional Office, Conference Room 1-102, 26 Federal Plaza, New York, NY (202) 264-0503;
May 22, 1980—The Palmer House, Monroe Ballroom, 17 East Monroe Street, Chicago, IL (312) 726-7500;
May 27, 1980—Los Angeles Hilton, Patio Room, 930 Wilshire Blvd., Los Angeles, CA (213) 629-4321;
May 30, 1980—EPA Regional Office, Conference Room 12-A, B, C, 1200 6th Avenue, Seattle, WA (206) 442-1260.

The meetings in Atlanta, New York, Chicago, and Los Angeles, will begin at 1:00 p.m., with registration at 12:30 p.m. The meeting in Seattle will begin at 9:00 a.m., with registration at 8:30 a.m.

Copies of the pre-proposal draft may be obtained from the Solid Waste Publications Office, US EPA, 26 West Saint Clair, Cincinnati, Ohio 45268 (513) 684-5362; or from the Public Participation Officer listed below.

FOR FURTHER INFORMATION CONTACT: Mrs. Geraldine Wyer, Public Participation Officer, Office of Solid Waste, US EPA, Washington, DC 20460; (202) 755-9157.

SUPPLEMENTARY INFORMATION: EPA has already published regulations which include rules for the application of sewage sludge to land where food-chain crops are grown (Criteria for Classification of Solid Waste Disposal Facilities and Practices, September 13, 1979, 40 CFR Part 257 44 FR 53438). This new regulation being proposed will address those land application practices for which implementation of the Criteria is not practicable, such as where sludge products are distributed to the public at large. Those uses would include home lawn and garden use, commercial use (nurseries, landscaping, and sod farms, etc.), and governmental use (small parks, roadsides, etc.).

Dated: May 1, 1980.

Approved:

Steffen W. Plehn,

Deputy Assistant Administrator for Solid Waste.

[FR Doc. 80-14287 Filed 5-6-80; 11:15 am]
BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 90
Wednesday, May 7, 1980

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Umatilla National Forest; Forest Land and Resource Management Plan; Intent To Prepare an Environmental Impact Statement

In the matter of Umatilla National Forest: Baker, Grant, Morrow, Umatilla, Union, Wallowa, and Wheeler Counties of Oregon; and Asotin, Columbia, Garfield, and Walla Walla Counties of Washington.

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement for a Forest Land and Resource Management Plan for the Umatilla National Forest.

Planning will be centered on the 1,398,914 acres of National Forest land administered by the Umatilla National Forest and surrounding area in northeast Oregon and southeast Washington. Involvement and coordination with local, state, and other Federal agencies representing these areas, as well as such self-determining bodies as the Confederated Tribes of the Umatilla, will be a key element in the planning effort.

The basis for this planning effort is Section 6 of the National Forest Management Act of 1976 and its subsequent regulations which direct the preparation of a single integrated plan for each unit (Forest) of the National Forest System. This plan will be a single document or set of documents available to the public at convenient locations.

The proposed action is to prepare and implement a Forest Land and Resource Management Plan.

Selection of the plan will be made from a range of alternatives developed in the environmental analysis and displayed in the environmental impact statement. Development of alternatives will comply with the following guidelines: (1) each alternative will be capable of being achieved, (2) each alternative will provide for the orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative, (3) each identified major public issue and management concern will be addressed in one or more alternatives, and (4) each alternative will represent the most cost efficient combination of management practices examined that can meet the objectives established in the alternative. In addition, a no action alternative will be formulated as the most likely condition expected to exist in the future if the current management direction would continue unchanged.

Written and oral response will be solicited from the public, local, state, and other governmental agencies and bodies through a series of publicized meetings and/or written media contact throughout the planning process.

Tentative issues and concerns are being identified from past public input to RARE II, unit plans, and other activities in addition to issues, concerns, and opportunities developed internally by Forest employees and the Forest Interdisciplinary Team. The preliminary issues, concerns, and opportunities will be scheduled for presentation to the public beginning in June 1980 at several locations in the Umatilla National Forest's area of influence to facilitate public review and input. Dates, times, and places will be announced through local media and also by a Forest Plan Report mail notice to interested persons 15 days prior to meetings being held.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official. Richard A. Reeves, Umatilla National Forest Land Management Planning (LMP) Staff Officer and Forest Planner, will be the Interdisciplinary Team leader for preparing the environmental impact statement and Forest Land and Resource Management Plan.

Approximately three years will be required to prepare the draft environmental impact statement and it should be available to the public about June 1983. The final environmental impact statement is scheduled for completion in December 1983.

Landowners within or immediately adjacent to the Umatilla National Forest boundary are hereby requested to write the Forest Planner giving their name, current address, and ownership to facilitate Forest Planning communication and correlation.

Comments on this Notice of Intent or the Umatilla National Forest Planning Process should be sent to Richard A. Reeves, Forest Planner, Umatilla National Forest, 2517 S. W. Hailey Avenue, Pendleton, Oregon 97801.

Dated: April 25, 1980.

James F. Torrence,

Acting Regional Forester.

[FR Doc. 80-13942 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-11-M

North Siskiyou Planning Unit, Klamath National Forest, Siskiyou County, Calif.; Environmental Impact Statement; Cancellation

A draft environmental impact statement for the North Siskiyou Planning Unit was distributed to the public and filed with the Environmental Protection Agency on August 24, 1979.

I have determined that the EIS process should be terminated because of the issues and concerns involved in the Planning Unit.

The issues and concerns in this area will be considered as part of the Forest Land and Resource Management Planning process for the National Forest System (36 CFR Part 219). The estimated date for completion of Forest Management Plans for the Klamath National Forest is October 1981. The Rogue River and Siskiyou National Forests in Jackson and Josephine Counties, Oregon portion of this Planning Unit, Draft Environmental Impact Statement were previously cancelled (Federal Register, Vol. 45, No. 27, p. 83, February 7, 1980).

Dated: April 28, 1980.

Zane G. Smith, Jr.,

Regional Forester.

[FR Doc. 80-13941 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Bixby Conservancy District No. 25 Watershed, Oklahoma; No Significant Environmental Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number 405–624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorized of Federal funding of the Bixby Conservancy District No. 25 Watershed, Tulsa County, Oklahoma.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project sponsors are no longer interested in implementing this plan. They have not acquired landrights for any of the structural measures. The sponsors also believe they cannot raise the local cost-share funds that are required for the project.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number 405–624–4360. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 60 days after the date of this publication in the Federal Register (July 7, 1980).

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: April 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-13948 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-16-M

Cache Creek Bottom Watershed, Oklahoma; No Significant Environmental Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number 405–624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Cache Creek Bottom Watershed, LeFlore County, Oklahoma.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project sponsors are no longer interested in implementing this plan. They have not acquired landrights for any of the structural measures. The sponsors also believe they cannot raise the local cost-share funds that are required for the project.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis, State Conservationist, Soil conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number 405–624–4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 60 days after the date of this publication in the Federal Register (July 7, 1980).

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: April 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-13944 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-16-M

Dumpling-Beaver Creek Watershed, Oklahoma; No Significant Environmental Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FUTHER INFORMATION CONTACT: Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number 405–624–4360.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Dumpling-Beaver Creek Watershed, Pushmataha and Choctaw Counties, Oklahoma.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationists, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project sponsors are no longer interested in implementing this plan. They have not acquired landrights for any of the structural measures. The sponsors also believe they cannot raise the local cost-share funds that are required for the project.

The finding of no significant impact has been forwarded to the

Environmental Protection Agency. The basic data developed during the environmental assessment are on file, and may be reviewed by contracting Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number 405–624–4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until 60 days after the date of this publication in the Federal Register. (July 7, 1980)

Dated: April 28, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83–566, 16 U.S.C. 1001–1008)

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-13945 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-16-M

Flat Bayou Watershed, Arkansas; Intent To Prepare Environmental Impact Statement

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of intent to prepare an environmental impact statement.

FOR FURTHER INFORMATION CONTACT: Mr. M. J. Spears, State Conservationist, Soil Conservation Service, P.O. Box 2323, Little Rock, Arkansas 72203, telephone number (501) 378–5445.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that there is an environmental impact statement being prepared for the Flat Bayou Watershed, Jefferson County, Arkansas.

The environmental evaluation of this federally-assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. M. J. Spears, State Conservationist, has determined that preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection, flood prevention, and agricultural water management. Alternatives under consideration to reach these objectives include systems for conservation land treatment, non-structural measures, and channel modification.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites the participation and consultation of all agencies and persons that have special expertise, legal jurisdiction, or interest to assist in the proposed action. Further information on the proposed action may be obtained from Mr. M. J. Spears, State Conservationist, Soil Conservation Service, P.O. Box 2323, Little Rock, Arkansas 722203, telephone number (501) 378–5445.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: April 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-13946 Filed 5-6-80; 8:45]

BILLING CODE 3410-16-M

Hill City Park Critical Area Treatment RC&D Measure, Minnesota; No Significant Environmental Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building, 316 North Robert Street, St. Paul, Minnestoa 55101, telephone 612–725–7675.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an invironmental impact statement is not being prepared for the Hill City Park Critical Area Treatment RC&D Measure, Aitkin County, Minnesota.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Harry M. Major, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for reducing gully erosion in Hill City Park. The planned works of improvement include a grade stabilization structure, diversion, waterway, and critical area planting.

The Notice of a Finding of No Significant impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Harry M. Major, State Conservationist, Soil Conservation Service, 200 Federal Building, 316 North Robert Street, St. Paul, Minnesota 55101, telephone 612–725–7675. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication (June 6, 1980)

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87–703, 16 U.S.C. 590a–f, q.)

Dated: April 24, 1980.

Edward E. Thomas,

Assistant Administrator for Land Resources.

[FR Doc. 80-13947 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-16

Middle Fork Hood River Watershed, Oregon; No Significant Environmental Impact

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Building, 1220 S.W. Third Avenue, Portland, Oregon 97204, telephone number (503) 221–2751.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice of a finding of no significant impact due to the proposed Clear Branch Dam abutment drain and ballast works of improvement in Hood River County, Oregon.

The environmental assessment of this federally-assisted action indicates that the works of improvement will not cause

significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Guy W. Nutt, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The proposed action is in the left abutment to intercept water seepage and add weight for stabilization.

The pipe drain to be installed will be covered with rock ballast which will blend into the present rock on the downstream side of the dam. Rock for the proposed action will come from an existing pit which cannot be viewed from the lake or adjoining recreation area.

The environmental assessment for the proposed action is on file and may be reviewed by interested parties by contacting Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Building, 16th Floor, 1220 S.W. Third Avenue, Portland, Oregon 97204, telephone number (503) 221-2751. A limited number of copies of the environmental assessment are available to fill single copy requests at the above address.

Copies of this finding of no significant impact have been sent to interested Federal, State, and local agencies and interested parties and published in the local newspaper serving Hood River County, Oregon.

No administrative action on implementation of this proposal will be taken until 30 days after the notice of its availability appears in the Federal Register (June 6, 1980).

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008.)

Dated: April 28, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 80-13948 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-16

CIVIL AERONAUTICS BOARD

[Order 80-4-211; Docket 31290]

Establishment of the Interim Standard Industry Fare Level; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of April, 1980.

The Airline Deregulation Act of 1978, (ADA) requires that the Board compute a "standard industry fare level" (SIFL) based upon the fare level in effect on July 1, 1977, and not less than semiannually, update the SIFL by increasing or decreasing it by the percentage change in actual operating costs per available seat-mile (ASM) for interstate and overseas transportation combined. Once computed, the SIFL becomes the benchmark for measuring the statutory zone of reasonableness.

Effective with the January 1980 adjustment in the SIFL, we extended our policy of projecting fuel costs on a bi-monthly basis to non-fuel expense projections as well, since we are adjusting the SIFL on a two-month basis in any event. We have evaluated the non-fuel cost increases on both an annual and quarterly basis and have, in this instance, computed the SIFL ceiling adjustment factors on the basis of the fourth quarter results because of unusual increases in non-fuel costs which occurred in the fourth quarter of 1979. This should not be taken to mean that we have abandoned our normal policy of projecting non-fuel costs on the basis of twelve month data. Ordinarily, the twelve month data is more reliable (the statute permits no ratemaking adjustments) because quarterly results can be completely distorted by exogenous factors such as strikes and weather. Analysis, however, shows the fourth quarter results, the latest we have, to be free of major distortions and we do not wish to ignore the observed acceleration in recent non-fuel cost escalation.

March 1980 fuel costs are now available and indicate an increase in average price per gallon of 2.98 cents over February to 85.79 cents. Applying our methodology to the quarter ended December 1979 financial data and March 1980 fuel costs [1] and projecting fuel and non-fuel costs to June 1, 1980, raises the SIFL about 5.4 percent over the level effective March 1, 1980 (See Appendix).[2] [2a]

[1] Trunk and local service carrier:

Scheduled Service Fuel Price Calculation

Month	Price/gallon (cents)	Change from previous month (cents)
December 1979	73.78	2.11
January 1980	77.29	3.51
February 1980	82.81	5.52
March 1980	85.79	2.98

Our methodology projects the average change in price over the last four months to the chosen future date, then adds the projected change to the current fuel price. In this case, we projected an average increase of 3.53 cents per month for two and one-half months (to June 1), then added this 8.83 cent increase to the March price—projecting a cost of 94.62 cents per gallon as of June 1, 1980.

[2] Numerous carriers currently have fares up to approximately 3.5% above the current SIFL ceiling (including 5 and 10% upward flexibility). Such fares may be brought up to the new SIFL ceiling, including permitted upward flexibility, without justification, on short notice.

[2a] Filed as part of original document with the office of the Federal Register.

[3] All Members concurred.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly section 1002:

We set the Standard Industry Fare Level effective May 1, 1980, as follows:

Terminal Charge $25.14
Plus .1375/mile (0-500 miles)
Plus .1049/mile (501-1,500 miles)
Plus .1008/mile (over 1,500 miles)

This order will be published in the Federal Register.

By the Civil Aeronautics Board:[3]

Phyllis T. Kaylor,

Secretary.

[FR Doc. 14113 Filed 5-6-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37576]

Miami/Ft. Lauderdale-Netherlands Antilles; Hearing Serivce Case

Notice is hereby given that a hearing in the above-titled matter will be held on May 29, 1980 at 9:30 a.m. (local time) in Room 1003, Hearing Room D, 1875 Connecticut Avenue N.W., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., May 2, 1980.

William A. Kane, Jr.,

Administrative Law Judge.

[FR Doc. 80-14112 Filed 5-6-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37013; Order 80-5-1]

Munz Northern Airlines Bush Points Alaska Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 80-5-1, *Munz Northern Airlines Bush Points Proceeding*, Docket 37013.

SUMMARY: The Board is proposing to add a new segment to Munz Northern's certificate between the terminal point Kotzebue, the intermediate points Cape Lisburne, Point Hope, Kivalina, Noatak, Kiana, Ambler, Shungnak, Kobuk, Noorvik, Selawik, Buckland, Candle, Deering, Taylor, Nome, Shishmaref, Wales, Tin City, Brevig, Teller, Solomon, Council, White Mountain, Golovin, Elim, Haycock, Koyuk, Shaktoolik, Unalakleet, Stebbins, St. Michael, Gambell, Savoonga, St. Mary's, Emmonak, Alakanuk, Sheldon's Point, Kotlik, Mountain Village, and Pilot Station, and the terminal point Bethel, and is issuing the above show-cause order for that purpose. The tentative

findings and conclusions will become final if no objections are filed.

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 June 16, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and further applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) estimates of fuel to be consumed in the first year and a statement as to the availability of fuel are directed to do so no later than June 16, 1980.

ADDRESSES: Objections or Additional Data should be filed in Docket 37013, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: James F. Adley, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673-5459.

SUPPLEMENTARY INFORMATION: Objections should be served upon the Alaska Transportation Commission, Wien Air Alaska, Munz Northern Airlines, the Chief Executives and Airport Managers of: Kotzebue, Cape Lisburne, Point Hope, Kivalina, Noatak, Kiana, Ambler, Shungnak, Kobuk, Noorvik, Selawik, Buckland, Candle, Deering, Taylor, Nome, Shishmaref, Wales, Tin City, Brevig, Shaktoolik, Unalakleet, Stebbins, St. Michael, Gambell, Savoonga, St. Mary's, Emmonak, Alakanuk, Sheldon's Point, Kotlik, Mountain Village, Pilot Station, and Bethel.

The complete text of Order 80-5-1 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 80-5-1 to that address.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

May 1, 1980.

[FR Doc. 80-14110 Filed 5-6-80; 8:45 am]

BILLING CODE 6320-01-M

[FR Doc. 80-14110 Filed 5-6-80; 8:45 am]

BILLING CODE

[Order 80-5-16; Docket 37486]

Servicio Aereo de Honduras; Application for Foreign Air Carrier Permit Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 80-5-16.

SUMMARY: The Board proposes to approve the following application:

Applicant: Servicio Aereo de Honduras, S.A.(SAHSA)

Application Date: January 22, 1980.

Docket: 37486

Authority Sought: To amend its foreign air carrier permit to add Houston and New York.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than May 27, 1980, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Honduras in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:

Docket 37486, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428

SAHSA, c/o Philip Schleit, Suite 212, 1660 L Street, N.W., Washington, D.C. 20036

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Frank Forman, Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5183.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

May 1, 1980.

[FR Doc. 80-14111 Filed 5-6-80; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Countertop Microwave Ovens From Japan; Postponement of Preliminary Determination

May 2, 1980.

AGENCY: U.S. Department of Commerce.

ACTION: Postponement of preliminary antidumping determination.

SUMMARY: This notice is to inform the public that the Commerce Department has concluded that a preliminary determination as to whether sales at less than fair value of countertop microwave ovens from Japan have occurred cannot reasonably be made by May 20, 1980. This case has been determined to be an "extraordinarily complicated case" and the preliminary determination is postponed until not later than July 9, 1980.

EFFECTIVE DATE: May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Richard Rimlinger, International Trade Administration, Office of Investigations, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-3962.

SUPPLEMENTARY INFORMATION: On August 29, 1979, a notice of "Initiation of Antidumping Investigation" was published in the Federal Register (44 FR 50668). The notice stated that an investigation under the Antidumping Act of 1921, as amended (19 U.S.C. 160 *et seq.*) was being initiated for the purpose of determining whether imports of countertop microwave ovens from Japan are being, or are likely to be, sold at less than fair value. On January 1, 1980, Title VII of the Tariff Act of 1930, as amended (93 Stat. 151, 19 U.S.C. 1671 *et seq.*) ("the Act") became effective. Under the terms of section 102(b) of the Trade Agreements Act of 1979 (93 Stat. 189, 19 U.S.C. 1671 note), investigations in progress under the Antidumping Act of 1921, for which no preliminary determination had been made by January 1, 1980, were terminated and treated as if they had been initiated under section 732 of the Act of January 1, 1980. Accordingly, the preliminary determination in the antidumping investigation of countertop microwave ovens from Japan thus became due on May 20, 1980. Pursuant to section 733(c)(1) of the Act (93 Stat. 164, 19 U.S.C. 1673b(c)(1)), the Commerce Department, concluding that the parties concerned are cooperating, determining that the case is extra-ordinarily complicated by reason of the number and complexity of the transactions to be investigated and by reason of the

novelty of issues presented in the investigation, and determining that additional time is necessary to make the preliminary determination, postpones its preliminary determination until not later than July 9, 1980.

This extension is based primarily on:

1. The difficulty involved in the selection of the Japanese home market models which are most comparable to those models exported to the United States, as well as the quantification of any adjustments necessary for differences in merchandise.

2. There are a number of issues that have arisen requiring legal determinations in respect to their allowability under law and regulation. These issues involve, among others, the appropriateness of allowing circumstance of sale adjustments for various items such as: interest expenses incurred on money deposited by members of a dealer's association, installment sale discounts paid to a subsidiary firm, long-term volume discounts based on total purchases of a composite of products (including microwave ovens), advertising expenses incurred promoting sales of "ranges" as opposed to strictly sales of microwave ovens and various after sale rebates to buyers.

This notice is published pursuant to section 733(c)(2) of the Act.

(93 Stat. 164, 19 U.S.C. 1673b(c)(2))

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 80-14091 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on May 22, 1980 at 10:00 a.m. in the Atlanta Apparel Mart, Room 1-W 106-107 (Studio Theater), 250 Spring Street, Atlanta, Georgia 30303.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of imports trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, International Trade Administration, Records Inspection Facility, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377-5078.

Dated: April 25, 1980.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 80-13830 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-24-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business enterprise, announces that it is seeking applications under its program to operate one project for a 10 month period beginning July 1, 1980, in Southwest-Central Florida. The cost of the project is estimated to be $150,000 and the Project Number is 04-10-30311-00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide generalized advice to all types of businesses which will assist them in their establishment, viability, and growth. In addition, this project will have a component that specializes in the construction industry.

Eligibility Requirements: There are no restrictions. Any for-profit firm or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: Atlanta Regional Office, U.S. Department of Commerce, Minority Business Development Agency, 1365 Peachtree Street NE., Rm. 225, Atlanta, GA 30309.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government, federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, tthe budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process: If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 1, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: april 28, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80-13963 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its program to operate one project for a 10 month period beginning July 1, 1980, in 30 counties of South Georgia, and Russell County in Alabama. The cost of the project is estimated to be

$182,500 and the Project Number is 04–60–30342–00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide business information, counseling, financial packaging assistance, and assistance in identifying and exploiting business opportunities and new and/or expanding markets.

Eligibility Requirements: There are no restrictions. Any for-profit firm or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1365 Peachtree Street NE., Rm. 225, Atlanta, Ga. 30309.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government; federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necesary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, the budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process: If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 1, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: April 30, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80-13984 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its program to operate one project for a 12 month period beginning July 1, 1980, in counties around Mobile, Alabama. The cost of the project is estimated to be $90,000 and the Project Number is 04–10–30610–00.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Description: Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide any and all services to promote the establishment, viability and growth of qualified minority owned businesses.

Eligibility Requirements: There are no restrictions. Any for-profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing to the following address: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 1365 Peachtree Street NE., Rm. 225, Atlanta, GA 30309.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government, federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, the budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process: If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed satisfactorily.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of May 31, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: April 28, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80-13985 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-21-M

Financial Assistance Application Announcement

The Minority Business Development Agency (MBDA), formerly the Office of Minority Business Enterprise, announces that it is seeking applications under its program to operate one project for a 10 month period beginning July 1, 1980, in 15 counties around Augusta, Ga. The cost of the project is estimated to be $97,500 and the Project Number is 04–60–00716–00.

Funding Instrument. It is anticipated that the funding instrument, as defined by the Federal Grant and Cooperative Agreement Act of 1977, will be a grant.

Program Discription. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. This proposed project is specifically designed to provide any and all services to promote the establishment, viability and growth of qualified minority owned businesses.

Eligibility Requirements. There are no restrictions. Any for-profit or non-profit institution is eligible to submit an application.

Application Materials. An application kit for this project may be requested by writing to the following address: Atlanta Regional Office, Minority Business Development Agency, U.S. Department

of Commerce, 1365 Peachtree Street, N.E., Rm. 225, Atlanta, Ga. 30309.

In requesting an application kit, the applicant must specify its profit status (i.e., a State or local government, federally recognized Indian tribunal unit, educational institution, hospital, other type of non-profit organization, or if the applicant is a for-profit firm). This information is necessary to enable MBDA to include the appropriate cost principles in the application kit.

Award Process. All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. The applications will be ranked according to the capability of the staff assigned to the project, the management capability of the applicant, the proposed program plan, the budget allocation plan, and the applicant's knowledge of the area to be served. Specific criteria will be included in the application kit.

Renewal Process. If an award is made, continuation awards for up to two additional years may be made to the successful recipient without competition, provided that funds have been appropriated for a project of this kind, and MBDA has determined that such funds are available, there is a continuing need for a project of this kind, and the recipient has performed statisfactorily.

Closing Date. Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of June 1, 1980. Detailed submission procedures are outlined in each application kit.

11.800 Minority Business Development

(Catalog of Federal Domestic Assistance)

Dated: April 30, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80-14087 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-21-M

National Bureau of Standards

Approved Interpretation of Federal Standard COBOL (FIPS PUB 21-1)

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary of Commerce is authorized to establish uniform Federal ADP Standards. FIPS PUB 21-1 specifies Federal Standard COBOL. The Standard defines the elements of COBOL and rules for their use. During the use of the standard, questions arise as to the meaning of certain language specifications. FIPS PUB 29 defines the procedures to be followed in providing solutions to these questions. The procedures allow for the solutions to be applied uniformly throughout the Federal Government and by all implementors of compilers acquired by the Federal Government. Accordingly, in the January 31, 1979, issue of the Federal Register (44 FR 6174), the National Bureau of Standards published a notice of proposed interpretation of Federal Standard COBOL as pertains to the specification of the Accept and the Receive statements. All comments submitted about the proposed interpretation have been duly considered.

The following approved interpretation contains a definition of the problem, discussion of the issues, approved interpretation, supporting justification, necessary clarifications to Federal Standard COBOL, and the effective date of the interpretation. The approved interpretation, as of the effective date, becomes an integral part of Federal Standard COBOL and, as such, is considered to be included whenever reference is made to Federal Standard COBOL.

Interested parties may submit comments concerning interpretations of Federal Standard COBOL to the Standards Administration Office, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.

Dated: April 25, 1980.

Ernest Ambler,

Director.

Federal Standard COBOL

Interpretation No. 5—The ACCEPT and RECEIVE Statements

Problem: When an Accept statement or a Receive statement is specified such that there is interaction with a keyboard device, is it permissible for leading spaces to be deleted from the data being accepted or the message being received? Can the operating system (or interface between the keyboard device and executing program) delete leading spaces so that the program expecting the data or message would encounter a non-space character as the first character of the data or message? Arbitrary deletion of these characters may change the meaning of the input data.

Issues: Given the environment where a COBOL program is interacting with a keyboard device through the use of an Accept statement or a Receive statement, it is necessary to determine the extent to which an implementation is permitted to transform the data transmitted from the keyboard device before the data is stored in a receiving item in the COBOL program. In particular, the question must be answered whether or not an allowable transformation of data permits the deletion of transmitted leading space characters.

Interpretation: This interpretation applies to American National Standard COBOL, X3.23-1974 as it has been adopted as Federal Standard COBOL, FIPS PUB 21-1. The interpretation is that it is not permissible for an implementation to cause any hardware transmitted leading space characters to be deleted in the process of storing data characters into a receiving data item during the execution of an Accept statement or a Receive statement.

Supporting Justification

References: (a) The following references to American National Standard COBOL, X3.23-1974, pertain to the issues involved in this interpretation:

(1) Page II-53, Paragraph 5.4.4(1) states: The Accept statement causes the transfer of data from the hardware device. This data replaces the contents of the data item named by the identified.

(2) Page II-53, Paragraph 5.4.4(4) of the Accept statement states, in part: * * * the transferred data is stored aligned to the left in the receiving data item * * * If the size of the transferred data exceeds the size of the receiving data item * * * only the leftmost characters of the transferred data are stored in the receiving data item * * * The remaining characters of the transferred data which do not fit into the receiving data item are ignored.

(3) Page XIII-17, Paragrah 3.4.4(2) states, in part: The message * * * is transferred to the receiving character positions of the area referenced by identifier-1 aligned to the left without space fill.

(4) Page XIII-18, Paragraph 3.4.4(7)c states, in part: If a message size is greater than the area referenced by identifier-1, the message fills the area referenced by identifier-1 left to right starting with the leftmost character of the message * * * the remainder of the message can be transferred to the area referenced by identifier-1 with subsequent Receive statements * * *

(5) Page XIV-42, Paragraph 3.8, states as one of the primary functions of the Message Control System: To perform device-dependent tasks, such as character translation and insertion of control characters * * *

(b) The following references to American National Dictionary for Information Processing, X3/TR-1-77, also pertain to issues inolved in this interpretation. Although the specific definitions cited are not included in American National Standard COBOL,

X3.23–1974, the definitions are generally accepted within the data processing community and are therefore considered applicable to the terms as used in the COBOL specifications.

(1) Page 41, definition of DATA cross-references Alphanumeric Data.

(2) Page 8, definition of Alphanumeric Data states: Data represented by letters and digits, perhaps with special characters and the space character.

(3) Page 95, definition of Message, states in part: * * * an ordered series of characters intended to convey information.

(4) Page 25, definition of Character cross-references Alphanumeric Character Set.

(5) Page 8, definition of Alphanumeric Character Set, states: A character set that contains both letters and digits and may contain control characters, special characters, and the space character.

(6) Page 142, definition of Space Character, states: A character that is usually represented by a blank site in a series of graphics. The space character, though not a control character, has a function equivalent to that of a format effector.* * *

(7) Page 69, definition of HARDWARE states: Physical equipment used in data processing, as opposed to computer programs, procedures, rules, and associated documentation.

Discussion: (a) The execution of an Accept statement according to reference (a)(1) causes the transfer of data to the specified receiving data item. Data is defined to include space characters according to references (b)(1) and (b)(2). Therefore, any space character that is a part of the transfer of data from the hardware device (reference (b)(7)), regardless of relative position within the data, becomes a part of the data to be stored in the receiving data item in the COBOL program. Nowhere in the COBOL specifications is an exception made that would allow for the deletion of any particular data character during the execution of an Accept statement.

(b) The descriptions of the functions for the Message Control System, according to reference (a)(5), make it clear that the Message Control System, may perform character translation and insertion/deletion of control characters during the process of transferring a message from/to a data item in the COBOL program. A space character is not a control character according to references (b)(3), (b)(4), (b)(5) and (b)(6).

(c) References (a)(2), (a)(3) and (a)(4) all indicate that the data/message is in effect stored aligned to the left in the receiving area. The only mention of deletion of data has to do with the case when the receiving item is smaller than the data/message. The rightmost characters which are beyond the size of the receiving data item are ignored in the case of the Accept statement. For a Receive statement, the rightmost characters that cannot be contained in the data item can be obtained by subsequent Receive statements.

Clarification to Federal Standard COBOL: None.

Effective Date of Interpretation: This Interpretation is effective on November 3, 1980.

[FR Doc. 80-14086 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Marine Mammals Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), the National Marine Fisheries Service regulations governing endangered fish and wildlife permits (50 CFR Parts 217–222).

1. Applicant: a. Name: Mr. Steven R. Morello and Craig N. McLean (P235A).
b. Address: 182 Michigan Avenue, Paterson, New Jersey.
2. Type of Permit: Scientific Research & Scientific Purposes.
3. Name and Number of Animals:
Finwhale (*Balaenoptera physalus*).....1
Minke whale (*Balaenoptera acutorostrata*).....1
Humpback whale (*Megaptera novaeangliae*).....1
Harbor porpoise (*Phocoena phocoena*).....1
Atlantic white-sided dolphin (Lagenorhynchus acutus).....1
4. Type of Take: The applicant intends to photograph underwater a single individual from the 5 species. This activity may cause the individuals to be harassed unintentionally.
5. Location of Activity: Cape Cod Bay.
6. Period of Activity: 1 year.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Steet, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 30, 1980.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 80-14119 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-22-M

CONSUMER PRODUCT SAFETY COMMISSION

Monarch Knit & Sportswear, Inc., and Sheldon N. Goldman; Provisional Acceptance of Consent Agreement

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of consent agreement.

SUMMARY: The Commission has provisionally accepted a consent agreement containing a cease and desist order offered by Monarch Knit & Sportswear, Inc., a California corporation, and Sheldon N. Goldman, individually and as an officer of the corporation, both of Los Angeles, California, in which they agree to import, manufacture, and sell products that conform to the Flammable Fabrics Act, all applicable regulations issued thereunder and the Standard for the Flammability of Clothing Textiles; to recall, and process into conformance or destroy certain sweatshirts in styles QE 103/8596 and QE 103/8885; and to maintain certain records and to file requested reports. If finally accepted, this consent agreement will settle allegations of the Commission staff that Monarch Knit & Sportswear and Goldman have violated provisions of the Flammable Fabrics Act.

DATE: Written comments on the provisionally accepted consent agreement must be received by the Commission by May 22, 1980.

ADDRESSES: Written comments should be submitted to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Copies of the agreement may be seen in or obtained from, the Office of the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, N.W., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Claire B. Marcus, Directorate for Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207 (Phone 301–492–6626).

Dated: April 30, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 80-14122 Filed 5-6-80; 8:45 am]

BILLING CODE 6355-01-M

DELAWARE RIVER BASIN COMMISSION

Groundwater Protection, Southeast Pennsylvania; Public Hearings

Notice is hereby given that the Commission will hold two public hearings on a proposal to declare a southeastern Pennsylvania groundwater protected area in all of Montgomery County and parts of Berks, Bucks and Chester Counties. The hearings will also include a policy amendment to the Commission's Comprehensive Plan relating to protected areas generally and the meaning of safe yield from groundwater sources.

Recent studies by the Commission and other agencies indicate that groundwater withdrawals in the four Pennsylvania counties, or portions thereof, exceed or may soon exceed the sustainable yields of local groundwater basins, resulting in lowering of groundwater tables, groundwater mining, and interference between existing and new groundwater wells. In response to this situation, the Commission is considering a proposal to delineate a groundwater protected area. The proposed program within that region would restrict future withdrawals of groundwater above a daily average of 10,000 gallons, unless such use is in accordance with standards and criteria designed to protect the water resource and balance the rights and interests of all water users in the region. The Commission is authorized to delineate protected areas by Article 10 of the Delaware River Basin Compact where it determines that demands upon water supplies have developed, or threaten to develop, to such a degree as to create a water shortage.

In June of 1979, two hearings were held by the Commission in southeastern Pennsylvania to seek public comment as to whether a protected area should be declared in the region, and on the nature of possible management actions that might be implemented in such a protected area. Factual information, comments and suggestions received at those hearings have been considered by the Commission as background for the proposals which are the subjects of this notice.

The second topic for hearing is a proposed resolution to amend the Commission's Comprehensive Plan so as to relate any protected area delineation in southeastern Pennsylvania or elsewhere in the Delaware Basin to other policies of the Commission, and to the review of water resources projects generally under Section 3.8 of the Delaware River Basin Compact. It would also define the concept of "safe yield" of a groundwater source as used in Commission policy and programs.

The hearings will be held as follows:

June 10—High Point Racquet Club, County Line and Upper State Roads, Chalfont, Pennsylvania

June 11—Holiday Inn, Lionville, Route 100, Pennsylvania (Exit 23 of Penna. Turnpike)

Each hearing will run from 2:30 p.m. until 5:30 p.m. and will reconvene for an evening session beginning at 7:30 p.m.

Copies of proposed resolutions referred to in this notice are available upon request from the Secretary to the Commission.

Persons wishing to testify are requested to notify the Secretary to the Commission, by phone or in writing, prior to the hearing. Written testimony may be submitted in place of oral presentation and will be made part of the record.

W. Brinton Whitall,

Secretary.

April 30, 1980.

[FR Doc. 80-13949 Filed 5-6-80; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Trespassing on DOE Property; Oak Ridge Operations Office Sites

Notice is hereby given that the Department of Energy, pursuant to Section 229 of the Atomic Energy Act of 1954, as amended, Section 104 of the Energy Reorganization Act of 1974, and Section 301 of the Department of Energy Organization Act, as implemented by 10 CFR Part 860, published at (40 FR 28789, July 9, 1975), prohibits the unauthorized entry, as provided in 10 CFR 860.3, and the unauthorized introduction of weapons or dangerous materials, as provided in 10 CFR 860.4, into or upon the following described areas, structures, and other facilities of the Oak Ridge Operations Office of the Department of Energy, said areas, structures, and facilities being located either within the city limits of Oak Ridge, Tennessee, or at the Paducah Gaseous Diffusion Plant in McCracken County, Kentucky:

1. A leased office facility of the U.S. Department of Energy located in the 2nd Civil District of Anderson County, Tennessee, within the corporate limits of the City of Oak Ridge at 149 Wilson Street. The facility is located in the northeast corner of the Downtown Shopping Center on the grade level and contains approximately 13,114 square feet of space.

2. A leased office facility of the U.S. Department of Energy located in the 2nd Civil District of Anderson County, Tennessee, within the corporate limits of the City of Oak Ridge at 101 East Tennessee Avenue in the Commerce Building of Oak Ridge, Inc. The DOE facilities occupy the entire second floor and a portion of the first floor totaling approximately 9814 square feet of space.

3. A Department of Energy facility at the Paducah Gaseous Diffusion Plant located in McCracken County, Kentucky, approximately 3640 feet N of the intersection of the Woodville-Paducah Road (State Route 725) and the Rice Springs Road thence 470 feet W being an area 220 feet by 120 feet in which is located a concrete water storage tank and related equipment, said area enclosed by a six foot chain link fence topped by three strands of barbed wire.

4. A Department of Energy facility at the Paducah Gaseous Diffusion Plant located in McCracken County, Kentucky, approximately 5750 feet N of the intersection of the Woodville-Paducah Road (State Route 725) and the Rice Springs Road thence 1500 feet W being an area 120 feet square in which is located a concrete water storage tank and related equipment, said area enclosed by a six foot chain link fence topped by three strands of barbed wire.

Notices stating the pertinent prohibitions of 10 CFR 860.3 and 860.4 and the penalties of 10 CFR 860.5 will be posted at all entrances of said areas, structures, and other facilities and at intervals along the perimeters thereof as provided in 10 CFR 860.6.

Dated in Washington, D.C. this 1st day of May 1980.

Duane C. Sewell,

Assistant Secretary for Defense Programs.

[FR Doc. 80-14125 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-01-M

Trespassing on DOE Property; Paducah Gaseous Diffusion Plant

The Notice concerning unauthorized entry into or upon areas, buildings, and other facilities of the Kentucky Ordnance Works Shops Area, located in McCracken County, Kentucky, published at (30 FR 13287, October 19, 1965), is amended by deleting that portion of the notice which reads as follows:

3. The Atomic Energy Commission installation, known as the Kentucky Ordnance Works Shops Area, located in McCracken County, Kentucky, approximately 3,650 feet N of the intersection of the Woodville-Paducah Road (State Route 725) and the Rice Springs Road. Said installation covers approximately 60 acres, more or less, contains the Paducah Gaseous Diffusion Plant concrete water storage tanks and related equipment, and is more particularly described as follows:

Beginning at a point 15 feet W of the centerline of the Rice Springs Road, said point being approximately 3,650 feet N from the center of the intersection of the Woodville-Paducah Road (State Route 725) and the Rice Springs Road, said point also being the southeast corner of the herein described Tract No. 4. Thence N. 76°55'57" W., 1,035 feet to monument No. 25; Thence N. 02°16'20" E., 2,016.64 feet to monument No. 23; Thence S. 80°12'40" E., 1,673.52 feet to monument No. 19; Thence S. 80°12'40" E., approximately 60 feet to a point 15 feet W of the Rice Springs Road; Thence S 16 feet W and parallel with said road a distance of approximately 2,000 feet to the point of beginning.

Dated in Washington, D.C., this 1st day of May 1980.

Duane C. Sewell,

Assistant Secretary for Defense Programs.

[FR Doc. 80-14124 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Case Nos. 67023-9142-03, 04, 05-81]

Department of Defense (DoD) Naval Ordnance Station, Indian Head, Md.; Prohibition Orders; Correction

In the matter of notice and issuance of proposed prohibition orders pursuant to sections 302 and 701 of the Powerplant and Industrial Fuel Use Act of 1978.

1. Federal Register, Thursday, April 3, 1980, page 22181, first column, third line of heading "[EPA Case Nos * * *]" should read "[ERA Case Nos * * *]". This error was made in the publication process.

2. Federal Register, Thursday, April 3, 1980, page 22182, center column, last line of next to the last paragraph, which reads "on May 14, 1980" should read "on June 30, 1980."

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-14126 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP80-319]

Columbia Gas Transmission Corp.; Application

April 29, 1980

Take notice that on April 16, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-319 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of 101 interconnecting tap facilities to provide additional points of delivery to existing wholesale customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct 101 interconnecting tap facilities to provide additional points of delivery to five of its existing wholesale customers, as follows:

(1) Columbia Gas of Ohio, Inc.: 71 taps for residential service, estimated annual usage of 15,299 Mcf. 3 taps for commercial service, estimated annual usage of 15,299 Mcf. 1 tap for combined residential and commercial service, estimated annual usage of 15,299 Mcf.

(2) Columbia Gas of Pennsylvania, Inc.: 5 taps for residential service, estimated annual usage of 1,270 Mcf. 2 taps for commercial service, estimated annual usage of 1,270 Mcf.

(3) Columbia Gas of Virginia, Inc.: 2 taps for residential service, estimated annual usage of 300 Mcf.

(4) Columbia Gas of West Virginia, Inc.: 14 taps for residential service, estimated annual usage of 2,400 Mcf.

(5) Dayton Power & Light Company: 3 taps for residential service, estimated annual usage of 450 Mcf.

The total estimated cost of the proposed interconnections is $30,400 which cost would be financed with internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determinating the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13994 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-315]

Columbia Gas Transmission Corp.; Application

April 29, 1980.

Take notice that on April 14, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-315 an application pursuant to Section 3 of the Natural Gas Act for authorization to import natural gas from Canada, all as more fully set forth in the

application on file with the Commission and open to public inspection.

Specifically, Applicant proposes to import natural gas that it has contracted to purchase from Columbia Gas Development of Canada, Ltd. (Columbia Development), pursuant to a gas sales contract dated April 15, 1979, in quantities not to exceed 41,000 Mcf daily or 13,600,000 Mcf annually, for a period of 15 years. It is stated that the subject gas would be produced from the Kotaneelee field in the Yukon Territory and transported by Westcoast Transmission Company, Ltd. (Westcoast) through its facilities to the Canadian-United States border. The gas would enter the United States at Sumas, Washington, at the existing delivery point of Westcoast and Northwest Pipeline Corporation (Northwest), and would then, in turn, be delivered by Northwest to El Paso Natural Gas Company (El Paso) in La Plata County, Colorado, it is stated. El Paso would deliver portions of this gas to Columbia Gulf Transmission Company (Columbia Gulf), an affiliate of Applicant, in southern Louisiana, and Columbia Gulf would then deliver the remaining portion of the gas to Northern Natural Gas Company (Northern) at existing points of interconnection between El Paso and Northern, it is said. Northern would, in turn, deliver the remaining portion of gas from its supply in the Gulf of Mexico region to Columbia Gulf in southern Lousiana, and Columbia Gulf would then transport all gas received from El Paso and Northern through its existing pipeline system to Applicant at existing points of delivery in Kentucky, it is stated.

Applicant asserts that the proposed importation of natural gas from Canada into the United States would provide a long-term supply of gas to meet the projected requirements of Applicant's customers.

The contract sales price for this gas to be purchased by Applicant from Columbia Development would be the applicable border price set by the National Energy Board of Canada, (NEB) which is currently $4.47 per million Btu, it is stated.

Applicant states that by order issued December 6, 1979, the NEB granted Columbia Development a license to export approximately 84,000,000 Mcf of gas over an eight-year term for sale to Applicant. Applicant further states that it previously filed an application with the Economic Regulatory Administration (ERA) to import the subject gas. In ERA Opinion and Order No. 14 issued February 16, 1980, it is stated that the ERA denied Applicant's application without prejudice to Applicant's refiling at such future time as the Canadian price is again consistent with alternate fuel prices. Applicant asserts it is now refiling its application to import gas from Canada pursuant to this directive.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13995 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-320]

Columbia Gas Transmission Corp.; Application

April 30, 1980

Take notice that on April 16, 1980, Columbia Gas Transmission Corporation (Applicant), 1700 MacCorkle Ave., S.E., Charleston, West Virginia 25314, filed in Docket No. CP80-320 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for an additional point of delivery to Columbia Gas of Kentucky, Inc. (Columbia of Kentucky), an existing wholesale customer, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to construct and operate an interconnecting tap facility located in Floyd County, Kentucky, to provide an additional point of delivery to Columbia of Kentucky.

Columbia of Kentucky has, it is stated, requested a new point of delivery on Applicant's Line P in order to provide service on an interruptible basis to East Kentucky Paving Corporation (East Kentucky). Applicant states further that East Kentucky is constructing a new plant in a rural section of Floyd County, Kentucky, which is planned to become operational May 1, 1980. The gas to be supplied would be used in the operation of an aggregate drier for the production of a bituminous paving mixture, it is stated.

The total cost of the interconnection proposed herein is $12,800, which cost would be financed from internally generated funds, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13996 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-316]

Columbia Gulf Transmission Co. and Michigan Wisconsin Pipe Line Co., Application

April 29, 1980

Take notice that on April 14, 1980, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston,

Texas 77001, and Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-316 a joint application purusant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity so as to authorize the construction and operation of certain pipeline and appurtenant facilities offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that Applicants or their affiliates are authorized to purchase natural gas from reserves located offshore Texas in High Island Blocks A-560 and A-561. It is further stated that, in order to transport these additional supplies of natural gas, Applicants have agreed to construct 7.9 miles of 10-inch pipeline connecting the production platform in High Island Block A-561 to the existing High Island Offshore System (HIOS) manifold platform located on the boundary between High Island Blocks A-563 and A582. Applicants also propose to construct necessary appurtenant metering and regulating facilities.

It is stated that the proposed facilities would be constructed by Columbia Gulf, owned jointly by Applicants, and operated by Mich Wisc as agent for the owners of HIOS.

The proposed facilities would cost $3,803,800, which cost would be financed by Applicants from funds on hand, it is stated. It is further asserted that the cost to construct and operate the proposed facilities and the capacity entitlement would be based on the following undivided ownership percentages: 80 percent for Columbia Gulf and 20 percent for Mich Wisc.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13997 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-318]

Columbia Gulf Transmission Co.; Application

April 29, 1980

Take notice that on April 15, 1980, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP80-318 and application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation by Applicant for the account of Southern Natural Gas Company (Southern) of up to 6,250 Mcf of natural gas per day from Vermilion Block 267, offshore Louisiana, to interconnecting facilities of Applicant and Southern in East Carroll Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes, pursuant to its agreement with Southern dated January 21, 1980, to transport up to 6,250 Mcf of natural gas per day for Southern which gas would be produced from the producer-owned "A" platform located in Vermilion Blcok 287, offshore Louisiana.

It is stated that Southern would transport the gas from the Vermilion Block 287 "A" Platform through jointly-owned facilities of approximately 5.25 miles of 8-inch pipeline (Vermilion 287 facilities) to an existing underwater sidetap on Applicant's jointly-owned 16-inch pipeline in Vermilion Block 267, offshore Louisiana. It is further stated that the Vermilion 287 facilities would be constructed by Applicant pursuant to its budget authorization.

Applicant states that it would receive the gas produced from Vermilion Block 287 at the aforementioned under water sidetap in Vermilion Blcok 267 and would transport such volumes of gas for Southern through Applicant's available capacity in the Bluewater Project, West Lateral and mainline systems and deliver such gas to Southern at the interconnection of the mainline facilities of Applicant and the measurement facilities of Southern in East Carroll Parish, Louisiana.

It is stated that Southern would pay Applicant for the transportation service performed a monthly charge of $6.63 per Mcf of contract demand.

It is further stated that the transportation service would commence upon initial deliveries of gas by Southern to Applicant and would continue for a primary term of 8 years from the date of first delivery and from year to year thereafter.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13998 Filed 5-6-80; 8:45]

BILLING CODE 6450-85-M

[Docket No. CP80-312]

The East Ohio Gas Co.; Application

April 30, 1980

Take notice that on April 11, 1980,[1] The East Ohio Gas Company (Applicant), 1717 East Ninth Street, Cleveland, Ohio 44114, filed in Docket No. CP80-312 an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.222 of the Commission's Regulations for a certificate of public convenience and necessity for blanket authorization to transport natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in the Natural Gas Policy Act of 1978 (NGPA), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization to transport natural gas in interstate commerce as if Applicant were an intrastate pipeline as defined in the NGPA and able to make transportation, sales and assignments under Section 311 and 312 of the NGPA pursuant to the Commission's Order No. 63 issued January 3, 1980, in Docket No. RM79-24.

Applicant states that it has received a declaration that it was exempt from the Commission's jurisdiction under Section 1(c) of the Natural Gas Act. This was by order issued on September 17, 1954, in Docket No. G-2532.

It is asserted that for the 12-month period ending February 29, 1980, Applicant received 311,046,000 Mcf of gas within or at the boundary of the State of Ohio from interstate pipelines. Applicant states that all such volumes were axempt from Commission jurisdiction by virtue of Section 1(c) of the Natural Gas Act. It is further stated that for this same period Applicant received 364,262,000 Mcf of gas from all sources.

Applicant states that it does not have a rate for "city gate service" within the meaning of Section 284.222(e)(2) of the Commission's Regulations and that it plans to negotiate arms-lenght rates and charges for various services as each particular transaction arises. In all other respects Applicant states it would comply with Section 284.222 of the Commission's Regulations. Applicant also applies for an adjustment pursuant to Section 1.41 of the Commission Rules of Practice and Procedure (18 CFR 1.41) seeking approval for its transportation rates and authority to establish rates in the future by arms-length bargaining.

Applicant states the purpose for seeking a blanket authorization pursuant to Section 284.222 of the Commission's Regulations is to permit Applicant to engage in transportation arrangements with Bay State Gas Company, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1980, file with Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-13999 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[1] The application was initially tendered for filing on April 11, 1980; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 18, 1980; thus, the filing was not completed until the latter date.

[Docket No. RP80-22]

East Tennessee Natural Gas Co.; Tariff Filing Pursuant To Order No. 49-A

April 29, 1980

Take notice that on April 14, 1980, East Tennessee Natural Gas Company (East Tennessee) tendered for filing tariff sheets to its FERC Gas Tariff, to be effective December 1, 1979, consisting of the following:

Sixth Revised Volume No. 1

Third Revised Sheet No. 11
Eighth Revised Sheet No. 69

East Tennessee states that these tariff sheets reflect minor changes to its previous filing of November 1, 1979 and February 20, 1980 resulting from the Commission's Order No. 49-A.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers, all direct sales customers and affected state regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Produre (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are avaiable for publication inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14000 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3118]

Franklin Falls Hydro Electric Corp.; Application for Preliminary Permit

April 29, 1980

Take notice that Franklin Falls Hydro Electric Corporation (Applicant) filed on March 26, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3118 to be known as the Franklin Winnipesaukee Project located on the Winnipesaukee River in Merrimack and Belknap Counties, New Hampshire. Correspondence with the Applicant should be directed to: Mr. E. A. Larter, Franklin Falls Hydro Electric

Corporation, P.O. Box 216, Franklin, New Hampshire 03235.

Project Description—The proposed project would consist of: (1) a new reinforced concrete dam, approximately 90 feet long and 16 feet high, to be located at approximately the same site and with approximately the same crest height as a breached dam formerly designated as No. 87.02 by the New Hampshire Water Resources Board. This location is approximately 550-feet downstream of the "Cross Road" highway bridge over the Winnepesaukee River; (2) a 32-acre storage pond, having a maximum surface elevation of approximately 411 feet msl; (3) a 5,000-foot long penstock; (4) a powerhouse with an installed capacity of 3,000 kW; and (5) appurtenant works. Applicant estimates that the average annual generation would be 18,750,000 kWh.

Purpose of Project—Applicant would sell project power to local public utilities.

Proposed Scope and Cost of Studies under Permit—Applicant seeks a preliminary permit for a period of three years, during which time the Applicant would carry out economic studies, engineering surveys, preliminary structural designs, and coordination with local agencies on environmental matters. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for license. Applicant estimates the cost of studies under the permit would be approximately $45,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of 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.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 3, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 1, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended,* 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before July 3, 1980. 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. 80-14001 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M.

[Project No. 3063]

Gelardin/Bruner/Cott, Inc.; Application for Preliminary Permit

April 30, 1980

Take notice that Gelardin/Bruner/Cott, Inc. (Applicant) filed on February 29, 1980, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3063 to be known as the Central Falls Hydroelectric Project, located on the Blackstone River in the Town of Central Falls, Providence County, Rhode Island. Correspondence with the Applicant should be directed to: Simeon Bruner, 543A Green Street, Cambridge, Massachusetts 02139.

Project Description—The proposed project would consist of existing project works including: (1) the Valley Falls Dam, a curved masonry structure 200-feet long and 10-feet high, (2) Valley Falls Pond, a reservoir of negligible storage, (3) a concrete and masonry headgate structure with 5 timber gates, (4) a headrace canal about 500-feet long and 35-feet wide, (5) a powerhouse area, located in the substructure of the restored south mill building (Blackstone Falls Mill), in which would be installed two 250 kW turbine-generator units, (6) a tailrace channel about 1200-feet long and 25-feet wide, and (7) other appurtenances. Applicant estimates the annual generation would average about 3,300,000 kWh at a net head of 14 feet.

Purpose of Project—Energy developed at the project would be utilized at the existing 134-unit senior citizen housing complex located in the restored mill buildings, with any surplus energy being sold to the Blackstone Valley Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform feasibility studies to include field exploration, hydraulic and hydrologic studies, environmental impact studies, and preparation of preliminary engineering plans. 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 estimates that the cost of work to be performed under the preliminary permit would be $29,955.

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.

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.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 30, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 29, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended,* 44 FR 61328, October 25, 1979.)

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate acton to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 30, 1980. 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. 80-14002 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP66-110, CP70-19, CP70-100, CP71-222 & CP71-299]

Great Lakes Gas Transmission Co.; Petition to Amend

April 29, 1980

Take notice that on April 10, 1980, Great Lakes Gas Transmission Company (Petitioner), 2100 Buhl Building, Detroit, Michigan 48226, filed in Dockets No. CP66-110, CP70-19, CP70-100, CP71-222 and CP71-299 a petition to amend orders issued October 24, 1975, in Docket No. CP66-110, *et al.*, and March 25, 1971, April 24, 1972, May 19, 1972, and March 5, 1974, in Docket No. CP70-19, *et al.*[1] pursuant to Section 7(c) of the Natural Gas Act so as to allow Petitioner to continue receiving natural gas from TransCanada Pipelines Limited (TransCanada) at a pressure of not less than 750 psig under the terms of a July 1, 1975, agreement, as amended, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it is currently authorized to purchase natural gas from TransCanada at a point on the U.S.-Canadian International Boundary, near Emerson, Manitoba, (Emerson Interconnection) for purposes of resale in the United States, for compressor fuel, and other company uses. Petitioner is also authorized to transport gas for the account of TransCanada from the Emerson Interconnection to points on the U.S.-Canadian Boundary near Sault Ste. Marie and St. Clair, Michigan, and for Northern Natural Gas Company (Northern) to Carlton, Minnesota, and certain other points, it is stated. Petitioner contends that the contracts between it and TransCanada and Northern under which the above services are made, provide for gas deliveries to Petitioner at a pressure of 550 psig. However, to meet the delivery requirements of customers, Petitioner requires the gas at a pressure of 750 psig, it is asserted.

Petitioner states that it has entered into delivery pressure agreements with TransCanada dated October 22, 1970, and July 1, 1975, as amended, authorization for which expires October 31, 1980. Under these agreements, TransCanada agreed to compress gas for Petitioner at a minimum pressure of 750 psig. Petitioner states it would be less costly to have TransCanada provide the compression service than it would be were it to install its own compressor unit and provide its own compression service. Thus, Petitioner requests the Commission to amend the orders issued March 25, 1971, April 24, 1972, May 19, 1972, and March 5, 1974, in Dockets Nos. CP70-19, *et al.*, and on October 25, 1975, in Docket Nos. CP66-110, *et al.* so as to allow Petitioner to continue receiving natural gas from TransCanada at a pressure of at least 750 psig.

[1] These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 FR 1000.1), they were transferred to the Commission.

It is asserted the charge for compression provided by TransCanada is presently 0.682 cent per Mcf compared to a cost of 2.055 cents per Mcf if Petitioner were to provide its own compression service.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14003 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-60]

Great Lakes Gas Transmission Co.; Proposed Change in FERC Gas Tariff

April 29, 1980.

Take notice that Great Lakes Gas Transmission Company ("Great Lakes") on April 15, 1980, tendered for filing the following revised tariff sheets to its FERC Gas Tariff proposed to be effective May 1, 1980.

First Revised Volume No. 1

Third Revised Sheet No. 52
Third Revised Sheet No. 53
Fifth Revised Sheet No. 54
First Revised Sheet No. 54-A
Fourth Revised Sheet No. 55
Second Revised Sheet No. 56
First Revised Sheet No. 56-A
Original Sheet No. 56-B
Original Sheet No. 57-A

Original Volume No. 2

Sixth Revised Sheet No. 53-B
Third Revised Sheet No. 53-D
First Revised Sheet No. 78-B
Second Revised Sheet No. 78-C
Third Revised Sheet No. 123
Original Sheet No. 123-A

Great Lakes states that these tariff sheet provide for the implementation of the incremental pricing regulations promulgated by the Commission in Order Nos. 49 and 49-A and more specifically in the case of Great Lakes, as required by the Economic Regulatory

Administration's Opinion and Order No. 14 issued Febraury 16, 1980.

Great lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14004 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ES80-49]

Iowa Southern Utilities Co.; Application

April 29, 1980.

Take notice that on April 22, 1980, Iowa Southern Utilities Company (Applicant) filed an application for an order pursuant to Section 204 of the Federal Power Act requesting an amendment to its authority to issue Common Stock of the Company pursuant to an Employees' Stock Ownership Plan (ESOP Plan) for as long as the ESOP Plan so qualifies under Section 301 of the Tax Reduction Act of 1975.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The Common Stock will be issued to a trust for the benefit of the Company's employees qualifying for the plan.

Any person desiring to be heard or to make any protest with reference to the application should on or before May 21, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14006 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3078]

John M. Jordan; Application for Preliminary Permit

April 30, 1980

Take notice that John M. Jordan of Saxapahaw, North Carolina, filed on March 11, 1980, an application [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for a preliminary permit for the proposed hydroelectric power project to be known as the Cox Lake Project (FERC Project No. 3078), located on the Deep River in Randolph County, North Carolina. Correspondence with the Applicant on this matter should be addressed to: Gerald B. Nugent, Vice President, Acres American Incorporated, Aspen Building, 3125 Poplarwood Court, Raleigh, North Carolina 27625.

Purpose of Project—John M. Jordan proposes to develop the hydroelectric potential at the site of an existing dam on the Deep River, near the Town of Cedar Falls, North Carolina. Potential customers for the power to be generated by this project include Carolina Power and Light and the Dixie Yarn Company.

Proposed Scope and Cost of Studies under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the Applicant proposes to conduct engineering, environmental, legal and financial studies. Other objectives proposed include the preparation of conceptual designs, drawings, construction schedules and cost estimates for the selected power installations and appurtenant facilities. The Applicant estimates the cost of the aforementioned proposals to be $44,421.

Project Description—The Applicant's proposed project would consist of: (1) an existing 280-foot long and 24-foot high concrete gravity dam; (2) an existing 90-foot long, 25-foot wide, and 28-foot high headwall; (3) an existing 52-acre reservoir with a maximum storage capacity of 432 acre-feet; (4) an existing powerhouse that would contain two generating units with a total installed capacity of 370 kW; and (5) appurtenant facilities. The annual energy generation is estimated to be 1,620,000 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 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.

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.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before July 3, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than September 1, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitons 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, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before July 3, 1980. 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. 80-14007 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RI80-10]

Leben Oil Corp.; Order Providing for Hearing on and Suspension of Proposed Changes in Rate, and Allowing Rate Changes To Become Effective Subject To Refund

Issued April 28, 1980.

Leben Oil Corporation (Leben) on March 28, 1980, filed five unilateral proposed increased rates under Section 4(d) of the Natural Gas Act, as set forth in the Appendix attached hereto, reflecting increases from 22.4c and 27c per Mcf to 43.7c and 85.9c per Mcf for jurisdictional sales of natural gas to Arkansas Louisiana Gas Company (Arkla), Arkansas Oklahoma Gas Corporation (Arkansas Oklahoma) and Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska).[1] The proposed increases would amount to $149,851 annually. Leben also requests waiver of the thirty day notice requirement in Section 4(d) of the Natural Gas Act so that the proposed rates will become effective on March 8, 1980, one day after the issuance of the Court order in the *Matter of Tilco, Inc.*, adopting the report of the Special Master, No. 23662-B-2 (D. Kan. March 7, 1980). That order rejected and terminated the gas sales contracts between Leben and the above named purchasers.

Leben is a wholly owned subsidiary of Tilco, Inc. (Tilco). On February 7, 1973, Tilco filed in the U.S. District Court of Kansas a petition for voluntary reorganization pursuant to Chapter X of the Bankruptcy Act, 11 U.S.C. 516. On April 5, 1973, Leben and other wholly owned subsidiaries of Tilco petitioned to be a part of the reorganization. The reorganization plan filed by the trustee provided that the court could authorize the trustee to reject any and/or all of Leben's executed gas sales contracts. The District Court on March 7, 1980, rejected and terminated the contracts between Leben and the purchasers involved here. Arkla on April 3, 1980, appealed that order in the United States Court of Appeals for the Tenth Circuit.

In addition to the rate change filings, Leben filed a petition in Docket No. RI80-10 for an order approving the rates sought in its rate filings, Leben also filed a blanket affidavit pursuant to Section 154.94(h) of the Commission's Regulations in order to collect the incremental increase in the maximum lawful prices as a result of the monthly inflation adjustment authorized under the Natural Gas Policy Act of 1978 (NGPA).

Arkla on April 16, 1980, requested that the Commission reject or suspend Leben's rate increase filings for the maximum five month statutory period under the Natural Gas Act. Arkla also petitioned to intervene in these matters. Arkla claims, *inter alia*, that (1) Leben has no right to make a rate filing while Arkla is appealing the District Court decision; (2) Leben's contracts remain in force until the Commission decides otherwise; (3) Leben cannot make a unilateral filing under Section 4 of the Natural Gas Act; and (4) Leben has no right to collect any rate in excess of the minimum rate authorized in the Commission's Opinion No. 749, as escalated under the NGPA, in the absence of contractual authorization therefor.

Good cause exists to waive the thirty day statutory notice period in Section 4(d) of the Natural Gas Act, and we shall accept Leben's proposed increased rates for filing as of March 8, 1980. However, we shall suspend the proposed rates under Section 4(e) of the Natural Gas Act for one day from March 8 in view of the pending appeal by Arkla of the District Court's action and the other issues involved in Leben's rate filings. The one day suspension period adequately protects the rights of both Leben and its purchasers. The five month suspension period sought by Arkla is not warranted in the circumstances of this case.

The proposed increased rates filed by Leben may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: (1) It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of Leben's proposed changes, and that Leben's proposed increased rates relating thereto be suspended and their use be deferred as ordered below.

(2) The participation of Arkla in this proceeding may be in the public interest.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR Chapter I], and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of Leben's proposed changes.

(B) Pending hearing and decision thereon, Leben's proposed increased rates, as set forth in the Appendix, are suspended and their use deferred until March 9, 1980. Leben's proposed increased rates shall become effective, subject to refund, as of the expiration of the suspension period without any further action by Leben or by the Commission. Leben shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Arkla is hereby permitted to intervene in the instant proceeding, *Provided, however,* that Arkla's participation shall be limited to matters affecting its rights and interests as set forth in its petition, and, Provided, further, that the admission of Arkla shall not be construed as recognition by the Commission that Arkla might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

[1] Leben makes jurisdictional sales pursuant to the small producer certificate issued to it in Docket No. CS71-56.

Line No. and docket No.	Contract date	Seller	Purchaser and (producing area)	Annual amount of increase	Current rate on dollar per Mcf basis [1]	Proposed rate on dollar per MMBtu basis [1]
1 RI80-10	April 25, 1962 and March 30, 1964.	Leben Oil Corporation	Arkansas Louisiana Gas Company (Reams NW Field, OK).	$90,188	$0.2940	$0.5070
2 RI80-10	October 15, 1969	do	(Rocky Mount Field, LA)	7,997	.2940	.5070
3 RI80-10	April 22, 1971	do	(Colquitt Field, LA)	0	.2940	.5070
4 RI80-10	June 19, 1969	do	Arkansas Oklahoma Gas Corporation (Spiro Field, OK).	333	.2940	.5070
5 RI80-10	June 10, 1971	do	Kansas-Nebraska Natural Gas Company Inc. (Beichedt Disc Field, KS).	51,333	.2784	.5856

[1] Pressure base is 14.73 psia. Rates are total rates shown in the notices filed by Leben and include adjustment for taxes and BTU content.

[FR Doc. 80-14008 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RI80-10]

Leben Oil Corp.; Petition for Order Approving Rates

April 29, 1980.

On March 28, 1980, Leben Oil Corporation (Leben), P.O. Box 35528, Tulsa, Oklahoma, filed a petition with the Commission requesting the Commission to issue an order authorizing Leben to collect for certain sales of natural gas the highest applicable ceiling prices established by the Natural Gas Policy Act of 1978 (NGPA). Leben states that it is a wholly-owned subsidiary of Tilco, Inc. (Tilco) and that on February 7, 1973, Tilco filed in the U.S. District Court a petition for voluntary reorganization pursuant to Chapter X of the Bankruptcy Act. Leben further states that, on January 30, 1975, the Trustee of the bankrupt estate filed with the United States District Court of Kansas an application for authority to reject six executory contracts pursuant to which Leben was making sales of natural gas to Arkansas Louisiana Gas Company (Arkla), Arkansas Oklahoma Gas Corporation (Arkansas Oklahoma), and Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska). The District Court rejected and terminated these gas contracts effective February 7, 1973. *Matter of Tilco, Inc., Order Adopting Report of Special Master,* No. 23662-B-2 (D. Kan. Mar. 7, 1980). The following chart identifies these contracts and indicates the prices charged under these contracts prior to their termination and the prices Leben seeks to charge after their termination.

Contract date	Purchaser	Price effective March 1980	Proposed price (per MMBtu)
3/30/64	Arkansas Louisiana Gas Co.	.224/Mcf	.437
4/25/62	Arkansas Louisiana Gas Co.	.224/Mcf	.437
10/15/69	Arkansas Louisiana Gas Co.	.224/Mcf	.437
4/22/71	Arkansas Louisiana Gas Co.	.224/Mcf	.437
6/19/69	Arkansas Oklahoma Gas Corp.	.224/Mcf	.437
6/10/71	Kansas-Nebraska Natural Gas Co., Inc.	.270/MMBtu	.859

Leben is seeking to collect for sales of gas made under these contracts the ceiling price established by Section 104 of the NGPA.

Leben also requests that the Commission waive the thirty day notice requirement of Section 4(d) of the Natural Gas Act and Section 154.94 of the Commission's Regulations in order to make these rates effective as of March 8, 1980.

Finally, Leben requests that the Commission terminate the large producer certificates issued in Docket Nos. CI70-2365, CI70-568, and CI70-764 and authorize Leben to continue these sales under its existing blanket certificate in Docket No. CS71-56.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14009 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-313]

Michigan Wisconsin Pipe Line Co.; Application

April 29, 1980.

Take notice that on April 14, 1980, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP80-313 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and development for underground gas storage of the Central Charlton 1 gas field located in Charlton Township, Otsego County, and Vienna Township, Montmorency County, Michigan, and the construction and operation of related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the decline in deliverability in the field supplies available to it has diminished its ability to swing these supplies from lower production in the summer months to higher production in the winter months. It is stated that Applicant has also replaced declining gas supplies from the older sources in the Gulf Coast area with approximately 230,000 Mcf of gas obtained from High Island Offshore System. As a result, while Applicant is able to maintain the current level of annual gas supplies, it is losing winter period supplies, it is stated.

Applicant asserts it can offset the decline in its winter period supplies; however, it needs 13,000,000 Mcf of additional storage capability for the 1982-83 winter period. To fulfill this need, Applicant proposes to acquire, develop, and operate the Central Charlton 1 field. It is stated that when fully developed, this field would provide some 16,000,000 Mcf of working storage.

Applicant states that in order to develop the field for underground storage, it would drill and complete seven new wells, rehabilitate an existing well for injection and withdrawal, construct a gathering system, and install 8,000 horsepower of compression. A second existing well would be converted to an observation well, it is stated. Applicant also proposes to construct and operate 11.7 miles of 20-inch pipeline to connect the Central Charlton 1 field to its nearby O.D. South Chester pipeline in order to move gas into and out of the Central Charlton 1 field.

Applicant states the estimated cost of acquisition and development of the field, including the cost of base gas, the interconnecting pipeline, and all related facilities would be $39,971,940. Applicant states such cost would be financed with treasury funds, retained earnings and other internally generated funds, together with short-term bank loans.

Applicant additionally states that pursuant to an agreement dated April 26, 1978, with Great Lakes Gas Transmission Company (Great Lakes), Applicant delivers gas to Great Lakes at an existing interconnection near

Farwell, Michigan, for exchange and redelivery at an interconnection of Great Lakes' facilities and the South Chester field transmission line. Applicant proposes that gas to be injected into and withdrawn from Central Charlton 1 field would be delivered to and from Great Lakes with South Chester 15 field gas pursuant to the agreement between Great Lakes and Applicant. Great Lakes has received authorization for this service in Docket No. CP74-317.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14010 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-95]

Michigan Wisconsin Pipe Line Co.; Petition To Amend

April 30, 1980.

Take notice that on April 21, 1980, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-95 a petition to amend the order issued May 8, 1979, in the instant docket pursuant to Section 7(c) of the Natural Gas Act, so as to authorize an alternate delivery point for delivery of natural gas for the account of Southern Natural Gas Company (Southern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that by order issued May 8, 1979, it was authorized to transport up to 20,000 Mcf of natural gas per day for Southern from West Cameron area Block 167, offshore Louisiana, and deliver such volumes by dispacement at an existing interconnection at Southern's Shadyside Compressor Station, St. Mary Parish, Louisiana.

Pursuant to an amendment to their transportation agreement dated March 25, 1980, Petitioner proposes to add an alternate point of delivery at the tailgate of the Superior Oil Company's Lowry Plant, Cameron Parish, Louisiana, where petitioner would cause redeliveries to be made to Trunkline Gas Company (Truckline) for the account of Southern. It is stated that Trunkline and Southern have entered into a transportation agreement which provides for a point of receipt at Lowry where Southern can cause gas to be delivered to Trunkline for its account.

Petitioner asserts the establishment of an alternate point of delivery would provide increased operational flexibility.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 22, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14011 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. TA80-1-48, (PGA80-1a), (IPR80-1a)]

Michigan Wisconsin Pipe Line Co.; Order Accepting for Filing Certain Tariff Sheets, Summarily Requiring Change in Tariff Language, Granting Rehearing and Reconsideration, and Granting Waiver

Issued April 28, 1980.

On March 27, 1980, Michigan Wisconsin Pipeline Company (Michigan Wisconsin) filed a Petition for Reconsideration and Rehearing, which is discussed below. Along with that Petition, Michigan Wisconsin filed revised tariff sheets reflecting (1) a 1.59 cent per dekatherm (dth) reduction in its PGA rates effective January 1, 1980,[1] and (2) revisions in its tariff refund provisions to be effective December 1, 1979.[2]

The revised tariff sheets reflecting the 1.59 cent per dth reduction are being filed pursuant to the Commission letter order issued February 28, 1980, which, among other things, accepted for filing certain tariff sheets subject to condition.[3]

The revised tariff sheets comply with the Commission's letter order. Based upon a review of this part of the filing, the commission finds that Second Substitute Fifth Revised Sheet No. 7 shall be accepted for filing, to become effective January 1, 1980.

The revised tariff sheets reflecting revisions in the tariff refund provisions are also offered in compliance with the Commission's February 28, 1980 letter order. In that order, the Commission accepted certain tariff sheets,[4] to become effective December 1, 1979,

[1] Second Substitute Fifth Revised Sheet No. 7 and First Revised Sheet No. 7a to FERC Gas Tariff, Original Volume No. 1.

[2] First Revised Sheet No. 43c and Original Sheet No. 43d to FERC Gas Tariff, Original Volume No. 1.

[3] The order conditionally accepted Substitute Fifth Revised Sheet No. 7 and Substitute Fifth Revised Sheet No. 7a. These sheets have now been superseded. Michigan Wisconsin's March 27, 1980 filing requests substitution of the former sheet and withdrawal of the latter sheet, thereby allowing First Revised Sheet No. 7a, which the Commission accepted in its order dated December 28, 1979 in Docket No. TA80-1-48 (IPR80-1 & GRI80-1), to remain effective.

[4] Substitute Second Revised Sheet No. 41, substitute Second Revised Sheet No. 42, Substitute Second Revised Sheet No. 43, Substitute Original Sheet No. 43a, and Substitute Original Sheet No. 43b to FERC Gas Tariff, Original Volume No. 1.

subject to Michigan Wisconsin's refiling tariff sheets which, in accordance with Section 282.506 of the Commission's Regulations, would flow through to non-exempt industrial boiler fuel users lump-sum payments of outstanding refunds as of December 31, 1979. The Commission's order also denied Michigan Wisconsin's request for waiver of Section 282.506 so that it could continue to flow through supplier refunds to all customers through Account 191.

The revised refund sheets go beyond the requirements of the Commission's letter order in that they allow lump-sum payments of supplier refunds to all of its jurisdictional customers, rather than lump-sum payments for non-exempt industrial boiler fuel users and Account 191 for all other customers. Accordingly, Michigan Wisconsin requests that the Commission reconsider its prior letter order and grant waiver of Section 282.506 so that lump-sum payments can be made to all customers.

In essence, Michigan Wisconsin proposes to cease its current practice of crediting supplier refunds to Account 191, as required by Section 15.4 of its FERC Gas Tariff, Original Volume No. 1, for refund periods prior to January 1, 1980. Lump-sum refunds to all customers would be allowed by the new Section 15.4, as set forth in the tariff sheets filed February 28, 1980. The proposed revision, which applies to refund periods prior to January 1, 1980, sets forth the following procedures: (1) within 60 days after a Commission order accepting the revised tariff sheets becomes final and no longer subject to review, Michigan Wisconsin would make lump-sum refunds to all jurisdictional customers of all refund amounts in Account 191 as of December 31, 1979; and (2) commencing January 1, 1980, Michigan Wisconsin may make lump-sum refunds to its jurisdictional customers within 60 days of receipt of supplier refunds, with a mandatory refund obligation arising when the total refunds received reach $2,000,000, provided, however, that Michigan Wisconsin would be obligated to make refunds within 60 days of the end of each calendar year of supplier refunds accumulated during that year. Finally, all supplier refunds would include interest in accordance with § 154.67(d) of the Commission's Regulations, computed from the date of receipt of the supplier refund to the date the lump-sum refund checks were mailed.

In addition, we note that Section 15.4 of Michigan Wisconsin's tariff provides in relevant part, that the Company will flow-through:

> Refunds received by Michigan Wisconsin from its gas suppliers, including the interest received thereon, pursuant to refund orders issued by the Federal Energy Regulatory Commission that are final and non-appealable * * *

This provision allows Michigan Wisconsin to accept refunds resulting from a supplier's collection of revenues in excess of just and reasonable costs, but to retain such refunds until completion of any review proceedings relating to those refunds. For the reasons set forth below, we shall require, pursuant to Section 5 of the Natural Gas Act, that the provisions be modified to reflect the elimination of the words "and non-appealable."

In requiring this change pursuant to Section 5 of the Natural Gas Act, the Commission notes that the hearing required by that section need not encompass a formal, evidentiary hearing when the matter presents issues solely of policy, not of law. In such cases, a hearing is not required, and the matter can be decided by summary disposition. *Tennessee Gas Pipeline Company* v. *FPC*, 561 F. 2d 955, 958 (D.C. Cir. 1977).

The matter pending before the Commission is this case does not raise any factual issues. The question presented is whether, as a matter of law, is it just and reasonable to have a tariff provision allowing the pipeline purchaser to retain any refunds made by its suppliers until the Commission action requiring such action becomes final and non-appealable. This question has been presented and decided in previous Commission orders: tariff provisions of this sort plainly contravene Commission policy and regulations governing supplier refunds. The rationale of those cases is that because the ultimate consumer should receive the benefits of the refunds during the pendency of any judicial review, there is no equitable or legal justification for the pipeline purchaser to retain those supplier refunds pending such review. This policy requiring complete flow-through was affirmed in *East Tennessee Natural Gas Company*, Docket No. RP78-65, Order Instituting Section 5 Investigation and Show Cause Proceeding, mimeo at 3, issued May 17, 1978. Accordingly, the Commission's acceptance of First Revised Sheet No. 43c, which contains the cited language from Section 15.4, is conditioned on Michigan Wisconsin's filing within 15 days of the issuance of this order a revised Section 15.4 reflecting elimination of the phrase "and non-appealable."

With the exception of the language specified above, the tariff changes providing lump-sum refunds for refund periods prior to January 1, 1980,[5] to all jurisdictional customers are just and reasonable. Accordingly, the Commission finds good cause exists to grant rehearing and reconsideration, and to grant waiver of Sections 282.506 and 154.38(d)(4)(vii) of the Commission's Regulations, so that the "lump-sum refund" tariff language can be accepted and made effective.

Based upon a review of the procedures set forth in the tariff sheets, the Commission further finds that the First Revised Sheet No. 43c and Original Sheet No. 43d shall be accepted for filing, to become effective December 1, 1979, subject to the condition specified above.

The Commission Orders: (A) Michigan Wisconsin's Second Substitute Fifth Revised Sheet No. 7 to FERC Gas Tariff, Original Volume No. 1 is accepted for filing to become effective January 1, 1980.

(B) Pursuant to Section 5 of the Natural Gas Act, the Commission hereby summarily disposes of the legal issue of whether it is just and reasonable for Michigan Wisconsin to have a tariff provision conditioning flow-through of supplier refunds on completion of any judicial review proceedings relating to those refunds.

(C) Michigan Wisconsin's First Revised Sheet No. 43c is accepted for filing subject to the condition that Michigan Wisconsin shall file within 15 days a revised tariff sheet reflecting elimination of the Phrase "and non-appealable."

(D) Michigan Wisconsin's Original Sheet No. 43d is accepted for filing, to become effective December 1, 1979.

(E) Michigan Wisconsin's petition for reconsideration and rehearing is granted.

(F) Michigan Wisconsin's request for waiver of § 282.506 of the Commission's Regulations is granted.

(G) Waiver of Section 154.38(d)(4)(vii) of the Commission's Regulations is granted.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14012 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[5] We note that for refund periods beginning on or after January 1, 1980, Michigan Wisconsin would continue to credit supplier refunds to Account 191 consistent with Section 154.38(d)(4)(vii) of the Regulations.

[Docket No. RP80-23]

Midwestern Gas Transmission Co.; Tariff Filing Pursuant to Order No. 49-A

April 29, 1980.

Take notice that on April 14, 1980, Midwestern Gas Transmission Company (Midwestern) tendered for filing Sixth Revised Sheet No. 94 to its FERC Gas Tariff, Third Revised Volume No. 1, to be effective December 1, 1979.

Midwestern states that this tariff sheet reflects a minor correction to its previous filing of November 1, 1979 and February 20, 1980 in this docket resulting from the Commission's Order No. 49-A.

Midwestern states that copies of this filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14013 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-325]

Mississippi River Transmission Application

April 30, 1980

Take notice that on April 17, 1980, Mississippi River Transmission Corporation (Applicant), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP80-325 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity so as to authorize a transportation service for the account of United Gas Pipe Line Company (United), and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a gas transportation agreement with United dated Februrary 12, 1980, which would provide for the receipt by Applicant on a best-efforts basis, of up to 1,000 Mcf of natural gas per day made available by United at a tap to be constructed by Applicant, at United's expense, at a point on Applicant's Waskom 10-inch Line A-141 in the E. M. Fuller A-7 Survey, Harrison County, Texas. It is further stated that Applicant would redeliver equivalent quantities of gas to United at an existing interconnection at Applicant's Perryville compressor site located in the Monroe Field, Quachita Parish, Louisiana, by reducing quantities of gas Applicant would otherwise receive from United at that point under a separate purchase arrangement.

Applicant states that the proposed transportation service would provide United with an immediate means of receiving natural gas, purchased from Texas Oil & Gas Corporation, into its system without substantial investment in additional facilities. It is further stated that other sales and services now rendered by Applicant would not be affected.

Applicant proposes to charge United 16.10 cents per Mcf for providing the transportation service and would retain 1.0 percent of the quantities received as compensation for fuel and company-use gas. It is stated that any imbalances would be corrected, insofar as practicable, during the month following the month in which such imbalances occur.

Applicant states that the primary term of the transportation service is two years from the date of its commencement and from year to year thereafter.

Applicant estimates the cost of the proposed facilities to be $17,780, which would initially be financed from available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14014 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP79-329]

Mountain Fuel Supply co.; Petition To Amend

April 30, 1980.

Take notice that on April 11, 1980, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah, 84139, filed in Docket No. CP79-329 pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder a petition to amend the order of September 6, 1979, issuing a certificate of public convenience and necessity so as to authorize an increase in its single project limit from $2,325,000 to $2,500,000 for the period January 1, 1980, to December 31, 1980, in accordance with the provisions of Order No. 56 issued November 1, 1979, in Docket Nos. RM79-37 and RM79-43, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Applicant states that on May 29, 1979, it filed in Docket No. CP79-329 an application requesting authorization for the construction and operation of budget-type gas acquisition facilities for the period August 15, 1979—December 31, 1980, the extended period requested to synchronize Applicant's budget-year

with the Commission's requirements as set forth in 18 CFR 157.7(b) avoiding the necessity of two filings.

Applicant states further that the Commission's order dated September 6, 1979, in Docket No. CP79-329 set the total cost limitation of its budget-authorization at $11,428,287 with no single project to exceed $2,325,000 for the period September 6, 1979—December 31, 1980. Subsequently, it is asserted, the Commission issued Order No. 56 increasing the allowable total cost limitation from the lesser of 2% of the Applicant's Account 101 total, or $12,000,000, to the lesser of 3% of such Account 101 total, or $20,000,000, and increasing the single project limit from the lesser of 25% of the total cost limitation, or $1,500,000, to the lesser of 25% of the total cost limitation, or $2,500,000.

Therefore, Applicant proposes herein to change its single project limit from $2,325,000 to $2,500,000 for the period January 1, 1980, to December 31, 1980, pursuant to the provisions of Order No. 56.

Applicant states that the increase would allow it to utilize more effectively its gas purchase budget authorization which is particularly important in this period of exploration for and development of natural gas in the Rocky Mountain region, and would eliminate the potential competitive disadvantage which Applicant could experience in connecting new sources of supply relative to other pipeline companies.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 22, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14015 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-317]

National Fuel Gas Supply Corp.; Application

April 29, 1980.

Take notice that on April 14, 1980, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP80-317 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to replace and/or enlarge existing facilities and for permission and approval to abandon the facilities which would be replaced thereby, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for two separate projects to be constructed and placed in operation on or before September 1, 1980. Applicant proposes to remove a portion of pipeline from its Lines A, B, and D in Green and Will Creek Townships, Erie County, Pennsylvania, and to replace such facilities with 20,892 feet of new 20-inch pipeline. Applicant states that the existing facilities would be removed and sold for scrap. Applicant further states that this proposal is a continuation of a replacement program which was begun by its predecessor-in-interest, Pennsylvania Gas Company, to replace Lines A, B, and D with 20-inch pipe, since such replacement is considered to be the most economical means of maintaining such facilities. It is stated that the cost of this project would be $936,000.

Applicant's second proposed project is for the replacement of its "Line H" in Pine Grove Township, Warren County, Pennsylvania, with 11,616 feet of 12-inch pipeline. Applicant proposes that the existing 10-inch line be removed and abandoned. Applicant further states that the increased pipe size would provide a needed safety factor to supply the Jamestown, Pennsylvania, area. It is stated that the cost of such facilities would be $317,000.

Applicant states that construction must begin on the Lines A, B, and D and Line H projects by May 1, 1980. Applicant further states that such facilities must be in service by September 1, 1980, in order for Applicant to maintain adequate service to existing customers during the 1980-81 heating season.

Applicant asserts such construction would be financed with internally generated funds and/or interim short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14016 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3059]

North Carolina Electric Membership Corp.; Application for Preliminary Permit

April 29, 1980.

Take notice that an application was filed on February 28, 1980, under the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r), by the North Carolina Electric Membership Corporation for a preliminary permit. The project is to be known as the High Falls Dam Water Power Project located at the existing High Falls Dam on the Deep River in

Moore County, North Carolina. Correspondence with the Applicant in this matter should be addressed to: Mr. J. W. Stephenson, Project Manager, c/o North Carolina Electric Membership Corporation, P.O. Box 2730, Raleigh, North Carolina 27611.

Project Description—The project would utilize the existing High Falls Dam owned by Mr. J. M. Currie of Carthage, North Carolina that is located on the Deep River. Project facilities would consist of: (1) the existing 25-foot high and 550-foot long rock fill dam; (2) an existing reservoir with a surface area of approximately 150 acres; (3) a proposed powerhouse with one 400 kW generator to be constructed adjacent to the dam; (4) a proposed step-up substation and a short 115-kV transmission line to connect with an existing sub- and switching station near High Falls, North Carolina; and (5) appurtenant facilities. The estimated annual output of the proposed project would be 3,700,000 kWh.

Purpose of Project—Project energy would be utilized by Applicant to supply its base energy requirements, and distributed throughout the system of the North Carolina Electric Membership Corporation, a member of the Applicant corporation.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years during that time it would collect data, conduct hydrological, economic, and environmental studies, prepare preliminary design and prepare an application for FERC license. Applicant estimates the cost of studies under the permit to be about $46,000.

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.

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.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 27, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 26, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene: Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR Section 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before June 27, 1980. 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. 80-14017 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-321]

Northern Natural Gas Co.; Application

April 29, 1980.

Take notice that on April 16, 1980, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-321 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a new delivery point to Getty Oil Company (Getty) in Lea County, New Mexico, and the exchange of natural gas with Getty, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it currently purchases raw gas volumes from wells located in Lea County, New Mexico, which gas is treated at Getty's Eunice Gasoline Plant No. 2 (Eunice No. 2) and then delivered by Getty to its cryogenic plant located at its Eunice Gasoline Plant No. 1 (Eunice No. 1) for processing.

It is stated that the natural gas used for fuel purposes to operate Eunice No. 2 is supplied from the Eunice No. 1 residue gas volumes and that, during short periods of time, redeliveries to Applicant at Eunice No. 2 have been temporarily discontinued. It is stated that such discontinuance is the result of the shutdown of Getty's cryogenic plant located at Eunice No. 1, which is currently the lone source of natural gas required to fuel the Eunice No. 2 compressor units. Applicant proposes herein to exchange gas with Getty which gas would provide Getty, during these periodic shutdowns, with the natural gas required to continue the operation of Eunice No. 2, and thus allow Applicant to continue to receive its residue gas.

Pursuant to an agreement between Applicant and Getty dated January 7, 1980, applicant proposes the establishment of a new delivery point with Getty located at the discharge side of Eunice No. 2 and the exchange of the subject residue gas. Such exchange, it is stated would be on a gas-for-gas basis with no monetary compensation and redeliveries would be made to Applicant within 30 days from the date of use of said gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal

Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14018 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-322]

Northern Natural Gas Co.; Application

April 29, 1980.

Take notice that on April 16, 1980, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-322 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon two existing exchange points together with certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks permission and approval to delete two existing exchange points with Natural Gas Pipeline Company of America (Natural) and to abandon 1,400 feet of 4-inch pipeline and a measuring station, located in Wheeler County, Texas. It is asserted that the exchange of up to 5,000 Mcf of gas per day would continue as authorized by order in Docket No. CP74-145 and the deletion of the delivery points and the abandonment of the facilities as herein proposed would have no effect on the daily or annual volumes to be exchanged.

Gas delivered to Natural by Applicant at the Wheeler exchange point was, it is stated, produced from the Dobbs No. 1 well which has been depleted. Applicant states further that the Carson No. 2 exchange point was authorized as a balancing point at which Applicant could deliver gas to Natural in the event Applicant needed to eliminate an imbalance of exchange volumes owed to Natural, but that Applicant is unable to deliver gas to Natural at the Carson No. 2 exchange point against the existing pressure in Natural's transmission line. The exchange agreement can be kept in balance by use of other existing delivery points, it is asserted.

Therefore, Applicant proposes to abandon the Wheeler and the Carson No. 2 exchange points and to abandon and remove approximately 1,400 feet of 4-inch pipeline and measurement facilities, all installed in Wheeler County, Texas, to accommodate delivery of the Dobbs No. 1 well gas to Natural.

The estimated cost of removal of facilities is $7,000 and the estimated salvage of the facilities to be reclaimed is $4,100, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14019 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-323]

Northern Natural Gas Co.; Application

April 29, 1980.

Take notice that on April 16, 1980, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-323 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity so as to authorize the construction and operation if a new temporary delievery point for its Peoples Natural Gas Division (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authority to provide Peoples a temporary delivery point for ultimate delivery of natural gas to Cessfort Construction Company (Cessfort) for use at its asphalt plant near Anamosa, Iowa. It is stated that Peoples would supply Cessfort with gas to operate the asphalt plant during the summer construction period June through September, 1980.

Applicant proposes to deliver the natural gas to Peoples at an existing farm tap located on the six-inch Tipton Branchline in Jones County, Iowa. Applicant would install a separate meter and appurtenant facilities required to connect to the existing tap, while providing for the continued separate farm tap measuring facilities and service, it is stated. Cessfort, Applicant asserts, would receive the gas from Peoples at the Tipton Branchline tap, and volumes delivered to Cessfort would be served out of Peoples presently authorized contract demand. It is stated that Peoples would deliver to Cessfort an approximate maximum peak day volume of 1,100 Mcf and total period volume of 44,000 Mcf of gas.

Applicant states that the estimated cost of constructing the proposed facilities is $25,300, which cost Peoples would ultimately bear.

It is asserted that upon completion of the highway reconstruction, continued operation of the plant, and specifically the natural gas service, is unwarranted and, therefore, would be terminated. Applicant proposes to abandon and remove the facilities at that time.

Any person desiring to be heard or to make any protest with reference to said

application should on or before May 20, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14020 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-326]

Northern Natural Gas Co.; Application

April 29, 1980.

Take notice that on April 17, 1980, Northern Natual Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP80-326 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell and deliver natural gas at an additional delivery point to High Plains Natural Gas Company (High Plains) for resale in the State of Texas, and to sell for resale overrun volumes in excess of firm entitlement to High Plains, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently sells and delivers natural gas to High Plains for resale and distribution in the Texas Panhandle according to two contractual arrangements presently on file with the Commission as Applicant's Rate Schedules X-51 and ES-4.

It is stated that firm sales of up to 1,000 Mcf per day are provided under Rate Schedule X-51 and emergency standby service of up to 4,500 Mcf per day are provided during emergency periods as defined by Rate Schedule ES-4.

Applicant proposes to include Perryton Station, Ochiltree County, Texas, as a point of delivery under Applicant's Rate Schedule X-51. It is stated that High Plains has advised Applicant that the ability to receive gas at the Perryton Station would provide operating flexibility in the service of the various communities on its distribution system.

Applicant also proposes to sell and deliver authorized overrun volumes in excess of firm entitlement to High Plains. It is stated that the availability of overrun volumes would be determined at the sole discretion of Applicant and would be subject to advanced operating arrangements. It is further stated that no overrun service would be offered on any day when curtailment below firm entitlement is required anywhere on Applicant's system and may be curtailed or interrupted at any time by giving reasonable advance notice.

Applicant states that total volumes delivered to High Plains on any day would not exceed that volume which Applicant is capable of delivering with then existing facilities and under then existing operating conditions on its pipeline system. Applicant further states that the rate to be paid to it by High Plains for each Mcf of authorized overrun gas delivered would be at the then effective Rate Schedule X-51 rate.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission's or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission of its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14001 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-34]

Northwest Pipeline Corp.; Change in FERC Gas Tariff

April 29, 1980

Take notice that on April 16, 1980, Northwest Pipeline Corporation ("Northwest") tendered for filing the following tariff sheets as part of its FERC Gas Tariff, Original Volume No. 1:

Substitute Third Revised Sheet No. 57
Second Substitute Second Revised Sheet No. 59
Second Substitute Original Sheet No. 60-c

As more fully explained in the instant filing, these tariff sheets revised Article 16, *Purchased Gas Cost Adjustment Provision*, of the General Terms and Conditions of said Tariff to incorporate revisions to its conditionally accepted tariff sheets as required by Commission Order dated March 31, 1980 at Docket No. RP80-34.

The Proposed effective date of the tendered revised tariff sheets and the tendered tariff sheets that were conditionally accepted by the March 31, 1980 order that did not require revision is December 1, 1979. A copy of this filing has been served on Northwest's customers and affected state commissions.

Any person desiring to be heard or to protest this filing should file a petition to intervene or a protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 9, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14022 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP80-78]

State of Oklahoma, Section 108 NGPA Determination, Ladd Petroleum Corp., Behring No. 2 Well, JD No. 80-07724; Petition To Reopen Final Well Category Determination

Issued: April 30, 1980.

Take notice that on April 9, 1980, Ladd Petroleum Corporation (Ladd) filed with the Commission a petition to reopen the final well category determination for the above-captioned well, pursuant to 18 CFR 275.205.

Ladd states that the following sequence of events occurred with respect to the above-captioned well: (1) On February 21, 1979, Ladd filed an application with the Oklahoma Corporation Commission (Oklahoma) for a determination that the well qualified as a stripper well under section 108 of the Natural Gas Policy Act of 1978 (NGPA); (2) On November 2, 1979, New Mexico made an affirmative determination and forwarded notice of such determination to the Commission for review; (3) The determination became final on January 11, 1980, forty-five days after the Commission received the notice, pursuant to the provisions of 18 CFR § 275.202(a); (4) Pursuant to § 273.204(c) of the Commission's regulations, Ladd became eligible to begin retroactive collections after February 25, 1980; (5) During review of the retroactive collection, Ladd discovered that the Behring No. 2 well was producing from both Redfork and Osage formations, but that the application for determination did not refer to any production records from the Osage formation; if production data from the Osage formation had been included, the well would not have qualified for the maximum lawful price under section 108 of the NGPA; (6) Pursuant to § 273.302(e) of the Commission's regualtions, Ladd has refunded to Cities Service Gas Co., the purchaser of the subject gas, the difference between the amount collected pursuant to § 273.202 and the applicable maximum lawful price.

Ladd requests that the Commission reopen the final determination for this well in order that Ladd may withdraw the application upon which such determination was based.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 30, 1980, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., 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 this proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14023 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-16]

Panhandle Eastern Pipe Line Co.; Change in Tariff

April 29, 1980.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on April 16, 1980 tendered for filing First Revised Sheet Nos. 579, 580, 581, 584, 588, 592, and 597 and Substitute Fifth Revised Sheet No. 611 to its FERC Gas Tariff, Original Volume No. 2.

Panhandle states that such changes are made to amend Rate Schedule T-10 for the transportation of natural gas on behalf of Mississippi River Transmission Corporation (MRT). Panhandle proposes that these sheets become effective September 25, 1979.

A copy of this filing has been served on MRT.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission; 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14024 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER80-346]

Public Service Company of Indiana, Inc.; Proposed Tariff Change

April 29, 1980.

The filing Company submits the following:

Take notice that Public Service Company of Indiana, Inc. on April 21, 1980, tendered for filing pursuant to the Service Agreement between the Towns of Advance, Jamestown, Pittsboro and Flora and Public Service Company of Indiana, Inc. a revised Exhibit "A" (Service Specifications).

Said Exhibit "A" provides for revised service characteristics at the municipal's delivery point(s).

A copy of the filing was served upon the Public Service Commission of Indiana and the Towns of Advance, Jamestown, Pittsboro and Flora.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 19, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14025 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3006]

Public Service Company of New Hampshire; Application for Preliminary Permit

April 29, 1980.

Take notice that an application was filed on December 4, 1979, under the Federal Power Act, 16 U.S.C. § 791(a)–§ 825(r), by the Public Service Company of New Hampshire for a preliminary permit for a proposed water power project to be known as the Murphy Dam Project, located at the existing State of New Hampshire owned Murphy Dam on the Connecticut River, near the Town of Pittsburg in Coos County, New Hampshire. Correspondence with the Applicant should be addressed to: Mr. David N. Merrill, Executive Vice President, Public Service Company of New Hampshire, P.O. Box 330, 1000 Elm Street, Manchester, New Hampshire 03105.

Purpose of Project—Project energy will be utilized in the Applicant's electric distribution system and sold to public utility customers in the service area.

Proposed Scope and Cost of Studies under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on the sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be approximately $430,000.

Project Description—The project would consist of: 1) the existing earth embankment dam 2,100 feet long and 100 feet high; 2) an existing 300-foot long, concrete spillway discharging through a rock channel into the river; 3) Lake Francis, having an area of 2,020 acres and a storage capacity of 96,000 acre-feet at normal maximum surface elevation of 1,385 feet; 4) an existing 13-foot diameter steel-lined concrete conduit that withdraws water from the reservoir through a gate house; 5) a new 320-foot long and 8-foot diameter penstock connecting the existing 13-foot diameter conduit to; 6) a new 32 by 40-foot powerhouse containing one turbine and one generator, rated at 2,820 hp and 2,000 kW, respectively, using 355 cfs under a gross head of 80 feet; 7) a new 400-foot long tailrace from the powerhouse to the river; 8) one 300-foot long, 12.42/7.2-kV primary transmission line. Applicant estimates the annual generation would average 12,480,000 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 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.

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 a 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 as described in this notice. No other formal request for comments will be made. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 27, 1980, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 26, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c), (*as amended*, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33(a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the proecedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comment, protest, or petition to intervene must be filed on or before June 27, 1980. 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. 80-14028 Filed 5-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER80-351]

San Diego Gas & Electric Co.; Filing

April 30, 1980.

Take notice that on April 25, 1980, San Diego Gas & Electric Company (SDG&E) tendered for filing as a rate schedule an Economy Energy Agreement between SDG&E and the Department of Water and Power of the City of Los Angeles (LADWP) dated April 1, 1980.

SDG&E requested waiver under the provisions of Section 35.11 so that service could be commenced on April 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before May 23, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14027 Filed 5-6-80; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-87]

Southwest Gas Corp.; Proposed Changes in FERC Gas Tariff

April 29, 1980.

Take notice that on April 15, 1980, Southwest Gas Corporation ("Southwest") tendered for filing Original Sheet Nos. 10A, 33A, 33B and 33C; Third Revised Sheet Nos. 27 and 31; and Second Revised Sheet Nos. 28, 29, 30, 32 and 33 applicable to its FERC Gas Tariff, Original Volume No. 1. According to Southwest, the purpose of this filing is

to modify Southwest's Purchased Gas Cost Adjustment Provision contained in said Original Volume No. 1 in order to implement the incremental pricing provisions outlined in the Commission's Order Nos. 49 and 49–A at Docket No. RM79–14.

Southwest has requested that the Commission authorize the tendered tariff sheet to become effective retroactive to December 1, 1979, the date originally established by Order No. 49.

Southwest states that copies of the filing have been mailed to the Nevada Public Service Commission, The California Public Utilities Commission, Sierra Pacific Power Company and CP National.

Any person desiring to be heard, or to protest said filing, should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 9, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14028 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP77-434]

Southwest Gas Corp.; Petition To Amend

April 30, 1980.

Take notice that on April 11, 1980,[1] Southwest Gas Corporation (Petitioner), P.O. Box 15015, Las Vegas, Nevada 89114, filed in Docket No. CP77–434 a petition to amend the order issued in the instant docket on September 8, 1977,[2] pursuant to Section 7(c) of the Natural Gas Act so as to authorize the deletion of one of the three proposed looping pipelines on its northern Nevada transmission system, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued September 8, 1977, Petitioner was authorized to construct and operate three pipeline loops and to modify its northern Nevada transmission system to provide additional capacity in order to provide adequate service to Petitioner's present and future northern Nevada Priority 1 and Priority 2 customers. Additionally, Petitioner states that it has been authorized to construct and operate a liquefied natural gas facility (LNG) in Pershing County, Nevada, and a propane-air facility (LPG) at a certain described location in northern Nevada pursuant to authorizations issued in Docket Nos. CP78–21 and CP79–286, respectively.

Petitioner asserts that the aforesaid LNG and LPG facilities would provide both near and long-term peak shaving without the need for one of the loop pipelines authorized in the instant docket.

Specifically, Petitioner requests that its authorization in the instant docket be amended to delete four miles of 16-inch loop pipeline scheduled to have been constructed during the 1979 summer season inasmuch as the additional capacity which it would provide is not needed.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 22, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but, will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rule.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14029 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-324]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

April 29, 1980.

Take notice that on April 16, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80–324, an application pursuant to Section 7(c) of the Natural Gas Act and Section 284.200 of the Commission's Regulations for a certificate of public convenience and necessity authorizing the transportation of natural gas for Public Service Electric and Gas Company (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for Public Service, during the period ending June 1, 1980, certain volumes of natural gas which Public Service has arranged to purchase form Equitable Gas Company (Equitable) for the purpose of supplanting middle distillates and/or residual fuel oil presently used by the Public Service in the generation of electric energy at existing Public Service generating stations which, it is asserted, have been exempted from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, P.L. 95–620 during the proposed period of transportation.

Applicant states that the volumes to be purchased by Public Service and transported by Applicant would be made available to Applicant by Equitable at Applicant's existing Pittsburgh Terminal Sales Meter Station delivery point located in Allegheny County, Pennsylvania. Applicant asserts it would deliver equivalent volumes, less transportation fuel and use volumes, to:

(1) Transcontinental Gas Pipe Line Corporation (Transco) for Public Service's account, at the existing interconnection of the facilities of Applicant and Transco at Applicant's Rivervale Sales Meter Station located in Bergen County, New Jersey; and/or

(2) Public Service at Applicant's existing Ramsey Sales Meter Station delivery point located in Bergen County, New Jersey.

Applicant states that it contemplates transporting for Public Service up to a total of 2,200,000 Mcf during the period ending June 1, 1980, assuming transportation commences on April 15, 1980, and that it estimates that it would transport up to 50,000 Mcf, less transportation fuel and use volumes, on a peak day for Public Service.

The transportation service proposed herein would be performed only to the extent Applicant's operating conditions and available capacity permit through the utilization of existing facilities; thus, the service would be without detriment or disadvantage to any of Applicant's existing customers, it is asserted.

Applicant proposes to charge Public Service a rate of 11.36 cents per Mcf equivalent and that Public Service

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[1] The application was initially tendered for filing on April 11, 1980; however, the fee required by Section 159.1 of the Regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 22, 1980; thus filing was not completed until the latter date.

[2] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

would pay Applicant 11.61 cents per Mcf for deliveries to Transco. Applicant states that it would retain for fuel use and shrinkage an amount of gas equal to 4.73 percent of the quantities transported to Public Service and 4.86 percent to Transco.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed with the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14030 Filed 5-6-80; 8:45]

BILLING CODE 6450-85-M

[Docket No. CP80-311]

Texas Eastern Transmission Corp. and Transcontinental Gas Pipe Line Corp.; Application

April 29, 1980.

Take notice that on April 8, 1980, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP80-311, a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that, pursuant to an agreement between Applicants dated January 25, 1980, Texas Eastern would transport natural gas for Transco through Texas Eastern's existing 20-inch line extending from Block 620, West Cameron area, offshore Louisiana (WC 620), to an interconnection with existing facilities of Columbia Gulf Transmission Company (Columbia Gulf) and Northern Natural Gas Company (Northern) in West Cameron Block 606, offshore Louisiana, (WC 606). Texas Eastern would transport a contract demand quantity of up to 15,000 Mcf of gas per day which Transco would purchase in West Cameron 619 (WC 619), it is stated.

Applicants state that their agreement further provides that Transco would transport for Texas Eastern through its existing North High Island System (NHIS) from Block 110, High Island area, offshore Texas (HI 110), to an interconnection with existing Texas Eastern facilities on the west bank of the Sabine River, Jefferson County, Texas, up to a contract demand quantity of 40,000 Mcf per day, which Texas Eastern would purchase in HI 110/111.

It is stated that the agreement of January 15, 1980, supersedes an earlier agreement dated March 30, 1977, which provided only for transportation of Texas Eastern's HI 110/111 gas, authorized in Transco's Docket No. CP77-417 by order dated July 19, 1977, as amended. For the additional transportation of 25,000 Mcf of gas per day which would be provided under the authorization requested herein, Texas Eastern would pay Transco initially a monthly charge of $95,750, and Transco would retain initially 0.6 percent for gas lost and unaccounted for and fuel, it is stated.

Applicants state that because the proposed service expands that being rendered by Transco pursuant to authorization granted in Docket No. CP77-417 and proposed in Texas Eastern's application pending in Docket No. CP79-409, Transco requests termination of authorization in Docket No. CP77-417 and Texas Eastern withdraws its application pending in Docket No. CP79-409.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 19, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be necessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14031 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-333]

Texas Gas Transmission Corp.; Application

April 30, 1980.

Take notice that on April 21, 1980, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP80-333 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the transportation of natural gas for the account of Energy Development Corporation (EDC), all as more fully set forth in the application

which is on file with the Commission and open to public inspection.

Applicant asserts it is authorized to transport up to 300 Mcf of natural gas per day for EDC for an initial term of two years and from year to year thereafter. Applicant states it received the volumes of gas in Caddo Parish, Louisiana, and delivered such volumes to Transcontinental Gas Pipe Line Corporation (Transco) at an existing exchange point near Mamou, Evangeline Parish, Louisiana.

Applicant states it has been informed by EDC that the wells in Spring Ridge Field, Caddo Parish, Louisiana, which supplied the natural gas to be transported have ceased production. It is further stated that no gas has been transported since December 17, 1979; Applicant, therefore, proposes to abandon the subject transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandoment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14032 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 765]

Utah Power & Light Co.; Application for New License for Transmission Line

April 30, 1980.

Take notice that an application for a new license for transmission line Project No. 765 was filed on June 23, 1969, and amended on January 23, 1976, by the Utah Power & Light Company (Aplicant). The original license for the project expired on June 30, 1970. The constructed transmission line, known as the Olmsted-Park City Line, is located in Wasatch, Summit, and Utah Counties, Utah. Correspondence concerning the application should be sent to: Mr. Sidney G. Baucom, Senior Vice President and General Counsel, Utah Power & Light Company, Box 899, Salt Lake City, Utah 84110, with copies to: Sam F. Chamberlain, Esquire, Utah Power & Light Company, Box 899, Salt Lake City, Utah 84110 and Mr. Lee S. Sherline, Leighton and Sherline, Suite 803, 1701 K Street, N.W., Washington, D.C. 20006.

The existing 26.3-mile-long, 44-kV transmission line transmits power from the Water and Power Resources Service's Deer Creek Powerhouse to Applicant's existing Park Utah Switchrack. The transmission line is a primary line as defined by Section 3(11) of the Federal Power Act, [16 U.S.C. 796(11)], and would be relicensed as a project work under Part I of the Act. The poles in general are about 40-foot high and support 3 copper conductors having an average span of about 290 feet. The right-of-way is 100 feet in width, and occupies about 39 acres of U.S. lands, portions of which are managed by the U.S. Forest Service and The Water and Power Resources Service of the Department of the Interior.

Comments, Protests, or 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, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be sumitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protests, or petition to intervene must be filed on or before July 7, 1980. 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. 80-14033 Filed 5-6-80; 8:45 am]

BILLING CODE 6550-85-M

[Docket No. CP75-110]

Washington Natural Gas Co., as Project Operator; Petition To Amend

April 29, 1980.

Take notice that on April 14, 1980, Washington Natural Gas Company (Petitioner), 815 Mercer Street, Seattle, Washington 98111, filed in Docket No. CP 75-110 a petition to amend further the order issued September 26, 1975,[1] as amended, pursuant to Section 7(c) of the Natural Gas Act so as to authorize an increase in the level of cushion gas in the Jackson Prairie Storage Project, Lewis County, Washington, all as more fully set forth in the petition to amend which is on file with the Commssion and open to public inspection.

Petitioner states that it participates with Northwest Pipeline Corporation (Northwest) and The Washington Water Power Company (Water Power) in the Jackson Prairie Storage Project in Lewis County, Washington. The storage project provides an underground gas storage facility to support the rendition by Northwest of storage service under its Rate Schedule SGS-1 and to assist Northwest in rendering a special winter service under its Rate Schedule WS, it is stated.

It is stated that orders issued on January 16, 1976, November 13, 1979, and March 20, 1980, amended the original authorization issued on September 26, 1975, so as to authorize the operation of the storage project at the levels of storage gas and service as follows:

Seasonal Working Gas—10,800,000 Mcf
Cushion Gas—18,100,000 Mcf
Total Storage Gas—28,900,000 Mcf
Firm Daily Delivery Rate—300,000 Mcf
Daily Best Efforts Rate—71,800 Mcf

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

On September 20, 1979, in Docket No. CP79–404, Petitioner was authorized to increase the seasonal working gas to 12,800,000 Mcf, the total storage gas to 30,900,000 Mcf, and the firm daily delivery rate to 325,000 Mcf to assist Northwest in a new winter service beginning with the 1979–80 winter season, it is stated. Petitioner now proposes to increase the cushion gas from a level not less than 18,100,000 Mcf to not less than 19,000,000 Mcf. The total storage gas would, accordingly, be increased to 29,800,000 Mcf on a permanent basis and to 31,800,800 Mcf on a temporary basis. No change is proposed in the seasonal working gas or daily delivery rates, it is stated.

Petitioner states the injections would be made to attain the desired levels by October 1, 1980. One third of the additional cushion gas would be provided each by Petitioner, Northwest, and Water Power, it is stated.

It is asserted that an analysis of the project's reservoir performance indicates that continuation of water withdrawal would require the injection of an additional 900,000 Mcf of cushion gas in the storage project during 1980 in order to sustain the delivery of the 12,800,000 Mcf of seasonal working gas at the daily delivery rates authorized by the Commission.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 19, 1980 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-14034 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Energy Research

Fusion Study Group of the Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Fusion Study Group of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770).

Date and time: May 23, 1980—9:00 a.m. to 12:00 noon.

Place: Department of Energy, Forrestal Building, Room 6A–110, 1000 Independence Avenue S.W., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, Room GE–216, 1000 Independence Avenue S.W., Washington, D.C. 20585, Telephone: 202/252–8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department. The Fusion Study Group will make recommendations to the parent Board.

Tentative agenda:

—Scientific and technological base for magnetic fusion.

—Overall DOE magnetic fusion program strategy and plans.

—Next major steps in the engineering development of magnetic fusion technology.

—Long-range prospects for practical and economical fusion power.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Study Group is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, Room 5B–180, Forrestal Building, 1000 Independence Avenue S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 22, 1980.

Edward A. Frieman,

Director of Energy Research.

[FR Doc. 80-14123 Filed 5-6-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51056, FRL 1485-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of four PMN's and provides a summary of each.

DATE: Written comments by June 2, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Green, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202–426–3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 179 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data

submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before June 2, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51056]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 28, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-73. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Close of Review Period. July 2, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Salt of: Formaldehyde, 4-(phenylamino)-substituted-benzene polymer and 2-butenedioic acid, 1,4-cyclohexane-dimethanol, 2,4-diisocyanato-1-methylbenzene, 1,2-ethanediol, 2-oxepanone, and 5-substituted-1,3-benzenedicarboxylic acid polymer.

Production Estimates. Claimed confidential.

Physical/Chemical Properties. Molecular weight: A crosslinked salt of ions of MW about 1,250 and MW about 30,000.

Decomposes with melting at 100-105°C.

Golden amorphorous powder.

Insoluble in water.

Toxicity Data. Results of studies performed on related chemicals. Polymer of formaldehyde and 4-(phenylamino)-substituted benzine.

Primary skin irritation (rabbit)	Non-irritating.
Contact dermal irritation/ sensitization (guinea pig).	Non-irritating/non-sensitizing.
Acute oral toxicity (rat)	$1.25 < LD_{50} < 2.50$ g/kg.
Primary eye irritation (rabbit)	Severe irritant.
Primary eye irritation (washout) (rabbit).	Mild to moderate irritant.

2-betenedioic acid, 1,4-cyclohexanedimethanol, 2,4-diisocyanato-1-methylbenzene, 1,2-ethanediol, 2-oxepanone, and 5-substituted-1,3-benzene-dicarboxylic acid polymer.

Acute oral toxicity (rat)	$LD_{50} > 5$ g/kg.
Acute ocular irritation (rabbit)	Moderate irritant.
Primary skin irritation (rabbit)	irritant.
Mutagenicity:	
Ames (*Salmonella typhimuium*).	Negative.
Yeast recombination (*saccharomyces cerevisiae*).	Negative.
Chemical oxygen demand	1,700,000 mg/kg.
Biological oxygen demand:	
5-day	34,000 mg/kg.
20-day	11,000 mg/kg.

Exposure/Disposal. Manufacture. Modes of exposures: Skin contact. Rubber gloves will be used. Inhalation. Dust masks will be used. Local exhaust ventilation will be used. Exposure to two workers in 8-hour shifts, 20 times a year, is anticipated.

Disposal. Reaction vessels will be rinsed with solvent which will be destroyed in a company-operated industrial incineration facility and then water, which will be routed to a publicly owned waste treatment facility.

Processing. Modes of exposure: Skin contact when handling the substance. Rubber gloves will be used. Inhalation when handling the chemical. Dust masks will be used. Local exhaust ventilation will be used.

Exposure to four workers in 8-hour shifts, 30 times a year, is anticipated.

Disposal. Residual chemical will be incinerated in a company-operated industrial incineration facility.

Use. Mode of exposure: Skin contact.

PMN 80-75. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Close of Review Period. July 2, 1980.

Manufacturers' Identity. Claimed confidential. The submitter intends to manufacture the new chemical substance at a plant in the east-north central region of the country. The submitter's 3-digit Standard Industrial Classification is 285.

Specific Chemical Identity. Polymer of: 12 Hydroxy stearic acid and expoxy resin.

Use. Claimed confidential. The substance will be used in an open use that will release less than 50 kilograms (kg) of the substance to the environment per year. The use may possibly involve potential daily exposure to skin and eye contact to nonchemical industrial employees.

Production Estimates

	Kilogram per year	
	Minimum	Maximum
Production year:		
First year	10,000	25,000
Second year	25,000	75,000
Third year	50,000	75,000

Physical/Chemical Properties

	Polymer solution	Dried polymer
Solids content	52.9 pct	
Viscosity	Z_2-Z_3	
Density	8.28 lbs/gal	9.25 lbs/gal.
Solubility		0.01g/100H_2O
Average molecular weight	99,700-111,900	
Flash point (closed cup)	105° F (41° C)	
Element analysis		%C = 80.68, %H = 9.04 %O = 10.28.
Chemical oxygen demand	2,461,100ug°$_2$/g	

Toxicity Data. Materials used to make the polymer.

12-Hydroxy stearic acid. Very low toxicity. Exposure to the acid vapor may cause interference with respiratory functions.

Epoxy resin araldite 9094. LD_{50} in rat is 8.72 g/kg. Not considered to be a sensitizer or an eye irritant.

Zirconium octoate. A catalyst. Inherent toxicity is low and considered to be inert.

Diacetone alcohol. A diluent. The oral LD_{50} (rat) is 4.0 gm/kg. Dermal LD_{50} (rabbit) is over 14.5 ml/kg and the threshold limit value (TLV) is 500 parts per million (ppm). Over exposure may cause minor skin and eye irritation.

Xylene. A diluent. The oral LD_{50} (rat) is over 5.0 ml/kg; the dermal LD_{50} (rabbit) is over 5.0 ml/kg, and the TLV is 100 ppm. Moderately irritating to skin and eyes.

Solvent SC-100. A solvent. TLV is 100 ppm for an 8-hour work day. Inhalation of high vapor may cause mild depression to convulsions and loss of consciousness.

HI SO14-1. A solvent. Over exposure may cause skin and eye irritation.

Exposure

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacture	Inhalation, dermal.	5	20	5	0-1 ppm	0-1 ppm.
Disposal	Inhalation, dermal.	2	1	5	0-1 ppm	0-1 ppm.

Physical states of the substance to which workers may be exposed: Liquid or solid.

Environmental Release/Disposal

Manufacturing

Media	Duration of release		Amount of new substance release (kilograms/year)
	Hour/day	Day/year	
Air	20	5	Less than 10.

Each reactor at the manufacturing plant is equipped with an exhaust and fume condenser. The effluent (air borne) is also treated by an exhaust fume scrubber. Scrubber water goes to biological treatment lagoon with a sixty day retention period. Sludge is transported by state licensed carriers to a state licensed landfill.

PMN 80-76. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Close of Review Period. July 2, 1980.

Manufacturer's Identity. Sun Chemical Corp., 222 Marginal Road, Fort Lee, NJ 07072.

Specific Chemical Identity. Claimed confidential. Generic name provided: Alkyd resin TV79-0777.

Use. Polymeric vehicle component for printing ink.

Production Estimates. Claimed confidential.

Physical/Chemical Properties

Viscosity, Gardner at 25°C 70 percent solids in xylene.	I-Q.
Gardner at 25°C, 100 percent solids	ZIO+
Color, Gardner	5
Solids	100 percent.
Solubility	Xylene, toluene.
Acid value	14-18 mg KOH/g.
Wt/gal	9.1 lbs.

Toxicity Data. None submitted.

Exposure

Activity	Exposure route	Max. no. exposed	Max. duration	
			Hour/day	Day/year
Manufacturing.	Dermal	1	3	10
Use	Dermal	10	4	20

Potential exposure to workers may occur in six sites located in six states controlled by the manufacturer. Physical state of the substances to which workers may be exposed: Liquid.

Environmental Release/Disposal

Manufacturing	Amount of chemical release (kg/yr)
Media:	
Water	10-100
Land	10-100

Premix equipment is caustic washed which is pretreated, evaporated and sludge is landfilled.

After kettle drainage, the equipment is caustic washed to saponify the polymer. Discharge is part of plant effluent to publicly owned treatment works.

PMN 80-76. The following summary is taken from data submitted by the manufacturer in support of claims made in the PMN.

Close of Review Period. July 2, 1980.

Manufacturer's Identity. Sun Chemical Corp., 222 Marginal Road, Fort Lee, NJ 07072.

Specific Chemical Identity. Claimed confidential. Generic name provided: Alkyd resin X4-779.

Use. Polymeric vehicle component for printing ink.

Production Estimates. Claimed confidential.

Physical/Chemical Properties

Viscosity, Gardner at 20°C 70 percent solids in xylene.	V-Y.
Gardner at 25°C, 100 percent solids	Z10
Color, Gardner	3
Solids	100 percent.
Solubility	Xylene, toluene.
Acid value	16-18 mg KOH/g.
Wt/gal	9.1 lbs.

Toxicity Data. None submitted.

Exposure

Activity	Exposure route	Max. no. exposed	Max. duration	
			Hour/day	Day/year
Manufacturing.	Dermal	1	3	10
Use	Dermal	10	4	20

Potential exposure to workers may occur in six sites located in six states controlled by the manufacturer. Physical state of the substances to which workers may be exposed: Liquid.

Environmental Release/Disposal

Manufacturing	Amount of chemical release (kg/yr)
Media:	
Water	10-100
Land	10-100

Premix equipment is caustic washed which is pretreated, evaporated and sludge is landfilled.

After kettle drainage, the equipment is caustic washed to saponify the polymer. Discharge is part of plant effluent to publicly owned treatment works.

[FR Doc. 80-13883 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-51057; FRL 1485-7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 80-80—June 7, 1980. PMN 80-81—June 8, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Ms. Paige Beville, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202-426-8815.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the date shown under "DATES" for each specific PMN, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticide and Toxic Substances, 401 M St., SW., Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51057]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 28, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-80.

Close of Review Period. July 7, 1980.

Manufacturer's Identity. Grestco Dyes & Chemicals, Inc., 216 East Holly Hill Rd., Thomasville, NC 27360.

Specific Chemical Identity. Amide from diethylenetriamine and tallow ester compounds with diethylsulfate.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Fabric softener for knitted and woven fabrics for industrial use.

Production Volume Estimates

	Production (kilograms per year)	
	Minimum	Maximum
Production year:		
First year	9,000	19,000
Second year	9,000	21,000
Third year	9,000	23,000

Physical/Chemical Properties

Appearance	Tan to brown solid.
Odor	Pleasant sweet odor.
pH (5% in water)	5± 1.
Stability	Excellent.

Toxicity Date. No toxicity data were provided. However, the manufacturer claims that the PMN substances is to be substitute for a substance currently on the market and that the PMN substance is a less toxic product.

The submitter did not supply data concerning exposure during manufacture or processing but did indicate that during use two people would be exposed.

Environmental Release. The submitter claims that approximately 100 to 1,000

kilograms per year of the PMN substance will be released to a concrete reservoir, diluted to less than 2% concentration at a pH of 7–8 and then discharged to a city sewer.

PMN 80–81.

Close of Review Period. July 8, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidetial. Generic name provided: Methylphenylsubstitutedheteromonocyclic salt.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Specific use not provided. The manufacturer states that the new site-limited chemical intermediate will be used to improve the manufacture of a final chemical incorporated in a commerical article. The final chemical will be a minor constitutent of the article.

Production Volume Estimates

	Production (kilograms per year)	
	Minimum	Maximum
Production year:		
First year	40	80
Second year	80	120
Third year	80	120

Physical/Chemical Properties

Solubilities:	
Water	≥1.0 pct.
DMSO	≥10.0 pct.
Acetone	≥0.1 pct.
Corn Oil	<0.1 pct.
Octanol	<0.1 pct.
Melting Point	203°.

Toxicity Data

Acute Oral LD_{50}	Approximately 1,000 mg/kg.
Acute Dermal LD_{50}	Greater than 1,000 mg/kg.
Skin Irritation	Slight.
Ames Test	Negative.

Exposure

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal and inhalation.	3	1	3	0–1 mg/m³	1–10 mg/m³.
Use	Dermal and inhalation.	3	0.3	3	0–1 mg/m³	1–10 mg/m³.

Environmental Release/Disposal

Manufacturing operations	Amount of chemical release
Media:	
Air	Less than 10 kg/yr.
Water	Less than 10 kg/yr.
Land	None.

Emissions of vapors and dusts are scrubbed before release to the atmosphere in accordance with applicable state regulations. Wastewater is collected in decanting sumps where heavy layers and light layers are removed for incineration. The clarified wastewater is then treated in a wastewater treatment system. Liquid wastes containing combustible organics are collected and transported to an incinerator. Solid wastes containing combustible chemicals are transported to an incinerator. Solvent wastes are distilled to recover solvents for reuse.

Process wastewater is treated prior to discharge in accordance with an NPDES permit. Treatment includes primary sedimentation, neutralization, secondary treatment using a high-rate activated sludge system, followed by final aeration in a riffle trough. Sludges from the activated sludge treatment and primary sedimentation are combined and incinerated in incinerators above 1,600°F equipped with appropriate state certified air pollution control equipment.

A combustible waste incinerator operating above 1,600°F burns solid and liquid wastes. Flue gases pass through high energy scrubber systems. Scrubber water and ash quench water are discharged to a wastewater treatment system.

[FR Doc. 80-13884 Filed 5-6-80; 8:45 am]
BILLING CODE 6560-01-M

[OPTS-51058; FRL 1485-8]

Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of PMN and provides a summary.

DATE: Written comments by June 7, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Smith, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202–426–3980.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Intitial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the indentity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim

confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before June 7, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, D.C. 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51058]" and the PMN number "PMN 80-78". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 28, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-78.

Close of Review Period. July 7, 1980.

Manufacturer's Identity. Claimed confidential. Generic company description: Middle Atlantic-285-e.

Specific Chemical Identity. Claimed confidential. Generic name: Bis(Substituted alkyl) 1,2-cyclohexanedicarboxylate.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential. Generic use description: The substance will be used in an open use that will release less than 50 kilograms (kg) per year of the substance into the environment from manufacture.

Production Volume

Production year	Pounds	
	Minimum	Maximum
First year	50,000	80,000
Second year	100,000	160,000
Third year	300,000	320,000

Physical/Chemical Properties

OH value	171.1
Epoxy equivalent	∞
Viscosity	>Z⁶
Acidity	4-5
Percent total solids	98-99
Color	11-12

Toxicity Data. The manufacturer did not submit toxicological test data on the specific substances although test data were submitted on similar substances.

Human Exposure. Use of the PMN substance will involve exposure to employees and consumers as follows:

Occupational

Manufacture	Chemical industry employees.	> Once per week.
Processing	Non-chemical employees.	5 times per week.
Consumer	Consumers of product.	≥ Once per month.

There is potential for skin, eye and inhalation contact for the chemical and non-chemical employees and a very low potential for consumer contact since there will be essentially 100% conversion of the substance to the article.

Environmental Release. Manufacture and Use. Less than 50 kg/yr of the substance will be released into the environment from manufacture.

Disposal. Normal disposal during manufacture and processing would be in small quantities and would be handled via incineration or landfill; larger quantities would be physically blended with other products in very low percentages of <5%.

[FR Doc. 80-13885 Filed 5-6-80; 8:45 a.m.]

BILLING CODE 6560-01-M

[OPTS-51059; FRL 1486-1]

Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Section 5(d)(2) requires EPA to publish in the Federal Register certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by June 20, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Smith, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, 202-426-8816.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to sumbit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register of May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the Federal Register issues of January 10, 1979 (44 FR 2242) and October 6, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim

Policy published in the Federal Register of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under section 5(d)(2) EPA must publish in the Federal Register nonconfidential information on the identity and uses of the substance, as well as a description of any test data submitted under section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before June 20, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51059]" and the PMN number "80-84". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 29, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN 80-84.

Close of Period. July 20, 1980.

Manufactuer's Identity. Claimed confidential. Generic description of the manufacturer: Total annual sales of $500 million. SIC No. 2821. Submitter intends to manufacture the chemical substance at a plant in the south Atlantic region of the country.

Specific Chemical Identity. Claimed confidential. Generic name provided: Polyester reaction product with isophorone diisocyante and hydroxypropyl acrylate.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Industrial floor coating.

Production Estimates. Claimed confidential.

Physical/Chemical Properties

Vapor pressure at 25°C	$0-1^{-2}$ torr.
Density: solid	>1.1 gm/cc.
Solubility at 25°C (toluene)	>10 gm/1.
Freezing point	<0°C.
Boiling point	Does not boil.

Toxicity Data. Previous testing by an independent testing laboratory in accordance with conditions of the Federal Hazardous Substances Labelling Act (16 CFR) has shown that the material was not orally or dermally toxic. Under the same Act, testing indicated that the material was not a primary skin or eye irritant.

Exposure

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
Manufacturing	Dermal	4	1	150		0-1 ppm.

Two sites. The manufacturing process is through a closed system. Exposure, by dermal route, will occur during discharge of the product from the reactor to drums.

Physical state of the substance to which workers may be exposed: Liquid.

Commercial Use. Submitter expects to sell this product to about 10 customers. There will be approximately 25 persons who will have some dermal contact with the substance. The submitter recommends that these people wear goggles and rubber gloves.

Environmental Release/Disposal. None is expected.

[FR Doc. 80-13886 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

[OPTS-59019; FRL 1486-2]

Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such

person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by May 25, 1980. Persons should submit written comments on the application no later than May 22, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticide and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460. 202–755–8050.

FOR FURTHER INFORMATION CONTACT: Robert Smith, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington D.C. 20460, 202–755–8815.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies, and briefly describes, the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments on or before May 22, 1980.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Registers of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the Test Marketing Exemption is issued below.

TM 80–19.

Close of Review Period. May 25, 1980.

Manufacturer's Identity. Claimed confidential. All data submitted by the manufacturer in the test marketing exemption application is claimed confidential.

Interested persons may, on or before May 22, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of pesticides and Toxic Substances, 401 M St., SW., Washington, DC 20460, written comments regarding this notice. Three copies of all coments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51058]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 28, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

[FR Doc. 80–13887 Filed 5–6–80; 8:45 am]

BILLING CODE 6560–01–M

[OPTS–59021; FRL 1486–3]

Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA issue a notice of receipt of any such application for publication in the Federal Register. This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATES: The Agency must either approve or deny this application by May 27, 1980. Persons should submit written comments on the application no later than May 22, 1980.

ADDRESS: Written comments should bear the identifying notation "OPTS–59021", and should be submitted in triplicate, if possible, to the: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Green, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, D.C. 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new"

chemical substance is any chemical substance that is not on the Inventory of existing chemical substances compiled by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notice of availability of the Initial Inventory was published in the Federal Register on May 15, 1979 (44 FR 28558). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of section 5(b). Section 5(d)(1) defines the contents of a PMN. Section 5(b)(1) contains additional reporting requirements for chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its disposition in the Federal Register. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the Federal Register a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it an whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments on or before May 22, 1980.

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the Federal Register of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and inlcudes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) Federal Register notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the Federal Register of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the Test Marketing Exemption is issued below.

Interested persons may, on or before May 22, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-59021]". Comments received may be seen in the above office between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: April 28, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

TME 80-20.

Close of Review Period. May 27, 1980.

Manufacturer's Identity. Claimed confidential.

Specific Chemical Identity. Claimed confidential. Generic name provided: Dimonocycle iodonium trifluoroacetate.

The following summary is taken from data submitted by the manufacturer in the test marketing exemption.

Use. Claimed confidential.

Production Estimates. Less than 2 kilograms (kg) will be manufactured for test marketing purposes.

Physical/Chemical Properties. The substance is a solid with a melting point of 154-155°C.

Toxicity Data. No known data on health or environmental effects. However, toxicological and environmental tests are in progress and will be submitted with the premanufacture notice in the second quarter of 1980.

Exposure.—During manufacture. Two employees will be exposed to the solid for up to one hour when removing and handling the chemical prior to packaging.

During processing. Two employees will be exposed for up to 24 hours to a 0.3% aqueos coating solution during the coating operation. Proper industrial hygiene procedures will be followed when needed.

Customer employee exposure is almost nonexistent and is limited to exposure to the chemical confined in a dried layer for periods no longer than 2 minutes.

[FR Doc. 80-13668 Filed 5-6-80; 8:45 am]
BILLING CODE 6560-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Authorization for Domestic Open Market Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on April 16, 1980, paragraph 1(a) of the Committee's authorization for domestic open market operations was amended to raise from $3 billion to $4½ billion the limit on changes between Committee meetings in System Account holdings of U.S. government and federal agency securities, effective immediately, for the period ending with the close of business on April 22, 1980.

Note.—For paragraph 1(a) of the authorization see 36 FR 22697.

By order of the Federal Open Market Committee, April 25, 1980.

Murray Altmann,

Secretary.

[FR Doc. 80-14047 Filed 5-6-80; 8:45 am]
BILLING CODE 6210-01-M

Federal Open Market Committee; Authorization for Foreign Currency Operations

In accordance with the Committee's rules regarding availability of information, notice is given that on March 18, 1980 the Committee reaffirmed the authorization for foreign currency operations, with a technical modification. In paragraph 6, the title "Manager for Foreign Operations" was substituted for "Manager" the first time the latter appeared.

In accordance with the Committee's rules regarding availability of information, notice is also given that on March 18, 1980 pursuant to paragraph 3 of the authorization for foreign currency operations, the Committee expressly authorized the Federal Reserve Bank of New York, for the System Open Market Account, to enter into contracts to purchase foreign exchange at specified rates that reflected market rates of late

February and early March when contract discussions were initiated and simultaneously to transfer the foreign exchange so acquired directly to the Exchange Stabilization Fund at those same rates.

Note.—For paragraph 6 of the authorization see 42 FR 1071.

By order of the Federal Open Market Committee, April 25, 1980.

Murray Altmann,

Secretary.

[FR Doc. 80-14048 Filed 5-6-80; 8:45 am]

BILLING CODE 6210-01-M

Commercial Bankstock, Inc.; Formation of Bank Holding Company

Commercial Bankstock, Inc., Little Rock, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of The Commercial National Bank of Little Rock, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1980.

Cathy L Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14050 Filed 5-6-80; 8:45 am]

BILLING CODE 6210-01-M

Mustang Financial Corp.; Formation of Bank Holding Company

Mustang Financial Corporation, Rio Vista, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more (less directors' qualifying shares) of the voting shares of First State Bank, Rio Vista, 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 May 29, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14051 Filed 5-6-80; 8:45 am]

BILLING CODE 6210-01-M

Yorkville Bancshares, Inc.; Formation of Bank Holding Company

Yorkville Bancshares, Inc., Yorkville, 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 81.9 per cent or more of the voting shares of Yorkville National Bank, Yorkville, 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 June 2, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, May 1, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-14052 Filed 5-6-80; 8:45 am]

BILLING CODE 6210-01-M

Wells Fargo & Co.; Proposed Acquisition of Certain Assets of Stanwell Mortgage, and Opening of New Offices of Wells Fargo Mortgage Co.

Wells Fargo & Company, San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire certain assets of Stanwell Mortgage, Concord, California.

Applicant states that it proposes to acquire certain furniture and equipment from Stanwell Mortgage, and to engage, through its subsidiary, Wells Fargo Mortgage Company, in making or acquiring loans or other extensions of credit secured by real estate. These activities would be performed from offices of Applicant's subsidiary in Honolulu and Maui, Hawaii, and Las Vegas, Nevada, and the geographic areas to be served are Hawaii and Nevada. 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 San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 23, 1980.

Board of Governors of the Federal Reserve System, April 29, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-13992 Filed 5-6-80; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Committee on Research Use of the Records in the National Archives; Establishment of Committee

Establishment of Committee. This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the establishment of the Committee on the Research Use of the Records in the National Archives. The Administrator of General Services has determined that this committee is in the public interest.

Designation. Committee on Research Use of the Records in the National Archives.

Purpose. This Committee will advise the Archivist on research use and on methods of making known to users of the materials deposited in the National Archives of the United States of the plans and decisions relating to the dispersal of certain archival materials to regional locations and of obtaining responses to the plans and decisions from the user community.

Dated: April 29, 1980.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 80-13950 Filed 5-6-80; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Safety and Occupational Health Study Section; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following National Institute for Occupational Safety and Health (NIOSH) committee meeting:

Name: Safety and Occupational Health Study Section
Date: June 10-11-12-13, 1980
Place: Conference Room G—June 10, Conference Room C—June 11-12-13, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 29857
Time and type of meeting: Open: 1:30 p.m.-4:05 p.m.—June 10
Closed: 4:15 p.m.-6 p.m.—June 10
Closed: 8:30 a.m.-6 p.m.—June 11-12-13
Contact person: Harvey P. Stein, Ph.D., Executive Secretary, 5600 Fishers Lane, Parklawn Building, Room 8-63, Rockville, Maryland 20857
Telephone: 301-443-4493
Purpose: The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.
Agenda: Agenda items for the open portion of the meeting will include consideration of minutes of previous meeting; administrative reports; discussion of the NIOSH research and training grant programs, avoidance of conflicts of interest, and the research and training areas in need of special emphasis. Beginning at 4:15 p.m., June 10, 1980, through adjournment on June 13, 1980, the Study Section will be performing the initial review of research grant and training grant applications for Federal assistance, and will not be open to the public, in accordance with the provisions set forth in Section 552b(c)(6), Title 5 U.S. Code, and the Determination of the Director, Center for Disease Control, pursuant to Pub. L. 92-463. Agenda items are subject to change as priorities dictate. The portion of the meeting so indicated is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 30, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-14083 Filed 5-6-80; 8:45 am]

BILLING CODE 4110-87-M

Office of Education

Educational Information Centers Program; Closing Date for Transmittal of State Plans for Fiscal Year 1980

State plans and State plan amendments are being accepted for awards under the Educational Information Centers program.

Authority for this program is contained in Title IV, Part A, Subpart 5 of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1070d-2—1070d-3)

This program is authorized to make grants to States to pay the Federal share (66⅔ percent) of the cost of planning, establishing, and operating Educational Information Centers. These centers provide educational information, guidance, counseling, and referral services to all individuals in a State, including individuals residing in rural areas.

Closing date for transmittal of State plans or amendments: State plans or amendments must be mailed or hand delivered by July 1, 1980.

State plans or amendments delivered by mail: A State plan or amendment sent by mail must be addressed to the Community Service and Continuing Education Branch, Division of Training and Facilities, Bureau of Higher and Continuing Education, *Attention 13.585,* Room 3717, ROB-3, U.S. Office of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Proof of mailing may consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted unless they have been date stamped by the U.S. Postal Service.

Note.—The U.S. Postal Service does not uniformly provide a dated postmark.

(Applicants should check with their local post office before relying on this method.) Applicants are encouraged to use first class and/or registered mail.

Each late applicant will be notified that its application will not be considered in the current competition.

State plans or amendments delivered by hand: A State plan or amendment, must be taken to the U.S. Office of Education, Community Service and Continuing Education Branch, Division of Training and Facilities, Bureau of Higher and Continuing Education, Room 3717, ROB-3, 7th and D Streets, S.W., Washington, D.C.

This office will accept hand-delivered plans and amendments between 8:00 a.m. and 4:00 p.m. (Washington, D.C., time) daily, except Saturdays, Sundays, or Federal holidays.

Plans and amendments will not be accepted after 4:00 p.m. on the closing date.

Available funds: The President has proposed budget rescissions to the Congress that may eliminate funds for this program. If the Congress approves the proposed rescissions, a notice to the public will be published in the Federal Register, stating that the rescissions have been approved. However, the deadline established in this notice will not be extended, and applicants should prepare and submit applications pending further notification. Applications must be submitted to the Community Service and Continuing Education Branch at the address in this notice.

State plan forms: The necessary forms and information packages have been mailed to the State agencies/institutions which have been designated by the Governor as being responsible for

submitting the State's Educational Information Center Plan.

State plans and amendments must be prepared and submitted in accordance with the regulations, funding instructions, and forms included in the program information packages.

Special procedures: OMB Circular No. A-95 requires that prior to the submission to the Commissioner of any State plan, State application, or of any amendment, the State agency shall afford the Governor of the State an opportunity to comment on the relationship of the State plans, application, or amendment to comprehensive and other State plans and programs. The State agency shall afford the Governor a period of not fewer than 45 days in which to comment and shall attach those comments—or, if the Governor makes no comments, a statement to that effect—to the plan, application, or amendment when it is submitted to the Commissioner.

Applicable regulations: The regulations applicable to this program are:

(a) Regulations governing the Educational Information Centers Program (45 CFR Part 137); and

(b) The General Provisions Regulations for Office of Education Programs (45 CFR Parts 100 and 100a).

Note.—The final Education Division General Administrative Regulations (EDGAR) were published in the Federal Register on April 3, 1980 (45 FR 22494–22631). When EDGAR becomes effective, it will supersede the General Provisions Regulations for Office of Education Programs (the current 45 CFR Parts 100a through d).

When EDGAR becomes effective grants made under this program, will be subject to the following provisions of EDGAR: Subpart A (General); Subpart E (What Conditions Must be Met by a Grantee?); Subpart F (What are the Administrative Responsibilities of a Grantee?); and Subpart G (What Procedures does the Education Division Use to Get Compliance?).

Further information: For further information contact Charles I. Griffith, Community Service and Continuing Education Branch, Division of Training and Facilities, Bureau of Higher and Continuing Education, U.S. Office of Education, 400 Maryland Avenue, S.W., Room 3044, Regional Office Building 3, Washington, D.C. 20202. Telephone (202) 245-2671.

(20 U.S.C. 1070d-2—1070d-3)

Dated: May 1, 1980.

(Catalog of Federal Domestic Assistance Number 13.585; Educational Information Centers)

William L. Smith,

Commissioner of Education.

[FR Doc. 80-13951 Filed 5-6-80; 8:45 am]

BILLING CODE 4110-02-M

School Construction; Cutoff Date for Receipt of Applications for Fiscal Year 1980.

Applications are invited for new projects under the School Construction Program.

Authority for this program is contained in section 3 of Pub. L. 81-815, school construction in areas affected by Federal activities.

(20 U.S.C. 633)

Notice is given that the U.S. Commissioner of Education has established a cutoff date for the transmittal of applications for increase periods ending June 1980 or June 1981 for assistance under Sections 5, 8, 9 and 14 of Pub. L. 81-815.

Approval of these applications will be subject to the availability of funds.

Cutoff date for transmittal of applications: Applications must be mailed or hand delivered to the U.S. Commissioner of Education from the State educational agencies on or before June 30, 1980.

Applications delivered by mail: An application sent by mail should be addressed to the Commissioner of Education, U.S. Office of Education, 400 Maryland, Avenue, S.W., Room 2107A, Washington, D.C. 20202.

Proof of mailing, by June 30, may consist of a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of mailing stamped by the U.S. Postal Service. Private metered postmarks or mail receipts will not be accepted without a legible date stamped by the U.S. Postal Service.

Note.—the U.S. Postal Service does not uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Each late applicant will be notified that is application will not be considered in the current competition.

Applications delivered by hand: An application to be hand-delivered must be taken to the Office of Education, 400 Maryland Avenue, S.W. Room 2107A, Washington, D.C. Hand-delivered applications will be accepted daily between the hours of 8:00 a.m. and 4:30 p.m. Applications will not be accepted after 4:30 p.m. on the cutoff date.

Program information: Information and application forms may be obtained from the appropriate State educational agency which serves the applicant local educational agency.

Applicable regulations: The regulations applicable to this program are:

(a) Regulations governing the School Construction Program (45 CFR part 114) published in the Federal Register on April 8, 1975.

Note.—Regulations governing the School Construction Program (45 CFR Part 114) were published in proposed form in the Federal Register on June 29, 1979.

When these regulations are published in final, they will supersede all other regulations.

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Part 100a and Part 100c) published as final on April 3, 1980 (45 FR 22494).

(20 U.S.C. 633)

Dated: May 1, 1980.

(Catalog of Federal Domestic Assistance No. 13.477, School Assistance in Federally Affected Areas—Construction)

William L. Smith,

Commissioner of Education.

[FR Doc. 80-13952 Filed 5-6-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Secretary

National Environmental Policy Act and Other Related Acts; Procedures for Conducting Environmental Reviews

AGENCY: Office of the Secretary.

ACTION: Notice of adoption of final HEW implementing procedures.

SUMMARY: On March 6, 1980, proposed HEW supplemental procedures for conducting environmental reviews were published in the Federal Register as required by regulations of the Council on Environmental Quality (CEQ) for implementing the National Environmental Policy Act, 43 FR 55978 (November 29, 1978) and other related acts.

EFFECTIVE DATE: Final procedures have been published in Part 30 of the General Administration Manual with an effective date of May 1, 1980.

FOR FURTHER INFORMATION CONTACT: Charles Custard, Director, Office of Environmental Affairs, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Room 537F, Washington, D.C. 20201, or telephone (202) 472-9740.

SUPPLEMENTARY INFORMATION: In accordance with the provisions of the

National Environmental Policy Act of 1969 (NEPA), as amended, and other related environmental laws, executive orders, and regulations, the Department of Health, Education, and Welfare has issued final procedures for conducting environmental reviews, preparing necessary documentation, and making program decisions to protect the quality of the environment. In addition to supplementing the CEQ regulations, the procedures employ a single comprehensive review process for meeting the provisions of both NEPA and related laws and regulations. These procedures will reduce the burden on members of the public having business with HEW by providing for the consolidation of requests for information needed for an environmental review. The conduct of environmental reviews by HEW personnel will be also facilitated. The procedures should assist the public and others in better understanding HEW policies since all applicable Federal environmental review requirements are contained in a single document.

There were only a few comments received in response to the Federal Register notice containing the proposed procedures. The commentors suggested that the text of the procedures include additional reference citations to regulations of the Advisory Council on Historic Preservation and CEQ. These recommendations are incorporated in the final version. Other changes made as a result of internal HEW reviews included: editing for clarity, adding examples to illustrate a procedure or term, and including various cross-references to different parts of the text to facilitate use of the procedures.

Copies of Part 30 of the GAM may be obtained from the Director, Office of Environmental Affairs, at the address listed above or from any of the HEW regional offices listed below.

Dated: May 1, 1980.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

HEW Regional Offices

Region I, Room 1500—JFK Federal Building, Boston, Massachusetts 02203
Region II, 26 Federal Plaza, Room 3309, New York, New York 10007
Region III, Post Office Box 13716, Philadelphia, Pennsylvania 19101
Region IV, 101 Marietta Tower—Suite 1503, Atlanta, Georgia 30323
Region V, 300 South Wacker Drive, 16th Floor, Chicago, Illinois 60606
Region VI, Suite 1635, 1200 Main Tower Building, Dallas, Texas 75202
Region VII, 601 East 12th Street, Kansas City, Missouri 64106
Region VIII, Room 11037, Federal Office Building, 19th & Stout Streets, Denver, Colorado 80294
Region IX, Room 423, 50 United Nations Plaza, San Francisco, California 94102
Region X, Room 137, 1321 Second Avenue, Seattle, Washington 98101

[FR Doc. 80-14068 Filed 5-6-80; 8:45 am]

BILLING CODE 4110-12-M

Public Health Service

Maternal and Child Health and Crippled Children's Services; Delegations of Authority

Notice is hereby given that the following delegation and redelegations have been made regarding the Maternal and Child Health and Crippled Children's Services Program under Title V of the Social Security Act, as amended.

1. Delegation by the Secretary of Health, Education, and Welfare to the Assistant Secretary for Health, with authority to redelegate, of all the authorities vested in the Secretary for the Maternal and Child Health and Crippled Children's Services Program under Title V of the Social Security Act, as amended, excluding the authority to promulgate regulations.

2. Redelegation by the Assistant Secretary for Health to the Administrator, Health Services Administration, with authority to redelegate, of all the authorities delegated by the Secretary to the Assistant Secretary for Health for the Maternal and Child Health and Crippled Children's Services Program under Title V of the Social Security Act, as amended.

3. Redelegation by the Administrator, Health Services Administration, to the Regional Health Administrators, Public Health Service Regional Offices, with authority to redelegate, of the authorities under:

(a) Sections 503, 504, 505, 506, and 516 of the Social Security Act for the approval of State plans (including budgets) and the award of grants to State agencies under these sections; and

(b) Sections 503 and 504 of the Social Security Act for the award of special project grants to State agencies.

4. Redelegation by the Administrator, Health Services Administration, to the Director, Bureau of Community Health Services, with authority to redelegate, of all the authorities delegated by the Assistant Secretary for Health to the Administrator, Health Services Administration, for the Maternal and Child Health and Crippled Children's Services Program under Title V of the Social Security Act, as amended, except those specifically delegated to the Regional Health Administrators.

The June 23, 1978 delegation (43 FR 29034) by the Assistant Secretary for Health to the Administrator, Health Services Administration, has been superseded insofar as it pertains to the Maternal and Child Health and Crippled Children's Program. Also superseded is the February 27, 1970 delegation, which became effective March 20, 1970, by the Administrator, Health Services and Mental Health Administration, to the Regional Health Directors (predecessors to the Regional Health Administrators) of the authorities under Title V of the Social Security Act for administering the Maternal and Child Health and Crippled Children's Services Program (35 FR 7388).

Provision has been made for previous delegations and redelegations to other officials within the Health Services Administration and the PHS Regional Offices of authorities under Title V of the Social Security Act to continue in effect for no more than 90 days from the effective date of the above delegations.

The above delegations were effective on April 15, 1980.

Dated: April 26, 1980.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 80-13069 Filed 5-6-80; 8:45 am]

BILLING CODE 4110-84-M

Information Regarding Requirements for Health Maintenance Organizations

Correction

In FR Doc. 80-13068, appearing at page 28654, in the issue for Tuesday, April 29, 1980, make the following changes:

(1) On page 28660, in the third column, in the paragraph between the two tables, in the second line, between the words "would" and "derived" insert "be".

(2) On page 28661, in the middle column, below the first paragraph under the second table, the equation should read:

$$[.30 ($40) + .20 (x) + .50 (1.4x)] \div 2.5 = $30$$
$$x = $86.32$$

(3) Also on page 28661, in the middle column, under the second table, in the third paragraph, in the third line, the word "my" should be corrected to read "may".

BILLING CODE 1505-01-M

Center for Disease Control

Cooperative Agreements for State-Based Diabetes Control Programs; Program Announcement—Availability of Funds

The Center for Disease Control announces the availability of funds for cooperative agreements for State-based Diabetes control Programs. These cooperative agreements are authorized by Section 301(a) of the Public Health Service Act, 42 U.S.C. 241(a). The Catalog of Federal Domestic Assistance is No. 13.283.

The objective of these cooperative agreement programs is to improve the quality of life and effectiveness of health services for diabetics. The official health agencies of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa are eligible to apply for a cooperative agreement. Applicants must complete, or have completed, a baseline assessment of diabetes morbidity and mortality data and care resources information; establish, or have established, a framework for coordination of interested parties, and develop, or have developed, a plan of action for reducing diabetes morbidity, mortality, and economic costs among intervention populations.

It is estimated that $1 million will be available in fiscal year 1980 for support of approximately eight new cooperative agreements, with an average of $125,000 per agreement. Individual cooperative agreements will range from $25,000 to $200,000. In fiscal year 1981, it is expected that $4 million will be available for support of approximately 20 cooperative agreements, which will include the changing to cooperative agreements of the current Diabetes Control Demonstration Projects begun in fiscal year 1977 under contract, and which will also include the continuation of the cooperative agreements initiated in fiscal year 1980. No new awards are planned in fiscal year 1981 unless appropriate public notification of further expansion is made. Programs are funded for 12 months in a 5-year project period. Continuation awards within the project will be made on the basis of satisfactory progress in meeting program objectives. Funding estimates outlined above are subject to change.

During fiscal year 1980, funding criteria will include the following factors:

1. Innovativeness and soundness of approach in assessing needs and planning, implementing, and evaluating State-based control activities;
2. Consideration and proposed usage of available baseline morbidity, mortality, and care resources data;
3. The degree to which the proposed program satisfactorily provides for participation of expert and interested parties including medical schools, voluntary organizations, third party payers, professional organizations, etc.;
4. Interagency coordination and participation;
5. Long-term commitment to capacity-building and intervention activities;
6. Procedures for evaluating progress towards program objectives and for modifying activities as necessary; and
7. Qualifications of proposed and/or existing staff and the organizational location of the program.

Applications should be submitted on or before May 16, 1980. Applications received after that date will not be considered unless appropriate public notification of further program expansion is made. Applications are subject to review as governed by OMB Circular A-95 and regulations (42 CFR parts 122 and 123) implementing the National Health Planning and Resource Development Act of 1974. Guidelines, application forms, and information may be obtained from, and applications must be submitted to: Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Center for Disease Control, 255 E. Paces Ferry Rd. NE., Atlanta, Georgia 30305.

Dated: May 2, 1980.

William C. Watson, Jr.,

Acting Director, Center for Disease Control.

[FR Doc. 80-14133 Filed 5-6-80; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Change in School Construction Priorities List for Fiscal Year 1982

April 21, 1980.

This notice is published in exercise of authority delegated by the Secretary of Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Pub. L. 95-561; 92 Stat. 2319, Section 1125(c) requires that: "At the time any budget request for school construction is presented, the Secretary shall publish in the Federal Register and submit with the budget request the current list of all school construction priorities".

That list was divided into two parts; BIA schools and schools operated under contracts with the Bureau. After consultation with the Department and appropriation committees the decision was made to create on list to include all schools.

Beginning with Fiscal Year 1982, the Bureau of Indian Affairs shall publish the list of all school construction priorities as one inclusive list, combined the BIA schools and the contract schools.

Further information regarding the list or the ranking process may be otained from the Chief, School Facilities Staff, Bureau of Indian Affairs, P.O. Box 2147, Albuquerque, New Mexico 87103. Telephone (505) 766-2985.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-13953 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Arizona; Hualapai-Aquarius Grazing Management Proposal; Intent To Prepare an Environmental Statement

The Department of the Interior, Bureau of Land Management, Phoenix District Office, will prepare an Environmental Impact Statement that will evaluate a proposed Grazing Management Program for public rangelands in portions of Mohave and Yavapai Counties in west-central Arizona. The proposal was developed as part of the Bureau's land-use planning system for the Hualapai-Aquarius Planning Unit.

The program is intended to meet statutory requirements to manage efficiently the basic resources of the public rangelands to improve their productivity in order to serve the full range of natural, social, economic and environmental needs. Major components of the program include proposals for: (1) intensive management of livestock grazing on specific allotments through implementation of grazing systems and other practices; (2) less intensive management in those allotments where federal land ownership precludes development of Allotment Management Plans; and (3) balanced allocation of forage to livestock, wild burros, wildlife and non-consumptive uses. The objectives of the proposed program are to enhance the vegetative resource, improve range condition, provide a continuous supply of forage for competing uses, reduce soil erosion and sedimentation, improve water quality, improve recreation and visual resources, and protect archeological and historical sites.

The EIS will analyze alternatives to the proposed Grazing Management Program. Some of the expected

alternatives include no action, elimination of livestock grazing, less intensive management, and various forage allocations which would optimize forage availability for livestock, wildlife, wild burros, or watershed protection.

The statement will identify the impacts that can be expected from implementation of the proposed Grazing Management Program and each of the alternatives. The statement will not recommend a particular course of action but will serve as an analytical tool to assist responsible BLM Managers in making decisions concerning livestock grazing and forage allocation in the Hualapai-Aquarius Planning Unit of the Kingman Resource Area.

Prior to the commencement of the land-use plan and during its preparation, numerous public workshops were held to inform various interest groups of management options and to obtain public input. These sessions provided valuable information regarding significant issues and alternatives to be addressed in the plan and constitute a substantial portion of the scoping process for the development of the EIS. Open houses have tentatively been scheduled for the last week of May 1980, in which government agencies, organizations, and interested members of the public are invited to comment on the Bureau's proposals for management of various resources within the planning unit. Notice of specific times and locations of these open houses will be published in local news media when the information becomes available.

For information concerning the Environmental Impact Statement or the open houses, contact:

Frank Splendoria, Chief, Division of Planning and Environmental Coordination, Phoenix District, BLM, 2929 W. Clarendon avenue, Phoenix, Arizona 85073, Telephone: FTS, 261–4127; Commercial: 602/241–4127.

Bill Carter, Environmental Coordinator, Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone: FTS 261–4127; Commercial 602/261–4127.

Clair M. Whitlock,

State Director.

April 28, 1980.

[FR Doc. 80-13954 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-84-M

[ES 6626, Survey Group 83]

Wisconsin; Filing of Plats of Survey

On October 17, 1969, an extension survey to include lands omitted from the original survey in sections 30 and 31, T. 16 N., R. 7 W., and a dependent resurvey of a portion of the east boundary and a survey of a portion of Taylor Island in section 25, T. 16 N., R. 8 W., fourth principal meridian, Wisconsin, were accepted. These plats will be officially filed in Eastern States Office, Alexandria, Virginia, as of 7:30 a.m. on (45 days from date of publication).

The plat for sections 30 and 31, T. 16 N., R. 7 W., fourth principal meridian, Wisconsin, represents the survey of islands in the Mississippi River not previously surveyed or included within the areas as shown on the plat approved April 8, 1847.

The plat for section 25, T. 16 N., R. 8 W., fourth principal meridian, Wisconsin, represents a retracement and reestablishment of a portion of the east boundary of the township and the survey of the portion of Taylor Island in the Mississippi River not previously surveyed or included within the area as shown upon the plat approval April 8, 1847.

The omitted lands are described as:

Fourth Principal Meridian, Wisconsin

T. 16 N., R. 7 W.,
Sec. 30, lot 9, 0.41 acres; lot 10, 20.24 acres; lot 11, 3.38 acres.
Sec. 31, lot 6, 0.13 acres; lot 8, 11.82 acres; and that portion of lot 7 North and West of a line beginning at the Northeast meander corner of said lot 7, thence S. 55°00' West to the Island's edge in sec. 31, 3.60 acres.

T. 16 N., R. 8 W.,
Sec. 25, lot 3, 13.78 acres.

These surveys were executed at the request of the Bureau of Sport Fisheries and Wildlife (now Fish and Wildlife Service) to define the limits of Federal ownership in the Taylor Island area.

The islands' formations are in all regards similar to the opposite mainland and the adjacent surveyed islands. They are of sand and gravel base with a rich organic loam top soil except in the area of dredging spoil deposit. the elevation varies from 0 to 10 feet above water level. Timber mostly consists of maple and willow ranging in size up to 44 inches in diameter.

The character of the islands and the timber growth thereon attest to their existence on May 28, 1848 when Wisconsin was admitted into the Union and at all times since. They are, therefore, held to be public lands.

The islands are well over 50% upland in character within the interpretation of the Swamp Act of September 28, 1850.

Pieter VanZanden,

Acting Eastern States Director.

[FR Doc. 80-13955 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-84-M

[Colorado 29346]

Invitation for Coal Exploration License; Rocky Mountain Energy Co.; Correction

April 29, 1980.

In the matter of invitation for coal exploration license; Rocky Mountain Energy Co.: Correction (FR Doc. 80–9348), FR Vol. 45, No. 61, Thursday, March 27, 1980, p. 20173.

The table is corrected as set forth below:

6th Principal Meridian, Colorado

Township	Range	Section	Description
7 S.	58 W.	32	E½, NW¼.
8 S.	58 W.	4	All.
8 S.	58 W.	6	NW¼, S½.
8 S.	58 W.	8	All.
8 S.	58 W.	18	SE¼NE¼, NE¼SW¼, S½SW¼, SE¼.
8 S.	58 W.	20	All.
8 S.	58 W.	30	All.
8 S.	58 W.	32	All.
8 S.	59 W.	12	E½NE¼, W½NW¼, S½.
8 S.	59 W.	24	All.
9 S.	58 W.	6	All.
9 S.	58 W.	8	E½, NW¼, NE¼SW¼, S½SW¼.
9 S.	58 W.	18	All.
9 S.	58 W.	20	All.
9 S.	59 W.	12	All.

containing 8,760.00 acres.

Rodney A. Roberts,

Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 80-14064 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 80-31]

Proposed Wilderness Designation: Powderhorn Instant Study Area and Contiguous Areas With Wilderness Character; Availability of Draft Environmental Impact Statement (DEIS) and Wilderness Act Public Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of draft environmental impact statement and notice of wilderness public hearings.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental impact statement on proposed wilderness designation of the Powderhorn Primitive Area of southwestern Colorado.

Pursuant to section 3(d) of the Wilderness Act of 1964, notice is also given that public hearings will be held on the draft wilderness suitability recommendation for the area.

DATES: Hearings will be held as follows:

Tuesday, May 27, 1980, at the Redskin Inn in Montrose, Colorado, 7:00 p.m.
Wednesday, May 28, 1980, at Webster Hall in Gunnison, Colorado, 7:00 p.m.
Thursday, May 29, 1980, at the Community Center in Lake City, Colorado, 7:00 p.m.

Written comments on the draft environmental statement and the draft wilderness proposal will be received until July 1, 1980.

Oral and written comments will also be received at the public hearings.

ADDRESSES: Written comments on the draft environmental impact statement should be submitted by July 1, 1980, to the District Manager, Montrose District Office, Bureau of Land Management, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Office of Information, Interior Building, 18th & C Streets, N.W., Washington, D.C. 20240 (Phone: (202) 343-6011).
Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: (303) 837-4481).
Montrose District Office, Bureau of Land Management, Highway 550 South, P.O. Box 1269, Montrose, Colorado 81401 (Phone: (303) 249-7791).
Gunnison Basin Resource Area Office, Bureau of Land Management, 336 South 10th Street, Montrose, Colorado 81401 (Phone: 303) 249-2244).
San Juan Resource Area Office, Bureau of Land Management, 701 Camino Del Rio, Durango, Colorado 81301 (Phone: (303) 247-4082).

Public Libraries

Montrose Regional Library, 434 South First, Montrose, Colorado 81401.
Western State College Library, Gunnison, Colorado 81230.
Gunnison County Public Library, 307 N. Wisconsin, Gunnison, Colorado 81230.
Crested Butte Library, 312 N. Main, Crested Butte, Colorado 81224.
Silverton Public Library, 1118 Reese, Silverton, Colorado 81433.
Durango Public Library, 1188 Second Avenue, Durango, Colorado 81301.
Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206.

County Courthouses

Montrose County, Montrose, Colorado.
Hinsdale County, Lake City, Colorado.
San Juan County, Silverton, Colorado.
Gunnison County, Gunnison, Colorado.
Saguache County, Saguache, Colorado.
Ouray County, Ouray, Colorado.

Single copies of the draft statement can be obtained from the District Manager, Montrose District Office; the Area Manager, Gunnison Basin Resource Area; or the State Director, Colorado State Office, at the addresses listed above.

SUPPLEMENTARY INFORMATION: The DEIS analyzes the potential impacts that would result from inclusion of 44,951 acres of the Montrose District of the Bureau of Land Management (BLM) in southwestern Colorado into the National Wilderness Preservation System.

The proposal calls for the inclusion of the existing Powderhorn Primitive Area and 4,471 contiguous acres. This alternative would not affect the 40,480 acres presently within the primitive area, since it is now essentially being managed under wilderness guidelines. The contiguous 4,471 acres are potentially manageable under multiple-use concepts; therefore, their designation as wilderness would result in resource trade-offs.

Four alternatives are considered in addition to the Proposed Action. They are: Designation of the Existing Primitive Area Containing 40,481 Acres, A Use Alternative, No Action, and Designation of the Primitive Area and 9,660 Contiguous Acres.

Oral testimony of 10 minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The 10-minute time limitation will be strictly enforced. The complete text of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted 10 minutes.

Written requests to testify orally should be received at the Montrose District Office at the above address prior to close of business on May 21, 1980. Requests should identify the organization represented and should be signed by the prospective witness. The cut-off date is necessary so that a witness list can be made available on the day before the public hearing.

Speakers will be heard, if present, in their established order on the witness list. After the last listed witness has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony if offered as the views or opinions of a private citizen.

Comments on the draft environmental impact statement, whether written or oral, will receive equal consideration in preparation of a final environmental impact statement.

FOR ADDITIONAL INFORMATION CONTACT: Mr. Henri Bisson, Montrose District Office, P.O. Box 1269, Montrose, Colorado 81401, (303) 249-7791.

Dated: May 2, 1980.

Guy R. Martin,

Assistant Secretary for Land and Water Resources.

[FR Doc. 80-14114 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Mitchell Energy Offshore Corp.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Mitchell Energy Offshore Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 092, Block 189, Galveston Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 28, 1980.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico, OCS Region.

[FR Doc. 80-13956 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-31-M

Office of the Secretary

Decision To Issue Right-of-Way Grant on West to East Crude Oil Transportation System

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of decision to issue right-of-way grant.

SUMMARY: The Secretary of the Interior has issued a right-of-way grant across Federal lands to Northern Tier Pipeline Company, for the purpose of constructing and operating an oil pipeline from Port Angeles, Washington, to Clearbrook, Minnesota. This action represents the Federal Government's initial commitment to adhere to an expedited permitting schedule, as required by Title V of the Public Utility Regulatory Policies Act of 1978, and is the initial step in implementing the President's decision of January 17, 1980. The President's decision approved the Northern Tier Pipeline Company proposal for expedited permitting to provide Northern Tier the opportunity to seek financial backing and throughput agreements. If Northern Tier is unable to secure adequate financial support within a year, or six months after a decision by the Washington State Energy Facility Site Evaluation Council, whichever is longer, the special procedures provided under Title V will be revoked, and the Trans Mountain Oil Pipeline Corporation will be given an opportunity to take advantage of the same Title V procedures.

In addition to the inclusion of general, environmental and technical stipulations, the grant requires Northern Tier to comply with the Department's Equal Employment Opportunity procedures. Northern Tier will also be required to make its pipeline available to the four Puget Sound refineries.

This grant does not give Northern Tier the authority to begin construction; instead it provides Northern Tier the opportunity to begin centerline surveys on Federal lands and it enables the Federal Government to begin development of site specific stipulations that will be attached to the Notice(s) to Proceed that will authorize construction.

EFFECTIVE DATE: April 21, 1980.

ADDRESS: Department of the Interior, Bureau of Land Management, 18th & C Streets, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Dan Patton (202) 343-6226 at above address.

Dated: May 1, 1980.

Guy R. Martin,

Assistant Secretary, Land and Water Resources.

[FR Doc. 80-13977 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and,"Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 29]

MC 114632 (Sub-278TA), filed December 12, 1979, and published in the Federal Register issue of March 26, 1980, and republished as corrected this issue. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meet packinghouses, as described in Sections A & C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766* (except hides and commodities in bulk), from points in IA, points in NE on and east of US Hwy 281, points in MN on and south of a line beginning at the SD-MN border and extending along MN Hwy 28 to Jct 194, thence along 194 to Jct. MN Hwy 23, thence along MN Hwy 23 to Jct. MN Hwy 94, thence along MN Hwy 95 to the MN-WI border, and from points in the Chicago, IL Commercial Zone to points in the United States in and east of ND, SD, NE, KS, OK, and TX for 180 days. Supporting shipper(s): Weinstein International Corp., 5738 Olsen Hwy., Minneapolis, MN 55422. Send protests to: Transportation Asst., ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604. The purpose of this republication is to include Iowa as a destination point.

MC 138772 (Sub-8TA), filed December 18, 1979, and published in the Federal Register issue of February 19, 1980, and republished as corrected this issue. Applicant: ALL WAYS FREIGHT LINES, INC., 215 N. 18th St., Leavenworth, KS 66048. Representative: Marvin D. Robertson, P.O. Box 2426, Kansas City, KS 66110. Common carrier; regular routes: *general commodities* * * *, for 180 days. Underlying ETA seeks 90 days authority. Applicant does intend to tack at Marysville, KS and applicant does intend to interline at Kansas City for through service between points of existing authority on points in Missouri and points sought herein. The purpose of this republication is to show the applicant intends to tack and interline this application. The rest of this application remains the same as previously published.

MC 142393 (Sub-3TA), filed November 13, 1979. Applicant: ROBBIE D. WOOD, INC., P.O. Box 125, Dolomite, AL 35061. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Coke,* from the facilities of Alabama By-Products Corporation at or near Birmingham, AL to points in the United States in and east of the state of ND, SD, NE, KS, OK, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alabama By-Products Corporation, First National-Southern Natural Bldg., 1900 Fifth Avenue North, Birmingham, AL 35203. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, Al 35203.

MC 149223 (Sub-2TA), filed January 11, 1980, and published in the Federal Register issue of March 12, 1980 and

republished as corrected this issue. Applicant: R. C. and N. R. AKIN, d.b.a. AKIN TRUCKING, Route No. 2, Box 266, Westville, OK 74965. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. (1) *Foodstuffs,* (a) from McAllen, TX to Stilwell, OK and the facilities of Zero Mountain Cold Storage, Inc., at or near Johnson, AR; and (b) from Stilwell, OK to points in TX; and (2) *materials and supplies* used in the transportation and storage of foodstuffs, from Stilwell, OK to McAllen, TX, for 180 days. Underlying ETA seek 90 days authority. Supporting shipper(s): Stilwell Foods, Inc., P.O. Box 432 Stilwell, OK 74960. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201. The purpose of this republication is to show the complete request of authority for part (a).

[Notice No. 30]

MC 140563 (Sub-52TA), filed January 28, 1980. Applicant: W. T. MYLES TRANSPORTATION CO., P.O. Box 321, Conley, GA 30027. Representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. *Scrap and waste newspapers.* From points in NJ, NY, and DC to Laurens County, GA for 180 days. Shipper: Southeast Paper Manufacturing Co., P.O. Box 1169, Dulbin, GA 31021. Send protests to: Regional Authority Center, ICC, P.O. Box 7520, Atlanta, GA 30357.

MC 148803 (Sub-1TA), filed November 27, 1979. Applicant: DREW & KENNETT, INCORPORATED, West Main Street, Conway, NH 03818. Representative: Bayard W. Kennett, West Main Street, Conway, NH 03818. *Logs, lumber, pallets, skids, boxes, building material supplies* and *millwork,* between points in RI, CT, ME, MA, NH, NY and VT., for 180 days. Supporting shipper(s): John F. Chick & Son, Route 113, Silver Lake, NH 03875. Send protests to: ICC, 150 Causeway St., Room 501, Boston, MA 02114.

MC 148952TA, filed November 27, 1979. Applicant: JOHN G. GALVIN, d.b.a. INSTANT CARGO EXPRESS, P.O. Box 658, Derry, NH 03038. Representative: John G. Galvin (same address as above). *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 MA on the one hand, and on the other, points in NH, and Caledonia, Orange, Rutland, Washington, Winham, Windsor Counties, VT., and York, Androscoggin, Cumberland, Oxford and Kennebec Counties, ME., for 180 days. Supporting shipper(s): Ford Aerospace & Communications Corporation, P.O. Box 4677, Manchester, NH 03108; Littleton Savings Bank, 85 Main Street, Littleton, NH 03561. Send protests to: ICC, 150 Causeway St., Room 501, Boston, MA 02114.

[Notice No. F-24]

The following applications were filed in Region 2. Send protests to: ICC, Federal Reserve Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 150080 (Sub-II-13TA), filed April 24, 1980. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Joseph Seifrit (same address as applicant). Contract; irregular *fluorescent lighting fixtures, parts and accessories,* from Bristol, PA to points in AZ, CA, CO, FL, GA, ID, IL, LA, MT, NV, NM, NY, OR, TX, UT, WA and WY, under continuing contract or contracts, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Keystone Lighting Corp., U.S. Route 13 and Beaver St., Bristol, PA 19007.

MC 110525 (Sub-II-4TA), filed April 23, 1980. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same as applicant). *Salt cake, in bulk, in tank vehicles,* from Delaware City, DE to pts. in VA, ME, SC, NC, NY, NH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Ashland Chemical Co., P.O. Box 2219, Columbus, OH 43216.

MC 142559 (Sub-II-13TA), filed April 24, 1980. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Ave., Cleveland, OH 44114. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *(1) such commodities as are dealt in or used by manufacturers and distributors of building materials and (2) materials, equipment and supplies for the commodities in (1) above (except commodities in bulk and commodities which require special equipment)* between Cleveland and Kent, OH, including pts. in their respective Commercial Zones, on the one hand, and, on the other, pts. in the US (except AK and HI) for 180 days. Supporting shipper: Forest City Enterprises, Inc., 10800 Brookpark Rd., Cleveland, OH 44130.

MC 94265 (Sub-II-10TA), filed April 23, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Rt. 460W, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Foodstuffs (except commodities in bulk, in tank vehicles)* from the facilities utilized by Paramount, Inc. at or near Louisville, KY to pts. in state of AL, AR, DE, FL, GA, IL, IN, IA, KS, MD, MI, MN, MO, NE, NY, NC, ND, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI, and DC. An underlying ETA seeks 90 days authority. Supporting shipper: Paramount, Inc., P.O. Box 13025, Louisville, KY 40213.

MC 106001 (Sub-II-2TA), filed April 22, 1980. Applicant: DENNIS TRUCKING CO., INC., 6951 Norwitch Dr., Philadelphia, PA 19153. Representative: James W. Patterson, Esq., 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. *Zinc and zinc slabs, ingots, dross, residue, skimmings, ashes and scrap and containers used in the transportation of said commodities* (except in bulk), between Braddock and Palmerton, PA, and East Liverpool, OH, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MI, NJ, NY, OH, PA and WV, for 180 days. Supporting shipper(s): St. Joe Zinc Company, Division of St. Joe Minerals Corp., Two Oliver Plaza, Pittsburgh, PA 15222.

MC 148747 (Sub-II-3TA), filed April 23, 1980. Applicant: D & E TRANSPORT, INC., 570 Dunks Ferry Rd., Bensalem, PA 19020. Representative: Richard Rueda, Esq., 133 N. 4th St., Philadelphia, PA 19106. 1. *Paper, other than newsprint* (except in bulk) from the facilities of Wilcox-Walter-Furlong Paper Co., at Philadelphia, PA to Boston and Brockton, MA, and Melbourne, FL and their respective commercial zones; 2. *Plastic spools* (except in bulk) from the facilities of Craftex Mills, Inc., at Philadelphia, PA to Chatham, NY and their respective commercial zones; 3. *Chemicals* (except in bulk, in tank vehicles) (a) from the facilities of McKesson Chemical Co., at Philadelphia, PA to Baltimore, MD and Franconia, VA, and their respective commercial zones, and (b) from Linden, Carteret, and Washington, NJ to the facilities of McKesson Chemical Co., at Philadelphia, PA and their respective commercial zones; 4. *Flavoring compounds and foodstuffs* (except in bulk) from the facilities of Alpha Aromatics, Inc., at Croydon, PA to Somerville, MA; Aurora, IL; Tampa, FL; and their respective commercial zones. Restricted to traffic originating at the named facilities and origins, and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilcox-Walter-Furlong Paper Co., 54th and Grays Ave., Philadelphia, PA 19153; Craftex Mills, Inc., Kensington Ave. and Venango St., Philadelphia, PA 19134; McKesson Chemical Co., 8335 Enterprise Ave., Philadelphia, PA 19153; and Alpha

Aromatics, Inc., State Rd., Croydon, PA 19020.

MC 123744 (Sub-2-5TA), filed April 21, 1980. Applicant: BUTLER TRUCKING CO., P.O. Box 88, Woodland, PA 16881. Representative: Dwight L. Koerber, Jr., 666 Eleventh St., NW., Washington, DC 20001. *Refractories,* (1)(a) from Womelsdorf, PA to points in OH, (b) from Vanport, PA to points in IL, IN, MI, NY, and MD, (c) from White Cloud, MI to points in OH, PA, MD, and MI, and (d) from Farber, MO to points in IN; and (2) *materials and supplies* used in the manufacture of refractories from points in and east of ND, SD, NE, KS, and NM to Curwensville, Mount Union, Womelsdorf, and Vanport, PA; White Cloud, MI; and Farber, MO. Restriction: Restricted to the transportation of traffic moving from or to the facilities of North American Refractories Co. Supporting shipper: North American Refractories Co., 900 Hanna Bldg., Cleveland, OH 44115.

MC 129719 (Sub-II-1TA), filed April 21, 1980. Applicant: BURRELL TRUCKING, INC., One Fifth St., New Kensington, PA 15068. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Contract: Irregular: *Concrete mixes, concrete block, concrete brick, marble chips in bags, and asphalt sealer, in containers,* from the facilities of Burrell Construction & Supply Company in New Kensington, Arnold, and Greensburg (Hempfield Township), PA to points in WV, OH, MD, VA, KY, IN, IL, MI, NY, TN, and AL, under continuing contract with Burrell Construction & Supply Company. An underlying ETA seeks 90 days authority. Supporting shipper: Burrell Construction & Supply Company, One Fifth St., New Kensington, PA 15068.

MC 63417 (Sub-II-11TA), filed April 22, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* from the facilities of Streamline Shippers Assoc., Inc., at Los Angeles, CA, to Dallas, Houston, San Antonio, TX; Oklahoma City and Tusla, OK; and Kansas City, KS-MO; and their respective commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Streamline Shippers Assoc., Inc., 355 South Santa Fe, Los Angeles, CA 90013.

MC 63417 (Sub-II-10TA), filed April 22, 1980. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *(A) Electric sound amplifying equipment, component parts, accessories, displays, and related articles* (1) from Anaheim, CA, to Oklahoma City, OK, and (2) from Oklahoma city, OK, to points in the US (except AK and HI) and *(B) materials, equipment, and supplies used in the manufacture and distribution of the commodities named in (A) above* from points in the US (except AK and HI), to Oklahoma City, OK, restricted to traffic originating at or destined to the facilities of the Altec Corporation for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Altec Lansing Sound Products, 10500 W. Reno, Oklahoma City, OK.

MC 63417 (Sub-II-9TA), filed April 21, 1980. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). *(1) Recreation equipment and supplies and heating and air conditioning apparatus and parts* (a) from Cedar City, UT; East Bloomfield, NY; New Braunfels, TX; Oceanside, CA; Redmond, WA; Santa Fe Springs, CA; Somerset, PA; Wichita, KS; to points in the US (except AK and HI); *(2) Materials, supplies, and equipment used in the production and distribution of commodities in (1) above* from points in the US (except AK and HI) to points in (a) above, for 180 days. An underlying ETA seeks 90 days authority. Restriction: Authority in 1 and 2 above restricted against the transportation of commodities in bulk or those requiring special equipment. Supporting shipper: The Coleman Company, 250 N. St. Francis, Wichita, KS 67201.

MC 150512 (Sub-II-1TA), filed April 21, 1980. Applicant: B & M TRANSIT, INC., Rt. 603, Plymouth, OH 44865. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. Contract, irregular, *fresh meats* between the facilities of The Dicillo Corp., Cleveland, OH, on the one hand, and, on the other, points and places in MA, MD, NJ, NY, and PA. Supporting shipper: The Dicillo Corp., 3290 W. 65th St., Cleveland, OH 44102.

MC 37303 (Sub-II-1TA), filed April 21, 1980. Applicant: A.E.F.-SELOVER TRANSPORTATION, INC., 650 Eddystone Ave., Eddystone, PA 19013. Representative: Alan Kahn, Esq., 1430 Land Title Bldg., Philadelphia, PA 19110. *Such commodities* as are dealt in by manufacturers and distributors of paper and paper products (except commodities in bulk), from the facilities of Scott Paper Company at points in the Philadelphia, PA, Commercial Zone to the facilities of Wakefern Food Corporation in the town of Walkill at or near Middletown, Orange County, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Co., Scott Plaza II, Philadelphia, PA 19113.

MC 150444 (Sub-II-1TA), filed April 21, 1980. Applicant: ADVANCE FREIGHT, LTD., 7637 Leesburg Pike, Falls Church, VA 22043. Representative: Wayne Hartke (same as applicant). Contract, irregular: *Plastics and plastic articles, resin, and scrap plastic, (except in bulk), and materials, equipment and supplies used in the manufacture, sale, processing, distribution and installation of the aforesaid (except in bulk)* between Butler, Newark and Passaic, NJ, Hickory, NC, and Point Pleasant, WV, on the one hand, and, on the other, pts. in AL, CA, CT, DE, GA, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and DC. An underlying ETA seeks 90 days authority. Supporting shipper: Pantasote, Ind., 26 Jefferson St., Passaic, NJ 07055.

MC 148372 (Sub-II-1TA), filed April 14, 1980. Applicant: COLONEL C. HEETER d.b.a. MAIL DELIVERY, 5 Vine St., Pittsburgh, PA 15219. Representative: (same as applicant). *General commodities, no single piece to exceed 75 lbs., no single shipment to exceed 150 lbs.* between pts. in PA, west of Hwy. 15 and pts. in OH, WV, VA, MD, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unified District Supply, 616 Beatty Rd., Monroeville, PA 15146; Hindman Equipment, Inc., 154 Hindman Rd., Butler, PA 16001; NCR, 100 Fleet St., Pittsburgh, PA 15220; and Perfection Photo, 222 E. Pittsburgh St., Greensburg, PA 15601.

MC 113388 (Sub-1TA), filed April 18, 1980. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: W. P. Kurtz, Jr., P.O. Box 618, Seaford, DE 19973. *Carbon, charcoal, and materials and supplies used in the manufacture and distribution of carbon and charcoal* from Scotia, NY, to points in ME, VT, NH, MA, CT, RI, NJ, PA, NY, DE, MD, VA, WV and DC for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346.

MC 59292 (Sub-II-1TA), filed April 17, 1980. Applicant: THE MARYLAND TRANSPORTATION CO., INC., 1111 Frankfurst Ave., Baltimore, MD 21225. Representative: Charles J. Braun, Jr., (same as applicant). *(1) roofing, asphalt composition; shingles or siding,*

asbestos or asphalt; building roofing or sheathing paper or felt paper, saturated or not saturated; roofing, composition or prepared; accessories and supplies used in the installation of the described articles; and (2) material, equipment and supplies (except in bulk) used in the manufacture and distribution of the commodities in (1) above. Commodities in (1) above from the facilities of Tamko Asphalt Products, Inc. at or near Frederick, MD to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA and WV. Commodities in (2) above in the reverse direction. Restricted in (1) and (3) to the transportation of traffic originating at the named origins and destined to the indicated destinations. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tamko Asphalt Products, Inc., 220 West 4th St., Joplin, MO 64801.

MC 143348 (Sub-2-1TA), filed April 17, 1980. Applicant: PROFESSIONAL DELIVERY SYSTEMS, INC., 8408 Zell Lane, Richmond, VA 23229. Representative: Paul C. Anderson (same as applicant). *Contract: Irregular: Merchandise, equipment, and supplies, sold, used, or distributed by a manufacturer of cosmetics (except commodities in tank vehicles) for the account of Avon Products, Inc.* (1) from Newark, DE, to Richmond, VA, (2) between Richmond, VA, and points in the following VA, WV, and NC counties: WV counties of Barbour, Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Upshur, Wayne, Webster, Wirt, Wood, Wyoming, and the VA counties of Accomack, Alleghany, Bath, Bedford, Bland, Botetourt, Buchanan, Carroll, Craig, Dickenson, Fauquier, Floyd, Franklin, Giles, Grayson, Highland, Lee, Montgomery, Northampton, Page, Patrick, Pulaski, Rappahannock, Richmond, Roanoke, Rockbridge, Russell, Scott, Shenandoah, Smyth, Stafford, Tazewell, Warren, Washington, Wise and Wythe, and the NC counties of Chowan, Currituck and Perquimans. Supporting shipper: Avon Products, Inc., Ogletown Rd., Newark, DE 19711.

MC 107012 (Sub-II-21TA), filed April 18, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David Bishop, P.O. Box 988, Fort Wayne, IN 46801. *New furniture when moving in mixed loads with such commodities as are dealt in by retail department stores and catalogue sales outlets* from the facilities of Montgomery Ward and Co. at or near Dalton, GA to Memphis, TN and Baltimore, MD; and from the facilities of Montgomery Ward and Co. at or near Ft. Worth, Grand Prairie, Dallas, Cleburne, Owentown and Jefferson, TX to points in FL, AL, MS, AR, OK, LA, NM, MO, IL, MN, IA, CO, KS, and NE; from the facilities of Montgomery Ward and Co. at or near Baltimore, MD to points in IL, IN, IA, KS, MI, MN, MO, NE, OH, OK, PA and WI; and from the facilities of Montgomery Ward and Co. at or near Charlotte, NC to Baltimore, MD; and from the facilities of Montgomery Ward and Co. at or near Kansas City, MO to points in IA, KS, IL, OH, AR, NE, MN, OK, and TX. Supporting shipper(s): Montgomery Ward and Co., 1 Montgomery Ward Plaza, Chicago, IL 60671.

MC 136343 (Sub-II-4TA), filed April 18, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Containers* from Derry, NH to Memphis, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Continental Can Co., Inc., Wayne Interchange Plaza 1, 145 Route 46, Wayne, NJ 07470.

MC 107012 (Sub-2-22TA), filed April 18, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David Bishop, P.O. Box 988, Fort Wayne, IN 46801. *Such commodities as are utilized in and incidental to the operation of a restaurant (except commodities in bulk and commodities which because of size or weight require the utilization of specialized equipment),* from the facilities of Hardee's Food Systems, Inc., at or near Rocky Mount, NC, to points in AL, DE, FL, GA, IA, KY, LA, MD, MN, ND, NJ, PA, SC, SD, TN, VA and WV. An underlying ETA seeks 90 days authority. Supporting shipper: Hardee's Food Systems, Inc., P.O. Box 1619, 1233 North Church, Rocky Mount, NC 27801.

MC 110686 (Sub-2-2TA), filed April 18, 1980. Applicant: McCORMICK DRAY LINE, INC., Avis, PA 17721. Representative: David A. Sutherlund, 1150 Connecticut Ave., NW, Suite 400, Washington, DC 20036. (1) *Water heaters, hot water storage tanks and household heating boilers,* from McBee, SC, to points in the US, in and east of MN, IA, MO, AR, and LA, and, (2) *equipment, materials and supplies* used in the manufacture of the commodities described in (1) on return for 180 days. Supporting shipper: A. O. Smith Corp., P.O. Box 584, Milwaukee, WI 53201.

MC 13388 (Sub-II-2TA), filed April 21, 1980. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: W. P. Kurtz (same as applicant). *Household cleaning products and related articles,* from Bristol and Cornwall Heights, PA to points in ME, NH, VT, MA, CT, RI, and points in DE, MD, and VA east of Chesapeake Bay and south of Chesapeake Canal, for 180 days. An underlying ETA seeks 90-day authority. Supporting shipper: Purex Corporation, Ltd., 1414 Radcliffe St., Bristol, PA 19007.

MC 144910 (Sub-II-2TA), filed April 21, 1980. Applicant: TY PRUITT TRUCKING, INC., 6717 Quad Ave., Baltimore, MD 21237. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., N.W., Washington, DC 20005. *Such merchandise as is dealt in or distributed by grocery, food and department and food business houses; and materials and supplies used in the manufacture and distribution of such commodities (except commodities in bulk),* from the facilities of Maryland Cup Corp., Baltimore, MD, and points in its commercial zone, to Altoona, PA, Atlanta, GA, Charlotte, NC, Chicago, IL, Friendship, NC, Henrietta, NY, points in their commercial zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Maryland Cup Corp., Owings Mills, MD 21117.

MC 113388 (Sub-2-4TA), filed April 23, 1980. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: W. P. Kurtz, P.O. Box 618, Seaford DE 19973. *Articles dealt in or distributed by wholesale and retail drugstores,* from points in FL, GA, NC, SC, VA, DE, MD, NJ, PA, NY, CT, RI, MA, ME, VT and NH to DC for 180 days. An underlying ETA seeks 90-day authority. Supporting shipper: United Drug Service, 407 Florida Ave., N.E., Washington, DC.

MC 107012 (Sub-2-24), filed April 25, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. *Insulating materials and commodities utilized in the installation of insulating materials* from Fontana, CA to points in AZ and NV and from Pueblo, CO to points in ID, NM, MT, UT and WY for 180 days. An underlying ETA seeks 90 days authority. Shipper: Rockwool Industries, Inc., P.O. Box 5170, Denver, CO 80217.

MC 150588 (Sub-2-1), filed April 24, 1980. Applicant: OWINGS & SONS, INC., Box 297, Millington, MD 21651. Representative: Joseph I. Huesman, 504 Maryland Trust Bldg., Baltimore, MD 21202. *Contract; irregular: Anhydrous ammonia,* from Palmerton, PA, and Gibbstown, NJ to points in MD and DE, south of Chesapeake-Delaware Canal for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 5 supporting shippers. Their statements may be examined at the office listed below.

MC 107403 (Sub-2-19), filed April 24, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *(1) Dry Sugar, in bulk,* from New Orleans, LA to points in AL, AR, FL, GA, KY, MS, OK, TN and TX and *(2) Liquid sugar, corn syrup and blends of corn syrup and sugar, in bulk,* from New Orleans, LA to KS, KY, MO for 180 days. Supporting shipper(s): Amstar Corp., 7415 N. Peters St., Arabi, LA 70032.

MC 139039 (Sub-II-1TA), filed April 25, 1980. Applicant: A. MARIANNI'S SONS, INC., 3301 Tulip St., Philadelphia, PA 19134. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. *Iron* and *steel articles,* (1) from Milford, CT, Cedartown, GA, Indianapolis, IN, Detroit, MI, Syracuse, NY, Canton, Columbus and Dover, OH, Nashville, TN and Chester, VA, to the facilities of Specialty Steel Services, Inc. at Philadelphia, PA. (2) From the facilities of Specialty Steel Services, Inc. at Philadelphia, PA to Dover, DE, Detroit, MI and Milville, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Specialty Steel Services, Inc., 2200 East Adams Ave., Philadelphia, PA 19124.

MC 150602 (Sub-2-1), filed April 25, 1980. Applicant: CHARLES A. McCAULEY, INC., 100 Industrial Way, Hawthorne, PA 16230. Representative: Henry M. Wick, Jr., David M. O'Boyle, 2310 Grant Bldg., Pittsburgh, PA 15219. *Petroleum, petroleum products, equipment, materials and supplies used in the manufacture, sale or distribution of petroleum products,* between the facilities of Witco Chemical Corp. at Petrolia, PA on the one hand, and, on the other, points in IN and IL for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper: Witco Chemical Corporation, 77 North Kendall Ave., Bradford, PA 16701.

MC 111956 (Sub-2-1), filed April 12, 1980. Applicant: SUWAK TRUCKING COMPANY, 1105 Fayette St., Washington, PA 15301. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in containers, from Buffalo, NY, and Richmond, VA to Fayette and Westmoreland Counties, PA, restricted to the transportation of traffic having a prior movement by water in foreign commerce for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Volkswagen Corp. of America, 27621 Parkview Blvd., Warren, MI 48092.

MC 146890 (Sub-2-6TA), filed April 25, 1980. Applicant: C & E TRANSPORT, INC., d.b.a., C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: E. Stephen Heisley, Suite 805, 666 Eleventh St. NW, Washington, DC 20001. *Wearing apparel,* from Secaucus, NJ to Cleveland, OH, Detroit, MI, and Chicago, IL. An underlying ETA seeks 90 days authority. Supporting shipper: The Miller-Wohl Co., Inc., 915 Secaucus Road, Secaucus, NJ 07094.

MC 129759 (Sub-2-1), filed April 14, 1980. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, PA 15136. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215. *Contract;* irregular: *(1) pipe and tubing and (2) equipment, material and supplies used in the manufacture and distribution of the commodities in (1) above* between the facilities of Trent Tube, Div. of Colt Ind. at or near Carrollton, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI) for the account of Trent Tube, Div. of Colt Ind. for 180 days. Supporting shipper(s): Trent Tube, Div. of Colt Ind., 2188 Church St., East Troy, WI 53120.

MC 21866 (Sub-II-12TA), filed April 18, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., 100 S. Broad St., Philadelphia, PA 19110. *Metal castings, stoves and stove parts,* from the facilities of Unicast Foundries and Union Manufacturing Divisions of Berkmont Industries, Inc. at or near Boyertown, (Berks County), and Douglas Township, (Montgomery County), PA to Chelsea, St. Johnsbury and Woodstock, VT, Bangor, ME, Louisville, KY, Greer and Orangeburg, SC, Montgomery, AL and Atlanta, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Unicast Foundries and Union Manufacturing Divisions of Berkmont Industries, Inc., P.O. Box 527, 6th and Washington Streets, Boyertown, PA 19512.

MC 61825 (Sub-2-7TA), filed April 18, 1980. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). *Cleaning compounds, permanent anti-freeze preparation, anti-icing and de-icing preparation, petroleum products, paint thinning and removing compounds, and chemicals (except in bulk),* from Edgewater, NJ to points in GA, OH and TN, for 180 days. Supporting shipper: Octagon Process, Inc., 596 River Rd., Edgewater, NJ 07020.

MC 21866 (Sub-II-14TA), filed April 23, 1980. Applicant: WEST MOTOR FREIGHT, INC. 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Building, Philadelphia, PA 19110. *Zinc, zinc alloys* and *zinc products* and *materials, equipment* and *supplies* used in the manufacture and distribution of zinc, zinc alloys and zinc products (except commodities in bulk), between the facilities of St. Joe Zinc Company in Braddock, PA, and East Liverpook, OH, on the one hand, and, on the other, points in CT, IL, IN, KY, MI, NJ and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Company, Two Oliver PLaza, Pittsburg, PA 15222.

MC 107012 (Sub-2-23), filed April 23, 1980. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Highway 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop, P.O. Box 988, Fort Wayne, IN 46801. *Materials, parts, and supplies used in the manufacture of toys,* from the facilities of Mac Plastics, Inc., located at or near Canonsburg, PA Tarboro, NC and Spartanburg, SC. An underlying ETA seeks 90 days authority. Shipper: Mac Plastics, Inc., 24 Murdock Street, Canonsburg, PA 15317.

MC 113388 (Sub-2-3TA), filed April 21, 1980. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, DE 19973. Representative: W. P. Kurtz, Jr., P.O. Box 618, Seaford, DE 19973. *Foodstuffs,* from points in FL to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, OH, MI, DE, MD, VA, WV, NC, SC, GA and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: (1) A & A International, P.O. Box 63, Hollywood, FL 33020; (2) Central Beef Co., 123 Highland Avenue, Needham Heights, MA 02194; (3) United Beef Packers, 1630 N.W. 70th Avenue, Miami, FL.

MC 136343 (Sub-2-5), filed April 21, 1980. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative:

Herbert R. Nurick, P.O. Box 1166, Harrisburg, PA 17108. *Fiberboard, pulpboard, and equipment, materials and supplies used in the manufacture, sales and distribution of the foregoing commodities* (except in bulk, in tank vehicles) between the facilities of Angleboard Inc. at Timonium, MD, on the one hand, and, on the other, Versailles, CT; Austell, GA; Holyoke, Needham, Westwood, Winchester and Worcester, MA; Lisbon Falls, ME; Kalamazoo, MI; Hoboken, Newark and Trenton, NJ; Deferiet, Fulton, Liverpool and Piermont, NY; Charlotte, Roaring River and Wilmington, NC; Cincinnati, Middletown and Rittman, OH; Annville, Bedford, Erie, Jefferson, Lancaster, Philadelphia, Strasburg, Towanda, Watsontown and York, PA; Lugoff and Orangeburg, SC; Buena Vista, Lynchburg, Richmond and Suffolk, VA; and Keyser, WV. Supporting shippers: Angleboard Inc., 8901 Blue Ash Rd., Cincinnati, OH 45242.

MC 149111 (Sub-2–1TA), filed April 24, 1980. Applicant: GENERAL COMMODITIES WAREHOUSE & DISTRIBUTING CO., INC., 39th St., Pittsburgh, PA 15201. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. *Household appliances and parts* from the facilities of General Commodities Warehouse & Distributing Co., Inc., in Pittsburgh, PA, to points in PA west of U.S. Hwy. 15, points in WV on and north of U.S. Hwy. 50, and to points in OH in the counties or Jefferson, Harrison, Belmont, and Monroe, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: General Electric Co., Bldg. 10–231, Appliance Park, Louisville, KY 40225; Kelly & Cohen, 250 Mt. Lebanon Blvd., Pittsburgh, PA 15234.

MC 96787 (Sub-2–1), filed April 18, 1980. Applicant: NAT FARINACCI AND SON, INC., P.O. 206, Grand River, OH 44045. Representative: David A. Turano, 100 E. Board St., Columbus, OH 43215. *Coke, in bulk, in dump vehicles* from the facilities of Erie Coke & Chemical Co., a subsidiary of Mercier Corp. at Fairport Harbor, OH to points in MI and IN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Erie Coke & Chemical Co., a subsidiary of Mercier Corp., 115 W. Brown St., Birmingham, MI 48011.

MC 150241 (Sub-2–1), filed April 24, 1980. Applicant: JOHN F. BANCHICH d.b.a. FULL HOUSE TAXI CO., 239 Lake Shore Dr., Port Clinton, OH 43452. Representative: John Banchich (same as applicant). *Contract; irregular: Passengers who are employees of Consolidated Rail Corp.* (1) between Toledo, OH on the one hand, and, on the other, points along the right-of-way of Consolidated Rail Corp. between Toledo, OH and Detroit, MI, and (2) between Toledo, OH on the one hand, and, on the other, points along the right-of-way of consolidated Rail Corp. between Toledo, OH and Elkhart, IN, for 180 days. Restricted to the transportation of no more than 10 passengers in any one vehicle. An underlying ETA seeks 90 days authority. Supporting shipper: Consolidated Rail Corp., Room 301, 1528 Walnut St., Philadelphia, PA 19102.

MC 30237 (Sub-2–4TA), filed April 25, 1980. Applicant: YEATTS TRANSFER COMPANY, a corporation, P.O. Box 666, Altavista, VA. Representative: Eston H. Alt, Exec. Vice President, Yeatts Transfer Company, P.O. Box 666, Altavista, VA 24517. *Tin Plate,* from Fallsington, PA, to Altavista, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Pittsburgh Metal Lithographing Co., Inc., 2150 Roswell Drive, Pittsburgh, PA 15205.

MC 142455 (Sub-2–1), filed April 21, 1980. Applicant: RED LINE TRANSPORT CORP., P.O. Box 811, Elkton, MD 21921. Representative: Chester A. Zyblut, 366 Executive Bldg., N.W., Washington, D.C. 2005. *Bananas and agricultural commodities,* the transportation of which is otherwise exempt, when moving in mixed loads with bananas, from Albany, NY, to points in NY, NJ, DE, MD, VA, DC, CT, MA, RI, PA, OH, IN IL, MI, TN, KY and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Chiquita Brands, Inc., 15 Mercedes Drive, Montvale, NJ 07645.

MC 147949 (Sub-2–1), filed April 21, 1980. Applicant: ROEDER CARTAGE COMPANY, INC., 175 Mumaugh St., Lima, OH 45849. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Contract: Irregular: Liquid Fertilizer Solution, Nitric Acid* and *Anhydrous Ammonia,* in bulk in tank vehicles between points in Allen County, on the one hand, and, on the other, points in IN, KY, and MI. An underlying ETA seeks 90 days authority. Supporting shippers: Vistron Corporation, Midland Bldg., Cleveland, OH 44115.

MC 148785 (Sub-2–1TA), filed April 21, 1980. Applicant: SUDDEN MOVING & STORING, INC., d.b.a. SUDDEN TRUCKING COMPANY, 5154 Kennedy Ave., Cincinnati, OH 45213. Representative: Kevin R. Reichley, 50 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of auto parts,* between Columbus, OH, on the one hand, and, on the other, Drayton Plains, East Lansing, Warren, and Westland, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Harper Industries, Inc., 315 Graham St., Columbus, OH 43203.

MC 21866 (Sub-2–3TA), filed April 22, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., 100 South Broad St., Philadelphia, PA 19110. *Paper and paper products,* from Harrisonburg, VA to Portsmouth, NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Packaging Products Corporation, Aldrin Road, Plymouth Industrial Park, Plymouth, MA 02360.

MC 136819 (Sub-2–1), filed April 21, 1980. Applicant: SPIVEY, INC., P.O. Box 674, Franklin, VA 23851. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract; irregular: Lumber, lumber mill products and forest products* between points in Madison County, VA, on the one hand, and, on the other, points in CT, DC, DE, GA, KY, MA, MD, ME, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VT, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Madison Wood Preservers, Inc., S.R. 5, Box 27, Madison, VA 22727.

MC 69052 (Sub-2–4TA), filed April 22, 1980. Applicant: REED TRUCKING COMPANY, P.O. Box 216, Milton, DE 19968. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St., N.W., Washington, D.C. 20004. *Foodstuffs (except in bulk),* from points in Northhampton, Accomac, Frederick and Westmoreland Counties, VA, Somerset, Worchester, Wicomico, Dorchester, Caroline, Talbot, Queen Anne and Kent Counties, MD, and Kent County, DE, to points in FL, GA, SC, NC, VA, WV, MD, DE, PA, NY, NJ, CT, RI, MA, VT, NH, ME and OH, for 180 days. An underlying ETA seeks 90 days of authority. Supporting shippers: A. W. Sisk and Sons, Inc., Preston, MD 21655; Sandel Packing, Goldsboro, MD 21636; KMC Foods, Inc., P.O. Box 298, Queen, MD.

MC 150567 (Sub-2–1), filed April 14, 1980. Applicant: TRAVIS TRANSPORTATION, INC., 123 Coulter Ave., Ardmore, PA 19003. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, DC 20005. *Contract; irregular: Automotive parts and equipment and materials and supplies used in the manufacture thereof,* between Laredo, TX on the one hand, and, on the other, Detroit, MI for 180 days. An underlying ETA seeks 90 days

authority. Supporting shipper: Ford Motor Co., 200 Parklane Towers, East, One Parklane Blvd., Dearborn, MI 48126.

MC 30237 (Sub-2-1), filed April 23, 1980. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, VA 24517. Representative: Eston H. Alt, P.O. Box 666, Altavista, VA 24517. *New Furniture,* from Youngstown, OH, to points in DE, MD, NC, SC, VA, WV, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: GF Business Equipment, Inc., 418 E. Dennick Ave., Youngstown, OH 44501.

MC 8958 (Sub-2-7TA), filed April 23, 1980. Applicant: YOUNGSTOWN CARTAGE CO., 825 W. Federal St., Youngstown, OH 44501. Representative: Philip J. Cianciolo (same as applicant). *Iron and steel articles, material, equipment and supplies used in the manufacture of commodities* between Hamden and Wallingford, CT and points in GA, NC, SC, TN, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Allegheny Ludlum Steel Corp., 80 Valley St., Wallingford, CT 06492.

MC 138000 (Sub-II-8TA), filed April 25, 1980. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Electric insulators, wiring and parts, materials and supplies used in the manufacture, sale and distribution thereof,* from Sandersville, GA, including its commercial zone, to points in SC, NC, VA, MD, DC, DE, IL, IN, OH, MI, KY, TN, NJ, WV, PA and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lapp Insulator Division, P.O. Box 776, Sandersville, GA 31082.

MC 119315 (Sub-II-3TA), filed April 24, 1980. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Cleaning products and related articles, including ammonia, laundry bleach, laundry bluing, cleaning, scouring and washing compounds, cloths and scouring pads with or without soap, plastic mesh pot scourers, fabric sizing, soap and soap powder, sodium hypochlorite solution, textile softeners, steel wool and plastic bottles,* between Bristol, PA, Salem and Roanoke, VA, Cornwell Heights, PA, New Castle, DE, Paterson, South Kearney, and Hackensack, NJ and Etowah, TN, on the one hand, and, on the other, London, OH (RESTRICTED to transportation from or to the plantsites of Purex Corporation), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Purex Corporation, 6120 N. Detroit Ave., Toledo, OH 43612.

MC 150614 (Sub-II-1TA), filed April 24, 1980. Applicant: ROBERT J. ECKER TRUCKING CO., 225 South Church St., Hazleton, PA 18201. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St., N.W., Washington, DC 20005. *Contract,* irregular, *such commodities* as are dealt in or used by manufactures and distributors of lighting fixtures, between the facilities of Sarama Lightining of PA, Inc. at Nesquehoning, PA, on the one hand, and, on the other, facilities used by Sarama Lighting of PA, Inc. at Atlanta, GA and Chicago, IL; facilities of Sarama Lighting of MA, Inc., at Fall River, MA; and Kew Gardens, Long Island, NY, under contract with Sarama Lighting of PA, Inc. Supporting shipper: Sarama Lighting of PA, Inc., Rt. 54, R.D. #1, Nesquehoning, PA 18240.

MC 147681 (Sub-II-5TA), filed April 21, 1980. Applicant: HOYA EXPRESS, INC., P.O. Box 543, West Middlesex, PA 16159. Representative: Henry W. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Can ends and metal containers,* from the facilities of Crown, Cork & Seal Company, Inc. at Winchester, VA to points in New Hampshire for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Crown, Cork & Seal Company, Inc., 9300 Ashton Road, Philadelphia, PA 14146.

MC 29510 (Sub-II-1TA), filed April 21, 1980. Applicant: EVANS TRANSPORTATION CO., 7800 Route #3, Levittown, PA 19057. Representative: Robert L. Evans, Sr. (same address as above). *Aluminum articles, billets, bars, sows and plate,* from the facilities of Alumax, Inc. at or near Goose Creek, SC to points in CT, DE, IL, IN, MA, MD, MI, NJ, NY, OH, PA, RI, SC, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Alumax, Inc., P.O.B. 1000, Goose Creek, SC 29445.

MC 97009 (Sub-II-1TA), filed April 23, 1980. Applicant: HERZOG TRUCKING COMPANY, INC., 200 Delaware St., Honesdale, PA 18431. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Toilet Preparations, Cosmetics, Personal Care Products, and materials, equipment, and supplies used in the manufacture, sale, and distribution of the above named commodities (except commodities in bulk),* Between North Little Rock, AR; and Morristown and Memphis, TN, on the one hand, and, on the other, points in the states of MA, CT, NY, NJ, PA, RI, MD, DE, VA, WV, OH, IN, IL, and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper Plough, Inc./Maybelline Co., P.O. Box 377, Memphis, TN 38151.

MC 150163 (Sub-II-2TA), filed April 21, 1980. Applicant: HORWITH TRUCKS, INC., R.D. #1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. *Scrap metal,* in bulk, in dump vehicles, from South Attleboro, MA to Burnham, Columbia, Easton and Pittsburgh, PA and from Westport, MA to Macungie, Nesquehoning and Quakertown, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: State Line Scrap Inc., Bacon St., S. Attleboro, MA 02703. Mid-City Scrap Co., 548 State Rd., Westport, MA 02790.

MC 145930 (Sub-11-1TA), filed April 18, 1980. Applicant: JONICK & CO., d.b.a. William E. Morog, 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O.B. 2088, Toledo, OH 43603. *Mill scale, flue dust, lime and limestone products, coke breeze, iron ore fines and iron pellet fines,* in dump vehicles, between points located within a 50 mile radius of Pittsburgh, PA, on the one hand, and, on the other, points in MI, OH, NY, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sechan Limestone Industries, Inc., R.D. #1, Portersville, PA 16051.

MC 57591 (Sub-11-2TA), filed April 18, 1980. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA. 17901. Representative: Albert L. Evans, Jr. (same address as above). *General Commodities (except household goods, bulk commodities, Class A and B explosives, and commodities requiring special equipment),* between the plant sites of Aetna Warehousing Co. at Pottsville, PA.; on the one hand, and, on the other, points in CN, DE, MD, MA, NJ, MY, RI, VA, and DC, for 180 days, an underlying ETA seeks 90 days authority. Supporting shipper: Aetna Warehousing Co., Box 1132, Pottsville, PA. 17901.

MC 107403 (Sub-11-18TA), filed April 18, 1980. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Liquid chemicals, in bulk, in tank vehicles,* from San Pedro, CA to pts. in AZ for 180 days. An underlying ETA for 90 days seeks authority. Supporting shipper: PPG Industries, Inc., One Gateway Center, Pittsburgh, PA 15222.

MC 146298 (Sub-11-2TA), filed April 7, 1980. Applicant: KESS TRANSPORTATION, INC., Box 5091, Cincinnati, OH 45205. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. Pesticides

and fertilizers (except in bulk), and materials and supplies used in the manufacture and packaging of the above (except in bulk) between Buckner, KY, and its commercial zone, on the one hand, and, on the the other, points in TN, MO, IA, IL, IN, MI, OH, and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Rigo Company, Junction 146 & Interstate Hwy. 71, Buckner, KY 40010.

MC 124821 (Sub-11–8TA), filed April 4, 1980. Applicant: GILCHRIST TRUCKING, INC., 105 North Keyser Ave., Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. *Glassware, glass containers and closures,* from Chicago Heights, IL; Constantine, Three Rivers and Kalamazoo, MI; and Toledo, OH, to States of NY, NJ and PA; and from Pittston, PA, to points in OH, IN, and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666.

MC 128746 (Sub-II–1TA), filed April 10, 1980. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 S. 61st., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M St., NW., Washington, DC 20036. *Malt beverages in containers and materials and supplies used in the production and sale of malt beverages* (1) between Newark, NJ, on the one hand, and, on the other, all points in CT, DE, GA, MA, MD, ME, NC, NH, NY, OH, PA, RI, SC, VA and VT; and (2) between Houston County, GA, on the one hand, and, on the other, points in NC, SC, VA, MD, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Pabst Brewing Co., 917 W. Juneau Ave., Milwaukee, WI 53201.

MC 135524 (Sub-II–4TA), filed April 7, 1980. Applicant: G. F. TRUCKING COMPANY, 1028 W. Rayen Ave., P.O. Box 229, Youngstown, OH 44501. Representative: George Fedorisin, 914 Salt Springs Rd., Youngstown, OH 44509. *Conveyors, conveyor systems, and accessories, parts, materials, supplies and equipment necessary for the erection, installation, completion, and maintenance thereof* from Montevallo and Clera, AL to Quemahoning Township, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper[s]: Abex Corporation, 520 5th Ave., New York, NY 10036.

MC 65475 (Sub-II–2TA), filed April 7, 1980. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. (1) *Zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, lead sheet, and metallic cadmium,* and (2) *materials, equipment, and supplies* used in the manufacturing and distribution of the commodities named in (1), above, between the facilities of St. Joe Zinc Co. located at Braddock, PA, and East Liverpool, OH, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX. An underlying ETA seeks 90 days authority. Supporting shipper: St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222.

MC 150650 (Sub-II–1TA), filed April 9, 1980. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, INC., 1200 S. State St., Girard, OH 44420. Representative: Michael R. Werner, 167 Fairfield Rd., Fairfield, NJ 07006. *Contract:* irregular: *Zinc slabs and ingots, and zinc dross,* in residue or skimmings between Braddock and Palmerton, PA, East Liverpool, Cincinnati, Girard and Youngstown, OH and East St. Louis, IL, for 180 days. An underlying Emergency Temporary Authority application seeks 90 day authority. Supporting shipper: St. Joe Zinc, 2 Oliver Plaza, Pittsburgh, PA 15222.

MC 150488 (Sub-2–1), filed April 10, 1980. Applicant: JOHNNY NELSON LAYNE, Route 3, Box 179A, Amherst, VA 24521. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Contract—Irregular, New Furniture, from the facilities of Stanley Furniture Interiors at Stanleytown and Waynesboro, VA and West End, NC to the facilities of Stanley Furn. of Dallas Inc. and Stanley Furn. of Houston, Inc. at or near Dallas and Houston, TX, for 180 days. An underlying ETA seeks 90 day authority. Supporting shippers: Stanley Furn. of Dallas, Inc., Stanley Furn. of Houston, Inc., 4425 McEwen, P.O. Box 402406, Dallas, TX 75240.

The following applications were filed in Region 3. Send protests to ICC, Regional Authority Center, P.O. Box 7520, Atlanta, GA 30357.

MC 115654 (Sub-3–3TA), filed April 21, 1980. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Jackie Hastings, (same as above). *Foodstuffs,* except in bulk, between Nashville, TN, on the one hand, and, on the other, points in AL, AR, GA, IN, IL, KY, LA, MS, MO, OH and Kansas City, KS. Supporting shipper: Nashville Frozen Foods, 1400 Davidson, Nashville, TN 37201.

MC 107002 (Sub-3–11TA), filed April 25, 1980. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Larry M. Ford (same address as applicant). *Aviation gasoline and jet fuel,* in bulk, from Baton Rouge, Kenner and Norco, LA to Hattiesburg and Jackson, MS. Supporting shipper: Miller Wills Aviation, P.O. Box 22551, Jackson, MS 39205.

MC 94201 (Sub-3–3TA), filed April 24, 1980. Applicant: BOWMAN TRANSPORTATION, INC., Post Office Box 17744, Atlanta, Georgia 30316. Representative: Maurice F. Bishop, 601–09 Frank Belson Building, Birmingham, Alabama 35203. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Mobile, AL and Houston, TX, serving the off-route points of Port Arthur, Baytown and Texas City, TX: (a) From Mobile over U.S. Highway 90 to New Orleans, LA, then over U.S. Highway 61 to Baton Rouge, LA, then over U.S Highway 190 to Kinder, LA, then over U.S. Highway 165 to junction U.S. Highway 90, then over U.S. Highway 90 to Houston, and return over the same route. (b) From Mobile over Interstate Highway 10 and/or U.S. Highway 90 to Houston, and return over the same route. Between Birmingham, AL and New Orleans, LA: From Birmingham over U.S. Highway 11 (also over Interstate Highway 59) to New Orleans, and return over the same route. Between Poplarville, MS and Baton Rouge, LA: From Poplarville over Mississippi Highway 26 to the Mississippi-Louisiana State line, then over Louisiana Highway 10 to Bogalusa, LA, then over Louisiana Highway 21 to Covington, LA, then over Between Montgomery, AL and the junction of U.S. Highways 11 and 80 and Interstate Highway 59: From Montgomery over U.S. Highway 80 to junction U.S. Highway 11 and Interstate Highway 59, and return over the same route. Between Meridian, MS and Fort Worth, TX: From Meridian over U.S. Highway 80 (also over Interstate Highway 20) to Fort Worth, and return over the same route. Between Birmingham, AL and Fort Worth, TX, serving the off-route points of Plano and Garland, TX, and Camden, AR: From Birmingham over U.S. Highway 82 to Texarkana, TX-AR, then over U.S. Highway 67 (also over Interstate Highway 30) to Dallas, TX, then over U.S. Highway 80 to Fort Worth, and return over the same route. Between Memphis, TN and Topeka, KS: (a) From Memphis over U.S. Highway 70 to

junction U.S. Highway 63 (also Interstate Highway 55), then over U.S. Highway 63 to junction U.S. Highway 60 at Cabool, MO, then over U.S. Highway 60 to Springfield, MO, then over U.S. Highway 66 to Carthange, MO, then over U.S. Highway 71 to Kansas City, MO, then over Interstate Highway 70 to Topeka, and return over the same route. (b) From Memphis over U.S. Highway 70 to junction U.S. Highway 63 (also Interstate Highway 55), then over U.S. Highway 63 to junction U.S. Highway 60 at Cabool, MO, then over U.S. Highway 60 to Springfield, MO, then over Missouri Highway 13 to Clinton, MO, then over Missouri Highway 7 to junction U.S. Highway 71, at or near Harrisonville, MO, then over U.S. Highway 71 to Kansas City, then over Interstate Highway 70 to Topeka, and return over the same route. Between Memphis, TN and Little Rock, AR: From Memphis over U.S. Highway 70 to West Memphis, AR, then over Interstate Highway 40 to Little Rock, and return over the same route. Between Little Rock, AR and Greenville, MS: From Little Rock over U.S. Highway 65 to junction U.S. Highway 82, near Lake Village, AR, then over U.S. Highway 82 to Greenville, and return over the same route. Between Houston, TX and Dallas, TX: From Houston over U.S. Highway 75 (also over Interstate 45) to Dallas, and return over the same route. Between Little Rock, AR and Texarkana, TX: From Little Rock over Interstate Highway 30 (also over U.S. Highway 67) to Texarkana, and return over the same route. Bowman presently holds authority to provide service between all named points on the above routes and multiple intermediate points. The purpose of this application, with respect to the above routes, is to obtain authority to serve all intermediate and off-route points in Mississippi and Louisiana. The intermediate and off-route point service in Mississippi and Louisiana is sought with respect to all routes (above and below). Between Mobile, AL and Memphis, TN: (a) From Mobile over U.S. Highway 45 to Tupelo, MS, then over U.S. Highway 78 to Memphis, and return over the same route. (b) From Mobile over U.S. Highway 98 to Hattiesburg, MS, then over U.S. Highway 49 to Jackson, MS, then over U.S. Highway 51 (also Interstate 55) to Memphis, and return over the same route. Between Gulfport, MS and Hattiesburg, MS: From Gulfport over U.S. Highway 49 to Hattiesburg, and return over the same route. Between Jackson, MS and Junction, U.S. Highway 61, at or near Metairie, LA: From Jackson over U.S. Highway 51 (also Interstate Highway 55) to junction U.S. Highway 61, and return over the same route. Between Baton Rouge, LA and Carthage, MO: From Baton Rouge over U.S. Highway 190 to junction U.S. Highway 71, then over U.S. Highway 71 to Carthage, and return over the same route. Between Fort Worth, TX and Carthage, MO: From Fort Worth over U.S. Highway 80 (also Interstate Highway 20) to Dallas, TX, then over U.S. Highway 75 to junction U.S. Highway 69, at or near Denison, TX, then over U.S. Highway 69 to junction U.S. Highway 60, then over U.S. Highway 60 to junction U.S. Highway 71, then over U.S. Highway 71 to Carthage, MO, and return over the same route. Between Memphis, TN and Lake Charles, LA: From Memphis over U.S. Highway 61 to junction U.S. Highway 82, then over U.S. Highway 82 to junction U.S. Highway 165, then over U.S. Highway 165 to Lake Charles, and return over the same route. Service in connection with the above routes is authorized to and from all intermediate points and all off-route points in Mississippi and Louisiana. Bowman proposes to tack the authority herein sought at all common points with all of its authority in Certificate MC 94201 and Subs to provide service between the points here involved and the regular and irregular route authority of Bowman in the States of Al, GA, FL, TN, NC, SC, IL, IN, OH, KY, MO, VA, MD, DC, PA, NJ, NY, CT, RI, MA, AR, TX, OK, NM, KS, and IA. There are 346 statements of support to this application which can be examined at the ICC Regional Office.

MC 150192 (Sub-3-1TA), filed April 24, 1980. Applicant: D. T. WHITEHURST, Route 6, Box 207, Elizabeth City, NC 27909. Representative: E. Gregory Stott, P.O. Box 131, Raleigh, NC 27602. *Soybean meal,* from Norfolk, VA to Washington County, NC. Supporting shipper: Tyson Carolina, Inc., Creswell, NC.

MC 146782 (Sub-3-4TA), filed April 23, 1980. Applicant: ROBERTS CONTRACT CARRIER CORP., 300 First Ave. South, Nashville, TN 37201. Representative: Stephen L. Edwards, 806 Nashville Bank & Bldg., Nashville, TN 37201. (1) *Iron and steel articles,* and, (2) *Materials, equipment and supplies used in the manufacture of the commodities described in (1) above* (except commodities in bulk), between the facilities of Exposaic Wire Company located at Mount Airy, NC on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: Exposaic Wire Co., P.O. Box 1122, Mt. Airy, NC 27030.

MC 107515 (Sub-3-14TA), filed April 21, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, NE., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Frozen prepared foods, NOIBN, frozen bakery goods, NOIBN* from the facilities of Stouffer Foods Corp., Subsidiary of the Stouffer Corporation, at or near Solon, OH to points in IL, IA, KS, MN, MO, NE, ND, SD, and WI. Supporting shipper: Stouffer Foods Corporation, Subsidiary of the Stouffer Corporation, 5750 Harper Road, Solon, OH 44139.

MC 107515 (Sub-3-15TA), filed April 21, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Frozen foods* from facilities of Pure Packed Foods, Inc., Arlington, TN to points in ND, SD, NE, KS, CO, OK, TX, MN, WI, IA, MO, AR, LA, ME, NH and VT. Supporting shipper: Pure Packed Foods, 5885 Jetway Drive, Arlington, TN 38002.

MC 107515 (Sub-3-16TA), filed April 21, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby and Richard M. Tettelbaum, 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Such commodities as are dealt in by retail and chain grocery and food business houses* (except commodities in bulk and frozen foods) from facilities of The Clorox Company, Forest Park, GA to points in AR, KY and TN. Supporting shipper: The Clorox Company, 17 Lake Mirror Road, Forest Park, GA 30050.

MC 107515 (Sub-3-17TA), filed April 21, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Foodstuffs* from the facilities of Fast Food Merchandisers, Inc. at or near Forest City and Rocky Mount, NC to Frankfort, KY. Supporting shipper: Fast Food Merchandisers, Inc., 1233 N. Church Street, Rocky Mount, NC 27801.

MC 143621 (Sub-3-9TA), filed April 21, 1980. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue North, Post Office Box 5748, Nashville, TN 37208. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. *Steel pipe and tubing* from Staunton and Gillespie, IL and points in the commercial zone of St. Louis, MO to the facilities of Mill Sales & Service at Nashville, TN. Supporting

shipper: Mill Sales & Service, 249 Whitsett Avenue, Nashville, TN 37210.

MC 144715 (Sub-3–2TA), filed April 21, 1980. Applicant: ANDERSON & WEBB TRUCKING CO., INC., P.O. Box 1523, 542 West Independence Blvd., Mt. Airy, NC 27030. Representative: Eric Meierhoefer, Suite 423, 1511 K Street, NW., Washington, DC 20005. *Air cleaners, fuel and oil filters, and materials and supplies used in the manufacture thereof,* from points in CA, and in and east of TX, OK, MO, IA, and MN to the facilities of Wix Corporation at or near Dillon, SC and Gastonia, NC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Wix Corporation, Box 1967, Gastonia, NC 28052.

MC 150668 (Sub-3–1TA), filed April 21, 1980. Applicant: CAR-MEL CONTRACTORS TRUCKING DIVISION, INC., 5300 Powerline Road, Fort Lauderdale, Florida 33309. Representative: Bernard C. Pestcoe, Esq., Suite 511, Biscayne Building, 19 West Flagler Street, Miami, Florida 33130. *Contract carrier,* over irregular routes, *such merchandise as is dealt in by retail department stores* between Doraville, GA., Fort Lauderdale, FL., and San Antonio, TX., on the one hand, and AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MI, MA, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV and WI, on the other hand, under a continuing contract or contracts. Supporting shipper: Lionel Leisure, Inc., 2951 Grant Avenue, Philadelphia, Pennsylvania 19114.

MC 144026 (Sub-3–5TA), filed April 21, 1980. Applicant: WILLIAMS CARTAGE COMPANY, INC., P.O. Box 897; Hartsville, SC 29550. Representative: Robert L. McGeorge, 2550 M Street, NW., Suite 520, Washington, DC 20037. *Contract carrier, iron and steel articles,* between the facilities of Incon, at or near Columbia, SC, on the one hand, and, on the other, points in the states of FL, GA, NC, TN, VA and WV, under a continuing contract or contracts with Incon. Supporting shipper: Incon, 10109 Two Notch Road, Columbia, SC 29206.

MC 146782 (Sub-3–3TA), filed April 24, 1980. Applicant: ROBERTS CONTRACT CARRIER CORPORATION, 300 First Avenue South, Nashville, TN 37201. Representative: James Rex Raines (same as above). *(1) Iron and steel articles,* and *(2) Equipment, materials and supplies used in the manufacture of the commodities stated in (1) above* (except commodities in bulk), between the facilities of Staircraft, Inc., located at or near Nashville, TN on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK and TX. Restricted to traffic originating at or destined to the above named facilities. Supporting shipper: Staircraft, Inc., 1600 County Hospital Rd., Nashville, TN 37201.

MC 124964 (Sub-3–1TA), filed April 22, 1980. Applicant: J. M. BOOTH TRUCKING, INC., P.O. Box 265, Tavares, FL 32778. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Contract carrier:* irregular routes: *Foodstuffs (except in bulk),* from the facilities of American Home Foods, Division of American Home Products Corporation, located at or near Milton, PA, to points in the states of AL, FL, GA, NC, and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Home Foods, Division of American Home Products Corporation, 685 Third Ave., New York, NY 10017.

MC 148362 (Sub-3–1TA), filed April 22, 1980. Applicant: HAR-BET, INC., 7209 Tara Blvd., Jonesboro, GA 30236. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract;* Irregular: (1) *Such commodities as are utilized by hospitals, nursing homes, health care centers and laboratories,* from Atlanta and Milledgeville, GA; and Irvine, CA to points on and east of U.S. Hwy 85; and from Atlanta and Milledgeville, GA to Los Angeles and Orange Counties, CA; and (2) *Materials, supplies and equipment utilized by manufacturers and distributors of articles named in (1) above,* from the destination territories named in (1) above to the origins named in (1) above. Supporting shipper: McGaw Laboratories, a division of American Hospital Supply Corporation, 4601 Welcome All Rd., Atlanta, GA 30349.

MC 148320 (Sub-3–1TA), filed April 22, 1980. Applicant: MHB INC., 204 E. North St., Warsaw, NC 28398. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Plastic Film, in rolls,* from the facilities of Armin Corporation at Elizabeth, NJ to points in DE, FL, GA, MD, NC, SC, and VA. Supporting shipper: Armin Corporation, 100 Dowd Avenue, Elizabeth, NJ 07206.

MC 107515 (Sub-No. 3–13TA), filed April 21, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Such commodities as are dealt in by drugstores, grocery and food business houses* (except commodities in bulk) from the facilities of Warner-Lambert Company at or near Milford, CT and Lititz, PA to the facilities of Warner-Lambert Company at or near Grand Prairie, TX. (Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, NJ 07950).

MC 107515 (Sub-No. 3–12TA), filed April 21, 1980. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Such commodities as are dealt in by drugstores, grocery and food business houses* (except commodities in bulk) from the facilities of Warner-Lambert Company at or near Milford, CT; Long Island City, NY; Philadelphia, PA; and Lititz, PA to the facilities of Warner-Lambert Company at Elk Grove Village, IL. Supporting shipper: Warner-Lambert Company, 201 Tabor Road, Morris Plains, NJ 07950.

MC 146293 (Sub-No. 3–9TA), filed April 21, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, N.E., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *(1) Books, magazines, and printed matter; and (2) materials, equipment and supplies used in the distribution and sale of the commodities in (1) above* from facilities of All America Distributors Corp., Los Angeles County, CA to Dallas, TX; Kansas City, KS; Memphis, TN; Cleveland, OH; Philadelphia, PA; Harrisburg, PA; and New York, NY; and points in their respective commercial zones. Supporting shipper: All America Distributors Corporation, 841 Melrose Place, Los Angeles, CA 90069.

MC 146293 (Sub-No. 3–8TA), filed April 21, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, N.E., Lawrenceville, GA 30245. Representative: Richard M. Tettelbaum, Esq., 3390 Peachtree Road, N.E., 5th Floor-Lenox Towers South, Atlanta, GA 30326. *Gas or electrical appliances, and parts, materials, supplies and equipment used in the distribution or repair of appliances,* from the facilities of Whirlpool Corporation at Evansville, IN and Marion, OH to all points in AL, FL, GA, LA, MS, NC, SC, TN and VA. Supporting shipper: Whirlpool Corporation, 2000 U.S. 33, North, Benton Harbor, MI 49022.

MC 108676 (Sub-3–2TA), filed April 24, 1980. Applicant: A. J. METLER HAULING & RIGGINS, INC., 117 Chicamauaga Ave., Knoxville, TN 37917. Representative: Mark S. Roach. *Glass and glass products,* from the facilities of L.O.F. Glass at or near Lathrop, CA to points in UT, WA, OR, ID, NV, WY, and

AZ. Supporting shipper: Libbey-Owens-Ford Co., 811 Madison Ave., Toledo, OH 43606.

MC 145072 (Sub-3–3TA), filed April 24, 1980. Applicant: M. S. CARRIERS, INC., 1797 Florida Street, Memphis, TN 38109. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Pipe fittings, iron or steel articles and materials, supplies, and equipment used in the manufacture of iron or steel articles,* between Ackerman, MS; Woodstock, TN and Cicero, IL, on the one hand, and, on the other, points in and east of the states of TX, OK, KS, IA and MN. Supporting shipper: Gulf & Western Manufacturing Co., P.O. Box R, Ackerman, MS 39735.

MC 145794 (Sub-3–1TA), filed April 24, 1980. Applicant: ARDS TRUCKING COMPANY, INCORPORATED, P.O. Box 362, Darlington, SC 29532. Representative: C. Allen Ards, 176 Doneraile St., Darlington, SC 29532. *Plastic and plastic products and wood and lumber and wood and lumber products,* between points and places in SC and GA, on the one hand, and, on the other, points and places in NC, CA, GA, WV, MD, DE, NJ, PA, NY, FL, AL, TN, KY, OH, IN, MO, SC, MS, LA, TX, AR, OK, KS, IL, DC, CT, RI, MA, WI, MI. Supporting shipper: Sweetapple Plastics Corp., P.O. Box 38, Greensboro, GA 30642 and Darlington Veneer Co., P.O. Box 492, Darlington, SC 29532.

MC 150628 (Sub-3–1TA), filed April 24, 1980. Applicant: IRMA SOMERS, d.b.a. BLITZ PACK, 1420 Peachtree St., N.E., Atlanta, GA 30309. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Computer media, punched or unpunched cards, written instruments and documents, business records, audit and accounting media, microfilm and any article requiring security or courier type handling,* between the facilities of Southern Bell Telephone and Telegraph Co. at Atlanta, GA and Gastonia and Charlotte, NC. Supporting shipper: Southern Bell Telephone and Telegraph Co., Gastonia and Charlotte, NC.

MC 145072 (Sub-3–2TA), filed April 24, 1980. Applicant: M. S. CARRIERS, INC., 1797 Florida Street, Memphis, TN 38109. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *Sugar,* (except in bulk), from St. James, St. John the Baptist, St. Bernard, Assumption, Orleans, Jefferson Parishes, LA to AL, AR, FL, GA, IL, IN, KY, MO, MS, NC, OH, SC, TN, TX, VA and WV. Supporting shipper: Godchaux-Henderson Sugar Co., Inc., P.O. Box AM, Reserve, LA 70084.

MC 115311 (Sub-3–6TA), filed April 16, 1980. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Ralph B. Matthews, Attorney, P.O. Box 872, Atlanta, GA 30301. *Chemicals in packages and steel strapping* from Valdosta, GA, Castle Hayne, NC, Baltimore, MD, Atlanta, GA, Thomson, GA, Copperhill, TN, Plymouth, MI, Dearborn, MI, Orangeburg, SC, Savannah, GA, Augusta, GA, Tuscaloosa, AL, Malvern, AR, Houston, TX, Corpus Christi, TX, Charleston, SC, Bryan, TX, Plainview, TX, Birmingham, AL, Chicago, IL, Pine Bluff, AR, St. Louis, MO, Little Rock, AR, Lincolnshire, IL, Beverly, MA, Hopewell, VA, Richmond, VA, Roanoke, VA, and Milford, VA to Thomson, GA, Milford, VA and Pine Bluff, AR. Supporting shipper: Hoover Universal, Inc., P.O. Box 746, Thomson, GA 30824.

MC 148183 (Sub-3–3TA), filed April 16, 1980. Applicant: ARROW TRUCK LINES, INC., P.O. Box 432, Gainesville, GA 30503. Representative: Pauline E. Myers, Suite 348, Penn. Bldg., Pennsylvania & 13th St., NW, Washington, DC 20004. *Frozen foods,* in refrigerated vehicles (except in bulk), from Montgomery, AL, to points in GA, NC, TX, CA, SC, FL. Supporting shipper: Saluto Foods Corporation, P.O. Box 967, Benton Harbor, MI 49022.

MC 124951 (Sub-3–1TA), filed April 16, 1980. Applicant: WATHEN TRANSPORT, INC., P.O. Box 237, Henderson, KY 42420. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY. *Malt beverages, and empty malt beverage containers,* between Allentown PA, Belleville, IL, Detroit, MI, Evansville, IN, and St. Paul, MN, on the one hand, and, on the other, Hopkinsville, KY. Supporting shipper: Kentucky Ace Beverage Distributors, Inc., P.O. Box 497, Hopkinsville, KY 42240.

MC 146402 (Sub-3–3TA), filed April 24, 1980. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, Tennessee 38301. Representative: Charles W. Teske (same address as applicant). *Malt Beverages* (except commodities in bulk in tank vehicles), from Williamsburg, VA to the facilities of Mirabile Beverage Company in Bucks and Montgomery Counties, PA. Supporting shipper: Mirabile Beverage Company, 710 E. Main Street, Norristown, PA 19401.

MC 144442 (Sub-3–1), filed April 24, 1980. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Road, Pompano, Florida 33060. Representative: Don A. Allen, Patton, Boggs & Blow, 2550 M St., N.W., Washington, D.C. 20037. *Contract carrier* irregular routes, *frozen citrus concentrate,* from concentrate manufacturing facilities located in Orlando, Forest City, Wintergarden, Mt. Plymouth, Bartow, Leesburg, Umatilla, Frost Proof, Fort Pierce, Auburndale, and Lake Wales, and the counties in which these towns are located in FL., to the terminal facilities of Nassau Suffolk Frozen Foods, Loop Road, Hunts Point, Bronx, N.Y. Supporting shipper: Nassau Suffolk Frozen Food Co., Inc., 286 Northern Blvd., Great Neck, NY 11020.

MC 150632 (Sub-3–1TA), filed April 22, 1980. Applicant: KWIKWAY DELIVERY SERVICE, INC., P.O. Box 113, Philadelphia, MS 39350. Representative: Kim G. Meyer, Watkins & Daniell, P.C., P.O. Box 872, Atlanta, GA 30301. *Merchandise, equipment and supplies* sold, used or distributed by a manufacturer of cosmetics and toilet preparations from Philadelphia, MS (and its commercial zone) to points in Adams, Amite, Attala, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clark, Clay, Coahoma, Copiah, Covington, Forrest, Franklin, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Monroe, Montgomery, Newton, Noxubee, Oktibbeha, Panola, Perry, Pike, Pototoc, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tunica, Walthall, Warren, Washington, Wayne, Webster, Wilkerson, Winston, Yalobusha, and Yazoo Counties, MS, under a continuing contract or contracts with Avon Products, Inc. Supporting shipper: Avon Products, Inc., 2200 Cotillion Drive, Atlanta, GA 30302.

MC 146293 (Sub-3–10TA), filed April 22, 1980. Applicant: REGAL TRUCKING CO., INC., 95 Industrial Park Circle, N.E., Lawrenceville, GA 30245. Representative: Alan E. Serby, Esq., 3390 Peachtree Road, N.E., 5th Floor—Lenox Towers South, Atlanta, GA 30326. *Lighting Fixtures and/or Part therefor* from Chattanooga, TN to points in the U.S. (except AK and HI) for 180 days. Supporting shipper: Lithonia Lighting, Div. of National Service Industries, Inc., P.O. Box H, 1400 Lester Road, Conyers, GA 30207.

MC 141145 (Sub-3–2TA), filed April 23, 1980. Applicant: REYNOLDS & COMPANY, INC., One Railroad Avenue, P.O. Box 227, Waynesboro, GA 30830. Representative: Thomas L. Reynolds (same address as applicant). *Lumber, forest products, bark, sawdust, wood chips and wood fuel,* from all points in GA to points in NC, SC, and TN.

Supporting shipper(s): Kimberly-Clark Corporation, P.O. Box 672, Waynesboro, GA 30830; John C. Shepherd Lumber Corp., P.O. Box 32035, Charlotte, NC 28232.

MC 114552 (Sub-3–3TA), filed April 23, 1980. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. *Pre-cut log houses, and parts and components thereof, and materials, equipment and supplies* used in the installation of the above commodities, from the facilities of Southland Log Homes, Inc., at or near Irmo, SC, to points in NC, GA and FL. Supporting shipper: Southland Log Homes, Inc., Route No. 2, Box 5B, Irmo, SC 29063.

MC 111485 (Sub-3–2TA), filed April 22, 1980. Applicant: PASCHALL TRUCK LINES, INC., Route 4, Murray, KY 42071. Representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40602. *Common* carrier, regular: *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 Kevil, KY and points within 5 miles thereof as off-route points in connection with applicant's existing regular route authority. Applicant intends to tack and interline. Supporting shipper(s): Glen Fortson Sales Company, Route 3, Kevil, KY; Credence Speakers, Inc., Route 3, Kevil, KY 42053; Tele-Service Co., Inc., 105 South Main, Kevil, KY 42053; Central Service, Inc., 205 Wallace, Kevil, KY 42053.

MC 150211 (Sub-3–3TA), filed April 17, 1980. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, Attorney, P.O. Box E, Bowling Green, KY 42101. *Fiberglass materials and products, fibrous glass textile materials and products, plastic materials and products, raw materials, supplies, machinery and equipment* (except commodities in bulk, in tank, hopper, or dump vehicles) *used in the manufacturing, packing, and installation of the above named commodities, in straight or mixed shipments.* Between the facilities of Owens-Corning Fiberglass at or near Jackson, TN and points east of the States of ND, SD, NB, CO, and NM. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH, 43659.

MC 150619 (Sub-3–1TA), filed April 16, 1980. Applicant: ROTH & SONS, INC., Route 8, Box 31, Jacksonville, FL 32224. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *(1) Aluminum extrusions and drawn tube, (2) Materials and supplies used in the manufacture of aluminum extrusions and drawn tubes,* from St. Augustine, FL to points in the United States, (except AK and HI) and (2) From points in the United States (except AK and HI) to St. Augustine, FL. Supporting shipper: V.A.W. America, Inc., P.O. Box 367, St. Augustine, FL 32084.

MC 150428 (Sub-3–2TA), filed April 10, 1980. Applicant: RIVER BEND TRANSPORTATION, INC., P.O. Box 5808, Pearl, MS 39208. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048. *Contract carrier,* irregular routes, *New Furniture,* crated and uncrated, and *parts, materials, supplies and equipment* used in the manufacture, sale and distribution thereof (except in bulk), between the facilities of Madison Furniture Industries in Canton, MS, on the one hand, and, on the other, points in the United States (except AK and HI). Supporting shipper: Madison Furnitute Industries, P.O. Box 111, Canton, MS 39046.

MC 129383 (Sub-3–2TA), filed April 28, 1980. Applicant: McCARLEY MOVING & STORAGE CO., INC., 4245 Milgen Rd., Columbus, GA 31907. Representative: Price McCarley, 4123 Sears Rd., Columbus, GA. *Household goods* as described by the ICC in Ex Parte No. MC–19 from, to and between all points within the following states: GA, FL, AL, MS, TN, SC, and NC. Supporting shipper: American Family Life Assurance Co., 4411 Olympic Lane, Columbus, GA 31907.

MC 61403 (Sub-3–2TA), filed April 14, 1980. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Kingsport, TN 37662. Representative: James P. Ray, P.O. Box 969, Kingsport, TN 37662. *Benzene Sulfonyl Chloride, in bulk, in tank vehicles,* from W. Helena, AR, to Bucks, AL. Supporting shipper: Kahl Chemical Co., Inc., P.O. Box 1043, Englewood Cliffs, NJ 07632.

MC 107107 (Sub-3–1TA), filed April 16, 1980. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 N.W. 42nd Ave., Opa Locka, FL 33054. Representative: Sidney Alterman (same as above). *Insoluble starch xanthate,* except in bulk, in mechanically refrigerated equipment, from Garland, TX to AL, CT, DE, FL, GA, MA, MD, NC, NY, PA, RI, SC, TN, VA and DC. Supporting shipper: Pollution Technology Systems, Inc., 2922 Benton St., Garland, TX 75042.

MC 85970 (Sub-3–2TA), filed April 21, 1980. Applicant: SARTAIN TRUCK LINE, INC., 1625 Hornbrook Street, Memphis, TN 38042. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. *Metal and Metal products and containers thereof, and equipment, materials, and supplies used in the manufacturing of such commodities* (except in bulk) between the facilities of Mueller Brass Company, located at or near Covington, TN, on the one hand, and, on the other, points in AL, AR, CT, FL, GA, IL, IA, KY, LA, MD, MA, MN, MO, MS, OH, PA, TX, VA, NJ, NY, WI, and MI. Supporting shipper: Mueller Brass Co., 1925 Lapeer Ave., Port Huron, MI 48060.

MC 56679 (Sub-3–12TA), filed April 22, 1980. Applicant: BROWN TRANSPORT CORP., 352 University Ave., SW, Atlanta, GA 30310. Representative: Leonard S. Cassell, P.O. Box 6985, Atlanta, GA 30315. (1) *Rovings or yarn, glass fibre; or strand glass fibre, in continuous lengths or chopped; (2) Mineral wool, (clay, rock, slag, or glass wool) batts, batting, blankets, sheets blocks or other;* From the facilities of Johns-Manville at or near Winder, GA to points in AL, AR, FL, (West of the Apalachicola River), LA, MS and TN; and (2) From the facilities of Johns-Manville at or near Etowah, TN to points in FL (West of the Apalachicola River), AL, MS and LA. Supporting shipper: Johns-Manville Sales Corporation, P.O. Box 4487, Atlanta, GA 30302.

MC 142534 (Sub-3–1TA), filed April 22, 1980. Applicant: J.C.M. TRUCKING COMPANY, INC., Custer, KY 40115. Representative: Herbert D. Liebman, 403 W. Main St., Frankfort, KY 40602. (1) *Nitrogen fertilizer,* in bags, from the facilities of C.F. Industries, Inc. at Tyner, TN to Hardinsburg and Irvington (Breckinridge County), KY and (2) *Nitrogen fertilizer,* from the facilities of C.F. Industries, Inc. at Mt. Vernon, IN to Hardinsburg and Irvington (Breckinridge County), KY, under a continuing contract or contracts with Southern States Breck Coop, Inc. Supporting shipper: Southern States Breck Coop, Inc., Hardinsburg, KY 40143.

MC 150474 (Sub-3–1TA), filed March 28, 1980. Applicant: CONSOLIDATED CARGO CARRIERS, INC., Box 2764, 650 Rosewood Drive, Columbia, SC 29202. Representative: Harry S. Dent, 1919 Gadsden Street, P.O. Box 528, Columbia, SC 29202. *Contract Carrier:* Irregular routes: *Aluminum, iron and steel articles limited to coil and sheet form, studs and furring channels, machinery, equipment, and other raw materials used in the manufacture of aluminum, iron and steel articles (restricted against transportation of commodities*

in bulk in tank vehicles) between the plantsite of Consolidated Systems, Inc., in Richland County (Columbia), SC, on the one hand and points and places in WI, IA, KS, MO, OK, TX, AR, LA, MS, TN, KY, OH, IN, IL, MI, AL, NY, PA, WV, VA, NC, GA, FL, MD, DE, NJ, CT, RI, NH, MA, VT, SC, ME, and DC. Supporting shipper: Consolidated Systems, Inc., Box 1756, Columbia, SC 29202.

MC 124896 (Sub-3-2TA), filed April 22, 1980. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3489, Wilson, NC 27893. Representative: Peter A. Greene, 404 Farragut Bldg., 900-17th St., N.W., Washington, DC 20006. *Glass bottles or jars and accessories,* between NC, VA, SC, PA, NJ, OH, MO, TN, TX and MD. Supporting shipper: Kerr Glass Manufacturing Corp., Box 97, Sand Springs, OK 74063.

MC 150291 (Sub-3-1TA), filed March 13, 1980. Republication—Originally published in Federal Register of 04/02/80, Page 21740, Volume 45, No. 65. Applicant: PEE DEE TRANSPORT COMPANY, P.O. Box 897, Hartsville, SC 29550. Representative: Robert L. McGeorge, Webster, Johnston & McGeorge, 2550 M Street, NW, Suite 520, Washington, DC 20037. *Bulk petroleum products in tank trailers,* from Charlotte, NC, Wilmington, NC, Greensboro, NC, and Fayetteville, NC to points in SC. Supporting shipper: Hartsville, Fuel Co./W.M. Timerlake, P.O. Box 489, Hartsville, SC 28550.

MC 150282 (Sub-3-1TA), filed March 2, 1980. Republication—Originally published in Federal Register of 04/09/80, page 24260, volume 45, No. 70. Applicant: SUBURBAN HAULERS, INC., P.O. Box 451, Lithonia, GA 30058. Representative: Mark C. Ellison, Suite 329, 300 Interstate North Parkway, Atlanta, GA 30339. (1) *Crushed stone* from Fulton, Bibb, DeKalk, Newton, Warren, Forsyth and Douglas Counties, GA to points in AL, FL, SC, NC, TN, KY, MS, and LA, (2) *gravel, in bulk, in dump vehicles,* from Montgomery, AL and Chattanooga, TN to Atlanta, GA and its commercial zone, (3) *Coal, in bulk, in dump vehicles,* from London and Manchester, KY, Chattanooga, Jellico, and La Follete, TN, Jasper and Birmingham, AL to Atlanta, GA and its commercial zone, and (4) *sand, in bulk, in dump vehicles,* from Montgomery, AL to Atlanta, GA and its commercial zone. Supporting shipper(s): Hybro-Tite Sales, Co., P.O. Box 527, 6466 B Main St., Lithonia, GA 30058; Falcon Coal and Sand Co., 3319 Colony Dr., Conyers, GA 30208; J & B Slurry Seal Co., P.O. Box 1113, Stone Mtn., Ga. 30086. THE FOLLOWING APPLICATIONS WERE FILED IN REGION 4. SEND PROTESTS TO: ICC, DIRKSEN BLDG., 219 S. DEARBORN ST., ROOM 1386, CHICAGO, IL 60604.

MC 146821 (Sub-4-1TA), filed February 6, 1980. Applicant: RON BESTEMAN PRODUCE, INC., 2240 Byron Center Rd., SW, Wyoming, MI 49509. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503. *Apple juice, cider and vinegar and other apple products and glass and paper containers,* between Belding, MI and points in IL, WI, and IA, in mechanically refrigerated vehicles (except in bulk). Supporting shipper: Indian Summer, Inc., 700 Kiddville, Belding, MI 48809.

MC 126111 (Sub-4-1TA), filed February 4, 1980. Applicant: SCHAETZEL TRUCKING COMPANY, INC., 520 Sullivan Dr., Fond du Lac, WI 54935. Representative: Daniel Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *Contract;* irregular; *Sweetened condensed milk,* from Neenah, WI to Fort Wayne, IN, under a continuing contract with the Galloway Co. of Neenah, WI. An underlying ETA seeks 90 days authority. Supporting Shipper: Galloway Company, P.O. Box 609, Neenah, WI 54956.

MC 150058 (Sub-4-1TA), filed January 3, 1980. Applicant: PHILPOTT CARTAGE CO., 6658 W. 99th St., Chicago Ridge, IL 60090. Representative: Don Mullins, 1033 Graceland Ave., Des Plaines, IL 60016. *Iron or steel railway material and equipment,* between points in the commercial zones of Chicago and Geneva, IL on the one hand, and on the other, points in the commercial zones of Green Bay, Kenosha, Milwaukee, Racine, and Waukesha, WI. An underlying ETA seeks 90 days authority. Supporting Shipper: Miner Enterprises, Inc., 1200 E. State St., Geneva, IL 60134.

MC 143868 (Sub-4-2TA), filed March 26, 1980. Applicant: R.E.T.E.N.O. CARRIERS, INC., P.O. Box 1438, Willmar, MN 56201. Representative: William Monheim, P.O. Box 1756, Whittier, CA 90609. *Contract;* irregular; *Bar coil, and extruded steel, in vehicles equipped with mechanical refrigeration,* from points in IL, IN, MA, OH, and PA to the ports of entry on the International Boundary Line between the U.S. and Canada at Detroit, MI, and Buffalo and Niagara Falls, NY. Supporting Shipper: Hifield Corporation of Canada, 5771 Production Way, Langley, B.C., CD.

MC 147262 (Sub-4-1TA), filed April 23, 1980. Applicant: DETROIT AIR CARGO, INC,, 28450 Highland Rd., Romulus, MI 48174. Representative: James Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885. *General commodities, except class A and B explosives, commodities in bulk, live stock and passengers,* with daily scheduled service, with pickups and deliveries to be made within 24 hours, further restricted to shipments having an immediately prior or subsequent movement by air, between Detroit Metropolitan Airport, at or near Romulus, MI on the one, hand, and on the other, Greater Cincinnati Airport, Boone County, KY. An underlying ETA seeks 90 days authority. Supporting Shipper: Air Traffic, 9331 Middlebelt Rd., Romulus, MI 48174.

MC 118202 (Sub-4-4TA), filed April 22, 1980. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Dairy products,* from Green Bay, WI to Denver and Grand Junction, CO, and Dallas, Houston and Lubbock, TX. Supporting shipper: Topco Associates, Inc., 7711 Gross Point Road, Skokie, IL 60077.

MC 135152 (Sub-4-3TA), filed April 22, 1980. Applicant: CASKET DISTRIBUTORS, INC., Rural Rt. #3, P.O. Box 327, West Harrison, IN 45030. Representative: James Campbell (same address as applicant). *Games and toys, NOI, material, equipment and supplies used in the manufacture and distribution thereof,* from Seattle, WA to Cincinnati, OH. Supporting Shipper: Kenner Products, Creative Products Group, General Mills, Inc., 1014 Vine St., Cincinnati, OH 45202.

MC 129645 (Sub-4-1TA), filed April 22, 1980. Applicant: SMEESTER BROS., INC., 1330 S. Jackson St., Iron Mountain, MI 49801. Representative: H. G. Denny (same address as applicant). *Iron and steel articles (except in dump vehicles),* from points in AL, IA, IL, IN, MI, OH, PA, and TX to the facilities of Wittock Supply Co. at Kingsford, MI. An underlying ETA seeks 90 days authority. Supporting shipper: Wittock Supply Co., Ford Addition, Kingsford, MI 49801.

MC 147010 (Sub-4-1TA), filed April 23, 1980. Applicant: WHALEN TRUCKING, INC., 301 Prairie, Waverly, IL 62692. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701. *Anhydrous ammonia and liquid fertilizer,* from Meredosia, IL to points in MO. An underlying ETA seeks 90 days authority. Supporting shipper: Estech General Chemicals Corp., P.O. Box 338, East St. Louis, IL 62202.

MC 144370 (Sub-4-1TA), filed April 22, 1980. Applicant: DON NASS TRUCKING, INC., 210 Front St., Clinton, WI 53525. Representative: Nancy Johnson, 103 E. Washington St., Box 218, Crandon, WI 54520. *Malt beverages and advertising and promotional material in*

connection therewith, from La Crosse, WI to Rockford, IL. An underlying ETA seeks 90 days authority. Supporting shipper: Lorden Distributing Co., Inc., 1819 Elmwood Rd., Rockford, IL 61103.

MC 149170 (Sub-4–5TA), filed April 23, 1980. Applicant: ACTION CARRIER, INC., 1000 41st St., Sioux Falls, SD 57105. Representative: Carl L. Steiner, 39 LaSalle St., Chicago, IL 60603. *General Commodities (with the usual exceptions),* (1) Between Hartford City, IN, on the one hand, and, on the other, Ames, IA; Mitchell, SD; and St. Paul, MN; (2) Between Brookings, SD, on the one hand, and, on the other, Iowa City & Knoxville, IA; Chicago & Niles, IL; and Louisville, KY; (3) Between Bedford Park, IL, on the one hand, and, on the other, Knoxville, IA; and (4) Between Louisville, KY, on the one hand, and, on the other, New Ulm, MN.* Supporting Shipper: Minnesota Mining and Manufacturing Co., 3M Center, St. Paul, MN 55144.

MC 90870 (Sub-4–1TA), filed April 23, 1980. Applicant: RIECHMANN ENTERPRISES, INC., Rt. 2, Box 137, Alhambra, IL 62001. Representative: Cecil Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50307. *Iron and steel articles, and materials, equipment and supplies used in the manufacture and distribution thereof,* between Ripley, County, MO on the one hand, and on the other, points in AR, IL, IN, MI, WI, and IA. An underlying ETA seeks 90 days authority. Supporting shipper: Missouri Forge Inc., P.O. Box 397, Doniphan, MO 63935.

MC 149270 (Sub-4–2TA), filed April 23, 1980. Applicant: PROCESSED CEMENT, INC., 355 Lakeview Rd., Wayzata, MN 55391. Representative: James F. Finley, 1401 Silver Lake Rd., New Brighton, MN 55112. *Contract;* irregular; *Arkalite Lightweight Materials,* between all points in the States of MN, ND, SD, IA, IL and WI, under continuing contract(s) with Lightweight Distributing Company, A Division of Silo Systems, Inc. located at Plymouth, MN. An underlying ETA seeks 90 days authority. Supporting shipper: Lightweight Distributing Company, A Division of Silo Systems, Inc., Plymouth, MN.

MC 103993 (Sub-4–10TA), filed April 22, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James Buda (same address as applicant). *Motor vehicles, in truckaway service,* from the facilities of Model A Reproduction at or near Battle Creek, MI, to points in the U.S. (except AK and HI). An underlying ETA seeks 90 days authority. Supporting shipper: Model A Reproduction, Suite 1460, Renaissance Center, Detroit, MI 48243.

MC 144121 (Sub-4–3TA), filed April 21, 1980. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James A. Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. *Heating units, materials, equipment and supplies used in the manufacture of such commodities,* between Barron, Black River Falls, Eau Claire, Medford, and Owen, WI, and points in the U.S. (except AK and HI). Restricted to shipments originating or terminating at the facilities of Danart, Inc., or its customers or suppliers. An underlying ETA seeks 90 days authority. Supporting shipper: Dannart, Inc., 119 S. Dewey St., Eau Claire, WI 54701.

MC 146643 (Sub-4–14TA), filed April 21, 1980. Applicant: INTER-FREIGHT TRANSPORTATION, INC., 655 E. 114th St., Chicago, IL 60628. Representative: Marc Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. *Contract; irregular; Foodstuffs, except in bulk,* from the facilities of American Home Foods, Division of American Home Products Corporation at or near LaPorte, IN, to points in IL, MO, KS, MN, and the Lower Peninsula of MI.[1] Supporting shipper: American Home Foods, Division of American Home Products Corporation, 685 Third Avenue, New York, NY 10017.

MC 103993 (Sub-4–9TA), filed April 19, 1980. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James Buda (same address as applicant). *Pre-cut log homes,* from the facilities of Lincoln Log Homes, Inc., at or near China Grove and Mt. Pleasant, NC, to points in the U.S. in and east of ND, SD, NE, KS, OK, and TX. Supporting shipper: Lincoln Log Homes, Inc., 1908–A Main St., Kannapolis, NC 28081.

MC 150103 (Sub-4–3TA), filed April 18, 1980. Applicant: SCHWEIGER INDUSTRIES, INC., 116 W. Washington St., Jefferson, WI 53549. Representative: Michael J. Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Contract; Irregular; Cellular foam products,* from Stoughton, MA to Port Huron and Flint, MI, under a continuing contract(s) with Shawmut Mills, a division of R. H. Wyner Associates, Inc. Underlying ETA seeks 90 days authority. Supporting shipper: Shawmut Mills, a division of R. H. Wyner Associates, Inc., 208 Center St., Stoughton, MA.

MC 150277 (Sub-4–2TA), filed April 18, 1980. Applicant: McLAIN TRANSPORTATION, INC., 139 S. Bunn Rd., Hillsdale, MI 49242. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Flour (edible), flour (wheat), and doughnut coating (dry), in paper bags,* from the facilities of DCA Food Industries, Inc. at or near Hillsdale and Jonesville, MI to Montgomery, AL, Jacksonville, Miami, Orlando and Tampa, FL, Atlanta and Rome, GA, Charlotte, NC, Fountain Inn, SC, Knoxville, Memphis and Nashville, TN. An underlying ETA seeks 90 days authority. Supporting shipper: DCA Food Industries, Inc., 919 3rd Ave., New York, NY 10022.

MC 109449 (Sub-4–5TA), filed April 21, 1980. Applicant: KUJAK TRANSPORT, INCORPORATED, 6366 W. 6th St., Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). *Scrap metal (in bulk, in dump vehicles),* from Winona County, MN to Portage and Madison, WI. An underlying ETA seeks 90 days authority. Supporting shipper: Matejka Recycling, 356 W. 5th St., Winona, MN 55987.

MC 150631 (Sub-4–1TA), filed April 22, 1980. Applicant: HENRY W. FREDENBERG, Route 1, 2360 Uphoff Rd., Cottage Grove, WI 53527. Representative: James A. Spiegel, 6425 Odana Rd., Madison, WI 53719. *Contract;* irregular; *Particleboard, plywood, and rough and finished cut lumber,* from points in CA, MT, OR, and WA, to Cottage Grove, WI, under continuing contract(s) with Badger Wholesale Lumber, Inc. Supporting shipper: Badger Wholesale Lumber, Inc., 120 W. Main St., P.O. Box 30, Cottage Grove, WI 53527

MC 70557 (Sub-4–1TA), filed April 15, 1980. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 W. Homer St., Chicago, IL 60639. Representative: Carl L. Steiner, 39 So. LaSalle St., Chicago, IL 60603. *(1) Containers, container ends and closures; (2) Commodities manufactured or distributed by manufacturers or distributors of containers when moving in mixed loads with containers (except commodities in bulk); and (3) Equipment, material and supplies used in connection with the manufacture or distribution of the commodities described in (1) and (2) above (except commodities in bulk),* between the facilities of Inland Steel Container at Canton, MS, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX. An underlying ETA seeks 90 days authority. Supporting shipper: Inland Steel Container, 480 Industrial Dr., Canton, MS 39046.

MC 134477 (Sub-4–22TA), filed April 15, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W.

*An underlying ETA seeks 90 days authority.

[1] An underlying ETA seeks 90 days authority.

Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischbach, P.O. Box 43496, St. Paul, MN 55164. *Meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk),* from Friona, TX to Mendota Heights, MN. An underlying ETA seeks 90 days authority. Supporting shipper: Pabst Meat, Inc., 1445 Mendota Heights Rd., St. Paul, MN 55120.

MC 134477 (Sub-4-23TA), filed April 21, 1980. Applicant: SCHANNO TRANSPORTATION, INC., 5 W. Mendota Rd., West St. Paul, MN 55118. Representative: Thomas Fischbach, P.O. Box 43496, St. Paul, MN 55164. *General commodities (with the usual exceptions),* from the facilities of Boise Cascade, Inc. at or near Chicago and Itasca, IL to points in IA and NE. An underlying ETA seeks 90 days authority. Supporting shipper: Boise Cascade, Inc., Office Product Div., P.O. Box 7747, Boise, ID 83707.

MC 145491 (Sub-4-2TA), filed April 14, 1980. Applicant: PIGGYBACK TRANSPORTATION SERVICE, INC., P.O. Box 662, Greenwood, IN 46142. Representative: Donald Smith, P.O. Box 40428, Indianapolis, IN 46240. *General commodities (with the usual exceptions),* between the rail ramps located at Louisville, KY and Chicago, IL on the one hand, and on the other, points in Marion, Delaware, Vanderburgh, Monroe, Vigo, and Wayne Counties, IN. An underlying ETA seeks 90 days authority. There are 6 supporting shippers.

MC 145491 (Sub-4-1TA), filed April 14, 1980. Applicant: PIGGYBACK TRANSPORTATION SERVICE, INC., P.O. Box 662, Greenwood, IN 46142. Representative: Donald Smith, P.O. Box 40248, Indianapolis, IN 46240. *General commodities (with the usual exceptions),* between the rail ramp located at Lafayette, IN on the one hand, and on the other, points in IN, restricted to traffic having an immediately prior or subsequent movement by rail. An underlying ETA seeks 90 days authority. There are seven supporting shippers.

MC 124247 (Sub-4-3TA), filed April 15, 1980. Applicant: DAN LODESKY TRUCKING, INC., P.O. Box 236, Gurnee, IL 60031. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. *Cement, in bulk and in bags,* from Milwaukee, WI, to points in Lake, DuPage, Will, Kane and Cook Counties, IL. An underlying ETA seeks 90-day authority. Supporting shipper: Dealers Ready Mix Company, 2000 Skokie Valley Rd., Highland Park, IL 60035; Elmhurst Chicago Stone Co., 400 W. First St., Elmhurst, IL 60126; and Thelen Sand & Gravel Inc., R.R. #3, Box 330, Antioch, IL 60002.

MC 123407 (Sub-4-28TA), filed April 15, 1980. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr. (same address as applicant). *Tanks and hoppers and materials and supplies used in the assembly and installation of tanks and hoppers,* from the facilities of Abel Manufacturing Co., Inc., located in Outagamie and Winnebago, Counties, WI., to points in the U.S. (except AK and HI). *Supporting shipper: Abel Mfg. Co., Inc., 3100 N. McCarthy Rd., Appleton, WI.

MC 129191 (Sub-4-1TA), filed April 22, 1980. Applicant: RICHARD T. PLATTNER, d.b.a. JANS MOTOR SERVICE, 12600 S. Laramie Av., Alsip, IL 60658. Representative: Albert A. Andrin, 180 N. La Salle St., Chicago, IL 60601. *New and used material handling and construction machinery, tractor attachments and parts, and equipment, materials and supplies used in the manufacture or distribution of the above-named items,* between Chicago, IL and points in IL, IN, KY, LA, MI, MS, MO, NY, OH, OK, PA, TN and TX. An underlying ETA seeks 90 days authority. Supporting shipper: Pettibone Corporation, 4700 West Division St., Chicago, IL 60651.

MC 150141 (Sub-4-2TA), filed April 22, 1980. Applicant: MINNESOTA CONSUMER'S SUPPLY CO., INC., 5720 E. River Rd., Apt. 102, Minneapolis, MN 55432. Representative: Stanley Olsen, 7400 Metro Blvd., Suite 411, Edina, MN 55435. *Wines, non-alcoholic beverages and mixes, and malt beverages,* from Boston, MA, Baltimore, MD, points in NJ and NY, Chicago, IL, Seattle, WA, San Francisco and Los Angeles, CA, Salt Lake City, UT, and points on the International Boundary Line between the U.S. and Mexico located in TX to the facilities of City Beer Distributing Co. in Minneapolis, MN, Chicago, IL, and Milwaukee, WI. Supporting shipper: City Beer Distributing Co., 1230 Glenwood Av., Minneapolis, MN 55405.

MC 150587 (Sub-4-1TA), filed April 16, 1980. Applicant: ROSS DEMING, P.O. Box 136, Dell Rapids, SD 57022. Representative: Claude Steward, P.O. Box 480, Sioux Falls, SD 57101. *Contract;* Irregular; *(1) Pre-fabricated building, component parts and supplies,* from Brandon, SD to points in IA, MN, NE, and ND; and *(2) excess and damaged materials and equipment,* from job sites in IA, MN, NE, and ND to Brandon, SD, under contract with Triple E Building Systems. An underlying ETA seeks 90 days authority. Supporting shipper: Triple E Building Systems, Box 578, 616 Sioux Blvd., Brandon, SD 57005.

MC 126555 (Sub-4-8TA), filed April 23, 1980. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SC 57709. Representative: Truman Stockton, 1650 Grant St. Bldg., Denver, CO 80216. *Lumber and lumber mill products,* from ID, MT, OR, and WA to points in CO. Supporting Shipper: Shepard and Morse Lumber Company, P.O. Box 600, Riverside Office Park, Weston, MA 02193.

MC 126555 (Sub-4-9TA), filed April 23, 1980. Applicant: UNIVERSAL TRANSPORT, INC., Box 3000, Rapid City, SD 57709. Representative: Truman Stockton, 1650 Grant St. Bldg., Denver, CO 80216: *Steel, rails ties and railway materials,* between Denver, CO on the one hand, and on the other, points in SD, NE, WY, OK, TX, MS, AZ, SC, NC, GA, LA, AR, WI and IL. An underlying ETA seeks 90 days authority. Supporting shipper: Railroad Builders, Inc., 4039 S. Santa Fe, Englewood, CO 80150.

MC 106674 (Sub-4-10TA), filed April 23, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Salvageable Foodstuffs* from Chicago, IL; Memphis, TN and St. Louis, MO to Jonesville, IN. An underlying ETA seeks 90 days authority. Supporting shipper: Jonesville Auction and Wholesale, Box 82, Jonesville, IN 47247.

MC 120364 (Sub-4-4TA), filed April 23, 1980. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: James Spiegel, Olde Towne Office Park, 6425 Odana Rd., Madison, WI 53719. *Common;* regular *General Commodities (with the usual exceptions),* between Rockford, IL and La Salle, IL, via US Hwy. 51, then over St. Hwy. 29, restricted to transportation interlined with other interstate, regular route motor carriers. There are 8 supporting shippers.

MC 150404 (Sub-4-1TA), filed April 21, 1980. Applicant: ROBERT POWELL, R.R. #1, Chrisman, IL 61924. Representative: Edward D. McNamara, Jr., 907 S. Fourth St., Springfield, IL 62703. *Liquid fertilizer and anhydrous ammonea* from Crawfordsville and Terre Haute, IN to various points in the State of IL. An underlying ETA seeks 90 days authority. Supporting shipper: Standard Oil of Ohio, 1507 Rockefeller Bldg., 614 Superior Ave. Cleveland, OH 44113.

*An underlying ETA seeks 90 days authority.

MC 106674 (Sub-4-9TA), filed April 22, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Roofing materials, roofing products and materials used in the installation of roofing products, also equipment raw materials supplies and machinery used in the manufacture and packaging of roofing materials and products* between the facilities of Owens-Corning Fiberglas Corporation located at Atlanta, GA, Brookville, IN, Detroit, MI, Ft. Lauderdale, FL, Hazelwood, MO, Houston, TX, Irving, TX, Jacksonville, FL, Jessup, MD, Kearny, NJ, Medina, OH, Memphis, TN, Minneapolis, MN, Morehead City, NC, N. Kansas City, MO, Summit, IL, Waltham, MA, on the one hand, and, on the other hand, all points and places in the States of AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WV, and WI. Supporting shipper: Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, OH.

MC 135965 (Sub-4-1TA), filed April 21, 1980. Applicant: WIEST TRUCKLINE, INC., 1305—6th Avenue SW., Jamestown, ND 58401. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Contract; Irregular* (1) *Such commodities sold and distributed by agricultural machinery and equipment manufacturers and dealers,* from Jamestown, ND to points in the U.S. except HI, under continuing contract(s) with Wiest Parts and Supply, a division of Wiest Truckline, Inc., Jamestown, ND; and (2) *Agricultural equipment and machinery and parts and attachments for agricultural equipment and machinery,* from points in ND to points in the U.S. except HI and from Spokane, WA to ND and KS, under continuing contract(s) with Virgil Wiest, Edmunds, WA, and Caldak, Inc., Edmunds, WA. An underlying ETA seeks 90 day authority. Supporting shippers: Wiest Parts and Supply, a division of Wiest Truckline, Inc. Rural Route #2, Jamestown, ND 58401, and Virgil Wiest, 945 Glen St., Edmunds, WA 98020.

MC 136635 (Sub-4-4TA), filed April 23, 1980. Applicant: UNIVERSAL CARTAGE, INC., 640 W. Ireland Rd., South Bend, IN 46680. Representative: Donald Smith, P.O. Box 40248, Indianapolis, IN 46240. *Paper and paper products,* between the facilities of Inland Container Corp. located at or near Cayuga, IN and points in AL, AR, CT, DE, GA, IA, KS, MA, MD, MN, MS, NE, NJ, NY, NC, PA, RI, SC, TN, VA, WV, and WI. Supporting shipper: Inland Container Corporation, 151 N. Delaware St., Indianapolis, IN 46206.

MC 142548 (Sub-4-1TA). Applicant: STALEY EXPRESS, INC., 2501 North Brush College Road, Decatur, IL 62526. Representative: Fritz R. Kahn, Esq., Suite 100, 1660 L Street, NW., Washington, DC 20036. Contract irregular: *Wheels, rims, bands, flanges, discs, or associated parts, other than for automobiles, with return of racks or pallets,* between the plants or facilities of Goodyear Metals Company at Akron, OH, on the one hand, and the plants or facilities of Caterpillar Tractor Co. at Aurora, Decatur, or Morton, IL, on the other, under contract with Caterpillar Tractor Co. for 180 days. Supporting shipper: Caterpillar Tractor Co., 100 N.E. Adams Street, Peoria, IL 61629.

The following protests were filed in Region 5. Send protests to: CONSUMER ASSISTANCE CENTER, INTERSTATE COMMERCE COMMISSION, POST OFFICE BOX 17150, FORT WORTH, TX 76102.

Republication

MC 134501 (Sub-5-4TA), filed April 3, 1980. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *New furniture* from Flowery Branch, GA, to points in AL, CT, DE, DC, FL, IL, IN, IA (except points in that part of IA on and west of Interstate Hwy 35), KY, LA, ME, MA, MI, MN (except points in that part of MN on, north, and west of a line beginning at the MN-WI State Line extending along U.S. Hwy 12 to St. Paul, then along Interstate Hwy 35 to the MN-IA State Line), MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN (except points in Shelby County, TN), TX (except points in Dallas County, TX, and points in that part of TX on, north, and west of a line beginning at the AR-TX State Line extending along U.S. Hwy 67 to Dallas, then along U.S. Hwy 77 to Waco, then along Interstate Hwy 35 to junction U.S. Hwy 57, then along U.S. Hwy 57 to the United States-Mexico International Boundary Line), VT, VA, WV, WI, and MD. Supporting shipper: Chattahoochee Furniture Co., Inc., P.O. Box 127, Flowery Branch, GA 30542.

MC 105566 (Sub-5-3TA), filed April 24, 1890. Applicant: SAM TANKSLEY TRUCKING, INC., Post Office Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. *Such commodities as are dealt in or used by manufacturers of glass containers, glassware, closures, plastic articles, chinaware and hardware (execpt in bulk in tank or hopper vehicles),* from, to or between the facilities of Anchor Hocking Corporation in CA, FL, TX, IL, IN, MD, MA, NJ, OH, PA, and WV on the one hand, and, on the other, all points in the United States except AK and HI for 180 days. Supporting shipper: Anchor Hocking Corporation, 109 North Broad St., Lancaster, OH 43130.

The following applications were filed in Region 6. Send protests to: INTERSTATE COMMERCE COMMISSION, REGION 6 MOTOR CARRIER BOARD, P.O. BOX 7413, SAN FRANCISCO, CA 94120.

MC 150532 (Sub-6-1TA), filed April 23, 1890. Applicant: RICHARD STANLEY CORE and M. EDWARD GUESS, JR., a partnership, d.b.a., BEARD BROTHERS, LTD., 2324 A St., Bakersfield, CA 93301. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakerfield, CA 93306. *Oilfield equipment, materials and supplies used in drilling, exploration and production of oil and gas,* between Los Angeles International Airport, CA, and points in Kern County, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: B. K. Thorpe, 3000 Antonino Ave., Bakersfield, CA 93308; Kobe, Inc., 3008 Antonino Ave., Bakersfield, CA 93308 and Harrisburg, Inc., 3950 Pierce Rd., Bakersfield, CA 93308.

MC 42487 (Sub-6-13TA), filed April 24, 1890. Applicant: CONSOLIDATED FREIGHTWAYS, Corporation of Delaware, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular route: *General commodities, (except commodities in bulk and household goods as defined by the Commission),* serving the facilities of DeZurik Corp., at or near Chehalis, WA, as an off-route point in connection with carrier's otherwise authorized regular route operations, for 180 days. Applicant intends to tack to its existing authority and any authority it may acquire in the future. The proposed authority will be tacked or joined, as an off-route point with presently held regular route authority between Seattle, WA and Medford, OR, over specified highways, found in Docket No. MC 42487 (Lead Certificate). The authorities in Docket No. MC 42487, in turn, will be joined with other present authorities at such points as Seattle, WA, Portland, OR and Medford, OR, to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the

Interstate Commerce Commission. Supporting shipper: DeZurik Corp., Sartell, MN 56377.

MC 116457 (Sub-6–2TA), filed April 24, 1980. Applicant: GENERAL TRANSPORTATION, INC., 1804 S. 27th Avenue, P.O. Box 6484, Phoenix, AZ 85005. Representative: D. Parker Crosby (same as applicant). *Asbestos cement pipe, couplings, fittings and accessories used in the installation thereof,* from the plantsite of CertainTeed Corporation at Hillsboro, TX to all points in AZ for 180 days. Supporting shipper(s): CertainTeed Corporation, P.O. Box 1100, Blue Bell, PA 19422.

MC 150427 (Sub-6–1TA), filed April 17, 1980. Applicant: ARIETA MARIE LIVINGSTON, d.b.a. GOLDEN EMPIRE GRAIN CO., P.O. Box 1613, Great Falls, MT 59403. Representative: Arieta M. Livingston (same as applicant). *Contract Carrier,* Irregular routes: (1) *Soda Ash* in bulk in hopper equipment, from Westvaco, WY to ports of entry on the International Boundary line between the U.S. and Canada and (2) Borax in bulk in hopper equipment, from Boron, CA to ports of entry on the International Boundary between the U.S. and Canada for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Mansville Canada 9324—49 st., Edmonton, AB, Canada T6B 2L7.

MC 150659 (Sub-6–1TA), filed April 24, 1980. Applicant: IDAHO CONTAINER CARRIERS, INC., P.O. Box 1883, Twin Falls, ID 83301. Representative: John B. Campbell, Vice President, Rte. 5, South Blue Lakes Blvd., Twin Falls, ID 83301. *Foodstuffs, viz.: Mushrooms and Corn,* canned or preserved, other than frozen, in packages, in ocean container vans; (1) Between the facilities of Green Giant Corporation at Buhl, ID and Portland, OR; and (2) Between the facilities of Green Giant Corporation at Buhl, ID and Umatilla, OR for 180 days. Supporting shipper(s): Green Giant Company, 1700 N. Fourth, Le Sueur, MN.

MC 148357 (Sub-6–1TA), filed April 24, 1980. Applicant: KENNETH DUCKER d.b.a. K & L TRUCK SERVICE, P.O. Box 507, Walnut, CA 91789, 8570 Hickory, Fontana, CA 92335. Representative: Milton W. Flack, 8383 Wilshire Blvd., Suite 900, Beverly Hills, CA 90211. *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) which are at the time moving on bills of lading issued by ABC Trans National Transport, a freight forwarder, as defined in Section 10102(8) of the Interstate Commerce Act, between points in WA, OR, ID, NV, UT, AZ, CA, CO, NM and TX, on the one hand, and points in MN, IA, MO, AR, LA, MI, IN, KY, TN, MS, AL, FL, GA, NC, SC, VA, WV, OH, MD, PA, NY, NJ, MA, CN, DE, RI, WI, IL, OK, KS and DC, on the other hand, for 180 days. Supporting shipper(s): ABC Trans National, Jay Harn, Vice President, 2110 Alhambra, Los Angeles, CA 90031.

MC 143503 (Sub-6–5TA), filed April 23, 1980. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. *New furniture, furnishings and appliances,* from Chattanooga, TN to points in Blount, Cherokee, Cullman, Dekalb, Etowah, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dawson, Dade, Fannin, Floyd, Fulton, Gilmer, Gordon, Hall, Haralson, Lumpkin, Murray, Paulding, Pickens, Polk, Rabun, Towns, Union, White, Whitfield, and Walker Counties, GA; and Cherokee, Clay, Graham, Jackson, Macon, and Swain Counties, NC, restricted to traffic originating at the facilities of Fowler Brothers Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fowler Brothers Co., Inc., 701 Broad Street, Chattanooga, TN 37402.

MC 143419 (Sub-6–1TA), filed April 23, 1980. Applicant: SUMMIT FOODS TRANSPORTATION COMPANY, P.O. Box 1937, Breckenridge, CO 80424. Representative: John T. Wirth, 717 17th Street, Suite 2600, Denver, CO 80202. *Contract carrier,* irregular routes: (1) *Foodstuffs* moving in vehicles equipped with mechanical refrigeration, from Grand Rapids, MI to points in CO, ID, KS, MN, MO, NM, OK, TX and UT; and (2) *materials, supplies and equipment* used in the manufacture, processing and distribution of foodstuffs, in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Summit Foods Company, P.O. Box 1937, Breckenridge, CO 80424.

MC 147639 (Sub-6–1TA), filed April 17, 1980. Applicant: SUNDOWN FARMS, INC., 683 Eastland South, Twin Falls, ID 83301. Representative: John J. Healzer, Hart, Burdick and Healzer, 141 First Ave. E., Jerome, ID 83338. *Fertilizer,* between points in CA, OR, and ID for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Occidental Chemical Company, 8700 S.W. 26th St., Portland, OR 97208, and Pacific Coast Resources, 2304 Huntington Drive, San Marino, CA 91108.

MC 150515 (Sub-6–1TA), filed April 23, 1980. Applicant: T.W.C. TRUCKING, INC. 5086 Bangor, Kingsburg, CA 93631. Representative: Edward L. Fanucchi, Attorney at Law, 2409 Merced Street, Suite No. 3, Frenso, CA 93721. *Contract carrier,* irregular routes: *rough iron/steel castings,* from Fort Smith, AR to Clovis, CA, for the account of North American Foundry, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: North American Foundry, 4721 South Zero, Fort Smith, AR.

MC 126327 (Sub-6–1TA), filed April 23, 1980. Applicant: TRAILS TRUCKING, INC., 1825 De La Cruz Blvd., Santa Clara, CA 95050. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 95050. *Paper and paper products,* from the facilities of Crown Zellerbach at or near Lebanon, North Portland, Portland, Wauna, and West Linn, OR, and Camas, Port Angeles and Port Townsend, WA, to points in AZ, CA, and NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Crown Zellerbach, 1500 S.W. First Avenue, Portland, OR 97201.

MC 129480 (Sub-6–2TA), filed April 23, 1980. Applicant: TRI-LINE EXPRESSWAYS, LTD., P.O. Bag 1212, Stn. T, Calgary, Alberta, Canada T2H 2J1. Representative: Richard S. Mandelson of Jones, Meiklejohn, Kehl & Lyons, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver CO 80264. (1) *Mulch, horticultural: cellulose, wood fiber or wood pulp fiber,* in bags, from Cloquet, MN to the international boundary line between the United States and Canada; and (2) *plastic bedding plant containers,* from Little Falls, MN to the international boundary line between the United States and Canada, for 180 days. Supporting shipper: Al Nielsen, Manager, Golden West Seeds Ltd., 1108 6th Street, S.E., Calgary, Alberta, Canada T2G 2Y2.

MC 138789 (Sub-6–1TA), filed April 23, 1980. Applicant: U & R EXPRESS, INC., P.O. Box 2369, White City, OR 97501. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, OR 97210. *Contract carrier,* irregular routes, *wood residuals,* from points in Stevens and Pend Oreille Counties, WA to the facilities of the Louisiana-Pacific Corp. at or near Missoula, MT, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper: Louisiana-Pacific Corp., 1300 S.W. 5th Avenue, Portland, OR 97201.

MC 116544 (Sub-6–6TA), filed April 25, 1980. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palo Alto, CA 94303. *Meat*

packinghouse by-products, inedible, from Amarillo, TX to CA, IL, IA, KS, LA, MO and NE, for 180 days. Supporting shipper: Consolidated Pet Foods, Inc., P.O. Box 30488, Amarillo, TX 79120.

MC 42487 (Sub-6–15TA), filed April 24, 1980. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. *Common carrier,* regular route: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment),* serving the facilities of Jack Eckerd Corporation at or near Newnan, GA, as an off-route point in connection with carrier's regular route operations, for 180 days. Applicant intends to tack the proposed authority, as an off-route point, with authority held in Docket MC 42487 (Sub-744) and Docket MC 42487 (Sub-872). These authorities, in turn, will be tacked with other present authorities of Applicant at such points as Atlanta, GA, New Orleans, LA, Birmingham, AL and Cincinnati, OH, to permit service to and from points throughout the United States. Applicant proposes to interline traffic with its present connecting carriers at authorized interline points throughout the United States as provided in tariffs on file with the Interstate Commerce Commission. Supporting shipper(s): Jack Eckerd Corporation, 2120 U.S. Highway 19S, Clearwater, FL.

MC 136605 (Sub.-6–5TA), filed April 25, 1980. Applicant: DAVIS TRANSPORT, INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton, P.O. Box 8058, Missoula, MT 59807. *Salt products,* from Williston, ND to points in the states of MT, ID, WA and OR, for 180 days. Supporting shipper: Hardy Salt Company, P.O. Drawer 449, St. Louis, MO 63166.

MC 150528 (Sub-6–1TA), filed April 24, 1980. Applicant: SOON LEE, MILTON LEE & DENNIS LEE, d.b.a. LEE & LEE, P.O. Box 528, Woodland, CA 95695. Representative: J. H. Gulseth, Loughran & Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. *Contract carrier,* irregular routes: *Cooked, cured or preserved meats and sausage,* in mechanically refrigerated trailers, between Sacramento, CA, on the one hand, and, on the other, White City and Eugene, OR, for the account of Made-Rite Prepared Meats, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Made-Rite Prepared Meats, Inc., 3353 Second Avenue, Sacramento, CA.

MC 52709 (Sub-6–6TA), filed April 24, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same as applicant) *Houses or buildings, and equipment, materials, and supplies used in the manufacture, distribution, and erection thereof,* between the facilities of American Solartron Corp., at or near Centralia, IL, on the one hand, and, on the other, points in the U.S., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: American Solartron Corp., Route 5, Box 170, Centralia, IL 62801.

MC 114126 (Sub-6–1TA), filed April 25, 1980. Applicant: SALMO TRANSPORT, LTD., Box 139, Salmo, B.C., Canada V0G 1Z0. Representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. *Siliceous ore and silica sand* from Wenatchee, WA to ports of entry on the U.S.—Canada boundary line near Northport, WA for 180 days. Supporting shipper: Wenatchee Silica Products, Inc., P.O. Box 1668, Wenatchee, WA 98801.

MC 143610 (Sub-6–7TA), filed April 25, 1980. Applicant: PAUL YATES, INC., 6601 West Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same as applicant). *Contract Carrier:* Irregular routes: *(1) Such commodities as are dealt in by toy and game retailers and (2) materials, supplies and equipment used in the conduct of such business,* (a) From points in CA to Kent, WA, and Portland, OR, and (b) from points in that part of the United States in and east of WI, IA, MO, AR, and TX, to Kent, WA, and Portland, OR, for the account of Toys-R-Us, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Toys-R-Us, Inc., 299 Market. St., Saddlebrook, NJ 07662.

By the Commission.
Agatha L. Mergenovich,
Secretary.

[FR Doc. 80–14082 Filed 5–6–80; 8:45 am]
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[Volume No. 11]

Petitions, Applications, Finance Matters (Including Temporary Authorities), Alternate Route Deviations, Intrastate Applications, Gateways, and Pack and Crate

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 identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. Another factor considered is the effects of any decision on petitioner's interests.

Samples of petitions and the text and explanation of the intervention rules can be found at 43 FR 50908, as modified at 43 FR 60277.

Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. Especially refer to Rule 247(e) for requirements as to supplying a copy of conflicting authority, serving the petition on applicant's representative, and oral hearing requests.

MC 16872 (Sub-8 M1F) (Notice of filing of petition to modify portion certificate) filed March 17, 1980. Petitioner: WILLIAM MIRRER, doing business as MIRRER'S TRUCKING CO., 100 East 25th Street, Paterson, NJ 07524. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Petitioner

holds a *motor common carrier* certificate in MC 16872 (Sub-8), issued October 21, 1965, authorizing, in part, transportation, in interstate or foreign commerce, over irregular routes, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Edgewater, NJ, and New York, NY: between Edgewater, NJ, on the one hand, and, on the other, points in Rockland, Westchester and Nassau Counties, NY. By the instant petition, petitioner seeks to modify the above authority as follows: between points in NJ, on the one hand, and, on the other, New York, NY, and points in Rockland, Westchester, Nassau and Suffolk Counties, NY.

MC 35153 (Sub-8 M1F) (Notice of filing of petition to modify portion certificate) filed February 11, 1980. Petitioner: RUPP-SOUTHERN TIER FREIGHT LINES, INC., P.O. Box 489, Middletown, NY 10940. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Petitioner holds a motor *common carrier* Certificate in MC 35153, issued February 14, 1958, to transport (in part), in interstate or foreign commerce, over irregular routes, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Sussex County, NJ, and Rockland, Orange and Sullivan Counties, NY, on the one hand, and, on the other, New York, NY, and points in Bergen, Essex, Hudson, Passaic and Union Counties, NJ. By the instant petition, petitioner seeks to modify the authority above as follows: add CT as a destination state.

MC 35153 (Sub-8 M1F) (Notice of filing of petition to modify certificate) filed February 11, 1980. Petitioner: RUPP-SOUTHERN TIER FREIGHT LINES, INC., P.O. Box 489, Middletown, NY 10940. Representative: Michael R. Werner, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Petitioner holds a motor *common carrier* Certificate in MC 35153, issued February 14, 1958, to transport (in part), in interstate or foreign commerce, over irregular routes, *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Sussex County, NJ, and Rockland, Orange and Sullivan Counties, NY, on the one hand, and, on the other, New York, NY, and points in Bergen, Essex, Hudson, Passaic and Union Counties, NJ. By the instant petition, petitioner seeks to modify the authority above as follows: Between points in Sussex County, NJ, and Rockland, Orange, and Sullivan Counties, NY; on the one hand, and, on the other, New York, NY, and points in Susquehanna, Wayne, Wyoming, Lackawanna, Pike, Luzerne, Monroe, Carbon, and Lehigh Counties, PA.

MC 69116 (Sub-81M1F) (notice of filing of petition to modify territorial description), filed March 12, 1980. Petitioner: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy., Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603. Petitioner holds motor *common carrier* authority in Certificate MC 69116 (Sub-81), issued March 25, 1964, authorizing, as pertinent, authorizing transportation over regular routes, of *general commodities,* except household goods as defined by the Commission, (a) between Chicago, IL, and Dixon, IL, serving all intermediate points and serving the off-route points of Maple Park, Elburn, Burlington, and Amboy, IL: from Chicago over IL Hwy 64 to Sycamore, IL, then over IL Hwy 23 to DeKalb, IL, and then over Alternate U.S. Hwy 30 via Ashton, IL, to Dixon; and return from Dixon over Alternate U.S. Hwy 30 to Chicago, (b) between Chicago, IL, and Harvard, IL, serving all intermediate points in serving the off-route point of Hartland, IL: from Chicago over U.S. Hwy 20 to Marengo, IL, and then over IL Hwy 23 to Harvard; and return from Harvard over U.S. Hwy 14 to Chicago, (c) between Harvard, IL, and Edgerton, WI, serving all intermediate points and serving the off-route points of Milton, Milton Junction, and Footville, WI: from Harvard over U.S. Hwy 14 to Janesville, WI, then over WI Hwy 73 Edgerton; and return from Edgerton over WI Hwy 59 to Union, WI, then over WI Hwy 213 (formerly shown as WI Hwy 13) to Beloit, WI, then over U.S. Hwy 51 to Rockford, IL, and then over IL Hwy 173 to Harvard, (d) between Richmond, IL, and Burlington, WI, serving all intermediate points: from Richmond over U.S. Hwy 12 to Genoa City, WI, then over unnumbered Hwy via Twin Lakes and Silverlake, WI, to junction WI Hwy 50, then over WI Hwy 50 to New Munster, WI, and then over WI Hwy 83 to Burlington; and return from Burlington over WI Hwy 11 to Delavan, WI, then over WI Hwy 50 to junction WI Hwy 36, then over WI Hwy 36 to Walworth, WI, then return over WI Hwy 36 to junction WI Hwy 50, then over WI Hwy 50 to Lake Geneva, WI, and then over U.S. Hwy 12 to Richmond, and (e) between Harvard, IL, and Ashton, IL, serving all intermediate points: from Harvard over U.S. Hwy 14 to Janesville, WI, then over U.S. Hwy 51 to Rockford, IL, then over IL Hwy 2 to Dixon, IL, and then over Alternate U.S. Hwy 30 to Ashton; and return from Ashton over Alternate U.S. Hwy 30 to DeKalb, IL, then over IL Hwy 23 to Harvard. By the instant petition, petitioner seeks to modify the above-described territories so as to read: General commodities, except household goods, as defined by the Commission, (a) between Chicago, IL, and Dixon, IL, serving all intermediate points and serving the off-route points of Maple Park, Elburn, Burlington, and Amboy, IL: (1) from Chicago over IL Hwy 64 to Sycamore, IL, then over IL Hwy 23 to DeKalb, IL, and then over IL Hwy 38 (formerly Alternate U.S. Hwy 30) to Dixon, and return over the same route, and (2) from Chicago over IL Hwy 38 (formerly Alternate U.S. Hwy 30 to Dixon, and return over the same route, (b) between Chicago, IL, and Harvard, IL, serving all intermediate points and serving the off-route point of Hartland, IL: (1) from Chicago over U.S. Hwy 20 to Marengo, IL, and then over IL Hwy 23 to Harvard, and return over the same route, and (2) from Chicago over U.S. Hwy 14 to Harvard, and return over the same route, (c) between Harvard, IL, and Edgerton, WI, serving all intermediate points and serving the off-route points in Milton, Milton Junction, and Footville, WI: (1) from Harvard over U.S. Hwy 14 to Janesville, WI, then over WI Hwy 73 to Edgerton, and return over the same route, and (2) from Harvard over IL Hwy 173 to Rockford, IL, then over U.S. Hwy 51 to Beloit, WI, then over WI Hwy 213 to Union, WI, and then over WI Hwy 59 to Edgerton, and return over the same route, (d) between Richmond, IL, and Burlington, WI, serving all intermediate points: (1) from Richmond over U.S. Hwy 12 to Genoa City, WI, then over unnumbered Hwy via Twin Lakes adn Silver Lake, WI, to junction WI Hwy 50, then over WI Hwy 50 to New Munster, WI, and then over WI Hwy 83 to Burlington, and return over the same route, and (2) from Richmond over U.S. Hwy 12 to Lake Geneva, WI, then over WI Hwy 50 to junction WI Hwy 67, (formerly WI Hwy 36), then over WI Hwy 67 to Walworth, WI, then return over WI Hwy 67 (formerly WI Hwy 36) to junction WI Hwy 50, then over WI Hwy 50 to Delavan, WI, then over WI Hwy 11 to Burlington, and return over the same route, and (e) between Harvard, IL, and

Ashton, IL, serving all intermediate points: (1) from Harvard over U.S. Hwy 14 to Janesville, WI, then over U.S. Hwy 51 to Rockford, IL, then over IL Hwy 2 to Dixon, IL, and then over IL Hwy 38 (formerly Alternate U.S. Hwy 30) to Ashton, and return over the same route, and (2) from Harvard over IL Hwy 23 to DeKalb, IL, then over IL Hwy 38 (formerly Alternate U.S. Hwy 30) to Ashton, and return over the same route.

MC 76065 (M1F), MC 76065 (Subs-6M1F), 7M1F), 9M1F), 11M1F), 14M1F), 18M1F), 20M1F), 20M1F), 21M2F), 24M2F), 25M1F), 28M1F), 32M1F), 33M1F), 34M1F), and MC 76065 (E1 and E2M1F) (partial republication of notice of filing of petition to modify certificates), filed November 28, 1979 and published originally on April 14, 1980. Petitioner: EHRLICH-NEWMARK TRUCKING CO., INC., 505–509 West 37th St., New York, NY 10018. Representative: Martin Werner, 888 7th Ave., New York, NY 10019. By the instant petitioner, petitioner seeks to modify and embrace the authority published on April 14, 1980 to read: "(1) wearing apparel, on hangers and/or in cartons, (2) materials, supplies and equipment used in the manufacture, sale and distribution of wearing apparel, and (3) department store merchandise and/or chain store merchandise moving in the same vehicle with (1) and/or (2), between New York, NY, points in DE, NJ, NC, VA, those in MD, PA, and WV on and east of U.S. Hwy 11, those in Suffolk, Westchester and Rockland Counties, NY, Fairfield County, CT, and DC."

Note.—This partial republication modifies the above paragraph.

MC 82063 (Sub-94M1F) (notice of filing of petition to modify certificate), filed April 1, 1980. Petitioner: KLIPSCH HAULING CO., a corporation, 10795 Watson Rd., Sunset Hills, MO 63127. Representative: Lester R. Gutman, 666 Eleventh St., NW., Washington, DC 20001. Petitioner holds motor *common carrier* certificate in MC 82063 (Sub-94), issued July 18, 1979, to transport in interstate or foreign commerce, over irregular routes, *liquid chemicals,* in bulk, in tank vehicles, between the facilities of Dow Chemical U.S.A., located in Brazoria County, TX, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the above-named facilities. By the instant petition, petitioner seeks to modify the certificate as follows: by adding the facilities of Badische Corporation.

MC 95540 (Sub-999M2F) (notice of filing of petition to modify certificate), filed November 14, 1979. Petitioner: WATKINS MOTOR LINES, INC., P.O. Box 1636, Lakeland, FL 33802. Representative: Paul M. Daniell, P.O. Box 56387, Atlanta, GA 30343. Petitioner holds motor *common carrier* authority certificated in MC 95540 (Sub-999), issued October 25, 1979, authorizing transportation, over regular routes, as summarized below, of (A) *general commodities,* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between New York, NY, and Bainbridge, GA, serving the intermediate points of Philadelphia, PA, Wilmington, DE, Baltimore, MD, Washington, DC, and all intermediate points in GA, NC, and SC, with service at Washington, DC restricted to the transportation of traffic moving from or to points south thereof, over specified routes; (2) between Petersburg, VA and Kingsland, GA, serving all intermediate points in GA, SC, and NC, and serving Petersburg for purpose of joinder only, over specified routes; (3) between Norfolk, VA and South Hill, VA, serving South Hill and the intermediate points of Emporia, VA, for purposes of joinder only, over specified routes; (4) between Richmond, VA and Greensboro, NC, serving the intermediate point of Danville, VA and all intermediate points in NC, over specified routes; (5) between Norfolk, VA and Wilmington, DE, from Norfolk over U.S. Highway 13 to Wilmington, and return over the same route; (6) between Wilson, NC and the junction of U.S. Hwy 17 and Interstate Hwy 95 near Gardens Corner, SC, serving all intermediate points, over specified routes; (7) between Durham, NC and Goldsboro, NC, serving all intermediate points, over specified routes; (8) between Asheville, NC and Greensboro, NC, serving all intermediate points, over specified routes; (9) between Asheville, NC and Wilmington, NC, serving all intermediate points, over specified routes; (10) between Atlanta, GA and Wilmington, NC, serving all intermediate points, over specified routes; (11) between Charlotte, NC and Savannah, GA, serving all intermediate points, over specified routes; (12) between Asheville, NC and Charleston, SC, serving all intermediate points, over specified routes; (13) between Greenville, SC and Statesboro, GA, from Greenville over U.S. Hwy 25 to Statesboro, and return over the same route; (14) between Atlanta, GA and Rossville, GA, serving all intermediate points, over specified routes; (15) between Atlanta, GA and Thomasville, serving all intermediate points, over specified routes; (16) between Atlanta, GA and Valdosta, GA, serving all intermediate points; (17) between Macon, GA and Folkston, GA, serving all intermediate points, over specified routes; (18) between Columbus, GA and Savannah, GA, serving all intermediate points, over specified routes; (19) between Macon, GA and the junction of U.S. Hwy 441 and Interstate Hwy 85 near Commerce, GA, serving all intermediate points, over specified routes; (20) between Bainbridge, GA and Midway, GA, serving all intermediate points, over specified routes; (21) between Statesboro, GA and Folkston, GA, serving all intermediate points, over specified routes; (22) between Waycross, GA and Brunswick, GA, serving all intermediate points, over specified routes; and (23) between Macon, GA and Savannah, GA, serving all intermediate points, over specified routes. *Service is authorized at all points in GA, SC, and NC, and those points in Luenenburg, Mecklenburg, Halifax, Charlotte, Prince Edward, Pittsylvania, Henry, Franklin, and Nottoway Counties, VA, and those in Cumberland, Gloucester, Salem, Hudson, Bergen, Passaic, Sussex, Essex, Morris, Union, Middlesex, Monmouth, and Somerset Counties, NJ, not on the above described regular routes, as off-route points in connection with the regular route operations described in (A)(1) through (A)(23) above. By the instant petition, petitioner seeks to modify the authority (a) by adding service at all intermediate points on routes 5 and 13 above, and (b) by adding service at DE not on authorized routes as off-route points in connection with the regular route operations described in (A)(1) through (A)(23) shown in the restriction marked with the asterisk above.

MC 108393 (Sub-142M1F) (notice of filing of petition to modify permit), filed March 28, 1980. Petitioner: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, IL 60521. Representative: Edward F. Schiff, 1333 New Hampshire Avenue, NW., Washington, DC 20036. Petitioner holds a motor *contract carrier* permit in MC 108393 (Sub-142), issued December 13, 1979, to transport in interstate or foreign commerce, over irregular routes, such *Merchandise* as is dealt in or used by retail department stores and mail order houses, (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI), under continuing contract(s) with Sears, Roebuck and Co., of Chicago, IL. By the instant petition, petitioner seeks to

modify the authority as follows: add an additional shipper, namely, Simpsons-Sears Limited of Toronto, Ontario, Canada.

MC 116653 (Sub-1M1F), (notice of filing of petition to modify certificate), filed March 27, 1980. Petitioner: GORDON BEDORE, INC., 454 Main Street, Niagara Falls, NY 14301. Representative: Gordon Bedore (same address as applicant). Petitioner holds a motor *common carrier* certificate in MC 116653 (Sub-1), issued March 17, 1969, to transport in interstate or foreign commerce, over irregular routes, *passengers and their baggage,* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, in vehicles with a seating capacity not to exceed eight passengers, Beginning and ending at points in that part of Niagara County, NY, west of a line extending from junction New York Hwy 270 and the Niagara-Erie County line, along NY Hwy 270 to junction NY Hwy 31, then along NY Hwy 31 to junction NY Hwy 425, and then along NY Hwy 425 to end of highway, and extending to ports of entry on the United States-Canada Boundary line, at Niagara Falls and Lewiston, NY. Restriction: The authority granted herein is subject to the right of the Commission, which is hereby expressly reserved, to impose after final determination of the proceeding in Ex Parte MC 29 (Sub-1), *Passenger Transportation in Special Operations,* such terms and conditions, if any, as may be deemed necessary to insure that the operations performed by carrier are limited to bona fide special operations, in sightseeing and pleasure tours. By the instant petition, petitioner seeks to modify the certificate as follows: Requests the use of 14 passenger van vehicles, in conjunction with the 8 passenger vehicles now being used.

MC 133591 (Sub-35M1F) (notice of filing of petition to modify certificate), filed October 19, 1979. Petitioner: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, MO 65712. Representative: A. J. Swanson, 3100 South Thompson Ave., Sioux Falls, SD 57103. Petitioner holds motor *common carrier* authority certificated in MC 133591 (Sub-35), issued July 10, 1978, authorizing transportation, over irregular routes, of (1) *canned goods* and *packaged food seasoning and treating compounds* (except frozen foods, meat and meat products and canned tuna) and (2) *those commodities,* the transportation of which is otherwise exempt or partially exempt from regulation under the provisions of sections 203(b)(6) of the Interstate Commerce Act when moving in mixed loads with the commodities described in (1) above (except commodities in bulk), from points in California (except from the facilities of Castle & Cooke Foods, located at San Francisco and San Jose, CA, and from the facilities of Tillie Lewis Foods, Inc. located at or near Antioch, Modesto, Pittsburg, and Stockton, CA), to points in that part of AR on and north of Interstate Hwy 40, points in that part of IL on and south of Interstate Hwy 74, points in that part of KS on and east of US Hwy 75, and points in MO. Restriction: The operations authorized herein are restricted to traffic originating at the named origins and destined to the named destinations. By the instant petition, petitioner seeks to modify the authority (a) by adding "pet food" to the commodity description, in (1) above, (b) by deleting the restriction against the movement of "canned tuna", (c) by deleting the restriction against service from the facilities of Castle & Cooke Foods located at San Francisco and San Jose, CA, and from the facilities of Tillie Lewis Foods, Inc. located at or near Antioch, Modesto, Pittsburg and Stockton, CA, (d) by deleting the destination description of "points in AR on and north of Interstate Hwy 40" and substituting the entire state of "AR", and (e) by deleting the restriction which restricts service to traffic originating at the named origins and destined to the named destinations.

MC 134783 (Sub-29M1F) (notice of filing of petition to modify certificate), filed April 7, 1980. Petitioner: DIRECT SERVICE, INC., 940 East 66th St., P.O. Box 2491, Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Petitioner holds a motor *common carrier* certificate in MC 134783 (Sub-29), issued October 1, 1976, to operate in foreign commerce, over irregular routes, transporting *hides, chromes, and tannery products,* from points in CO, IA, KS, LA, MN, MO, NE, NM, OK, SD, TX and WI, to points in CA. By the instant petition, petitioner seeks to modify the certificate as follows: by removing the "foreign commerce only" restriction.

MC 134922 (Sub-259M1F) (notice of filing of petition to modify certificate), filed March 14, 1980. Petitioner: B. J. McADAMS, INC., Rte. 6, Box 15, N. Little Rock, AR 72118. Representative: Diane Price (same address as applicant). Petitioner holds a motor common carrier, Certificate in MC 134922 (Sub-259), issued December 4, 1979, authorizing operation in interstate or foreign commerce, over irregular routes, transporting *General commodities* (except in bulk, those which because of size or weight require the use of special equipment, foodstuffs, alocholic and malt beverages, lumber, tractors, road construction machinery contractor's machine equipment and supplies, farm machinery, pipe and wooden posts and poles), between points in IL and Searcy, LA. Restriction: Restricted to traffic having a prior or subsequent movement by rail. By the instant Petition, Petitioner seeks to modify the above authority by removing commodity exceptions of foodstuffs, alcoholic and malt beverages, lumber, tractors, road construction machinery contractor's machine equipment and supplies, farm machinery, pipe and wooden posts and poles, and the restriction to traffic having a prior or subsequent movement by rail.

MC 144122 (Sub-27 (M1F)) (notice of filing of petition to modify certificate), filed April 15, 1980. Petitioner: CARRETTA TRUCKING, INC., 160 South, Route 17, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Petitioner holds motor *common carrier* certificate, in MC 144122 Sub-27, issued October 25, 1979, transporting in interstate or foreign commerce, over irregular routes, *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) from the facilities of West Coast Shippers Association, Inc., at Philadelphia, PA, to points in CA, OR, WA, TX, NM, AZ, NV, CO, and UT. By the instant petition, petitioner seeks to modify the authority as follows: change to a "between" movement and remove the "facilities" restriction, to read: between Philadelphia, PA, on the one hand, and, on the other, points in CA, OR, WA, TX, NM, AZ, NV, CO, and UT.

MC 146313 (Sub-1 (M1F)) (notice of filing of petition to modify permit), filed April 1, 1980. Petitioner: WILLIAM E. MULLENAZ, d.b.a. MULLENAX REFRIGERATED TRANSPORT, Route 220 South, Petersburg, WV 26847. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Petitioner holds a motor *contract carrier* Permit, in MC 146313 Sub-1, issued December 5, 1979, to transport in interstate or foreign commerce, over irregular routes, *Such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), between Cincinnati and Columbus, OH, on the one hand, and, on the other, points in IN, KY, MI, PA, VA, and WV, under a continuing contract(s)

with The Kroger Co. of Cincinnati, OH. By the instant petition, petitioner seeks to add the following: between Greensburg, IN, on the one hand, and, on the other, points in OH, VA, and WV (under continuing contract(s) with The Kroger Co. of Cincinnati, OH).

Motor Carrier Operating Rights Applications

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a *petition to intervene either with or without leave* must be filed with 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 explanation of the intervention rules can be found at 43 Fed. Reg. 50908, as modified at 43 Fed. Reg. 60277. Petitions not in reasonable compliance with these rules may be rejected. Note that Rule 247(e), where not inconsistent with the intervention rules, still applies. 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.

MC59557 (Sub-17F), filed April 12, 1979. Applicant: AUCLAIR TRANSPORTATION, INC., P.O. Box 5195, Manchester, NH 03108. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA. 22209. Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in St. Louis, MO. (Hearing site: Boston, MA, or Concord, NH.)

Note.—Applicant filed a Motion to Dismiss based on transportation by motor vehicle wholly within a commercial zone under a Plan V intermodal arrangement in connection with the line-haul operation of a railroad subject to the Commission's jurisdiction is exempt from direct regulation by the Commission by virtue of the provisions of Title 49 U.S.C. § 10523.

MC114569 (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). Authority sought to operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuff* (except in bulk), from NY and MA to points in CA, OR, and WA. (Hearing site: New York, NY, or Washington, DC.)

Motor Carrier Intrastate Application(s)

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.

South Carolina Docket 79-318-T, filed March 4, 1980. Applicant: JAMES E. BEARDEN d.b.a. BEARDEN TRUCKING COMPANY, P.O. Box 1703, Greenville, SC 29601. Representative: Robert L. Stoddard, P.O. Box 5178, Spartanburg, SC 29304. Certificate of Public Convenience and necessity sought to operate a freight service, as follows: Transportation of: general commodities (usual exceptions), between Charleston, SC, and the site of Manhattan Shirt Company near Winnsboro, SC. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to South Carolina Public Service Commission, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

North Carolina Docket T-1889 (Sub-5), filed March 12, 1980. Applicant: EASTERN DELIVERY SERVICE, INC., 925 South Kerr Avenue, Wilmington, NC 28403. Representative: J. Ruffin Bailey P.O. Box 2246, Raleigh, NC 27602. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: machine parts, yarn and emergency supplies and equipment between New Hanover and Brunswick Counties, on the one hand, and, on the other, points in North Carolina. Intrastate, interstate and foreign commerce authority sought. Hearing: May 14, 1980, at 9:30 a.m. Dobbs Building, Raleigh, NC. Requests for procedural information should be addressed to North Carolina Utilities Commission, P.O. Box 991, Raleigh, NC 27602, and should not be directed to the Interstate Commerce Commission.

California Docket 59203, filed October 12, 1979. Applicant: EDWARD L. HESTON d.b.a. HESTON TRUCKING CO., 525 Galveston Street, West Sacramento, CA 95691. Representative: Eugene Q. Carmody, 15523 Sedgeman Street, San Leandro, CA 94579. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, with the usual exceptions, between Sacramento and points located within 5 miles thereof and all points and places on the following routes, or 3 miles laterally thereof: (1) State Hwy 49 between North San Juan and its intersection with State Hwy 70 at Vinton; (2) State Hwy 89 between Sierraville and its intersection with State Hwy 36, 5 miles west of Chester; (3) Interstate Hwy 395 between Hallelujah Junction and Litchfield; (4) County Road A3 between Buntingville and Standish; (5) unnamed county road between Bassetts and Graeagle; (6) off-route point of Herlong located at the approximate intersection of County Roads A25 and A26; (7) State Hwy 36 between its intersection with US Hwy 395 and Susanville; (8) State Hwy 70

between Blairsden and Hallelujah Junction; and (9) County Road A15 between State Hwys 89 and 70. A. State Hwy 80 between Newcastle and Colfax, B. State Hwy 49 between Auburn and Grass Valley, C. State Hwy 74 between Colfax and Grass Valley, D. State Hwy 20 between Grass Valley and Rough and Ready, E. Hwy 49 between Grass Valley and North San Juan, and F. from, or to, the junction of State Hwy 36 and State Hwy 89, five (5) miles west of Chester, northwest via State Hwy 36 to or from Mineral; or alternatively via State Hwy 172 to or from Mineral. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, State Bldg., Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

California Docket 59534, filed March 21, 1980. Applicant: L. J. CERKUEIRA d.b.a. C-WAY EXPRESS, P.O. Box 6114, Oakland, CA 94614. Representative: Eldon M. Johnson, The Hartford Bldg., 650 California St., Suite 2808, San Francisco, CA 94108. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities as follows: Except that pursuant to the authority herein granted carrier shall not transport any shipments of: 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases, overnight or boston bags, briefcases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting). 2. Automobiles, trucks, and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. 3. Livestock, viz.: barrows, boards, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers. 4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. 5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers. 6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. 7. Portland or similar cements, in bulk or packages, when loaded substantially to capacity of motor vehicle. 8. Logs. 9. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment. 10. Fresh fruits and vegetables. Via the following routes: Between the following points, serving all intermediate points on or within 25 miles of the highways listed: 1. Points within the San Francisco Territory as described in Note A hereof. 2. Santa Rosa and Soledad on Interstate Highway 101. 3. Santa Rosa and the intersection of State Highway 12 and Interstate Highway 80 on State Highway 12. 4. Sacramento and Fresno on State Highway 99. 5. Sacramento and the intersection of Interstate Highway 5 and State Highway 180 on Interstate Highway 5. 6. The San Francisco Territory as described in Note A, and Sacramento on Interstate Highway 80. 7. The San Francisco Territory and Stockton on Interstate Highways 580, 205 and 5. 8. The San Francisco Territory and Monterey on State Highway 1. 9. Pinole and Stockton on State Highway 4. 10. Concord and Santa Cruz on Interstate Highway 680 and State Highway 17. 11. Gilroy and Chowchilla on State Highway 152. 12. Gilroy and Fresno on State Highways 152 and 156, and Country Road J-1, and State Highway 180. In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

The San Francisco Territory

Includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Line meets the Pacific Ocean; thence easterly along said county line to a point one mile west of State Highway 82; southerly along an imaginary line one mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Company right-of-way at Arastradero Road; southeasterly along the Southern Pacific Company right-of-way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately two miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Company right-of-way; southerly along the Southern Pacific Company right-of-way to the Campbell-Los Gatos City Limits; easterly along said limits and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard) via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13); northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland Boundary Line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to and including the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to California Public Utilities Commission, State Bldg., Civic Center, San Francisco, CA 94102, and should not be directed to the Interstate Commerce Commission.

Florida Docket 800335-CCT, filed April 3, 1980. Applicant: SMALLEY

TRANSPORTATION COMPANY, 410 Ware Blvd., P.O. Box 5175, Tampa, FL 33675. Representative: Ansley Watson, Jr., 512 Florida Ave., P.O. Box 1531, Tampa, FL 33601. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities (except those of unusual value, household goods, commodities which because of size or weight require the use of special equipment, commodities in vehicles equipped with mechanical refrigeration, and the following commodities when moving in truckload lots: building and construction materials on flatbed trailers, fertilizer on flatbed trailers, beer, sodium hypochlorite, and empty glass containers and closures therefor), over regular routes, as follows: Between Miami, FL, and the intersection of U.S. Hwy 1 with S.W. 216th St., serving all intermediate points: from Miami over U.S. Hwy 1 to its intersection with S.W. 216th St., and return over the same route. All other points in FL [except points in Monroe County and those points in Dade County lying south of S.W. 216th St.] on or south of a line beginning at the western terminus of FL Hwy 60, then easterly along FL Hwy 60 to its junction with I-4, then easterly along I-4 to its junction with FL Hwy 50, then easterly along FL Hwy 50 to its junction with FL Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, to its eastern terminus, will be served as off-route points. Applicant also seeks to remove the interline restriction contained on page 9 of its Certificate No. 1013 [and in its corresponding Certificate of Registration to be issued in Docket No. MC-121667 (Sub-No. 7)], which reads as follows: "The above authority is restricted against interlining with motor common carriers so as to render service on traffic originating at, or destined to, points in Monroe County, FL, and those points in Dade County lying south of SW 184th St. (also known as Eureka Rd.), at or near the area commonly known as Perrine." Applicant seeks authority to engage in transportation in interstate and foreign commerce within the limits of the intrastate authority sought herein, and further seeks authority to tack or join the routes sought herein with each other at common points, and to tack or join all of the authority sought herein with its present operating rights under Florida Public Service Commission Certificate No. 1013 and Interstate Commerce Commission Certificates of Registration No. MC-121667 and subs. Applicant seeks no authority herein duplicating that presently held under its certificate and certificates of registration referred to above. The authority quoted above may be tacked or joined with applicant's other present authority in its Certificate No. 1013 and corresponding Certificates of Registration. The effect of the instant application, if granted, would be to: A. Extend the southern terminus of applicant's present route between Miami and the intersection of U.S. Hwy 1 and S.W. 184th St., to the intersection of U.S. Hwy 1 and S.W. 216th St. (approximately 32 blocks), with a similar extension of the southern boundary of applicant's off-route area in Dade County; and B. Remove the present interline restriction on traffic originating at, or destined to, points in Monroe County and points in Dade County south of S.W. 184th St. 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.)

Note.—The authority presently contained in applicant's Certificate No. 1013 and in its Certificates of Registration in MC-121667 and subs authorizes the transportation of general commodities (with exceptions identical or similar to those referred to above), over regular routes between numerous points in Florida, including the following:

"18. Between Miami, FL, and the intersection of U.S. Hwy 1 with S.W. 184th St. (also known as Eureka Road), at or near that area in Dade County known as Perrine, serving all intermediate points: from Miami over U.S. Hwy 1 to its intersection with S.W. 184th St. (also known as Eureka Road), and return over the same route.

"19. All other points in FL [except points in Monroe County and those points in Dade County lying south of S.W. 184th Street (also known as Eureka Road), at or near the area commonly known as Perrine] on or south of a line beginning at the western terminus of FL Hwy 60, then easterly along FL Hwy 60 to its junction with I-4, then easterly along I-4 to its junction with FL Hwy 50, then easterly along FL Hwy 50 to its junction with FL Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, to its eastern terminus, will be served as off-route points."

Permanent Authority Decisions, Decision-Notice, Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: April 21, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2).

The rules provide, in part, that carriers may file petitions with this Commission for the purpose of seeking intervention in these proceedings. Such petitions may seek intervention either with or without leave as discussed below. However, all such petitions must be filed in the form of verified statements, and contain all of the information offered by the submitting party in opposition. Petitions must be filed with the Commission 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.gs., 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 4, Members Fitzpatrick, Fisher, and Felder. Member Felder not participating.

MC 50307 (Sub-100F), filed July 9, 1979. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Representative: Arthur Liberstein, 888 7th Ave New York, NY 10019. Transporting *Wearing apparel,* and *materials, equipment and supplies* used in the manufacture of wearing apparel, except commodities in bulk, between points in NJ, NY and PA, on the one hand, and, on the other, points in FL. The authority requested herein is to substitute a single-line service for a joint-line operation. (Hearing site: New York, NY.)

MC 103926 (Sub-101F), filed November 30, 1979. Applicant: W. T. MAYFIELD SONS TRUCKING CO., INC., P.O. Box 947, Mableton, GA 30059. Representative: Kim G. Meyer, P.O. Box 56387, Atlanta, GA 30343. Transporting (1) *contractors' machinery and equipment,* not limited to such commodities as are intended solely for use by contractors, between points in IL, IN, OH, and KY, on the one hand, and, on the other, points in GA, AL, FL, NC, SC, and TN, and (2) *tractors* (except truck tractors), and *parts, implements, attachments, accessories, and supplies* for the commodities named in (2) above, between points in IL, IN, OH, and KY, on the one hand, and, on the other, points in AR, NC, SC, FL, GA, TN, AL, and MS. The sole purpose of this application is to substitute single line for jointline operations. (Hearing site: Atlanta, GA and Washington, DC.)

Permanent Authority Notices, Substitution Applications: Single-Line Service for Existing Joint-Line Service

Decided: April 21, 1980.

The following applications, filed on or after April 1, 1979, are governed by the special procedures set forth in Part 1062.2 of Title 49 of the Code of Federal Regulations (49 CFR 1062.2). These proposals are published as "service sought" (as opposed to decision-notices), because in each case it appears questionable as to whether all or part of the authority sought should be issued, weighing applicant's evidence under 49 CFR 1062.2. (For example, questions may be raised relating to applicant's contentions concerning why the involved joint-line service has been cancelled or is in a state of deterioration which warrant a decision on the merits, regardless of whether the application is opposed.)

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 varacity 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.*

MC 59957 (Sub-60F), filed July 18, 1979. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Road and Toronita Street, York, PA 17402. Representative: William A. Chesnutt, 1333 New Hampshire Ave., NW., Suite 960, Washington, DC 20036. Authority sought 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 the use of special equipment) serving points in Connecticut, as off-route points in connection with applicant's existing regular route operations. (Hearing site: Washington, DC.)

Note.—The purpose of this application is to substitute single-line for joint-line operations.

MC 59957 (Sub-64F), filed February 6, 1980. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Road and Toronita St., York, PA 17402. Representative: William A. Chesnutt, 1333 New Hampshire Ave., NW., Suite 960, Washington, DC 20036. Authority sought to operate as a *common carrier,* by

motor vehicle, in interstate or foreign commerce, over regular routes, transporting: *general commodities* (except tose of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving points in Ohio, as off-route points in connection with authorized regular route operations. (Hearing site: Washington, DC.)

Note.—The purpose of this application is to substitute single-line in lieu of existing joint-line operations.

MC 110166 (Sub-24F), filed November 7, 1979. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., 40 Nance Lane, Nashville, TN 37210. Representative: Donald E. Cross, 918 16th Street, NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *general commodities* (except those of unusual value, Classes A and B explosives, household goods as derived by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, TN, and Fort Smith, AR, serving Memphis, TN, for joinder only and serving the intermediate point of Little Rock, AR: from Memphis over Interstate Hwy. 40 to Fort Smith, AR, and return over the same route; between Little Rock, AR, and Harrison, AR, serving the intermediate points of Conway, Clinton, and Marshall: from Little Rock over Interstate Hwy. 40 to its junction with US Hwy. 65, then over US Hwy. 65 to Harrison, and return over the same route; between Memphis, TN, and Harrison, AR, serving Memphis, TN, for joinder only and serving the intermediate points of Mountain Home, Gassville, and Yellville: from Memphis over Intertate Hwy. 40 to Junction Interstate Hwy. 55, then over Interstate Hwy. 55 to its junction with US Hwy. 63, then over US Hwy. 63 to its junction with US Hwy. 62, then over US Hwy. 62 to its junction with US Hwy. 65, then over US Hwy. 65 to Harrison, AR, and return over the same route; between Little Rock, AR, and Jacksonville, AR: from Little Rock over US Hwy. 65 and US Hwy. 167 to Jacksonville, AR, and return over the same route. (Hearing site: Nashville, TN, or Charlotte, NC.)

Note.—This application is filed pursuant to 49 CFR § 1062.2. Applicant seeks to substitute single-line service for its existing joint-line operations.

Irregular-Route Motor Common Carriers of Property—Elimination of Gateway Letter Notices

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination Rules* (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission *within 10 days* from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a *common carrier*, by motor vehicles, over irregular routes.

MC 117574 (Sub-E64), filed June 29, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr., (same as above). *Farm and logging equipment*, and *machinery* (except that which because of size or weight require the use of special equipment), which is agricultural implements, agricultural machinery, tractors with or without attachments, cranes or industrial and processing machinery, (1) between points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Perry, Philadelphia, Schuylkill, and York Counties, PA, points in Franklin County, PA, east of PA Hwy 75 and points in Luzerne County, PA, south of I Hwy 80, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, MO, MT, NE, NV, NM, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY; points in NC on and west of a line beginning at the NC–VA State line extending along NC Hwy 87 to junction US Hwy 421, then along US Hwy 421 to the Atlantic Ocean; points in VA on and west of a line beginning at the WV–VA State line extending along US Hwy 60 to junction US Hwy 29, then along US Hwy 29 to the NC–VA State line; points in WV west of a line beginning at the VA–WV State line extending along US Hwy 60 to junction US Hwy 219, then along US Hwy 219 to the WV–PA State line; (2) between points in Columbia, Lackawanna, Montour, Pike Counties, PA, points in Luzerne County, PA, south of US Hwy 11, points in Northumberland County, PA, south of US Hwy 11, points in Wayne County, PA, south of a line beginning at the Lackawanna-Wayne County line extending along US Hwy 6 to junction PA Hwy 652, then along PA Hwy 652 to the PA–NY State line; on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SD, TN, TX, UT, WA, WI, WY; points in MD on and west of US Hwy 522; points in NC on and west of US Hwy 21; points in OH south and west of a line beginning at Lorain extending along OH Hwy 58 to junction OH Hwy 82, then along OH Hwy 82 to junction US Hwy 422, then along US Hwy 422 to the PA–OH State line; points in PA on and south of a line beginning at the PA–OH State line extending along US Hwy 422 to junction US Hwy 22, then along US Hwy 22 to junction US Hwy 522, then along US Hwy 522 to the PA–MD State line; points in SC on and west of US Hwy 321; points in VA on and west of a line beginning at the VA–WV State line extending along US Hwy 220 to the VA–NC State line, then along the VA State line to junction US Hwy 21; points in WV on and west of a line beginning at the MD–WV State line extending along US Hwy 522 to the WV–VA State line, then along the WV State line to US Hwy 220. (3) between points in Franklin and Juniata Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, NC, ND, OK, OR, RI, SC, SD, TN, TX, UT, VT, WA, WI, WY, DC; points in MD except Allegany and Garrett Counties; points in NJ in and south of Mercer and Middlesex Counties; points in OH on, south and west of a line beginning at the OH–WV State line extending along US Hwy 50 to junction US Hwy 33, then along US Hwy 33 to junction OH Hwy 31, then along OH Hwy 31 to junction US Hwy 68, then along US Hwy 68 to junction I Hwy 75; then along I Hwy 75 to the MI–OH State line; points in VA on and south of a line beginning at the VA–WV State line extending along I Hwy 81 to junction US Hwy 50, then along US Hwy 50 to the VA–WV State line; points in WV on and south of US Hwy 50.

(4) between points in Lackawanna, Luzerne, Susquehanna, and Wyoming Counties, PA, on the one hand, and, on

the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY, DC, points in MD west of the Susquehanna River and the Chesapeake Bay; points in MI north and west of a line beginning at the OH–MI State line extending along US Hwy 127 to junction I Hwy 94, then along I Hwy 94 to junction MI Hwy 1, then along MI Hwy 1 to the US–CD International Boundary line; points in OH south and east of a line beginning at the MI–OH State line extending along US Hwy 127 to junction OH Hwy 15, then along OH Hwy 15 to junction US Hwy 224, then along US Hwy 224 to junction US Hwy 68, then along US Hwy 68 to junction US Hwy 30N, then along US Hwy 30N to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 250, then along US Hwy 250 to junction OH Hwy 39, then along OH Hwy 39 to the OH–PA State line.

(5) between points in Columbia, Montour, Northumberland Counties, PA, On the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WV, WI, WY, DC, points in MD west of the Susquehanna River and the Chesapeake Bay; points in MI north and west of a line beginning at Port Huron extending along I Hwy 94 to junction MI Hwy 59, then along MI Hwy 59 to junction US Hwy 24, then along US Hwy 24 to junction MI Hwy 14, then along MI Hwy 14 to junction I Hwy 94, then along I Hwy 94 to junction US Hwy 127, then along US Hwy 127 to the MI–OH State line; points in OH south and west of line beginning at the MI–OH State line extending along US Hwy 127 to junction OH Hwy 34, then along OH Hwy 34 to junction US Hwy 6, then along US Hwy 6 to junction US Hwy 25, then along US Hwy 25 to junction OH Hwy 15, then along OH Hwy 15 to junction US Hwy 23, then along US Hwy 23 to junction US Hwy 30N, then along US Hwy 30N to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 250, then along US Hwy 250 to junction US Hwy 36, then along US Hwy 36 to junction US Hwy 22, then along US Hwy 22 to the OH–PA State line; and points in VA west of the Chesapeake Bay.

(6) between points in Bradford and Sullivan Counties, PA, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WI, WY, DC, points in DE south of DE Hwy 8; points in MI on and west of a line beginning at the OH–MN State line extending along US Hwy 127 to junction US Hwy 12, then along US Hwy 12 to the US–CD International Boundary line; points in OH on and south of a line beginning at the OH–MI State line extending along OH Hwy 15 to junction OH Hwy 65, then along OH Hwy 65 to junction US Hwy 30N, then along US Hwy 30N to junction US Hwy 30, then along US Hwy 30 to junction OH Hwy 13, then along OH Hwy 13 to junction I Hwy 70, then along I Hwy 70 to the OH–WV State line; points in PA south of a line beginning at the PA/MD State line extending along I Hwy 81 to junction I Hwy 83, then along I Hwy 83 to the PA–MD State line.

(7) between points in Juniata, Mifflin, Snyder, and Union Counties, PA, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, DE, FL, GA, ID, IL, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY, DC, points in IN east of a line beginning at Michigan City extending along US Hwy 35 to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 31, then along US Hwy 31 to junction US Hwy 24, then along US Hwy 24 to junction IN State Hwy 15, then along IN Hwy 15 to junction IN Hwy 18, then along IN Hwy 18 to junction IN Hwy 67, then along IN Hwy 67 to the IN–OH State line; points in MD east of I Hwy 81; points in MI east of a line beginning at the MI–IN State line extending along I Hwy 94 to junction US Hwy 31, then along US Hwy 31 to junction US Hwy 2, then along US Hwy 2 to the US–CD International Boundary line; points in NH east of a line beginning at Portsmouth extending along NH Hwy 16 to junction NH Hwy 26, then along NH Hwy 26 to junction US Hwy 3, then along US Hwy 3 to the US–CD International Boundary line; points in NJ south of a line beginning at the NJ–PA State line extending along NJ Hwy 38 to junction NJ Hwy 530, then along NJ Hwy 530 to the Atlantic Ocean; points in OH east of a line beginning at the IN–OH State line extending along OH Hwy 29 to junction OH Hwy 49, then along OH Hwy 49 to junction US Hwy 27, then along US Hwy 27 to junction OH Hwy 122, then along OH Hwy 122 to junction OH Hwy 123, then along OH Hwy 123 to junction US Hwy 68, then along US Hwy 68 to junction OH Hwy 36, then along OH Hwy 36 to junction OH Hwy 73, then along OH Hwy 73 to the Ohio River; points in PA south and east of a line beginning at the MO–PA State line extending along I Hwy 81 to junction US Hwy 11, then along US Hwy 11 to junction I Hwy 76, then along I Hwy 76 to junction I Hwy 276, then along I Hwy 276 to the NJ–PA State line; points in VA south and east of a line beginning at the WV–VA State line extending along I Hwy 64 to junction I Hwy 81, then along I Hwy 81 to the VA–WV State line; points in WV north of a line beginning at the KY–WV State line extending along I Hwy 64 to junction US Hwy 60, then along US Hwy 60 to the VA–WV State line, then along the State line to junction I Hwy 81, then along I Hwy 81 to the WV–MD State line.

(8) between points in Franklin, Fulton and Huntingdon Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IL, IA, KS, LA, ME, MS, MO, MT, NE, NV, NH, NJ, NM, NC, ND, OK, OR, RI, SC, SD, TN, TX, UT, VT, WA, WI, WY, DC, points in IN west of a line beginning at Gary extending along I Hwy 65 to junction I Hwy 465, then along I Hwy 465 to junction I Hwy 65, then along I Hwy 65 to the IN–KY State line; beginning at the IN–KY State line extending along I Hwy 65 to junction I Hwy 64, then along I Hwy 64 to junction US Hwy 127, then along US Hwy 127 to junction US Hwy 150, then along US Hwy 150 to junction KY Hwy 80, then along KY Hwy 80 to junction US Hwy 119, then along US Hwy 119 to the KY–WV State line; points in MD on and east of a line beginning at the MD–VA State line extending along I Hwy 495 to junction I Hwy 95, than along I Hwy 95 to junction I Hwy 695, then along I Hwy 695 to junction I Hwy 83, then along I Hwy 83 to the PA–MD State line; points in the Upper Peninsular of MI; points in Lee, Scott, and Wise Counties, VA, and points in VA on and east of a line beginning at the VA–TN State line extending along I Hwy 81 to junction US Hwy 250, then along US Hwy 250 to junction US Hwy 29, then along US Hwy 29 to junction I Hwy 495, then along I Hwy 495 to the Cabin John Bridge at the VA–MD State line; points in NY east of a line beginning at the PA–NY State line extending along US Hwy 209 to junction US Hwy 9–W, then along US Hwy 9–W to junction I Hwy 87, then along I Hwy 87 to the US–CD International Boundary line.

(9) between points in Lycoming and Tioga Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, KS, KY, LA, MD, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WY, DC, Portsmouth, OH; points in IL south and west of a line beginning at the IN–IL State line extending along US Hwy 36 to junction IL Hwy 125, then along IL Hwy 125 to junction US Hwy 67, then along US Hwy 67 to junction US Hwy 34, then along US

Hwy 34 to the IL–IA State line; points in IN south and west of a line beginning at the IN–OH State line extending along I Hwy 74 to junction US Hwy 36, then along US Hwy 36 to the IN–IL State line; points in IA south and west of a line beginning at the IL–IA State line extending along US Hwy 34 to junction US Hwy 61, then along US Hwy 61 to junction IA Hwy 38, then along IA Hwy 38 to junction I Hwy 80, then along I Hwy 80 to junction IA Hwy 1, then along IA Hwy 1 to junction US Hwy 151, then along US Hwy 151 to the IA–WI State line; points in MI west of a line beginning at Grand Marais extending along MI Hwy 77 to junction US Hwy 2, then along US Hwy 2 to Gulliver, then south along an imaginary line to Lake Michigan; points in NJ south and east of a line beginning at Deepwater extending along NJ Hwy 49 to junction NJ Hwy 47, then along NJ Hwy 47 to the Atlantic Ocean; points in PA south and east of a line beginning at the PA–MD State line extending along I Hwy 70 to junction I Hwy 76, then along I Hwy 76 to the PA–WV State line; points in WV south and west of US Hwy 60; points in WI north and west of a line beginning at the IL–WI State line extending along WI Hwy 78, to junction US Hwy 12, then along US Hwy 12 to junction WI Hwy 13, then along WI Hwy 13 to junction WI Hwy 54, then along WI Hwy 54 to Lake Michigan.

(10) between points in Bedford and Blair Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL; GA, ID, IA, KS, LA, ME, MN, MS, MO, MT, NE, NV, NH, NM, ND, OK, OR, RI, SD, TX, UT, VT, WA, WY, points in CT east of a line beginning at New London extending along CT Hwy 85 to junction CT Hwy 2, then along CT Hwy 2 to junction I Hwy 91; then along I Hwy 91 to the CT–MA State line; points in IL south and west of a line beginning at the WI–IL State line extending along IL Hwy 78 to junction US Hwy 52 to junction IL Hwy 84, then along IL Hwy 84 to junction I Hwy 80, then along I Hwy 80 to junction I Hwy 74, then along I Hwy 74 to junction IL Hwy 97, then along IL Hwy 97 to junction US Hwy 66, then along US Hwy 66 to junction IL Hwy 127, then along IL Hwy 127 to junction IL Hwy 161, then along IL Hwy 161 to junction US Hwy 51, then along US Hwy 51 to junction IL Hwy 15, then along IL Hwy 15 to junction IL Hwy 37, then along IL Hwy 37 to junction IL Hwy 146, then along IL Hwy 146 to junction US Hwy 45, then along US Hwy 45 to the IL–KY State line; points in KY south and west of a line beginning at Paducah extending along US Hwy 62 to junction KY Hwy 91, then along KY Hwy 91 to junction US Alt. Hwy 41, then along US Alt. Hwy 41 to the KY–TN State line; points in MA east and north of a line beginning at the CT–MA State line extending along I Hwy 91 to junction I Hwy 90, then along I Hwy 90 to the MA–NY State line; points in MI north and west of MI Hwy 32; points in NC west of a line beginning at the TN–NC State line extending along US Hwy 25 to junction US Hwy 74, then along US Hwy 74 to junction US Hwy 60, then along US Hwy 60 to the NC–SC State line; points in NY east of a line beginning at the NY–MA State line extending along I Hwy 90 to junction I Hwy 87, then along I Hwy 87 to junction NY Hwy 28, then along NY Hwy 28 to junction NY Hwy 300, then along NY Hwy 30 to the US–CD International Boundary line; points in SC south and west of SC Hwy 9; points in TN south and west of a line beginning at the TN–VA State line extending along US Hwy 23 to junction TN Hwy 107, then along TN Hwy 107 to the TN–NC State line; points in WI north and west of a line beginning at Sheboygan extending along WI Hwy 23 to junction US Hwy 151, then along US Hwy 151 to junction WI Hwy 78, then along WI Hwy 78 to the IL–WI State line.

(11) between points in Cameron and Potter Counties, PA, on the one hand, and, on the other, points in IL, AZ, AR, CA, CO, FL, LA, ID, KS, LA, MS, MT, NE, NV, NM, NC, ND, OK, OR, SC, TN, TX, UT, WA, WY, DE; points in IL on and south of a line beginning at the IL–IN State line extending along IL Hwy 15 to junction US Hwy 51, then along US Hwy 51 to junction IL Hwy 29, then along IL Hwy 29 to junction IL Hwy 104, then along IL Hwy 104 to the IL–MO State line; points in IN on and west of a line beginning at the IN–KY State line extending along US Hwy 41 to junction IN Hwy 64, then along IN Hwy 64 to the IN–IL State line; points in IA on and west of a line beginning at the IA–MO State line; points in IA on and west of a line beginning at the IA–MO State line extending along US Hwy 63 to junction IA Hwy 2, then along IA Hwy 2 to junction US Hwy 169, then along US Hwy 169 to the IA–MN State line; points in KY on and south of a line beginning at the WV–KY State line extending along US Hwy 23 to junction US Hwy 460, then along US Hwy 460 to junction KY Hwy 30, then along KY Hwy 30 to junction KY Hwy 80, then along KY Hwy 80 to junction Green River Parkway, then along Green River Parkway to junction US Hwy 231, then along US Hwy 231 to the IN–KY State line; points in MD south of a line beginning at the DE–MD State line extending along MD Hwy 300 to junction US Hwy 301, then along US Hwy 301 to the MD–VA State line; points in ME east of US Hwy 1; points in MI on and north of a line beginning at the MI–WI State line extending along MI Hwy 28 to junction US Hwy 45, then along US Hwy 45 to junction MI Hwy 26, then along MI Hwy 26 to junction US Hwy 41, then along US Hwy 41 to Ft. Wickins; points in MN on and north of a line beginning at the MN–IA State line extending along US Hwy 169 to junction US Hwy 16, then along US Hwy 16 to junction US Hwy 65, then along US Hwy 65 to junction I Hwy 94, then along I Hwy 94 to junction US Hwy 61, then along US Hwy 61 to the MN–WI State line; points in MO on and west of a line beginning at the IL–MO State line extending along MO Hwy 6 to junction US Hwy 63, then along US Hwy 63 to the MO–IA State line; points in VA south and west of a line beginning at the VA–MD State line extending along US Hwy 301 to junction VA Hwy 2, then along VA Hwy 2 to junction VA Hwy 3, then along VA Hwy 3 to junction US Hwy 50, then along US Hwy 50 to the VA–WV State line; points in WV south and west of a line beginning at the WV–VA State line extending along US Hwy 50 to junction WV Hwy 93, then along WV Hwy 93 to junction US Hwy 219, then along US Hwy 219 to junction US Hwy 33, then along US Hwy 33 to junction WV Hwy 4, then along WV Hwy 4 to junction US Hwy 19, then along US Hwy 19 to junction US Hwy 60, then along US Hwy 60 to junction WV Hwy 61, then along WV Hwy 61 to junction US Hwy 119, then along US Hwy 119 to junction WV Hwy 3, then along WV Hwy 3 to junction WV Hwy 10, then along WV Hwy 10 to junction WV Hwy 37, then along WV Hwy 37 to the WV–KY State line; points in WI south and west of US Hwy 2.

(12) between points in Cambria and Somerset Counties, PA, on the one hand, and, on the other, points in AZ, CA, CO, CT, FL, GA, ID, KS, LA, ME, MA, MT, NE, NV, NH, NM, NC, ND, OK, OR, RI, SC, SD, TX, UT, VT, WA, WY; points in AL south and west of a line beginning at the AL–MS State line extending along AL Hwy 24 to junction US Alt. Hwy 72, then along US Alt. Hwy 72 to junction US Hwy 231, then along US Hwy 231 to junction US Hwy 72, then along US Hwy 72 to the AL–TN State line; point in AR south and west of a line beginning at the AR–MO extending along US Hwy 71 to junction I Hwy 40, then along I Hwy 40 to junction US Hwy 65, then along US Hwy 65 to junction US Hwy 82, then along US Hwy 82 to the AR–MS State line; points in DE east of a line beginning at the MD–DE State line

extending along US Hwy 13 to junction I Hwy 295, then along I Hwy 295 to the DE–NJ State line; points in IA south and west of a line beginning at the IA–MN State line extending along US Hwy 65 to junction US Hwy 20, then along US Hwy 20 to junction I Hwy 35, then along I Hwy 35 to junction I Hwy 35, then along I Hwy 35 to the IA–MO State line; points in MD east of US Hwy 3; points in MN north and west of a line beginning at the MN–WI State line extending along US Hwy 61 to junction US Hwy 63, then along US Hwy 63 to junction I Hwy 90, then along I Hwy 90 to junction I Hwy 35, then along I Hwy 35 to the MN–IA State line; points in MS south and west of a line beginning at the MS–AR State line extending along US Hwy 82 to junction MS Hwy 7, then along MS Hwy 7 to junction MS Hwy 8, then along MS Hwy 8 to junction MS Hwy 15, then along MS Hwy 15 to junction MS Hwy 6, then along MS Hwy 6 to junction US Hwy 78, then along US Hwy 78 to the MS–AL State line; points in MO south and west of a line beginning at the MO–IA State line extending along US Hwy 69 to junction I Hwy 35, then along I Hwy 35 to junction US Hwy 71, then along US Hwy 71 to junction US Alt. Hwy 71, then along US Alt. Hwy 71 to junction US Hwy 71, then along US Hwy 71 to junction US Hwy 71, then along US Hwy 71 to the MO–AR State line; points in NJ south and east of a line beginning at the DE–NJ State line extending along US Hwy 40 to junction US Hwy 9, then along US Hwy 9 to junction NJ Hwy 17, then along NJ Hwy 17 to the NJ–NY State line; points in NY east of I Hwy 87; points in TN south and west of a line beginning at the AL–TN State line extending along US Hwy 72 to junction US Hwy 11, then along US Hwy 11 to junction TN Hwy 30, then along TN Hwy 39 to junction US Hwy 411, then along US Hwy 411 to junction TN Hwy 73, then along TN Hwy 73 to the VA–TN State line; points in VA south of a line beginning at the VA–IN State line extending along I Hwy 81 to junction US Hwy 58, then along US Hwy 58 to junction US Hwy 13, then along US Hwy 13 to the MD–VA State line; point in WI north and west of a line beginning at Ashland extending along US Hwy 63 to junction US Hwy 53, then along US Hwy 53 to junction WI Hwy 37, then along WI Hwy 37 to the WI–MN State line.

(13) between points in Elk and McKean Counties, PA, on the one hand, and, on the other, points in AL, AZ, CA, CO, FL, GA, ID, KS, LA, MS, MT, NV, NM, NC, ND, OK, OR, SC, SD, TX, UT, VT, WA, WY; points in AR south and west of a line beginning at the AR State line extending east along US Hwy 65 to junction AR Hwy 66, then along AR Hwy 66 to junction AR Hwy 14, then along AR Hwy 14 to junction US Hwy 63; then along US Hwy 63 to junction AR Hwy 61, then along AR Hwy 61 to the AR–TN State line; points in DE south of DE Hwy 8; points in KS south and west of a line beginning at the NE–KS State line extending along KS Hwy 8 to junction US Hwy 36, then along US Hwy 36 to junction KS Hwy 7, then along KS Hwy 7 to junction US Hwy 73, then along US Hwy 73 to junction US Hwy 24, then along US Hwy 24 to the KS–MO State line; points in KY south and east of a line beginning at the KY–VA State line extending along US Hwy 119 to junction I Hwy 75, then along I Hwy 75 to the KY–TN State line; points in MN south and west of a line beginning at the US–CD International Boundary Line extending along US Hwy 71 to junction US Hwy 2, then along US Hwy 2 to the MN–ND State line; points in MO south and west of a line beginning at the KS–MO State line extending along US Hwy 24 to junction US Hwy 71, then along US Hwy 71 to junction US Hwy 66, then along US Hwy 66 to junction US Hwy 65, then along US Hwy 65 to the MO–AR State line; points in NE west of a line beginning at the NE–SD State line extending along US Hwy 281 to junction NE Hwy 92, then along NE Hwy 92 to junction NE Hwy 11, then along NE Hwy 11 to junction with Hwy 80, then along I Hwy 80 to junction NE Hwy 10, then along NE Hwy 10 to th– KS–NE State line; points in ND south and west of a line commencing at the ND–MN State line extending along US Hwy 2 to junction US Hwy 81, then along US Hwy 81 to junction ND Hwy 15, then along ND Hwy 15 to junction ND Hwy 1, then along ND Hwy 1 to junction ND Hwy 11, then along ND Hwy 11 to junction with US Hwy 281, then along US Hwy 281 to the ND–SD State line; points in SD south and west of US Hwy 281, points in TN south and west of a line commencing at the AR–TN State line extending along I Hwy 40 to junction TN Hwy 96, then along TN Hwy 96 to junction US Hwy 70, then along US Hwy 70 to junction I Hwy 40, then along I Hwy 40 to junction I Hwy 75, then along I Hwy 75 to US Hwy 25W in a northeast direction to its junction with TN Hwy 63 northeast of the VA–TN State line; points in VA south and east of a line commencing at the VA–TN State line extending along US Hwy 58 to junction US Hwy 19, then along US Hwy 19 to junction I Hwy 81, then along I Hwy 81 to junction US Hwy 340, then along US Hwy 340 to the WV–VA State line; points in MD south and east of a line commencing at the WV–MD State line extending along US Hwy 340 to junction Hwy 70N, then along I Hwy 70N to junction I Hwy 695, then along I Hwy 695 to junction MD Hwy 2, then along MD Hwy 2 to junction US Hwy 301, then along US Hwy 301 to junction MD Hwy 300, then along MD Hwy 300 to the MD–DE State line.

(14) between points in Clearfield County, PA, on the one hand, and, on the other, points in AL, AZ, CA, CO, CT, DE, FL, GA, ID, KS, LA, ME, MA, MS, MT, NE, NV, NH, NM, NC, ND, OK, OR, RI, SC, SD, TX, UT, VT, VA, WA, WV; points in AR south and west of a line commencing at the AR–MO State line extending along US Hwy 63 to junction AR Hwy 25, then along AR Hwy 25 to the AR–MO State line; points in IA west of a line commencing at the IA–MN State line in a southerly direction along IA Hwy 60 to junction US Hwy 75, thence in a southerly direction along US Hwy 75 to junction US Hwy 275, thence in a southeast direction along US Hwy 275 to US Hwy 34, thence in an easterly direction along US Hwy 71 to the IA–MO State line; points in KY south and east of a line commencing at the KY–VA State line in a northerly direction along US Hwy 25E to junction US Hwy 119, then along US Hwy 119 to the KY–VA State line; points in MD south and east of I Hwy 81; points in MN north and west of a line commencing at Duluth in a westerly direction along US Hwy 61 to junction MN Hwy 210, thence in a southwest direction along MN Hwy 210 to junction MN Hwy 371, thence in a southerly direction along MN Hwy 371 to junction US Hwy 10, thence in a southerly direction along US Hwy 10 to junction NH Hwy 23, thence in a southwest direction along MN Hwy 23 to junction U.S. Hwy 71, thence in a southerly direction along US Hwy 71 to junction MN Hwy 60, thence in a southerly direction along MN Hwy 60 to the MN–IA State line; points in MO west of a line commencing at the IA–MO State line in a southerly direction along US Hwy 71 to junction US Hwy 136, then along US Hwy 136 to junction MO Hwy 13, then along MO Hwy 13 to junction MO Hwy 170, then along MO Hwy 170 to junction US Hwy 65, thence in a southerly direction along US Hwy 65 to junction MO Hwy 7, then along MO Hwy 7 to junction I Hwy 44, then along I Hwy 44 to junction MO Hwy 137, then along MO Hwy 137 to junction US Hwy 63, then along US Hwy 73 to the AR–MO State line, and points south along MO Hwy 25 to junction MO Hwy 164, then along MO Hwy 164 to junction MO Hwy 24, then along MO Hwy 24 to MO–TN State line; points in NJ south and east of I Hwy 78; points in NY south and east of a line commencing at Suffern

in a northerly direction along I Hwy 87 to the US–CD International Boundary line; points in PA south and east of a line commencing at the PA–MD State line in a northeast direction along I Hwy 81 to junction US Hwy 22, then along US Hwy 22 to the PA–NJ State line; points in TN south of a line commencing at the AR–TN STate line in an easterly direction along TN Hwy 20 to junction TN Hwy 104, then along TN Hwy 104 to junction US Alt. Hwy 70, then along US Alt. Hwy 70 to junction US Hwy 70 to junction US Hwy 70, then along US Hwy 70 to junction TN Hwy 96, then along TN Hwy 96 to junction US Hwy 70, then along US Hwy 70 to junction TN Hwy 56, then along TN Hwy 56 to junction US Hwy 70N, then along US Hwy 70N to junction TN Hwy 62, then along TN Hwy 62 to junction US Hwy 27, then along US Hwy 27 to junction TN Hwy 63, then along TN Hwy 63 to junction US Hwy 25E, then along US Hwy 25E to the TN–VA State line.

(15) between points in Forest, Venango and Warren Counties, PA, on the one hand, and, on the other, points in AZ, CA, DE, FL, ID, NV; NJ, OR, RI, SC, UT, WA; points in Alan and south of a line commencing at the AL–MS State line in a northeast direction along I Hwy 20 to junction AL Hwy 21, then along AL Hwy 21 to junction US Hwy 278, then along US Hwy 278 to the AL–GA State line; points in CO on and west of a line commencing at the CO–WY State line in a southerly direction along CO Hwy 789 to junction US Hwy 50, then along US Hwy 50 to junction CO Hwy 101, then along CO Hwy 101 to junction US Hwy 160, then along US Hwy 160 to junction CO Hwy 389, then along CO Hwy 389 to the CO–NM State line; points in CT on and east of a line commencing at the CT–NY State line in an easterly direction along I Hwy 84 to junction US Hwy 5, then along US Hwy 5 to the CT–MA State line; points in GA on and east of a line commencing at the AL–GA State line in an easterly direction along US Hwy 278 to junction GA Hwy 1, then along GA Hwy 1 to junction Hwy 1, then along GA Hwy 20 to junction US Hwy 411, then along US Hwy 411 to junction US Hwy 76, then along US Hwy 76 to junction GA Hwy 60, then along GA Hwy 60 to the GA–NC State line; points in, on, and south of a line commencing at the TX–LA State line in a northeast direction along LA Hwy 8 to junction LA Hwy 28, then along LA Hwy 28 to junction US Hwy 84, then along US Hwy 84 to the LA–MS State line; points in ME south and east of a line commencing at the NH–ME State line in a northeast direction along US Hwy 1 to junction US Hwy 201, then along US Hwy 201 to the US–CD International Boundary line; points in MD on and east of I Hwy 81; points in MS south and west of a line commencing at the LA–MS State line in an easterly direction along US Hwy 84 to junction I Hwy 59, then along I Hwy 59 to junction I Hwy 20, then along I Hwy 20 to the AL–MS State line; points in MT on and west of a line commencing at the US–CD Boundary line in a southwest direction along MT Hwy 247 to junction US Hwy 2, then along US Hwy 2 to junction US Hwy 191, then along US Hwy 191 to junction MT Hwy 19, then along MT Hwy 19 to junction US Hwy 87, then along US Hwy 87 to the MT–WY State line; points in NH south and east of US Hwy 1; points in NM on and west of a line commencing at the CO–NM State line in a southerly direction along NM Hwy 551 to junction NM Hwy 325, then along NM Hwy 325 to junction NM Hwy 370, then along NM Hwy 370 to junction NM Hwy 18, then along NM Hwy 18 to junction NM Hwy 39, then along NM Hwy 39 to junction NM Hwy 18, then along NM Hwy 18 to junction US Hwy 84, than along US Hwy 84 to the NM–TX State line; points in NY on and south of a line commencing at the PA–NY State line in a southeast direction along US Hwy 6 to junction I Hwy 84, then along I Hwy 84 to the NY–CT State line; points in NC on and east of a line commencing at the NC–SC State line in a northerly direction along US Hwy 19 to junction US Hwy 64, then along US Hwy 64 to junction US Hwy 158, then along US Hwy 158 to junction US Hwy 220, then along US Hwy 220 to the VA–NC State line; points in PA on and east of a line commencing at the PA–MD State line in a northeast direction along I Hwy 81 to junction US Hwy 6, then along US Hwy 6 to the PA–NY State line; points in TX on and south of a line commencing at the NM–TX State line in a southeast direction along US Hwy 84 to junction US Hwy 283, then along US Hwy 283 to its junction with US Hwy 190, then along US Hwy 190 to junction TX Hwy 63, then along TX Hwy 63 to the TX–LA State line; points in VA on and east of a line commencing at the VA–NC State line in a northerly direction along US Hwy 220 to junction I Hwy 81, then along I Hwy 81 to the VA–WV State line; points in WV east of I Hwy 81; points in WY on and west of a line commencing at the MT–WY State line in a southerly direction along US Hwy 87 to junction US Hwy 14, then along US Hwy 14 to junction US Hwy 20, then along US Hwy 20 to junction WY Hwy 789, then along WY Hwy 789 to junction US Hwy 287, then along US Hwy 287 to junction I Hwy 80, then along I Hwy 80 to junction WY Hwy 789, then along WY Hwy 789 to the WY–CO State line.

(16) between points in Indiana and Jefferson Counties, PA, on the one hand, and, on the other, points in AZ, CA, CO, CT, FL, GA, ID, LA, ME, MA, MT, NV, NH, NM, NC, OR, RI, SC, TX, UT, WA, WY; points in AL south of a line commencing at the AL–MS State line in an easterly direction along AL Hwy 24 to junction U.S. Alt. Hwy 72, then along U.S. Alt. Hwy 72 to junction U.S. Hwy 231, then along U.S. Hwy 231 to the AL–TN State line; points in AR south and west of a line commencing at the AR–OK State line in an easterly direction along I Hwy 40 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 82, then along U.S. Hwy 82 to the AR–MS State line; points in DE south of a line commencing at the DE–MD State line along DE Hwy 44 in an easterly direction to junction DE Hwy 8, then along DE Hwy 8 to junction U.S. Hwy 13, then along DE Hwy 13 to junction U.S. Hwy 301, then along U.S. Hwy 301 to junction I Hwy 295, then along I Hwy 295 to the DE–NJ State line; points in KS south and west of a line commencing at the KS–NE State line in a southerly direction along U.S. Hwy 83 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction U.S. Hwy 81, then along U.S. Hwy 81 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction KS Hwy 177, then along KS Hwy 177 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 75, then along U.S. Hwy 75 to junction KS Hwy 39, then along KS Hwy 39 to junction KS Hwy 59, then along KS Hwy 59 to the KS–OK State line; points in MD south of a line commencing at the VA–MD State line along U.S. Hwy 301 in a northeast direction to junction MS Hwy 300, then along MD Hwy 300 to the MD–DE State line; points in MS south of a line commencing at the AR–MS State Line in an easterly direction along U.S. Hwy 82 to junction U.S. Hwy 61, then along U.S. Hwy 61 to junction MS Hwy 8, then along MS Hwy 8 to junction MS Hwy 15, then along MS Hwy 15 to junction MS Hwy 6, then along MS Hwy 6 to junction U.S. Hwy 78, then along MS Hwy 6 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction MS Hwy 23, then along MS Hwy 23 to the AL–MS State line; points in NE south and west of a line commencing at the NE–SD state line in a southerly direction along NE Hwy 61 to junction NE Hwy 2, then along NE Hwy 2 to junction NE Hwy 97, then along NE Hwy 97 to junction U.S. Hwy 83, then along U.S. Hwy 83 to the KS–NE State line; points in NJ south and east of a line commencing at the NJ–DE State line along I Hwy 95 to junction NJ Hwy

17, then along NJ Hwy 17 to the NJ–NY State Line; points in NY east of a line commencing at the NJ–NY State Line along I Hwy 87 to junction U.S. Hwy 4, then along U.S. Hwy 4 to the NY–VT state line; points in ND west of a line commencing at the US–CD Border in a southerly direction along ND Hwy 1 to junction ND Hwy 200, then along ND Hwy 200 to junction ND Hwy 20, then along ND Hwy 20 to junction ND Hwy 9, then along ND Hwy 9 to junction ND Hwy 20, then along ND Hwy 20 to junction U.S. Hwy 281, thence in a southerly direction along U.S. Hwy 281 to junction ND Hwy 13, then along ND Hwy 13 to junction ND Hwy 56, then along ND Hwy 56 to junction ND Hwy 11, then along ND Hwy 11 to junction ND Hwy 3, then along ND Hwy 3 to the ND–SD State Line; points in OK west of a line commencing at the OK–KS State Line in a southerly direction along OK Hwy 2 to junction Hwy 44, then along I Hwy 44 to junction U.S. Hwy 69, then along U.S. Hwy 69 to junction I Hwy 40, then along I Hwy 40 to the OK–AR State Line; points in SD west of a line commencing at the ND–SD State Line in a southerly direction along SD Hwy 3 to junction SD Hwy 10, then along SD Hwy 10 to junction SD Hwy 47, then along SD Hwy 47 to junction U.S. Hwy 12, then along U.S. Hwy 12 to junction SD Hwy 47, then along SD Hwy 47 to junction U.S. Hwy 212, then along U.S. Hwy 212 to junction U.S. Hwy 83, then along U.S. Hwy 83 to junction I Hwy 90, then along I Hwy 90 to junction U.S. Hwy 83, then along U.S. Hwy 83 to junction U.S. Hwy 18, then along U.S. Hwy 18 to junction SD Hwy 73, then along SD Hwy 73 to the SD–NE State Line; points in TN south and east of a line commencing at the AL–TN state line in a northerly direction along U.S. Hwy 231 to junction TN Hwy 50, then along TN Hwy 50 to junction TN Hwy 55, then along TN Hwy 55 to junction U.S. Hwy 705, then along U.S. Hwy 705 to junction U.S. Hwy 70, then along U.S. Hwy 70 to junction U.S. Hwy 27, then along U.S. Hwy 27 to junction TN Hwy 63, then along TN Hwy 63 to junction U.S. Hwy 25E, then along U.S. Hwy 25E to the TN–VA State Line; points in VT north and east of a line commencing at the NY–VT state line along U.S. Hwy 4 to junction VT Hwy 100, then along VT Hwy 100 to junction VT Hwy 12, then along VT Hwy 12 to junction VT Hwy 100, then along VT Hwy 100 to the US–CD Border; points in VA south and east of a line commencing at the TN–VA state line along U.S. Hwy 58 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction I Hwy 81, then along I Hwy 81 to junction U.S. Hwy 60, then along U.S. Hwy 60 to its junction with U.S. Hwy 301, thence in a northeast direction along U.S. 301 to the VA–MD State Line.

(17) between points in Crawford and Erie Counties, PA, on the one hand, and, on the other, points in AZ, CA, DE, FL, NV, NJ, OR, RI, SC, WA, DC; points in AL on and south of a line commencing at the AL–MS state line in a northeast direction along U.S. Hwy 11 to junction Hwy 59, then along I Hwy 59 to junction I Hwy 20, then along I Hwy 20 to junction U.S. Hwy 78, then along U.S. Hwy 78 to the AL–GA State line; points in CO on and south of a line commencing at the UT–CO state line in an easterly direction along CO Hwy 90 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction CO Hwy 114, then along CO Hwy 114 to junction U.S. Hwy 285, then along U.S. Hwy 285 to the CO–NM State Line; points in CT on and east of a line commencing at the CT–NY state line in an easterly direction along I Hwy 84 to junction U.S. Hwy 5, then along U.S. Hwy 5 to the CT–MA State Line; points in GA on and east of a line commencing at the AL–GA state line in an easterly direction along U.S. Hwy 78 to junction GA Hwy 61, then along GA Hwy 61 to junction U.S. Hwy 411, then along U.S. Hwy 411 to junction U.S. Hwy 76, then along U.S. Hwy 76 to junction GA Hwy 60, then along GA Hwy 60 to the GA–NC State Line; points in ID on and west of a line commencing at the MT–ID State Line in a northeast direction along U.S. Hwy 191 to junction U.S. Hwy 91, then along U.S. Hwy 91 to the ID–UT State Line; points in LA on and south of a line commencing at the TX–LA State Line in a northeast direction along LA Hwy 8 to junction LA Hwy 117, then along LA Hwy 117 to junction LA Hwy 6, then along LA Hwy 6 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the LA–MS State Line; points in ME south and east of a line commencing at the NH–ME State Line in a northeast direction along U.S. Hwy 1 to junction U.S. Hwy 201, then along U.S. Hwy 201 to the MA–US CD Border; points in MD on the east of I Hwy 81; points in MA on and east of a line commencing at the CT–MA State Line in a northerly direction along U.S. Hwy 5 to its junction with I Hwy 90, then along I Hwy 90 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the MA–NH State Line; points in MS on and south of a line commencing at the LA–MS state line in an easterly direction along U.S. Hwy 84 to junction I Hwy 59, then along I Hwy 59 to the AL–MS State Line; points in MT on and west of a line commencing at the US–CD Border in a southerly direction along MT Hwy 444 to junction U.S. Hwy 2, then along U.S. Hwy 2 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 191, then along U.S. Hwy 191 to the MT–ID State Line; points in NH on and east of U.S. Hwy 1;

(18) between points in Fayette and Westmoreland Counties, PA, on the one hand, and, on the other, points in AZ, CA, CO, CT, DC, DE, FL, ID, ME, MA, MT, NV, NH, NJ, NM, OR, RI, UT, VT, WA, WV, points in AL on and south of a line commencing at the AL–MS State line extending along US Hwy 80 to junction AL Hwy 7, then along AL Hwy 7 to junction AL Hwy 150, then along AL Hwy 150 to junction US Hwy 31, then along US Hwy 31 to junction AL Hwy 27, then along AL Hwy 27 to junction with US Hwy 280, then along US Hwy 280 to the AL–GA State line; points in GA on and south of a line commencing at the GA–AL State line at Columbus, extending along US Hwy 27 to junction GA Hwy 26, then along GA Hwy 26 to junction GA Hwy 27, then along GA Hwy 27 to junction US Hwy 23, then along US Hwy 23 to junction US Hwy 280, then along US Hwy 280 to junction I Hwy 16, then along I Hwy 17 to Savannah; points in KS on and west of a line commencing at the KS–NE State line extending along US Hwy 283, then along US Hwy 283 to the KS–OK State line; points in LA commencing at the LA–TX State line on US Hwy 84, then to LA–MS State line; points in MD on and south and east of a line commencing at the VA–MD State line extending long US Hwy 301 to junction MD Hwy 3, then along MD Hwy 3 to junction US Hwy 140, then along US Hwy 140 to the MD–PA State line; points in MS on and south of I Hwy 20; points in NM on and west of a line commencing at the CO–NM State line in a southeast direction along US Hwy 285 to junction US Hwy 180, then along US Hwy 180 to the NM–TX State line; points in NY on and south of a line commencing at the PA–NJ State line in a southeast direction along US Hwy 6 to junction I Hwy 84, then along I Hwy 84 to the NY–CT State line; points in NC on and east of a line commencing at the NC–SC State line in a northerly direction along US Hwy 19 to junction US Hwy 64, then along US Hwy 64 to junction US Hwy 158, then along US Hwy 158 to junction US Hwy 220, then along US Hwy 220 to the VA–NC State line; points in PA on and east of a line commencing at the PA–MD State line in a northeast direction along I Hwy 81 to junction US Hwy 6, then along US Hwy 6 to the PA–NY State line; points in TX on and south of a line commencing at NM–TX State line in an easterly direction along US Hwy 180 to junction

US Hwy 87, then along US Hwy 87 to junction US Hwy 190, then along US Hwy 190 to junction TX Hwy 63, then along TX Hwy 63 to the TX–LA State line; points in UT north and west of a line commencing at the ID–UT State line in a southerly direction along US Hwy 91 to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 89, then along US Hwy 89 to junction US Hwy 50, then along US Hwy 50 to junction US Hwy 163, then along US Hwy 163 to junction UT Hwy 46, then along UT Hwy 46 to the CO–UT State line; points in VA south and east of a line commencing at the VA–NC State line in a northeast direction along US Hwy 220 to junction I Hwy 81, then along I Hwy 81 to the VA–WV State line; points in WV east of I Hwy 81; points in NE on and west of a line commencing on US Hwy 281 to junction NE Hwy 70, then along NE Hwy 70 to junction US Hwy 183, then along US Hwy 183 to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 283, thence along US Hwy 283 to the NE–KS State line; points in NY on south and east of a line commencing at the PA–NY State line extending along NY Hwy 52 to junction US Hwy 209, then along US Hwy 209 to junction I Hwy 87, then along I Hwy 87 to junction US Hwy 9, then along US Hwy 9 to the US–CD Boundary line; points in NC on, south and east of US Hwy 301; points in ND on and west of a line commencing at Fargo, then along US Hwy 81 to junction ND Hwy 46, then along ND Hwy 46 to junction ND Hwy 18, then along ND Hwy 18 to the ND–SD State line; points in OK on and west of a line commencing at the OK–KS State line on US Hwy 283 to junction US Hwy 270, then along US Hwy 270 to junction US Hwy 183, then along US Hwy 183 to junction US Hwy 62, then along US Hwy 62 to junction OK Hwy 7, then along OK Hwy 7 to junction US Hwy 81, then along US Hwy 81 to junction with US Hwy 70, then along US Hwy 70 to junction US Hwy 77, then along US Hwy 77 to the OK–TX State line; points in PA on, south and east of a line commencing at the MD–PA State line in a northwest direction along US Hwy 140 to junction US Hwy 30, then along US Hwy 30 to junction US Hwy 11, then along US Hwy 11 to junction US Hwy 209, then along US Hwy 209 to junction I Hwy 81, then along I Hwy 81 to junction US Hwy 6, then along US Hwy 6 to junction PA Hwy 652, then along PA Hwy 652 to PA–NY State line; points in SC on, south and east of a line commencing at Charleston in a northerly direction along US Hwy 52 to junction I Hwy 95, then along I Hwy 95 to the NC–SC State line; points in SD on and west of a line commencing at the SD–ND State line along SD Hwy 15 to junction SD Hwy 23, then along SD Hwy 23 to junction US Hwy 81, then along US Hwy 81 to junction US Hwy 12, then along US Hwy 12 to junction SD Hwy 37, then along SD Hwy 37 to junction US Hwy 14, then along US Hwy 14 to junction US Hwy 281, then along US Hwy 281 to the SD–NE State line; points in TX on south and west of a line commencing at the TX–OK State line along I Hwy 35 to junction US Hwy 82, then along US Hwy 82 to junction US Hwy 271, then along US Hwy 271 to junction US Hwy 80, then along US Hwy 80 to junction US Hwy 59, then along US Hwy 59 to junction US Hwy 84, then along US Hwy 84 to the TX–LA State line. (Gateway eliminated: Carlisle, Shady Grove, and Waynesboro, PA).

MC 117574 (Sub-E78), (correction) filed July 16, 1975, published in the Federal Register February 19, 1980. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Representative: E. S. Moore, Jr., (same as above). *Agricultural implements, agricultural machinery, tractors* (other than truck tractors), and *incidental machinery, attachments and parts* when moving with such implements, machinery or tractors (except commodities requiring special equipment), (1) between points in Cumberland, Harnett, and Lee Counties, NC, on the one hand, and, on the other, points in AZ, CA, CO, ID, IA, MI, MN, MT; . . . (Gateways eliminated: Carlisle, Shady Grove, Waynesboro, PA). Purpose of correction; Change NJ to MT.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14045 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 41)]

Chicago and North Western Transportation Co., Abandonment Between Klevenville and Fennimore, Including Lancaster Junction to Lancaster, Montfort Junction to Cuba City, and Ipswich to Platteville, in Dane, Iowa, Lafayette, and Grant Counties, Wis.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided March 16, 1979, a finding, which is administratively final, was made by the Administrative Law Judge, stating that, the present and future public convenience and necessity permit abandonment by the Chicago and North Western Transportation Company of its line of railroad in WI extending (1) from milepost 105 at Mt. Horeb, in Dane County, in a westerly direction through Montfort Junction to the end of the line at milepost 158.37 at Fennimore, Grant County; (2) beginning at milepost 155.75 at Lancaster Junction, Grant County, extending in a southwesterly direction to Lancaster at milepost 167.83; (3) beginning at Montfort Junction at milepost 144.98 extending in a southerly direction through Ipswich (milepost 165.85), Lafayette County, to Cuba City (milepost 173.92), Grant County; and (4) from Ipswich, extending in a westerly direction to Platteville (milepost 169.65), Grant County, subject to the imposition of the labor conditions prescribed by the Interstate Commerce Commission in *Oregon Short Line Railroad Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979); and further, that as one of the conditions for exercising the right to abandon approved herein, the C&NW will be required to enter into trackage rights agreements to allow operation between Mt. Horeb and Madison for the purpose of assuring that a future operator of the abandoned line will be able to deliver, receive, and otherwise exchange cars with the C&NW at Madison, this condition being to protect the necessary transfer or interchange needs of any prospective future operator. A certificate of abandonment will be issued to the Chicago and North Western Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice (June 6, 1980), unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the

execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the Federal Register on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14041 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-10 (Sub-No. 18F]

Norfolk and Western Railway Co. Abandonment in Norfolk, Va.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided April 17, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.-Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Norfolk and Western Railway Company of its Norfolk Branch, Norfolk Terminal Division, beginning at milepost 0.00 and terminating at milepost 1.24 (Station 65 + 40.8), the junction with Applicant's Lamberts Point Branch, and appurtenant spur tracks, a distance of approximately 6,541 feet in Norfolk, VA. A certificate of public convenience and necessity permitting abandonment was issued to the Norfolk and Western Railway Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than May 22, 1980. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective June 23, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14043 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29279]

Mississippian Railway, Inc.—Acquisition and Operation Between Amory and Fulton, Miss.; National Railway Utilization Corp.—Control—the Mississippian Railway, Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed exemption.

SUMMARY: The proposed transaction is the acquisition of the properties of the Mississippian Railway (Mississippian) by the Mississippian Railway, Inc., (MR-SC) and the acquisition of control of MR-SC by the National Railway Utilization Corporation (NRUC). A petition was filed March 7, 1980, seeking and exemption from 49 U.S.C. 10901 and 49 U.S.C. 11343-11347.

DATES: Comments must be filed no later than June 6, 1980.

ADDRESS: Send comments to: Interstate Commerce Commission, Section of Finance, Room 5414, 12th and Constitution Ave., NW, Washington, D.C. 20423, Attention: Finance Docket No. 29279.

All written submissions will be available for public inspection during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg (202) 275-7245.

SUPPLEMENTARY INFORMATION: MR-SC and NRUC filed a petition for exemption under 49 U.S.C. 10505 requesting that the acquisition of the properties of Mississippian by MR-SC and the acquisition of control of MR-SC by NRUC be exempted from the requirement of obtaining prior Commission approval under 49 U.S.C. 10901 and 11343-11347.

The petitioners claim that the proposed transactions are of limited scope because the line to be acquired is only 24.62 miles long and is not connected to any other rail properties owned or controlled by NRUC. They also state that the proposed transaction will not adversely affect other carriers, shippers, or employees and will not alter transportation services being performed on the rail properties. These and all other assertions should be addressed in the comments.

The Parties

NRUC is a Class III common carrier by railroad. In Finance Docket No. 28230 it was granted authority to lease and operate the rail properties of Ogdensburg Bridge and Port Authority under the name of St. Lawrence Railroad. Service is provided over two lines; one, between Ogdensburg and Norwood, NY, a distance of 25.2 miles; and, the other, between Waddington and Norwood, NY, a distance of 18.0 miles. St. Lawrence Railroad transported 1504 carloads in 1978 and 3987 carloads in the first 10 months of 1979. NRUC controls two Class III railroads, Pickens Railroad Company (Pickens) and Peninsula Terminal Company (PTC). Pickens operates a line between Easley and Pickens, SC, a distance of 9.3 miles. PTC is a switching railroad located within the city limits of Portland, OR. Its main line extends for a distance of 1.32 miles.

MR-SC is a non-carrier corporation organized to acquire the assets of Mississippian and to operate it. If it is granted appropriate authority from this Commission, MR-SC will issue stock. It will be a wholly-owned subsidiary of NRUC and will not own any rail lines other than those being acquired from Mississippian. It is anticipated that MR-SC will generate revenues not only from rail operations, but also from per diem car hire rentals.

Mississippian is a class III common carrier by railroad and operates 24.62 miles of line between Fulton and Amory Counties, MS. The major commodities transported by the Mississippian are metal products, lumber, stone, clay, glass, and concrete products. For the year ending December 31, 1978, Mississippian had operating revenues of $277,153. It presently has 17 employees.

The Transaction

By agreement dated January 23, 1980, MR-SC proposes to acquire all of the assets and rail properties of Mississippian for $750,000, plus an amount equal to the lesser of (1) the book value of the inventory of Mississippian on the 30th day prior to closing or (2) $20,000. MR-SC will pay $357,000 in cash and the balance will be

paid in the form of a note. The note will be payable in 20 equal quarterly installments and bear an interest rate of 8½ percent per annum. The note will be secured by a vendor's lien on the assets being conveyed and a deed of trust on the real property. MR–SC has filed an application pursuant to 49 U.S.C. § 11301 for authority to issue this note. The matter is pending in Finance Docket No. 29293F.

To make the required downpayment, MR–SC will borrow $248,000 from Mueller Brass Co., (Mueller), a shipper which has a facility located on the line proposed to be acquired. For this purpose, MR–SC will issue a negotiable promissory note with a principal amount of $248,000 and bearing an interest rate of 10 percent per annum. As security, MR–SC will execute a deed of trust for the real property to be acquired, as well as grant Mueller security interest in all assets purchased. MR–SC's application to obtain authority to execute this note pursuant to 49 U.S.C. § 11301 is also pending before the Commission in Finance Docket No. FD–29293F.

MR–SC will acquire from Mississippian all of the latter's rail properties including 24.62 miles of FRA Class I railroad track, two diesel engines, various railroad maintenance equipment, and a switching yard at Amory. It will also acquire an additional 54.4 acres of real property including an office building in Fulton, MS.

Nine miles of the line will be flooded by the Tennessee-Tombigee Waterway Project. In order to allow rail service to continue, the U.S. Army Corps of Engineers will relocate the track.

MR–SC intends to invest funds to upgrade the line over the next several years. Eleven shippers utilize the line and MR–SC believes that car volumes will increase when service on the line improves. Local groups are working to attract industry to industrial sites in Fulton County, and improved rail service, it is believed, will facilitate that endeavor. NRUC, MR–SC's parent, is an experienced operator of short-line railroads, and it anticipates using that experience is making MR–SC a profitable, efficient railroad providing superior service to shippers.

Exemption Authority

The acquisition and operation of a line of railroad requires the approval of the Commission under 49 U.S.C. § 10901. To obtain such an approval, an application must be filed in compliance with the procedures established in the ICC *Construction, Extension, Acquisition, or Operation of Railroad Lines*, 49 CFR Part 1120 (1978). MR–SC and NRUC have requested an exemption from 49 U.S.C. 10901 so that they will not have the file under Part 1120, *supra*. Similarly, petitioners request exemption from 49 U.S.C. 11343–11347. Those sections require that a carrier must file an application in accordance with the ICC *Railroad Acquisition, Control, Merger, Consolidation, Coordination Project, Trackage Rights and Lease Procedures*, 49 CFR Part IIII (1978) (Consolidation Procedures).

We are authorized by 49 U.S.C. 10505 to exempt from our regulation a class of persons, or a transaction or service where appropriate "because of the limited scope of the transaction or service." This exemption is available when we find that continued regulation:

(1) is not necessary to carry out the transportation policy of 49 U.S.C. 10101;

(2) would be an unreasonable burden on a person, class of persons, or interstate and foreign commerce; and

(3) would serve little or no useful public purpose.

Petitioners state that the proposed transaction is of limited scope, will not have a competitive impact on other rail carriers in the region served by Mississippian, and will not result in traffic diversion. They argue that compliance with the procedures of Parts 1111 and 1120 would be an unreasonable burden because those procedures require the preparation and submission of extensive and costly materials. Such massive effort and expenditure is unreasonable and unjustified inasmuch as the proposed transaction will have no effect on shippers or other carriers. The parties submit that Commission regulation as contemplated by 49 U.S.C. 10901, 11343–11347, is necessary only where the competitive impacts of the proposed acquisition are at issue or where the ability of the prospective operator is a matter of concern. Here, there is no competitive impact and MR–SC will be able to call upon the experience of NRUC as a short line operator to provide the necessary service. The parties also point out that the proposed transaction does not have a significant impact on the Nation's railroad system or the objectives of the National Transportation Policy.

There has been concern expressed regarding the financial condition of the National Railway Utilization Corporation. Interested parties may wish to address this issue in their comments.

Before granting an exemption, we are required to provide the opportunity for a proceeding. This request for comments on the requested exemptions of the proposed transaction is that opportunity. All comments filed in response to this notice, along with the petition of NRUC and MR–SC, will be used to determine whether or not the exemption under 49 U.S.C. 10505 should be granted.

This proceeding is instituted under the authority of 49 U.S.C. 10505 and pursuant to 5 U.S.C. 553, 559.

This proceeding will not significantly affect either the quality of human environment or conservation of energy resources.

Dated: April 23, 1980.

By Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14044 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-33 (Sub-No. 17F)]

Union Pacific Railroad Co.—Abandonment Near Blue Springs in Gage County, Nebr.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10902 that by a Certificate and Decision decided April 17, 1980, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment by the Union Pacific Railroad Company of a portion of a line of railroad known as the Blue Springs Branch extending from railroad milepost 0.0 to the end of the branch at milepost 0.64 near Blue Springs, a distance of 0.64 mile in Gage County, NE. A certificate of public convenience and necessity permitting abandonment was issued to the Union Pacific Railroad Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than May 22, 1980. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the

Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective June 23, 1980.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14042 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

Agricultural Cooperative; Notice to the Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

May 2, 1980.

The following Notice was filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and corespondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Complete Legal Name of Cooperative Association Or Federation Of Cooperative Associations: Sundance Enterprises, Incorporated.

Principal Mailing Address (Street No., City, State, and Zip Code) 206 W. Duarte St., Brawley, CA 92227.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 206 W. Duarte St., Brawley, CA 92227.

Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address) Andrea Kinner, 206 W. Duarte St., Brawley, CA 92227.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14040 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 241; Rule 19; Nineteenth Revised Exemption 128]

Atchison, Topeka & Santa Fe Railway Co., et al.; Exemption Under Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Company, Boston and Maine Corporation, Chicago and North Western Transportation Company, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Consolidated Rail Corporation, Illinois Central Gulf Railroad Company, Louisville and Nashville Railroad Company, Missouri-Illinois Railroad Company, Missouri Pacific Railroad Company, Norfolk and Western Railway Company, Seaboard Coast Line Railroad Company.

It appearing, That the railroads have mutually agreed to the use of each other's empty plain cars having mechanical designations "XM," "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB", "GD," "GH," and "GS" and bearing reporting marks assigned to such carriers.

It further appearing, That these railroads have mutually agreed to participate in an Expanded Clearinghouse Project in which each road will treat the cars of the other roads as system cars, with the Car Service Division of the AAR acting as agent.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, empty plain cars described in the Official Railway Equipment Register, ICC RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designations of "XM," "XMI," "XMIH," "FM"-less than 200,000 lbs., "GA," "GB," "GD," "GH," and "GS" and bearing the following reporting marks are exempt from provisions of Car Service Rules 1 and 2, while on the lines of any of the railroads named below. Any clearinghouse ownership car bearing one of the applicable mechanical designations may be loaded out via a non-clearinghouse railroad if the car is placed empty by a clearinghouse road at a point open to reciprocal switching.

The Atchison, Topeka and Santa Fe Railway Company
Reporting Marks: ATSF. Effective August 22, 1976.

Boston and Maine Corporation
Reporting Marks: BM. Effective February 4, 1979.

Chicago and North Western Transportation Company
Reporting Marks: CNW-CGW-CMO-FDDM-MSTL. Effective January 13, 1980.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Reporting Marks: MILW. Effective July 15, 1976.

Consolidated Rail Corporation
Reporting Marks: BCK-CNJ-CR-DL&W-EL-ERIE-LV-NH-NYC-PAE-PC-PCA. PRR-RDG-TOC-RR.* Effective November 6, 1977.

Illinois Central Gulf Railroad Company
Reporting Marks: ICG-GM&O-IC-WLO. Effective August 22, 1976.

Louisville and Nashville Railroad Company
Reporting Marks: L&N-CIL-MON-NC. Effective August 15, 1976.

Missouri Pacific Railroad Company
Reporting Marks: MP-C&EI-KO&G-T&P-MI.* Effective July 15, 1976.

Norfolk and Western Railway Company
Reporting Marks: NW-ACY-NKP-PW-V-VGN-WAB-CHW-NJII-NFD. Effective January 13, 1980.

Seaboard Coast Line Railroad Company
Reporting Marks: SCL-ACL-C&WC-SAL. Effective August 15, 1976.

It is further ordered, That this order will become effective for specific ownerships on dates to be set by the Car Service Division as each road is phased into the project participants, and to advise the undersigned.

Effective 12:01 a.m., April 28, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 25, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-14038 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 241; Rule 19; Fortieth Revised Exemption 129]

Atlanta & Saint Andrews Bay Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

To all railroads:

It appearing, That the railroads named herein own numerous forty-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC-RER 6410-D, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM,"

*Addition.

with inside length 44-ft. 6-in. or less, regardless of door width and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta & Saint Andrews Bay Railway Company
Reporting Marks: ASAB.
*Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Reporting Marks: MILW.
Chicago, West Pullman & Southern Railroad Company
Reporting Marks: CWP.
Columbus and Greenville Railway Company
Reporting Marks: CAGY.
*Delaware and Hudson Railway Company
Reporting Marks: DH.
Green Mountain Railroad Corporation
Reporting Marks: GMRC.
Illinois Terminal Railroad Company
Reporting Marks: ITC.
Louisville, New Albany & Corydon Railroad Company
Reporting Marks: LNAC.
Manufacturers Railway Company
Reporting Marks: MRS.
Maryland Midland Railway Company
Reporting Marks: MMID.
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT.
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR.
North Stratford Railroad Corporation
Reporting Marks: NSRC.
St. Louis Southwestern Railway Company
Reporting Marks: SSW.
Southern Pacific Transportation Company
Reporting Marks: SP.
Southern Railway Company
Reporting Marks: SOU.

Effective May 1, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., April 30, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-14039 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29176]

Chicago & Illinois Western Railroad Co.—Acquisition—Chicago & Illinois Western Railroad; IC Industries, Inc., and Illinois Central Gulf Railroad Co.—Control—Chicago & Illinois Western Railroad Co., Exemption Under 49 U.S.C. § 10505 From 49 U.S.C. 10901 and 11343-11347

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption in finance docket No. 29176.

SUMMARY: Indirect control of the Chicago & Illinois Western Railroad Company of Delaware (C&IW-DE), by the Illinois Central Gulf Railroad Company (ICG) (a subsidiary of IC Industries, Inc. (ICI)) through its subsidiary the Mississippi Valley Corporation (MV) is exempted from the provisions of 49 U.S.C. 11343-11347. Acquisition of the properties of the Chicago & Illinois Western Railroad Company (C&IW-IL) of Illinois by C&IW-DE as successor-in-interest is exempted from 49 U.S.C. 10901.

DATES: This decision is effective on May 7, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, (202) 275-7245.

SUPPLEMENTAL INFORMATION: On November 8, 1979, C&IW-DE, ICG and ICI jointly filed a petition under 49 U.S.C. 10505 seeking exemption of the corporate reorganization of certain railroad properties owned by ICI from the provisions of 49 U.S.C. 10901 and 11343-11347.

We published notice in the Federal Register on December 31, 1979, 44 FR 77295 (1979) requesting comments within 30 days of publication on the proposed exemption. Three comments in opposition were received from the Illinois Commerce Commission (IC), Patrick W. Simmons, Illinois Legislative Director, for the United Transportation Union (UTU), and the Railway Labor Executives' Association (RLEA). Applicants replied to these comments.

The protestants argue that the proposed exemption should be denied because: it is not the type of transaction envisioned for exemption by 49 U.S.C. 10505, the exemption cannot be revoked in the future once the transaction has taken place, and 49 U.S.C. 10505 is only intended for revocable transactions in the event the grounds for the exemption cease to exist.

Protestants state that ICI intends to sell ICG or offer it for reorganization at some future date. They cite excerpts from ICI Annual Reports to substantiate this premise, contending that ICI's direct control of the C&IW-IL assures that C&IW-IL's future is certain. However, if ICG obtains direct control of C&IW-DE the hypothetical sale of ICG may harm C&IW-DE, and that broadens the scope of this proceeding.

Additionally protestants argue that exemption under 49 U.S.C. 10505 has not been shown necessary either because of undue burden or as serving any useful purpose. Protestants request that these matters be set for hearing.

As pertinent here, 49 U.S.C. 10505 provides that we shall exempt a rail carrier transaction because of its limited scope when we find that application of a provision of Subtitle IV of Title 49, *United States Code:* (1) is not necessary to carry out the national transportation policy; (2) would place an unreasonable burden on a person, class of persons, or interstate and foreign commerce; and (3) would serve little or no useful public purpose. We may act under 49 U.S.C. 10505 only after an opportunity for a proceeding. The notice and request for comments on the petition for exemption provide that opportunity.

Before we determine whether the proposed exemption meets the statutory requirements, we will address protestant's argument that this transaction is not within the scope of 49 U.S.C. 10505 because of possible difficulties with divestiture in the event the exemption is revoked. Hardship or difficulty with divestiture in the future does not mean that it would be impossible if warranted by the situation. *cf. Gilbertville Trucking Co.* v. *United States,* 371 U.S. 115 (1962). Although divestiture of C&IW-DE by MV may prove difficult, if we were to revoke the exemption, we do not believe it to be impossible. This is the type of transaction that should be considered under our exemption authority.

Scope of the transaction. The threshold inquiry is whether the transaction is limited in scope.

C&IW-IL is a Class II switching railroad that operates within Cook County, IL over 9.37 miles of main track and 17.45 miles of yard track and sidings. Trackage rights cover an additional 1.93 miles. Although C&IW-IL is presently directly controlled by ICI, it has consolidated a portion of its seniority rosters with ICG. ICG also performs certain accounting functions for C&IW-IL. Thus certain activities of ICG and C&IW-IL are interconnected. MV, the corporation that will directly control C&IW-DE, owned a one-half interest in C&IW-IL until August of 1967 when ICI acquired that interest.

The argument concerning the future disposal of ICG by ICI, and its potential harmful effects upon C&IW-DE, is highly speculative. Even if ICI sells its controlling interest in ICG, it does not follow that C&IW-DE would be adversely affected.

The scope of the transaction is limited. ICI controls C&IW-IL and ICG directly and MV indirectly through ICG. ICG will obtain indirect control of C&IW-IL's successor, C&IW-DE through MV. ICI's control of C&IW-DE will become indirect through MV.

ICG now provides certain services to C&IW-IL and to some degree has otherwise unified operations. From an operational and economic standpoint it appears more reasonable for ICG to be the parent of C&IW-DE than ICI. In any

*Addition.

event, the corporate reorganization is a rational internal business judgment made by ICI.

The record demonstrates that the proposal would be without any operational impact or competitive effect, or substantial employee impact. The applicants have agreed to be subject to the conditions for the protection of railroad employees as set out in *New York Dock RY-Control-Brooklyn Eastern Dist.* 360 I.C.C. 60(1979). We conclude that the acquisition of direct control by MV, a subsidiary of ICG, of C&IW–DE, and the acquisition of indirect control by ICG, both subsidiaries of ICI, is a transaction of limited scope. This finding also applies to the extent that C&IW–DE acquires certain assets, subject to certain liabilities, of its predecessor, C&IW–IL and the necessity for exemption from 49 U.S.C. 10901.

National Transportation Policy. To insure the development, coordination and preservation of a transportation system that meets the transportation needs of the United States, Congress has declared that it is the policy of the United States Government to provide for the impartial regulation of the modes of transportation subject to Subtitle IV of Title 49, *United States Code.* 49 U.S.C. 10101. In regulating those modes, the transportation policy is to (1) recognize and preserve the inherent advantage of each mode; (2) promote safe, adequate, economic, and efficient transportation; (3) encourage sound economic conditions in transportation, including conditions among carriers; (4) encourage reasonable rates without unreasonable discrimination of unfair or destructive competitive practices; (5) cooperate with each State and its officials on transportation matters; and (6) encourage fair wages and working conditions in the transportation industry.

We believe that advance scrutiny of this transaction is not necessary to carry out the national transportation policy. The proposed transaction should have no effect on any of the policy considerations since the only change involves the transfer of control of C&IW–IL from ICI to one of its subsidiaries.

Burden. Our consolidation procedures require the filing of a complete application as well as an application for any related transaction so that we might reach a decision within the time constraints imposed by 49 U.S.C. 11345. Compilation of the necessary material is a time-consuming task, since much information must be presented in great detail to be useful.

The protests do not convince us that the transaction is not of limited scope and minimal transportation importance. The development of a complete record would place an unnecessary strain on both the resources of the Commission and those of the railroad carrier involved. We believe that requiring ICG, ICI, C&IW–IL, and C&IW–DE to prosecute applications under 49 U.S.C. 10901 and §§ 11343–11347 would place an unreasonable burden on them and on interstate and foreign commerce.

Public Purpose. Our function under 49 U.S.C. 10901 and §§ 11343–11347 is to determine whether a proposed transaction is required by the public convenience and necessity and is consistent with the public interest. Having found that the instant proposal is of limited scope, and that our regulation of it would be both unnecessary and unreasonably burdensome, we conclude that our review of the matter would serve little or no useful public purpose.

We find: The application of the requirements of 49 U.S.C. 10901 and §§ 11343–11347 to the proposed acquisition by the Chicago & Illinois Western Railroad Company, a Delaware Corporation of the stock of the Chicago & Illinois Western Railroad Company, an Illinois Corporation and the resulting acquisition of control of that stock by Mississippi Valley Corporation, a subsidiary of Illinois Central Gulf Railroad Company is of a limited scope and (a) is not necessary to carry out the transportation policy of section 10101, (b) would be an unreasonable burden on petitioners and (c) would serve little or no useful public purpose. This action will not significantly affect either the quality of the human environment or conservation of energy resources.

It is ordered: (1) The requests for further hearings are denied.

(2) Illinois Central Gulf Railroad Company IC Industries, Inc. and Chicago & Illinois Western Railroad Company of Delaware are exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 10901 and §§ 11343–11347 for the limited purpose of the corporate reorganization described by this decision, subject to the conditions for the protection of employees embodied in *New York Dock RY.-Control-Brooklyn Eastern Dist., 360 I.C.C. 60(1979).*

(3) If the authority is exercised Illinois Central Gulf Railroad Company shall within 60 days submit three copies of a sworn statement showing all general entries required to record the transaction.

(4) Public notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(5) This decision shall be effective on May 7, 1980.

Dated: April 28, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-14036 Filed 5-6-80; 8:45 am]

BILLING CODE 7035-01-M

Decision-Notice

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). These rules provide, among other things, that opposition to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonbly to oppose will be construed as a waiver of opposition and participation in the proceeding. Opposition under these rules should comply with Rule 240(c) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, and specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. Opposition not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of any protest shall be filed with the Commission, and a copy shall also be served upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 240(c)(4) of the special rules and shall include the certification required.

Section 240(c) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request its dismissal.

Further processing steps will be by Commission notice or order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this*

publication except for good cause shown.

Any authority granted may reflect administratively acceptable restrictive amendment to the transaction proposed. Some of the applications may have been modified to conform with Commission policy.

We find with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the national transportation policy subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930.

In the absence of legally sufficient protests as to the finance application *or* any application directly related thereto filed within 30 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Decided April 24, 1980.

By the Commission, Review Board Number 5, Members Krock, Taylor, and Williams. (In MC-F-14306F, Board Member Taylor dissents and voted to dismiss under 49 U.S.C. 11344 for lack of jurisdiction and redocket as a proceeding under 49 U.S.C.10926.) (In MC—F-14319F, Board Member Taylor dissents stating that Trombly Trailways would have no adequate working Capital, would have a very high debt equity ration and according to the data submitted would not earn enough to pay the interest costs on the loan to be incurred. Financial fitness has not been shown. The application could be approved if a substantial capital contribution were to be made.)

Agatha L. Mergenovich,
Secretary.

MC-F-14319F, filed February 14, 1980. TROMBLY-TRAILWAYS, INC. (Trombly) (Route 125 By-Pass, North Andover, MA 08145)—purchase (portion)—TRAILWAYS OF NEW ENGLAND, INC., d.b.a. TRAILWAYS (Trailways) (230 West 41st Street, New York, NY 10036). Representatives: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, and George W. Hanthorn, Suite 422, 1500 Jackson Street, Dallas, TX 75201. Trombly seeks authority to purchase a portion of the interstate operating rights and property of Trailways. James F. Trombly, Francis J. Trombly, Jr., and Michael J. Trombly, who control Trombly through ownership of 30 shares of stock each, seek authority to acquire control of said rights and property through the transaction. Trombly is purchasing those portions the interstate operating rights contained in Trailways certificates issued in MC-1940 and sub-numbers thereunder, which authorize the transportation, as a motor common carrier, as follows: I. MC-1940, over regular routes: (A) *passengers and their baggage,* and *express, mail, and newspapers,* in the same vehicle with passengers, (1) between Springfield and Northampton, MA, over U.S. Hwy 5, serving all intermediate points, (2) between Springfield, CT, and Haverhill, MA: from Springfield over MA Hwy 116 to junction U.S. Hwy 202, then over U.S. Hwy 202 to Athol, MA, then over MA Hwy 2 to East Templeton, MA, then over MA Hwy 101 to Gardner, MA, then over MA Hwy 68 to junction MA Hwy 2, then over MA Hwy 2 to Littleton Common, MA, and then over MA Hwy 110 to Haverhill, and return over the same route, and serving all intermediate points, (3) between Willimansett and Northampton, MA: from Willimansett over MA Hwy 116 to Holyoke, MA, then over MA Hwy 141 (formerly unnumbered hwy) to Easthampton, MA, and then over MA Hwy 10 to Northampton, and return over the same route, serving all intermediate points, (4) between Fitchburg and Ayer, MA: from Fitchburg over Main and Summer Streets to the Fitchburg-Lunenburg Town Line, then continuing over Summer Street to Kings Corners in the Community of North Leominster, in the Town of Leominster, MA, then over MA Hwy 13 to junction Prospect Street in North Leominster, then over Prospect Street to junction unnumbered hwy, then over unnumbered hwy to the Town of Shirley, MA, then over unnumbered hwy via Fort Devens, MA, to Ayer, and return over the same route, serving the intermediate point of Fort Devens, MA, (5) between Chicopee and Willimansett, MA: from junction MA Hwy 116 and Granby Road in Chicopee, over Granby Road to Westover Field, MA, then return over Granby Road to junction Montgomery Street, then over Montgomery Street to junction MA Hwy 116 in Willimansett, and return over the same route, serving the intermediate point of Westover Field, MA, (6) between Pelham, MA, and junction MA Hwy 9 and unnumbered highway (east of Amherst, MA), over unnumbered highway, serving no intermediate points, (7) between Belchertown and Northampton, MA, over MA Hwy 9, serving the intermediate point of Amherst, MA, (8) between Haverhill and Newburyport, MA, over MA Hwy 113, serving the intermediate points of Groveland and West Newbury, MA; and (B) *passengers and their baggage,* between Lowell, MA, and Rockingham Park Racetrack at or near Salem, NH: from Lowell over MA Hwy 113 to Methuen, MA, then over MA Hwy 28 to MA-NH State line, then over NH Hwy 28 to Rockingham Park Racetrack, and return over the same route, serving no intermediate points, and restricted against the transportation of passengers in through service over said carrier's lines between Springfield, MA, or between points east of the junction of MA Hwy 110 and an unnumbered hwy running southeast from Westford, MA, on the one hand, and, the race track on the other. II. MC 1940 (Sub-21), over regular routes: (A) *passengers and their baggage,* during the season from May 15, to September 15, inclusive, of each year, between Newburyport, MA, and Hampton Beach, NH: from Newburyport over U.S. Hwy 1 to junction MA Hwy 1A, then over MA Hwy 1A to the MA-NH State line and then over NH Hwy 1A to Hampton Beach, and return over the same route, serving no intermediate points, and restricted against the transportation of traffic moving solely between Hampton Beach, NH, on the one hand, and, on the other, points on

carrier's existing routes between hampton Beach, NH, and Lowell, MA, including Lowell; (B) *passengers and their baggage,* (1) between Worcester and Fitchburg, MA, over MA Hwy 12, serving all intermediate points, and (2) between West Boylston, MA, and junction MA Hwys 110 and 2, near Ayer, MA, over MA Hwy 110, serving all intermediate points. III. MC 1940 (Sub-24), over regular routes, *passengers and their baggage,* in special round-trip operations, restricted to operations during the authorized racing seasons at the Rockingham Park Race Track, at or near Salem, NH, beginning and ending at points on carrier's authorized routes, including the route specified below, and extending to the Rockingham Park Track, (1) between Providence, RI, and Chelmsford, MA: from Providence over U.S. Hwy 1 to junction MA Hwy 115 at Foxborough, then over MA Hwy 115 to junction MA Hwy 27, then over MA Hwy 27 to junction MA Hwy 126, then over MA Hwy 126 to junction MA Hwy 4, then over MA Hwy 4 to junction MA Hwy 110 in Chelmsford, and return over the same route, serving all intermediate points, and (2) between junction U.S. Hwy 1 and MA Hwy 115, at Foxborough, and Methuen, MA, as an alternate route for operating convenience only, serving no intermediate points: from junction U.S. Hwy 1 and MA Hwy 115 over U.S. Hwy 1 to junction MA Hwy 128 at Dedham, then over MA Hwy 128 to junction MA Hwy 28 to Stoneham, then over MA Hwy 28 to Methuen, and return over the same route. IV. MC 1940 (Sub-25), over regular routes, *passengers and their baggage,* in special round-trip operations, beginning and ending at points on carrier's authorized routes located north and northeast of Chelmsford, and at those authorized points on the routes specified below, and extending to either the Narragnasett Park Race Track at or near Pawtucket, RI, or the Lincoln Downs Race Track at or near Lincoln, RI, during the authorized racing seasons at each track, respectively, as follows: (1) between Chelmsford, MA, and the Narragansett Park Race Track at or near Pawtucket, RI, with service to and from from all intermediate points north of the junction of MA Hwy 115 and U.S. Hwy 1: from Chelmsford over MA Hwy 4 to junction MA Hwy 126, then over MA Hwy 126 to junction MA Hwy 27, then over MA Hwy 27 to junction MA Hwy 115, then over MA Hwy 115 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction MA Hwy 1-A, then over MA Hwy 1-A to the MA-RI State line, and then over RI Hwy 1-A to the Narragansett Pack Race Track, and return over the same route, (2) between Chelmsford, MA, and the Lincoln Downs Race Track at or near Lincoln, RI, with service to and from all intermediate points north of junction MA Hwys 115 and 1-A: from Chelmsford as specified above to junction MA Hwys 115 and 27, then over MA Hwy 115 to junction MA Hwy 1-A, then over MA Hwy 1-A to junction MA Hwy 11, then over MA Hwy 11 to the MA-RI State line, then over RI Hwy 11 to junction RI Hwy 114, then over RI Hwy 114 to junction RI Hwy 116, then over RI Hwy 116 to junction RI Hwy 146, then over RI Hwy 146 to the Lincoln Downs Race Track, and return over the same route, and (3) between Lowell, MA, and junction U.S. Hwy 1 and MA Hwy 115, at Foxborough, as an alternate route for operating convenience only, with no service to or from intermediate points, as follows: from Lowell over MA Hwy 3A to junction U.S. Hwy 3 at Billerica, then over U.S. Hwy 3 to junction MA Hwy 128 at Woburn, then over MA Hwy 128 to junction U.S. Hwy 1 at Dedham, then over U.S. Hwy 1 to junction MA Hwy 115 at Foxborough; also from junction U.S. Hwy 1 and MA Hwy 140 at Foxborough over MA Hwy 140 to junction MA Hwy 11 at Wrentham, and return over the same routes. V. MC 1940 (Sub-35), over regular routes, *passengers and their baggage, and express* in the same vehicle with passengers, between Haverhill and Salisbury, MA, over MA Hwy 110, serving no intermediate points; VI. MC 1940 (Sub-37), over regular routes, (A) *passengers and their baggage,* and *express and newspapers* in the same vehicle with passengers, (1) between Lowell, MA, and Worcester, MA: from Lowell over MA Hwy 110 to Littleton, MA, then over MA Hwy 2A to Ayer, MA, then return over MA Hwy 2A to junction MA Hwy 110, then over MA Hwy 110 to West Boylston, MA, and then over MA Hwy 12 to Worcester, and return over the same route, serving all intermediate points; and (2) between Ayer and North Chelmsford, MA: from Ayer over Sand Pond road to junction MA Hwy 225 (formerly MA Hwy 25), then over MA Hwy 225 to Forge Village, MA, and then over unnumbered hwy via Graniteville, Westford, Brookside, and West Chelmsford, MA, to North Chelmsford, and return over the same route, serving all intermediate points; and (B) *passengers and their baggage* in the same vehicle with passengers, in a seasonal operation from April 18 to October 31, both inclusive of each year, between Lowell and Boston, MA; from Lowell over MA Hwy 38 to Wilmington, MA, then over MA Hwy 129 to junction U.S. Hwy 1, then over U.S. Hwy 1 to junction MA Hwy C-1, then over MA Hwy C-1 to Boston, and return over the same route, serving the intermediate points of Revere and East Boston, MA. Trombly holds no operating authority from the Commission. However, it is under common control with Trombly Motor Coach Service, Inc., which operates as a regular-route common carrier of passengers under Certificates issued in MC-116313 and sub-numbers thereunder. (Hearing site: Washington, DC.)

Note.—Application for temporary authority has been filed.

MC-F-14303F, filed January 21, 1980. HO-RO TRUCKING CO., INC. (HO-RO), 1076 Hwy. 18, East Brunswick, NJ 08816—purchase—JAMES RICCIARDI & SONS, INC. (Charles A. Stanziale, Jr., Receiver in Bankruptcy) (Ricciardi), 389 E. Inman Avenue, Rahway, NJ 07065. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. HO-RO seeks to purchase the interstate operating rights and property of Ricciardi. Howard S. Teitlebaum, sole stockholder of HO-RO, seeks authority to acquire control of said rights and property through the transaction. HO-RO is purchasing the interstate operating rights of Ricciardi that are contained in certificate No. MC-123057 and (Sub-3, 7, 12, and 13), which authorizes the transportation, as a motor *common carrier,* (1) over irregular routes, transporting (a) *building materials,* (except lumber and lumber products) *iron and steel,* (except metal laths) *cut stone, slate and brick,* from Montrose and New York, NY, to points in CT, and points in that part of New York within 150 miles of New York, NY, (b) *general commodities,* usual exceptions (1) between points in Bergen, Middlesex, Passaic, and Somerset Counties, NJ, on the one hand, and, on the other, New York, NY, (2) between points in that part of the New York, NY Commercial Zone as defined by the Commission in Fifth Supplemental Report in *Commercial Zones and Terminal Areas,* 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the act

(the "exempt" zone), restricted to the transportation of traffic having an immediately prior or subsequent movement by water, (c) *glass products,* from Port Allegany, PA, to New York, NY, and points in Bergen, Essex, Hudson, Middlesex, Passaic, and Somerset Counties, NH, (d) *building materials,* from Elizabeth, Jersey City, Kearny, and Newark, NJ, to points in Fairfield, Litchfield, and New Haven Counties, CT, Albany, Columbia, Greene, Montgomery, Orange, Rensselaer, Rockland, Schenectady, Sullivan, and Ulster Counties, NY, and Carbon, Monroe, Northampton, and Schuylkill Counties, PA, (e) *roofing and building materials, metals, and asphalt* (except liquids, in bulk, in tank vehicles), between New York, NY, on the one hand, and, on the other, Trenton, NJ, Philadelphia, PA, and points in Union and Monmouth Counties, NJ, (f) *wearing apparel,* between Philadelphia, PA, on the one hand, and, on the other, points in New Jersey on and north of NJ Hwy 33, (g) *machinery,* between Philadelphia, PA, on the one hand, and, on the other, New York, NY, Wilmington, DE, and points in NJ, (h) *radio and electrical goods, enamelware, and lumber products,* between Philadelphia, PA, on the one hand, and, on the other, New York, NY, and points in NJ, (i) *paper products,* between Philadelphia, PA, on the one hand, and, on the other, points in the New York, NY, commercial zone as defined by the Commission, (j) *building materials* (except glass products, commodities in bulk, stone, slate, brick, lumber products, and unfabricated metals), *gysum and gypsum products* (except in bulk), *paint and paint products* (except in bulk), *lime* (except in bulk), *paper bags, and gypsum board* paper, between the facilities of United States Gypsum Company, Staten Island, NY at Woodbridge Township, NJ and at or near Stony Point, NY, on the one hand, and, on the other, points in CT, DE, ME, MA, MD, NH, NJ, NY, NC, OH, PA, RI, VT, VA (except Fredericksburg, West Point, Richmond, and Norfolk, and points in their respective commercial zones as defined by the Commission, points in Northumberland, Lancaster, Westmoreland, and Richmond Counties, VA, and points in that part of King George County, VA, on and east of U.S. Hwy 301), WV, and DC, restricted to the transportation of traffic originating at or destined to the facilities of United States Gypsum Company, at Woodbridge Township, NJ, or at or near Stony Point, NY, except that no transportation is authorized from the plantsite of the Kaiser Gypsum Company at Delanco, NH, to the facilities of United States Gypsum Company, Staten Island, at Woodbridge, Township, NJ, and (k) *steel studding,* from the facilities of Marino Industries Corp., at or near Westbury, NY, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, and *materials, supplies and equipment* used in the manufacture and distribution of steel studding (except commodities in bulk), from points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, to Westbury, NY, restricted to the transportation of traffic originating at or destined to the facilities of Marino Industries Corp., at or near Westburg, NY. HO–RO has no authority from the Interstate Commerce Commission. They will be operated under common management with G&G Haulage Co., Inc., holder of certificates issued in MC–119752 and sub-numbers thereunder. *Impendiment:* Duplications exist between the operating rights HO–RO seeks to buy and the operations authorized in G&G Haulage Co., Inc. (Hearing site: New York, NY.)

Note.—An application for temporary authority has been filed.

MC–F–14306F, filed January 25, 1980. SPEEDWAY HAULERS, INC. (Speedway), P.O. Box 1463, South Bend, IN 46624—purchase—MICHIANA TRANSPORT, INC. (Michiana), P.O. Box 435, South Bend, IN 46624. Representative: James L. Beattey, 130 East Washington Street, Suite One Thousand, Indianapolis, IN 46204. Speedway seeks authority to purchase the interstate operating rights of its affiliate, Michiana. JoAnn Sawyer, the majority stockholder of Speedway, also seeks authority to control said rights through the transaction. Speedway is purchasing the interstate operating rights contained in Michiana's Certificates in MC–142079 (Subs-1 and 3), which authorize the transportation, as a motor common carrier, over irregular routes, of *urethane and urethane products* and *materials and supplies* used in the production of urethane and urethane products, (except commodities in bulk, in tank vehicles), between Bremen, IN, on the one hand, and on the other, points in IL, MI, MN, KY, OK, OH, IA, MO, PA, WI, AL, AR, GA, KS, LA, MD, MS, NE, ND, SD, NC, SC, TN, TX, VA, and WV. Speedway presently holds temporary authority as a motor common carrier pursuant to authority granted in MC–142449 (Sub-1TA). (Hearing site: South Bend, IN.)

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INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-11 (Final) Through 701-TA-19 (Final) and 701-TA-22 (Final) Through 701-TA-30 (Final)]

Dextrines and Soluble or Chemically Treated Starches Derived From Corn or Potato Starch From Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom

Determination

On the basis of the record [1] developed in investigations Nos. 701–TA–11 (Final) through 701–TA–19 (Final) and investigations Nos. 701–TA–22 (Final) through 701–TA–30 (Final), the Commission unanimously determined, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is not materially injured, or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of the importation of dextrines and soluble or chemically treated starches derived from corn starch or dextrines and soluble or chemically treated starches derived from potato starch (all the foregoing provided for in item 493.30 of the Tariff Schedules of the United States) from Belgium, Denmark, the Federal Republic of Germany, France, Ireland, Italy, Luxembourg, the Netherlands, or the United Kingdom, with respect to which the Commerce Department has found that a subsidy is being provided in the amount of $183.17 per metric ton for all European Community members and in the amount of an additional $7.49 per metric ton for imports from the Netherlands.

Background

As of January 1, 1980, the Department of the Treasury had made a preliminary but not a final affirmative countervailing duty determination with regard to U.S. imports of dextrines and soluble or chemically treated starches derived from corn starch imported from the European Community and had also made a final affirmative countervailing duty determination with regard to U.S. imports of dextrines and soluble or chemically treated starches derived from potato starch imported from the European Community since the date of enactment of the Trade Agreements Act of 1979 (July 26, 1979). The Commission received advice on the corn and potato starch derivative cases from the Department of Commerce on January 7, 1980, and received the most current

[1] The record is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

information on the status of the bounties and grants applicable to U.S. imports of potato starch derivatives from the Department of Commerce on February 5, 1980. Accordingly, the Commission instituted its nine investigations on imports of dextrines and soluble or chemically treated starches derived from corn starch from each of the member states of the European Community (investigations Nos. 701–TA–11 through 701–TA–19 (Final)), effective January 1, 1980, and instituted its nine investigations on imports of dextrines and soluble or chemically treated starches derived from potato starch from each of the member states of the European Community (investigations Nos. 701–TA–22 through 701–TA–30 (Final)), effective February 5, 1980. Notice of the institution of the investigations and of the public hearing to be held therewith was duly given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's New York City Office. Notice was also given by publishing the notice of the corn starch derivatives investigations in the Federal Register of January 17, 1980 (45 FR 3400) and of the potato starch derivatives investigations in the Federal Register of February 22, 1980 (45 FR 11938). The public hearing for both series of investigations was held in Washington, D.C. on April 9, 1980.

Views of Commissioners Alberger, Stern, and Calhoun

In order for the Commission to reach an affirmative determination in this investigation, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)), it is necessary to find that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of imports of dextrines and soluble or chemically treated starches derived from corn starch and/or potato starch [1] from members of the European Ecomomic Community with respect to which the Department of Commerce has found a subsidy is being provided.[2]

The Domestic Industry

In this investigation, we have concluded that the appropriate domestic industry against which the impact of subsidized imports of corn or potato starch derivatives from the European Community (EC) should be measured, consists of those facilities in the United States producing dextrines, soluble, starches and/or chemically treated starches from corn starch and/or potato starch. The record developed in this investigation establishes a clear basis for such a conclusion.

Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) provides in part, as follows:

"(A) In General.—The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."

"(D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producers' profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

Section 771(10) (19 U.S.C. 1677(10)) provides that:

"The term like product means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

The record reveals that the majority of the production of dextrines and soluble or chemically treated starches by the 9 U.S. producers of starch derivatives is derived from corn starch in contrast to the majority of the subsidized imported starch derivatives which are manufactured from potato starch. Only a small percentage of the domestic production of derivatives is based on potato starch. The majority of the U.S. industry is devoted to the production of chemically treated starches, while the majority of imported starch products are dextrines, and a smaller but significant percentage of the imports are chemically treated starches.

Similar production processes are used in the manufacture of corn and potato starch derivatives and once produced, the starch derivatives cannot be differentiated by source. The record indicates that a particular starch product, whether derived from potato or corn starch, may be used for the same purpose. This interchangeability of derivatives was corroborated by responses received from purchasers, importers, and producers. Interchangeability is also supported by the fact that while the majority of petitioner's starch production is corn starch based, they filed a case against potato starch derivatives indicating that such derivatives are directly competitive. Therefore, we find that potato and corn starch derivatives are like products based on the similarity in their characteristics and uses.

We also determine that the total domestic production of dextrines and soluble or chemically treated starches derived from corn starch and potato starch constitutes a single product line which is defined as the "narrowest group or range of products, which includes a like product, for which the necessary information can be provided." [3] The "necessary information" referred to in the statute may be either information on the production process or profit and loss information. In the instant investigation the Commission was able only to obtain information or production methods and profit and loss data for all starch products and not individual figures relating to the three specific categories of products, that is dextrines and soluble or chemically treated starches. Therefore, although ordinarily the Commission would have treated the three types of starch products as separate product lines, there was insufficient information available to do so in this case. We have, however, thoroughly examined the information we do have along product lines, particularly pricing, and are convinced that the imports in question are not adversely affecting domestic production in such prodict lines.

Conditions in the Industry

The law requires the Commission to determine whether a domestic industry in the United States is materially injured by reason of imports of the subsidized imports.[4] In this case we have concluded that the domestic producers of dextrines and soluble or chemically treated starches derived from corn starch and potato starch are not materially injured, or threatened with material injury, and that the establishment of an industry is not materially retarded by reason of subsidized imports of dextrines, and soluble or chemically treated starches

[1] As provided for in item no. 493.30 of the Tariff Schedules of the United States.

[2] The Department of Commerce (Commerce) determined the net value of bounties or grants bestowed on the manufacture, production, or exportation of bounties or grants on the manufacture, production, or exportation of both corn and potato starch derivatives to be $183.17 per metric ton for all EC member countries and an additional $7.49 per metric ton for imports from the Netherlands.

[3] Section 771(4) (A) and (D), Tariff Act of 1930 (19 U.S.C. 1677(4) (A) and (D)).

[4] Tariff Act of 1930, section 705(b).

derived from corn starch and potato starch from the European Community.[5]

The record of this investigation establishes a sound basis for this conclusion. In making our finding, we considered the role of imports and all relevant economic data, including the following criteria set out in section 771 of the Tariff Act of 1930: volume of imports; the impact of imports on the industry; and their effect on U.S. prices.

In addition to declines in the quantity of imports from all sources from 30.3 million pounds in 1976 to 24.5 million pounds in 1979, and the quantity of imports from the EC fell from 30.2 million pounds in 1976 to 23.4 million pounds in 1979, the total value of imports of starch derivatives from all sources and from the EC declined slightly in the same period. While the value of imports from the EC did increase from $6.0 million in 1976 to $6.4 million in 1977, the value then dropped dramatically to $4.4 million in 1978, rising again to $5.7 million in 1979. The Netherlands was the largest exporter of starch derivatives to the United States, accounting for over 90 percent of all imports since 1976. Commensurate with the decline in the value of imports the ratio of total imports from the EC to domestic consumption decreased from 2.76 percent in 1976 to 1.83 percent in 1978, and increased to 1.91 percent in January–October 1979. Only imports from the Netherlands yielded significant import to consumption ratios. These ratios, however, declined steadily from 2.71 percent in 1976 to 1.74 percent in 1978, and then increased slightly to 1.83 percent in 1979.

Imports from the EC of starch derivatives do not appear to have had an adverse impact on the U.S. industry. While imports declined, there was also a slight decline in apparent U.S. consumption of starch derivatives between 1976 and 1979 and employment and person-hours worked in the industry also declined during this period. These declines in apparent consumption and employment might be expected to indicate a general decline in production. Instead, responding firms reported that the domestic industry experienced a 3 percent increase in overall production from 1977–78 and production during January–October 1979 exceeded production levels during January–October 1978 by 7.4 percent. Production clearly improved. Inventories rose from 1976 to 1978 but then declined in January–October 1979. The ratios of U.S. firms' inventories to domestic production and shipments increased from 1976 to 1978 but declined in January–October 1979.

Despite substantial efforts minimal usable financial data was received from domestic producers. For those firms supplying complete information net operating profits show a steady but modest increase, net return on assets appears to be healthy, and a significant amount of capital expenditure has taken place. The increased profitability of dextrines and soluble or chemically treated starches is significant in light of the fact that profits on all operations of the establishments in which starches are produced, have fallen dramatically during the period covered by the Commission's questionnaire responses. Between 1976 and 1978, net profits on dextrine, soluble and chemically treated starch operations increased by 5 percent despite a drop of over 50 percent in the overall profits of the establishments in which starch derivatives were produced. The ratios of net operating profits to net sales on these starch derivative operations for reporting U.S. producers improved slightly in 1977 from the 1976 level, and fell in 1978, but to a level higher than that obtained in 1976. This ratio fell again in 1979, but was considerably higher than the net return on sales experienced by the majority of U.S. firms.

It would also appear that the subsidized imports have not had the effect of depressing the prices of domestic product to a significant degree, nor is there evidence of significant price undercutting. There is no evidence that dextrines from the EC ever undersold U.S. produced dextrines. Soluble starches from potato starch from the EC undersold U.S. produced soluble starches in most cases, but only part of the underselling of domestic soluble starches from the EC could have been accounted for by the amounts of subsidies found by the administering authority. Also, petitioners did not complain about soluble starches and imports were quite low. Chemically treated starches derived from potato starch from the EC undersold the U.S. chemically treated starches from potato starch in only one of the 16 calendar quarters examined by the Commission. In all other instances, the European product was priced higher than the domestic product.

Thus despite the fact that the subsidy on production costs of potato and starch derivatives is not small, in view of the relative economic health of the domestic industry, the low level of market penetration, and declining imports, material injury by reason of these subsidized imports cannot be established.

Findings of fact. The conclusion that domestic producers of dextrines and soluble or chemically treated starches are not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded by reason of imports from the EC, is based on consideration of the economic factors required by Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)). Our findings of fact are:

A. *Volume of imports.* 1. Total U.S. imports of dextrines and soluble or chemically treated starches from all sources decreased from 30.3 million pounds in 1976 to 23.6 million pounds in 1978 and increased slightly to 24.5 million pounds in 1979. (Report at A–14).

2. The Netherlands was the largest exporter to the United States. Imports from the Netherlands amounted to 29.6 million pounds in 1976, decreasing to 19.1 million pounds in 1978 and increasing to 22.4 million pounds in 1979. (Report at A–17). Imports from all EC source fell from 30.2 million pounds in 1976 to 20.0 million pounds in 1978 and rose to 23.4 million pounds in 1979. The ratio of imports from all sources to consumption declined from 2.77 percent in 1976 to 2.16 percent in 1978; further declined to 2.0 percent during the period January-October 1979. (Report at A–42).

B. *Effect of imports on U.S. prices.* 3. During the relevant period, soluble starches from potato starch imported from the EC undersold U.S. starch derivatives from all starch sources by about 50 percent. (Report A–48). Only part of the underselling of domestic soluble starches from the EC was accounted for by the amounts of subsidies found by the administering authority. In only one other case did directly competing identical goods undersell the U.S. product. Chemically treated starches derived from potato starch from the EC undersold the U.S. chemically treated starches from potato starchin only one of the 16 calendar quarters examined by the Commission.

C. *Impact on affected industry.* 4. U.S. production of dextrines and soluble or chemically treated starches fell by 4 percent during the period 1976 to 1978, but production during January-October

[5] Our decision to deal with imports from all members of the European Community is in accordance with section 771(3) of the Tariff Act of 1930 which provides that the Commission *may* treat a customs union as a country in a countervailing duty case. Because the language used in the statute is permissive, the decision is within the Commission's discretion. Since the EC administers the applicable subsidies in relation to the production of starch derivatives for which all member countries are eligible, liability for injury from these subsidies should be imposed against the Community as a unit. Furthermore, the Government of the Netherlands provides an additional subsidy above that given by the European Community. We gave this matter separate consideration as well.

1979 exceeded production during the same period in 1978 by 7.4 percent. The value of U.S. producers' domestic shipments decreased slightly from $157 million in 1978, and were valued at $149 million in January-October 1979, and increase of 9 percent over the corresponding period in 1978.

5. The ratio of imports from the EC to apparent U.S. consumption fell from 2.76 percent in 1976 to 1.83 percent in 1978 and amounted to 1.91 percent in January-October 1979.

6. Profit and loss data provided to the Commission was minimal. With regard to their operations only in the starch derivatives covered by this investigation, net operating profits have increased and profit to sales ratios and net return on assets appear to be healthy.

7. Total annual rated capacity of the domestic producers fell from 1.5 billion pounds from 1976 to 1977 to 1.4 billion pounds in 1978 and amounted to 1.3 billion pounds in January-October 1978 and January-October 1979. The ratio of production of corn starch derivatives to total annual rated capacity rose from 82.4 percent in 1976 to 85.4 percent in 1978; declining slightly from 80.5 percent in January-October 1978 to 78.1 percent in the corresponding period of 1979.

8. The number of production and related workers employed by firms responding to the Commission's questionnaires declined from 1976 to 1979, as did person-hours worked, but this decline can be accounted for by increased labor productivity.

9. Inventories rose from 1976 to 1978 by 13 percent and then declined in January-October 1979. The ratios of U.S. firms' inventories to domestic production and shipments increased from 1976 to 1978 but declined in January-October 1979 from their January-October 1978 levels.

10. Aggregate dextrine operations show a drop in net sales in 1977, recovering in 1978 and increasing by 18.2 percent in January-October 1979 relative to January-October 1978. Net operating profits have shown a steady but modest increase, and a significant amount of capital expenditure has taken place.

11. No information was supplied with respect to the U.S industry's return on investment, cash flow, wages, growth, and ability to raise capital of the dextrine and soluble or chemically treated starch derived from corn and/or potato starch industry in the United States.

Conclusions of Law. A. The appropriate domestic industry against which the impact of subsidized imports from the EC should be measured, consists of those domestic facilities devoted to the production of all dextrines, soluble or chemically treated starches from corn and/or potato starch.

B. This industry in the United States is not materially injured, or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of subsidized imports of dextrines and soluble or chemically treated starches from corn and/or potato starch from the EC.

Statement of Reasons of Chairman Catherine Bedell and Commissioner George M. Moore

On the basis of the record developed in this investigation, we determine, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671(b)), that an industry in the United States is not materially injured, or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded by reason of imports of dextrines and soluble or chemically treated starches provided for in item 498.30 of the Tariff Schedules of the United States from corn starch and potato starch from the European Community (EC) with respect to which the U.S. Department of Commerce has found that a subsidy is being provided.

The domestic industry. In these investigations we have concluded that the appropriate domestic industry against which the impact of the subsidized imports from the EC should be measured consists of the facilities in the United States producing dextrines and soluble or chemically treated starches derived from corn starch and/or potato starch.[1] There are nine known producers of these starch derivatives in the United States.

Our finding concerning the composition of the appropriate domestic industry is based on section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)). Section 771(4)(A) defines the term "industry" to mean the domestic producers of a "like product," which is in turn defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

In these investigations, the petitioner seeking relief from imports of subsidized potato starch derivatives was the Corn Refiners Association (CRA), representing U.S. producers of corn starch derivatives. Repeatedly in the prehearing and posthearing briefs, as well as in the testimony at the hearing before the Commission, both parties to the investigation agreed that corn starch and potato starch dextrines and soluble or chemically treated starches can be used interchangeably.[2]

The Commission is required, pursuant to section 771(4)(D) to consider the narrowest range of products which includes a like product. The definition of the narrowest range of products or product line which can be used to measure injury is dependent upon the availability of data which permit the separate identification of production in terms of such criteria as production process or profit-and-loss information. Because the Commission was able to obtain information on production methods and profits only in relation to the production of starch derivatives and not specific products, we define the relevant industry as the domestic producers of dextrines, soluble starches, and/or chemically treated starches derived from corn and/or potato starch.

The subsidy. The Department of Commerce (Commerce) has determined the net value of bounties or grants bestowed on the manufacture, production, or exportation of both corn and potato starch derivatives to be $183.17 per metric ton for all EC-member countries and an additional $7.49 per metric ton for imports from the Netherlands.[3]

The question of material injury. With respect to the question of material injury, the Commission is directed by section 771 of the Tariff Act of 1930 to consider, among other factors, the volume of imports of the merchandise subject to the investigation, the price effects of such imports, and the impact of such imports on the affected U.S. industry.

The volume of subsidized imports.— The quantity of imports of these starch derivatives from all sources declined irregularly from 30.3 million pounds to 24.5 million pounds during 1976–79. Imports from all EC-member countries amounted to 30.2 million pounds in 1976; 27.1 million pounds in 1977; 20.0 million pounds in 1978; and 23.4 million pounds in 1979. Despite the increase in imports in 1979, they remained well below the levels of imports from the EC reached in 1976 and 1977. The ratio of total imports from the EC to domestic consumption decreased from 2.76 percent in 1976 to

[1] There is insufficient data to allow the commission to examine the impact of the subject imports on dextrines and soluble or chemically treated starches derived from "other starches" such as wheat, rice, and tapioca.

[2] See the prehearing brief on behalf of the CRA p. 2, and Henkel's testimony agreeing with the conclusions of the CRA, the posthearing brief on behalf of Avebe, p. 2, and the commission's report p. 7.

[3] See p. A-5 of the report.

1.83 percent in 1978, and remained below 2 percent in January-October 1979.[4]

Price effects of subsidized imports.—There has been no significant price undercutting by the imported merchandise as compared with the price of like products in the United States and no consistent pattern of price suppression or depression has been found in the Commission's investigation. No underselling by dextrines imported from the European Community was found. Although underselling of imports of soluble starches was found, the underselling could only be partially accounted for by the European subsidies. In only one case did imported chemically treated starches from the EC undersell chemically treated starches produced in the United States. Chemically treated starches derived fom potato starch from the EC undersold the chemically treated starches produced in the United States in only 1 of the 16 calendar quarters covered by the Commission's investigation. In all other instances, the European product was priced at higher levels than the like U.S. product.[5]

Impact of subsidized imports on the affected industry.—Section 771 of the act instructs the Commission to examine, with respect to the impact of the subsidized imports on the domestic industry, all relevant economic factors including, but not limited to, actual and potential decline in output, sales, market share, profits, productivity, return on investments, utilization of capacity, factors affecting domestic prices, and actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment. The Commission received questionnaire responses on virtually all of the above-mentioned information for firms believed to account for virtually 100 percent of production and shipments.

U.S. output of dextrines and soluble or chemically treated starches derived from corn and potato starch rose by 3 percent between 1977 and 1978, and output during January-October 1979 was 7 percent above the level reached during the corresponding period of 1978.[6] The share of the U.S. market accounted for by domestic producers of dextrines and soluble or chemically treated starches increased from 97 percent in 1976 to 98 percent in 1978 and remained at 98 percent during January-October 1979. The quantities of domestic shipments of dextrines and soluble or chemically treated starches fell by 8 percent from 1976 to 1978, but the value of such shipments during the same period rose by 4 percent. Both the quantity and value of domestic shipments by U.S. producers rose from January-October 1978 to January-October 1979.[7]

Capacity utilization for corn starch derivatives, which accounts for nearly all U.S. capacity for the production of dextrines and soluble or chemically treated starches, rose from 82 percent in 1976 to 85 percent in 1978, but dropped slightly in January-Ocotber 1979 from the January-October 1978 level.[8] While end-of-period U.S. inventories increased actually and relative to domestic production and shipments during 1976–78, such inventories declined both actually and relative to domestic production and shipments in January-October 1979 from their levels in January-October 1978.[9] While employment and man-hours worked in the production of dextrines and soluble or chemically treated starches decreased during the period 1976–78, the reduction in employment is more than accounted for by increased productivity per man-hours, since production of the products in question increased.[10] No information was received with respect to wages, ability to raise capital, or factors affecting domestic prices that would indicate an adverse effect from subsidized imports of dextrines and solubles or chemically treated starches from the European Community.

For those producers supplying complete information, net profits on their dextrine and soluble or chemically treated starch operations increased by 5 percent between 1976 and 1978, and increased further during January-October 1979 in comparison with the corresponding period of 1978.[11] There was a decline in the ratio of net operating profit to net sales for starch derivative operations from 1977 to 1979.[12] However, the industry performance still remains at a high level. The net return on assets appears to be healthy, and substantial and increasing capital expenditures with regard to dextrine and soluble or chemically treated starch operations have taken place during recent years.

Conclusion. We therefore conclude that an industry in the United States is neither materially injured nor threatened with material injury, and that the establishment of an industry in the United States is not materially retarded by reason of imports of dextrines and soluble or chemically treated starches from corn and/or potato starch from the EC which the Department of Commerce has found are being subsidized.

By Order of the Commission:

Issued: May 1, 1980.

Kenneth R. Mason,

Secretary.

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[4] See p. A-41 of the report.
[5] See p. A-48 of the report.
[6] See p. A-20 of the report.
[7] See p. A-24 of the report.
[8] See p. A-29 of the report.
[9] See p. A-33 of the report.
[10] See p. A-29 of the report.
[11] See p. A-37 of the report.
[12] See p. A-37 of the report.

[731-TA-12 (Final)]

Portable Electric Typewriters From Japan

Determination

On the basis of the record [1] developed in the investigation, the Commission unanimously determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is materially injured by reason of imports of portable electric typewriters provided for in item 676.05 of the Tariff Schedules of the United States (TSUS) from Japan, which the Department of Commerce has determined are being, or are likely to be, sold in the United States at less than fair value.

Background

Section 102(b)(2) of the Trade Agreements Act of 1979 requires the United States International Trade Commission to conduct final antidumping investigations in instances in which, as of the effective date of title VII of the Tariff Act of 1930, as added by the Trade Agreements Act of 1979 (January 1, 1980), the Secretary of the Treasury had made a tentative affirmative determination, but not a final determination, under the Antidumping Act, 1921, as amended, with regard to the question of less-than-fair-value (LTFV) sales.

On January 7, 1980, the Commission received notification that, as of January 1, 1980, the Treasury Department had made a tentative affirmative less-than-fair-value determination, but no final determination, with regard to portable electric typewriters imported from Japan.[2] Consequently, the Commission on January 8, 1980, but effective January 1, 1980, instituted antidumping

[1] The record is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).
[2] Treasury's notice of withholding of appraisement and tentative determination of LTFV sales of portable electric typewriters from Japan was published in the Federal Register of January 4, 1980 (45 FR 1220).

investigation No. 731–TA–12 (Final) pursuant to section 735 of the Tariff Act of 1930, as added by title I of the Trade Agreements Act of 1979, to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of portable electric typewriters from Japan which are sold or are likely to be sold at less than fair value. As of January 1, 1980, the administering authority became the Department of Commerce. The Department of Commerce issued on March 18, 1980, an affirmative final determination with regard to the question of less-than-fair-value sales.

Copies of the notice of institution of the investigation No. 731–TA–12 (Final) and of the hearing to be held in connection therewith was posted at the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and published in the Federal Register of January 17, 1980 (45 FR 3401). The public hearing was held in Washington, D.C., on April 10, 1980, and all persons who requested the opportunity were permitted to appear in person or by counsel.

Statement of Reasons for Chairman Catherine Bedell, Commissioners George Moore, Paula Stern, and Michael Calhoun

On the basis of the record developed in this investigation, we determine, pursuant to section 735 of the Tariff Act of 1930, that an industry in the United States is materially injured by reason of imports of portable electric typewriters from Japan sold at less than fair value (LTFV).

The domestic industry. In this investigation, we consider the relevant domestic industry to consist of the facilities in the United States used in the production of portable electric typewriters. Under section 771(4) of the act the term "industry" is defined as meaning

> the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product.

In assessing the effect of the dumped imports on this industry, section 771(4)(D) directs that "(t)he effect of * * * dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits." Section 771(10) defines the term "like product" as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation * * *." Since there is a domestic producer of portable electric typewriters and there is a product "like" the imported product,[1] we have considered the relevant domestic industry to consist of the facilities in the United States used in the production of portable electric typewriters. Inasmuch as the Commission has been able to obtain information which permits the separate identification of production of portable electric typewriters in terms of the criteria in section 771(4)(D), we have assessed the impact of the subject imports on the domestic production of portable electric typewriters. Currently there is one domestic producer—the Smith Corona Group, Consumer Products Division of SCM Corporation, New Canaan, Connecticut—which accounts for all portable electric typewriters produced in the United States.[2]

LTFV Sales. The administering authority's investigation covered imports of portable electric typewriters from Japan made during the 6-month period extending from November 1, 1978, through April 30, 1979. Three producers in Japan, Brother Industries, Ltd. (Brother); Silver-Seiko Co., Ltd. (Silver-Seiko); and Nakajima All Co., Ltd. (Nakajima All) accounted for all imports from Japan during the period covered by the investigation. The Department of Commerce examined transactions accounting for virtually all of the portable electric typewriters which were shipped to the United States from Japan during the period of investigation and found LTFV margins on 93 percent of the sales compared. The weighted average margins found by Commerce were 4.36 percent for Nakajima All, 36.53 percent for Silver-Seiko, and 48.70 percent for Brother.

[1] The Royal "Administrator" typewriter for customs purposes is classified as a portable electric typewriter under item 676.05 of the Tariff Schedules of the United States. The "Administrator" is priced competitively with portable electric typewriters and is marketed in much the same way. Thus, for the purposes of this investigation, the Commission has included the Administrator in the category of imports which are subject to this investigation.

[2] Where a single firm composes the domestic industry, Commission rules prevent the disclosure of any commercial and/or financial data which would reveal the industry's operations; for this reason, specific data regarding SCM's operations that are not part of the public record will not be discussed in this opinion.

Material Injury by Reason of LTFV Imports [3]

The Trade Agreements Act of 1979 provides guidance for determining whether or not LTFV imports have caused material injury to the domestic industry:

> the Commission shall consider, among other factors—
> (1) the volume of imports,
> (2) the effect of imports on prices in the United States, and
> (3) the impact of imports on domestic producers.[4]

The Act goes on to provide that in considering the impact on the affected industry:

> the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry, including but not limited to—
> (1) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,
> (2) factors affecting domestic prices, and
> (3) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment.[5]

If material injury exists or appears imminent, there is reason for making an affirmative decision. In our judgment the record developed in this investigation establishes a clear indication of material injury.

Since 1976, the U.S. industry has lost market share while imports from Japan have increased rapidly and substantially. These imports increased from 259,000 units in 1976 to 534,000 units in 1978. Imports from Japan in 1979, the period of Commerce's withholding of appraisement, were lower than in 1978, but were still 71 percent higher in quantity than in 1976. The absolute decline in imports during 1979 was offset by sales from importers' inventories, which, after tripling in 1978, dropped by 18 percent in 1979 on a quantity basis. Thus, while actual imports as a share of consumption declined in 1979, importers maintained their effective strength in the market by selling stocks on hand.[6]

Pricing comparisons made by the Commission indicated that during the period of January 1977 to December 1979 prices for imports from all three Japanese firms undersold domestically produced portable electric typewriters

[3] Commissioners Stern and Calhoun concurs in the Findings of Fact included in Vice-Chairman Alberger's Statement of Reasons.

[4] Tariff Act of 1930, as amended by Trade Agreements Act of 1979, Section 771 (19 U.S.C. 1677(7)).

[5] *Id.*

[6] Confidential Report, at A–14, A–16.

in almost 100 percent of the cases examined and that in most cases the margins of underselling were more than accounted for by the LTFV margins found by Commerce.[7]

This rapid, overall increase in imports sold at less than fair value had several negative consequences for the U.S. industry. The U.S. industry was unable to increase domestic shipments by more than four precent during 1976–1978, despite the 33 percent growth in consumption which occurred.[8] Imports from Japan captured 87 percent of the growth in the market in this period, at a time when the domestic industry had substantial unused capacity. Production and capacity utilization, although fluctuating on an annual basis, trended downward from 1976–1979.[9] In addition, total hours worked by the domestic industry's employees declined, wherein the average hours worked annually by each production worker declined with a corresponding decline in their annual wage.[10]

The Commission's investigation, moreover, showed that imports of portable electric typewriters from Japan resulted in a substantial loss of sales to the domestic industry.[11] Although in some cases, SCM's allegations could not be confirmed by the Commission, it was established that purchases of imported products were made in lieu of available domestic products and that the primary reason for choosing the imported product was price. Of particular importance was the controversial loss of the Sears account. Testimony given under oath by SCM that these sales were lost due to price undercutting seems to outweigh the contradictory claims made by Sears, which were not made under oath.

The combination of underselling and loss of sales by imports from Japan contributed to the decrease in profits in the domestic industry from 1976 to 1979. The data indicate that notwithstanding increases in prices during this period, prices were not able to keep pace with cost increases, and the increase in sales slowed significantly. Consequently, the healthy profits experienced in 1976 began to decline. In 1979, this inability of the industry to raise prices or increase sales sufficiently prompted a sharp drop in profits.[12]

The record also shows that the industry experienced reduced cash flow and a steep decline in return on investment in 1979. Declining profitability has caused difficulties in raising investment funds for capital expenditures and research and development outlays necessary to compete with foreign entrants in the U.S. marketplace.[13]

The investigation established that the injury to the domestic industry is likely to continue if imports from Japan continue to enter the U.S. market at less than fair value. Although, imports of portable electric typewriters from Japan declined after the latest withholding of appraisement of Commerce, there is no reason to believe that a negative determination would not prompt LTFV imports to return to 1978 levels. Japan exported electric typewriters to 86 countries in 1979 and to 84 countries in 1978, the United States being the most important market by a wide margin. It is clear that the Japanese manufacturers have the ability to divert exports to this market if the threat of dumping duties is removed by the Commission.

On the basis of the record established in this investigation, we therefore conclude that an industry in the United States is materially injured by reason of imports of portable electric typewriters from Japan which the Department of Commerce has determined are being or are likely to be sold at less than fair value.

Additional Views of Chairman Catherine Bedell

As a participant in the earlier investigation on portable electric typewriters, (Investigation No. AA1921–145, USITC Publication 732, June 1975), I wish to point out that the economic conditions affecting the domestic industry under the previous investigation were quite different from those considered in the instant case.

In the previous investigation, data obtained by the Commission, which covered 1972–74, showed that U.S. production, shipments, and exports increased annually as did employment and man-hours worked in the production of portable electric typewriters. Furthermore, in 1974, imports from Japan of portable electric typewriters, as a share of the U.S. market, declined significantly, as did the margins by which those imports undersold the domestically produced product.

In the instant case, the data show that the trends have reversed. United States production of portable electric typewriters trended downward, net operating profits declined, domestic shipments increased minimally, and man-hours worked in the production of portable electric typewriters declined as did annual wages. Furthermore, the margins by which imports from Japan undersold U.S. production increased substantially. Finally, imports from Japan increased significantly, as an additional manufacturer in Japan joined in the underselling of portable electric typewriters.

For the reasons stated above, I have, therefore, determined that data obtained under the current investigation, pursuant to section 735 of the Tariff Act of 1930, indicate that an industry in the United States is now materially injured by reason of imports of portable electric typewriters from Japan sold at less than fair value.

Statement of Reasons of Vice Chairman Alberger

On the basis of the record developed in investigation No. 731–TA–12 (Final), I determine, pursuant to section 735 of the Tariff Act of 1930 (19 U.S.C. 1673d.), that an industry in the United States is materially injured by reason of imports of portable electric typewriters from Japan which are sold at less than fair value (LTFV) as determined by the Department of Commerce (Commerce).

In this investigation, the relevant domestic industry is the facilities in the United States used in the production of portable electric typewriters. Such domestic industry is currently comprised of one producer, the Smith Corona Group (SCM), Consumer Products Division of SCM Corporation, New Canaan, Conn.[1]

Imports of portable electric typewriters from Japan increased rapidly and substantially through 1978, then decreased somewhat in 1979, immediately after the filing of the antidumping petition. Sales of the imported articles actually increased from 1978 to 1979, due to substantial selling of accumulated inventories from 1978. Thus, while imports peaked in 1978, imports had a greater market impact in 1979. Profits declined sharply in 1979, after trending slightly downward from 1976 through 1978. Domestic production also generally trended downward from 1976–79, never climbing above the 1976 level.

The pricing information obtained by the Commission indicates that nearly all of these increased imports from Japan were sold at prices below those of the domestic producer on comparable models. During the period January 1977 to December 1979, comparisons of prices

[7] *Id.*, at A–29, A–31.
[8] *Id.*, Table 7, at A–20.
[9] *Id.*, at A–19.
[10] *Id.*, at A–22.
[11] *Id.*, at A–32.
[12] *Id.*, at A–25.
[13] *Id.*, at A–25, A–27.

[1] With only one firm producing portable electric typewriters in the United States, a majority of the economic data relative to the domestic industry is confidential and therefore cannot be revealed in this opinion.

for imported and U.S.-produced portable electric typewriters show that imports from Japan undersold domestic merchandise in almost 100 percent of the comparisons and that in most cases the margins of underselling were more than accounted for by the LTFV margins found by Commerce. Domestic prices did increase from 1976 through 1979, but not as fast as costs.

SCM presented a considerable amount of information with respect to sales that it considered were lost to LTFV imports. Although a good portion of the number of alleged lost sales, when examined closely, do not constitute sales actually lost by SCM to imports due to price undercutting, there are substantial losses that appear to be by reason of lower prices. There was sworn testimony proffered at the hearing that the Sears account for portable electric typewriters was switched from SCM to two Japanese manufacturers. The SCM representative stated that price was the primary reason for lost sales to Sears with quality and consumer services being secondary considerations.[2] The sales which SCM had made to Sears represented a considerable portion of the manufacturer's total sales. Submissions were made for the record (but not as sworn statements) by Sears contradicting the sworn testimony offered by SCM. The weight of the evidence thus seems to balance in favor of SCM.

The determination that the domestic industry producing portable electric typewriters is materially injured by reason of LTFV imports is based on my consideration of the economic factors required by section 771(7) of the Tariff Act of 1930. My findings are:

Findings of Fact

Volume of Imports. 1. Imports of portable electric typewriters from Japan amounted to 259,000 units in 1976 and increased to 534,000 units in 1978. During 1979, imports declined to 443,000 units, which, although lower than the 1978 level, was 71 percent higher than the quantity of imports in 1976. (Report at Table 3) [3]

2. The yearend inventories of portable electric typewriters from Japan held by U.S. importers responding to the Commission questionnaires were 33 percent lower in 1977 than in 1976, but in 1978 were nearly triple the level reported for 1977. The increase in 1978 was largely due to a substantial increase in the inventory held by Sears in that year. Thus, even though the quantity of imports declined in 1979, net sales by importers (imports plus beginning inventory 1979 minus ending inventory 1979) show an increase in 1979 from 1978. (Report at A-16 and Tables 3 and 5)

3. Information available to the Commission sets forth pricing data to indicate that the Royal Administrator, although viewed as an office machine by Royal, is offered to mass merchandisers at prices lower than portable electric typewriters manufactured by SCM. For sales to consumers, it is priced competitively or higher than SCM typewriters. (Report at Confidential Table C-2 and Tr. p. 241)

Price. 4. Various models of PET's are sold in the United States and the prices for the models vary widely. Such price variations depend on the features incorporated in the machine, for example, automatic return, correction device, and the ribbon system, among others. The Japanese prices of comparable models were, in almost all instances, lower than the prices of SCM, with margins of underselling ranging from 2 to 48 percent. (Report at A-29 to 31)

Impact on Affected Industry. 5. Domestic production of PET's has fluctuated from year to year over the 1976-79 period. The industry experienced production highs in 1976 and 1978 followed by declines in 1977 and 1979 both below the 1976 level. (Report at Table 6)

6. Domestic capacity to produce PET's in the U.S. has remained at approximately the same level since 1977. Capacity utilization, however, has varied, as did production in 1976-79 with capacity utilization in 1979 being 14 percent below that in 1976. (Report at A-18, 19)

7. The U.S. producer's net sales increased steadily in value over the 1976-79 period; such instances, however, were not sufficient to cover increasing costs, and profits generally declined. (Report at A-24, 25 and Confidential Table 11)

8. Apparent U.S. consumption increased from 1976 to 1977 by approximately 20 percent, but since 1977 consumption has remained relatively constant. SCM's share of apparent consumption decreased from 1976 to 1979. Even if the PET's imported by SCM from its overseas operations are added in, SCM's market share decreased in 1977 and 1978 and then recovered slightly but was still 10 percentage points below the 1976 figure in 1979. (Report at Table 7)

9. The domestic industry continued to operate at healthy levels of profitability through 1978, although such levels trended downward over the period. In 1979 the profit level declined sharply due to substantial increases in, among other things, administrative and selling expenses and cost of goods sold. Profits follows a trend quite similar to sales of imports over the period 1976 through 1979. (Report at Confidential Table 11 and Tables 3 and 5 and Report at A-16)

10. The general trend regarding return on investment tracks closely that for profits with fluctuations through 1978 with a substantial decrease occurring in 1979. (Report at Confidential Table 11)

11. Productivity remained constant throughout the period. (Report at A-22)

12. The yearend inventories of SCM declined irregularly since the end of 1976 with a slight increase shown in 1978. (Report at A-22)

13. Employment levels for production and related workers have increased marginally since 1976. Although output per person remained constant, the number of hours worked annually by each production worker decreased. Wages for these workers increased on an hourly basis, but because of cutbacks in hours per employee, the annual wage totals paid by SCM to employees actually declined. (Report at A-22 to 23)

14. SCM representatives testified at the hearing that reduced profitability has made it difficult for SCM to obtain capital from its parent company for its domestic portable electric typewriter operations. This occurs at a time when cash flow is reduced and the need for more funds is reportedly more pressing. (Tr. p. 36)

15. Capital expenditures by SCM remained level through 1978 and then increased substantially in 1979 because of large investments in machinery, buildings, and equipment. (Report at A-27)

Conclusions of Law

A. In this investigation, the appropriate industry consists of the facilities in the United States devoted solely to the production of portable electric typewriters.

B. The Royal Administrator (Seiko model 9300) is approximately considered a portable electric typewriter for purposes of this investigation.

C. The domestic industry producing portable electric typewriters in the United States is materially injured by reason of imports of such items from Japan which Commerce has determined are being or are likely to be sold at less than fair value.

By order of the Commission.

[2] Transcript of the hearing, April 10, 1980, p. 16.

[3] All references for the findings of fact are to the confidential version of the final report to the Commission.

Issued: May 1, 1980.
Kenneth R. Mason,
Secretary.
[FR Doc. 80-14104 Filed 5-6-80; 8:45 am]
BILLING CODE 7020-02-M

Investigation No. 701-TA-7 (Final)]

Weighing Machinery and Scales From Japan

Determination

On the basis of the record [1] in investigation No. 701-TA-7 (Final), the Commission unanimously determined, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of certain weighing machinery and scales (provided for in items 662.26 and 662.30 of the Tariff Schedules of the United States) from Japan upon which the administering authority determined that subsidies are being paid by the Government of Japan.

Background

On January 7, 1980, the United States International Trade Commission received notice from the Department of Commerce that a preliminary affirmative determination, but no final determination, had been issued in connection with its countervailing duty investigation concerning weighing machinery and scales from Japan. The Commission instituted, effective January 1, 1980, investigation No. 701-TA-7 (Final) under section 705(b) of the Tariff Act of 1930 to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of the merchandise which is the subject of the investigation by the Department of Commerce (the administering authority). On March 20, 1980, the Commission received notification from the Department of Commerce of its final determination that the Government of Japan has given benefits which constitute subsidies within the meaning of the countervailing duty law of the manufacture, production, or exportation of certain scales and weighting machinery.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was duly given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and at the Commission's office in New York City, and by publishing the notice in the Federal Register of January 19, 1980 (45 FR 3400). The hearing was held in Washington, D.C., on April 14, 1980; all persons requesting the opportunity were permitted to appear in person or by counsel.

Statement of Reasons of Chairman Catherine Bedell and Commissioner George M. Moore and Paula Stern

On the basis of the record developed in this investigation, we determine, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), that an industry in the United States is not materially injured or threathened with material injury, and that the establishment of an industry in the United States is not materially retarded,[1] by reason of imports of weighing machinery and scales, provided for in item Nos. 662.26 and 662.30 of the Tariff Schedules of the United States (TSUS), from Japan, with respect to which the Department of Commerce has determined that subsidies are being provided.[2] [3]

The Domestic Industry

The petition and the final affirmative subsidy determination by the administering authority encompass all weighing machinery and scales provided for under TSUS items 662.26 and 662.30. Section 771(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1677) ("the Act") defines the term industry to mean the domestic producers of a "like product" which in turn is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title." Section 771(4)(D) further provides:

(D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided.

Thus, in making a final injury determination pursuant to section 705(b) the Commission must identify the domestic producers of merchandise like the articles being imported and then assess the impact of such imports in relation to the production of a like product, or, if this is not possible, then the effect of the imports must be assessed in relation to the nearest group or range of products which includes a like product, for which the necessary information can be provided.

During 1977-79, more than 90 percent of the total value of U.S. imports of electronic digital scales from Japan consisted of delicatessen ("deli") scales.[4] In addition, in a letter dated March 10, 1980, in testimony at the hearing before the Commission, and in its prehearing statement and posthearing brief, the petitioner requested that the Commission limit its investigation to electronic digital deli scales only.[5] Although the record contains a significant quantum of data concerning electronic digital deli scales, not all domestic producers of such scales have separate production processes, nor do they maintain separate profit and loss records, and other key data for the deli segment of their operations. Consequently there is insufficient data to permit us to identify separately the domestic production of the electronic digital deli scales in terms of the statutory criteria. For this reason, pursuant to section 771(4)(D), we have assessed the impact of subsidized imports of deli and counting scales on the narrowest group of products which include the products like the imported products. In this case the narrowest group of products is electronic digital counting and deli scales.

There are currently 15 known domestic producers of such scales. Only the petitioner, Reliance Electric Co., Toledo Scale Division, and two other producers manufacture both types of scales.[6]

[1] The "record" is defined in sec. 207.2(j) of the Commission's *Rules of Practice and Procedure* (19 CFR 207.2(j)).

[1] Since there is an established domestic electronic digital deli and counting scale industry, the question of material retardation of the establishment of an industry is not at issue.

[2] The Department of Commerce has determined, based on the best information available and until further notice, that the net amount of the subsidies provided on all weighing machinery and scales from Japan, imported under TSUS Nos. 662.26 and 662.30 is estimated to be 4 percent of the f.o.b. value of the merchandise imported from Japan. See Commission Report in Investigation No. 701-TA-7 (Final) (Report), p. A-50.

[3] Commissioner Stern concurs in the Findings of Fact as stated in the Views of Vice-Chairman Alberger.

[4] Report at p. A-6.

[5] Transcript of the Proceedings at p. 9; Petitioner's Prehearing Statement at pp. 2, 4; Petitioner's Posthearing Brief at pp. 1-3.

[6] Report at p. A-6.

The Question of Material Injury

With respect to the question of material injury to the domestic industry or the likelihood thereof, the Commission is directed by section 771 of the Act to consider, among other factors, the volume of imports of the merchandise subject to the investigation, the price effects of such imports and the impact of such imports on the affected U.S. industry.[7]

The volume of subsidized imports.—U.S. imports of electronic digital deli scales from Japan increased from 1977 levels to 2,852 units in 1978 and 7,607 units in 1979. Imports of electronic digital counting scales also increased from 1978 to 1979; no imports of such scales from Japan were reported in 1977.[8]

The ratio of imports of electronic digital deli scales from Japan (including those subsequently reexported) to domestic production of such scales (excluding production by Hobart Corp. ("Hobart") and Electronic Scales International ("ESI"), the two major producers not responding to the Commission's questionnaires) declined slightly from 1977 to 1978, then rose substantially in 1979.[9] If data were available for annual production by Hobart and ESI, the ratio of imports to domestic production would be substantially lower. While it is clear that there has been an increase in imports in absolute terms, it is unclear whether imports have increased relative to total domestic production or consumption of electronic digital deli scales in light of the absence of data on two major producers. The ratio of imports of electronic digital counting scales to domestic production of such scales increased slightly from 1978 to 1979.[10]

Price effects of subsidized imports.—Prices of domestic and imported electronic digital deli and counting scales declined during 1977–79.[11] The general decline in prices of such scales resulted mainly from technological developments, improved productivity, and from reductions in prices of electronic components for those scales.[12] This decline is characteristic of price trends for products which contain substantial electronic components.

For 30-pound capacity electronic digital deli scales sold to distributors (the largest selling scales for which price data were gathered by the Commission's questionnaires), weighted average prices received by domestic producers were generally lower than prices received by importers of Japanese-made scales during 1978–79.[13] The available evidence indicates that one major domestic producer generally undersells other domestic producers and importers by a large margin.[14] The only importer of Japanese-made electronic digital counting scales selling to distributors received higher prices in 1979 than those received by U.S. producers of such scales.[15]

Based on information supplied by firms responding to the Commission's questionnaires, U.S. production of electronic digital deli scales more than doubled from 1977 levels to 18,315 units in 1979; production of electronic digital counting scales increased from 2,451 units in 1977 to 7,431 units in 1979.[16] Reported domestic shipments of U.S.-made electronic digital deli scales more than doubled from 1977 to 1979, and reached 10,616 units (valued at $10 million) in the latter year. Domestic shipments of U.S.-made electronic digital counting scales rose from 2,271 units in 1977 to 6,563 units (valued at $13 million) in 1979.[17] Exports of electronic digital deli scales by domestic producers more than tripled from 1977 to 1979, while exports of electronic digital counting scales increased even more rapidly during the same period.[18] During 1977–79, annual U.S. exports of electronic digital deli and counting scales exceeded annual imports of such scales from Japan.[19] Yearend inventories of electronic digital deli scales reported by domestic producers fell from 3,795 units in 1977 to 3,078 units in 1979; yearend inventories of electronic digital counting scales by U.S. producers declined from 1977 to 1978, but then rose in 1979.[20]

The ratio of shipments by importers of Japanese-made electronic digital deli scales to total reported shipments of such scales to customers in the United States decreased slightly from 1977 to 1978. This ratio increased in 1979, with importers' shipments representing about one-third of total reported shipments.[21] If data were available for shipments by Hobart and ESI, the two firms that are believed to account for about half of the aggregate domestic production of electronic digital deli scales, the share of the domestic market taken by imports from Japan would be substantially less. The ratio of shipments by the sole importer of Japanese-made electronic digital counting scales to total reported shipments of such scales to U.S. customers increased from 1978 to 1979.[22]

Net sales of electronic digital deli and counting scales by four domestic producers supplying usable profit-and-loss data on their operations in manufacturing such scales rose from $12.0 million in 1977 to $15.7 million in 1978 and $16.4 million in 1979. Aggregate net operating profit increased from $1.9 million (15.4 percent of sales) in 1977 to $2.7 million (17.0 percent of sales) in 1978, then decreased to $1.0 million (6.1 percent of sales) in 1979. Three of the four reporting firms operated profitably in 1977 and 1979; all four firms did so in 1978.[23]

The ratio of net profit before income taxes to the book value of fixed assets employed in the production of all scales and weighing machinery at yearend reported by seven domestic producers rose from 44.1 percent in 1977 to 55.4 percent in 1978, then declined to 35.0 percent in 1979.[24] Capital expenditures reported by domestic producers of electronic digital scales for facilities used in the production, warehousing, and marketing of scales and weighing machinery rose from $4.2 million in 1977 to $6.0 million in 1978 and $8.2 million in 1979.[25]

The average number of all persons employed in domestic establishments in which electronic digital scales were produced remained stable during 1977–79 at about 4,350 persons. The average number of production and related workers engaged in the production of electronic digital counting scales reported by three domestic producers rose from 27 in 1977 to 62 in 1978 and 87 in 1979.[26] The average number of production and related workers engaged in the production of electronic digital deli scales reported by four domestic producers almost doubled from 1977

[7] The Commission obtains from various sources the information necessary for its analysis of the impact of imports on the domestic industry. A primary source is always the responses of the domestic industry and importers to questionnaires prepared by the Commission's staff. In this investigation two major producers of deli scales (Hobart and ESI) did not respond to the questionnaire. Evidence available to the Commission indicates that the two firms account for half of the aggregate U.S. production of deli scales and one is the industry price leader. Pursuant to section 776(b) of the Tariff Act of 1930 (19 U.S.C. 1677e) we have used the best information available in making our determination.

[8] Report at p. A-8.

[9] Id., at pp. A-8 and A-9.

[10] Id.

[11] Id., at pp. A-12 and A-22 through A-26, tables 4-10.

[12] Id., at p. A-22.

[13] Id., at pp. A-24 and A-25.

[14] Id., at pp. A-23 and A-24.

[15] Id., at pp. A-25 and tables 8 and 9.

[16] Id., at p. A-9.

[17] Id., at pp. A-10 and A-11.

[18] Id., at pp. A-12 and A-13.

[19] Id., at pp. A-8 and A-13

[20] Id., at pp A-13 and A-14.

[21] Id., at pp. A-21 and A-22.

[22] *Id.*

[23] Id., at pp. A-18 through A-20.

[24] Id., at p. A-19.

[25] Id., at p. A-18.

[26] Id., at pp. A-15 and A-16.

levels to 214 in 1978, then declined to 178 in 1979. Although these four firms reported a decrease in employment producing such scales in 1979, combined production of electronic digital deli scales by these firms was one-third larger in 1979 than in 1978.[27] For those producers for which data are available, production of electronic digital deli scales per 1,000 hours worked on such scales fell from 1977 to 1978, but then rose sharply in 1979; production of electronic digital counting scales per 1,000 hours worked on such scales more than doubled from 1977 to 1979.[28]

No information was provided with respect to the increase or decline in utilization of capacity, cash flow, wages or growth.

Conclusion

We therefore conclude that an industry in the United States is not materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded, by reason of imports of weighing machinery and scales from Japan with respect to which the administering authority has determined that subsidies are being provided.

Views of Vice-Chairman Alberger and Commissioner Michael J. Calhoun

In order for the Commission to reach an affirmative determination in this investigation, pursuant to Section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)), it is necessary to find that an industry in the United States is materially injured or is threatened with material injury, or that the establishment of an industry in the United States is materially retarded,[1] by reason of imports of weighing machinery and scales from Japan with respect to which the administering authority has determined that subsidies are being provided.[2]

Discussion

In the circumstances of this investigation, we have concluded that the appropriate domestic industry against which the impact of subsidized Japanese imports should be measured consists of those facilities in the United States producing electronic digital delicatessen (hereinafter "deli") and counting scales. There are currently 15 known producers of such scales in the United States.

Section 771(4) of the Tariff Act of 1930 (19 U.S.C. 1677(4)) provides, in part, as follows:

"(A) In General.—The term 'industry' means the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product."

"(D) Product Lines.—The effect of subsidized or dumped imports shall be assessed in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the subsidized or dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

Section 771(10) (19 U.S.C. 1677(10)) provides that:

"The term 'like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title."

The petition filed with the administering authority and the final affirmative subsidy determination cover all weighing machinery and scales provided for under TSUS items 662.26 and 662.30. During the course of this investigation, however, the Commission learned that the bulk of the weighing machinery and scales imported from Japan during 1977–79 consisted of electronic digital scales, used in delicatessen and other retail outlets, and electronic digital counting scales, used in industrial applications. Moreover, no evidence was received by the Commission during its investigation attesting to injury or likelihood thereof to a domestic industry by reason of subsidized imports from Japan of any weighing machinery and scales other than electronic digital scales. Therefore in this investigation, we have limited our examination of the impact of the subsidized imports to the facilities in the United States used in the production of electronic digital deli and counting scales. Moreover, the Commission has been able to obtain separate information on each of these two product lines. Therefore we have assessed both the separate and combined impact of the subject imports on the domestic industry producing these products. Currently there are 15 domestic producers, 3 of which manufacture both electronic digital deli scales and electronic digital counting scales.

Demand in the United States for electronic digital scales has increased very rapidly since their introduction some 6 years ago, and seems likely to continue to increase in the future. During 1977–79, importers and those domestic producers responding to the Commission's questionnaires shared in this growth of U.S. demand. U.S. production and shipments of both deli and counting scales more than doubled from 1977–79. Prices of components for electronic digital scales generally have declined in recent years, leading to reductions in prices of the scales and further increases in demand. Electronic measuring systems have greater reliability and lower maintenance costs and offer a wider range of options for control of manufacturing processes and inventory than do mechanical scales and weighing machinery. Although prices of electronic digital deli and counting sales declined during 1977–79, there is no evidence of price suppression or price depression caused by subsidized imports or such items from Japan.

Two major domestic producers of electronic digital deli scales, Electronic Scales International (hereinafter "ESI") and Hobart Corporation (hereinafter "Hobart"), did not return the Commission's questionnaires. The best evidence to the Commission indicates that (a) the two firms combined account for about one-half of the aggregate U.S. production of electronic digital deli scales, and (b) one of the two firms is the price leader in the domestic industry, generally underselling other domestic producers and importers by a large margin. Neither ESI nor Hobart supported the petition, and apparently neither firm considers itself materially injured or threatened with material injury by reason of subsidized imports of weighing machinery and scales from Japan. Certainly the failure of one-half of the domestic industry to supply data requested by the Commission or to otherwise support the petition creates a permissible adverse inference that these firms are not being injured by the subject imports. It is also likely that if information had been supplied by these two firms concerning their levels of

[27] Id., at pp. A–9, A–15, and A–16.

[28] Id., at p. A–15.

[1] Since there is an established domestic electronic digital deli and counting scale industry, the question of material retardation of the establishment of a domestic industry is not at issue in this case.

[2] The administering authority found that, based on the best information available and until further notice, the net amount of the subsidies provided on the subject scales and weighing machinery (which include all those imported under item Nos. 662.26 and 662.30 of the Tariff Schedules of the United States) was estimated to be 4 percent of the f.o.b. value of the merchandise imported from Japan. This amount was determined based on an overall analysis of the potential impact of the programs found to be countervailable. See Commission Report (hereafter Report), p. A–50.

output and profitability, for example, the overall health of this industry would have appeared even stronger. Since the Commission's staff made reasonable but unsuccessful attempts to obtain data from the two firms, the domestic industry (collectively) should not benefit from their own failure to cooperate and provide data necessary to accurately assess the state of the industry.

Although these adverse inferences are clearly justifiable, in our opinion, they are not necessary to my determination in this investigation. Based solely on the evidence available to the Commission from reporting domestic firms, we are convinced that neither the producers of electronic digital deli scales nor the producers of electronic digital counting scales are being materially injured or are threatened with material injury by reason of subsidized imports of such scales from Japan.

Findings of Facts

The conclusion that the domestic industry producing electronic digital deli and counting scales is not materially injured or threatened with material injury by reason of subsidized imports of such merchandise from Japan is based on consideration of the economic factors listed in Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)). Our findings of fact are:

A. *Volume of Imports.* 1. Imports of electronic digital deli scales from Japan rose from 1977 to 1979, reaching 7,607 units in the latter year. Imports of electronic digital counting scales from Japan also increased from 1978 to 1979; no imports of such scales from Japan were reported in 1977. (Report at A–8).

2. One importer reported that most of its imports of electronic digital deli scales from Japan are re-exported, chiefly to Latin America. (Report at A–8).

3. Virtually all U.S. imports of electronic digital deli scales are from Japan. (Report at A–8, and transcript of Commission hearing at pp. 72 and 73.)

B. *Effect of imports on United States prices.* 4. Prices of electronic digital deli and counting scales, both those produced in the United States and those imported from Japan, declined during 1977–79. (Report at A–12 and A–22–A–26, tables 4–10.)

5. The general decline in prices of electronic digital scales has resulted mainly from improved productivity and from reductions in prices of the components for such measuring systems. (Report at A–4 and A–22.)

6. For 30-pound capacity electronic digital deli scales sold to distributors (the largest selling scales for which price data were gathered by the Commission's questionnaires), weighted average prices received by domestic producers were generally lower than prices received by importers of Japanese-made scales during 1978–79. (Report at A–25.)

7. The available evidence indicates that one domestic producer (ESI), which is believed to account for at least one-fourth of the total U.S. sales of electronic digital deli scales, generally undersells other domestic producers and importers by a large margin. The firm's price for its 25-pound capacity electronic digital deli scale sold in the fourth quarter of 1979 was more than 25 percent less than that of comparable Japanese models sold in the United States. (Report at A–24, table 5.)

8. The only importer who sold Japanese-made electronic digital counting scales to distributors in 1979 received prices higher than those received by domestic producers of such items. (Report at A–26, tables 8 and 9).

C. *Impact on affected industry.*

9. U.S. production of electronic digital deli scales by firms responding to the Commission's questionnaires more than doubled from 1977 to 1979, reaching 18,315 units in the latter year. Domestic production of electronic digital counting scales increased from 2,451 units in 1977 to 5,437 units in 1978 and to 7,431 units in 1979. (Report at A–9).

10. Reported domestic shipments of U.S.-made electronic digital deli scales more than doubled from 1977 to 1979, reaching 10,616 units (valued at $10 million) in the latter year. Domestic shipments of U.S.-made electronic digital counting scales rose from 2,271 units in 1977 to 6,563 units (valued at $13 million) in 1979. (Report at A–10 and A–11).

11. U.S. exports of electronic digital deli scales more than tripled from 1977 to 1979, while exports of electronic digital counting scales increased even more rapidly. (Report at A–12 and A–13).

12. During each year 1977–79, U.S. exports of both electronic digital deli scales and electronic digital counting scales exceeded imports of such scales from Japan (Japan is virtually the only foreign supplier of electronic digital scales to the United States). (Report at A–8 and A–13).

13. The ratio of shipments by importers of Japanese-made electronic digital deli scales to total reported shipments of such scales to customers in the United States decreased from 1977 to 1978, then increased in 1979. The ratio of shipments by the sole importer of Japanese-made electronic digital counting scales to total reported shipments of such scales to customers in the United States increased from 1978 to 1979; no imports of such scales from Japan were reported in 1977. (Report at A–21 and A–22).

14. Net sales of electronic digital deli and counting scales by the four domestic producers supplying usable profit-and-loss data on their deli and counting scale operations rose from $12.0 million in 1977 to $15.7 in 1978 and $16.4 million in 1979. Aggregate net operating profit increased from $1.9 million (15.4 percent of sales) in 1977 to $2.7 million (17.0 percent of sales) in 1978, and then decreased to $1.0 million (6.1 percent of sales) in 1979. Three of the four reporting firms operated profitably in 1977 and 1979; all four firms did so in 1978. (Report at A–18—A–20).

15. For those domestic producers for which data are available, production of electronic digital deli scales per 1,000 hours worked on such scales fell from 1977 to 1978, but then rose sharply in 1979. Production of electronic digital counting scales per 1,000 hours worked rose without interruption from 1977 to 1979. (Report at A–15).

16. The ratio of net profit before income taxes to the book value of fixed assets employed in the production of all scales and weighing machinery at year-end reported by seven domestic producers rose from 44.1 percent in 1977 to 55.4 percent in 1978, then declined to 35.0 percent in 1979. (Report at A–19).

17. Yearend inventories of electronic digital deli scales reported by domestic producers fell from 3,795 units in 1977 to 3,578 units in 1978 and to 3,078 units in 1979. Yearend inventories of electronic digital counting scales reported by domestic producers fell from 1977 to 1978, then rose in 1979. (Report at A–13 and A–14).

18. The average number of all persons employed in domestic establishments in which electronic digital scales were produced remained stable during 1977–79 at about 4,350 persons. The average number of production and related workers engaged in the production of electronic digital counting scales reported by three domestic producers rose from 27 in 1977 to 62 in 1978 and to 87 in 1979. (Report at A–15 and A–16).

19. The average number of production and related workers engaged in the production of electronic digital deli scales reported by four domestic producers rose sharply from 1977 to 1978, then declined somewhat in 1979. Although these four firms reported a decrease in employment producing such scales in 1979, combined production of electronic digital deli scales by these firms was one-third larger in 1979 than in 1978; consequently, the decrease in employment in 1979 must have been due

to increased productivity. (Report at A–9, A–15, and A–16).

20. Capital expenditures reported by domestic producers of electronic digital deli and counting scales for facilities used in the production, warehousing, and marketing of scales and weighing machinery rose from $4.2 million in 1977 to $6.0 million in 1978 and $8.2 million in 1979. (Report at A–18).

21. No information was supplied with respect to the increase or decline in utilization of capacity, cash flow, wages, or growth.

Conclusions of Law

1. The relevant domestic industry against which the impact of subsidized imports of weighing machinery and scales from Japan should be assessed is the production of electronic digital deli and counting scales.

2. The domestic industry is not materially injured or threatened with material injury by reason of subsidized imports from Japan of electronic digital deli and counting scales.

By order of the Commission.

Issued: May 1, 1980.

Kenneth R. Mason,

Secretary.

[FR Doc. 80-14103 Filed 5-6-80; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Vacancy on U.S. Court of Appeals for the Seventh Circuit

May 2, 1980.

By appointment of the President, a panel of the U.S. Circuit Judge Nominating Commission has been constituted to consider prospective nominees to fill a vacant judgeship on the Federal Court of Appeals in the Seventh Circuit. The panel must submit to the President by June 30, 1980, the names of not more than five persons deemed well qualified to be a U.S. Court of Appeals Judge. Anyone may submit suggested nominees to the panel for consideration, and anyone may request that he or she be considered.

To be considered by the panel a person must be a member of the bar in good standing. Important factors in determining whether a person is well qualified are professional competence, extent and nature of legal experience, character, temperament, and health. A proposed nominee should normally have 12 to 15 years of legal experience and be physically and mentally capable of sustained work on difficult intellectual problems, with the potential for rendering long and energetic service on the Federal bench.

Experience of particular relevance may have been acquired in these areas: (a) Substantial appellate experience as a lawyer or judge; (b) substantial trial court experience as a lawyer or judge; (c) substantial Federal law mastery as demonstrated by teaching or by professional association with public or private offices dealing extensively with Federal law; (d) substantial legal writing with relationship to Federal law; and (e) substantial experience in judicial education or law reform activity of a highly professional nature, with some correlation of Federal matters. Generally experience in at least two or three areas will be required. In cases of substantial and outstanding service as a Federal or State judge, experience in one of these areas will be sufficient.

For this vacancy the panel will consider five persons from the State of Illinois.

Names of proposed nominees should be sent in writing to the Chairman of the panel, Justin A. Stanley, 231 South LaSalle Street, Chicago, Illinois 60609. Though not required, it will be helpful if reasons are given why the person suggested is well qualified for this judicial position.

Other members of the panel are:

Gordon Sinykin, Madison, Wisconsin 53703
Edward Everette Hales, Racine, Wisconsin 53403
Robert H. Hahn, Evansville, Indiana 47708
Gayle F. Haglund, Chicago, Illinois 60602
Sara Evans Barker, Indianapolis, Indiana 46202
Mary Adams Dockery, Chicago, Illinois 60649
Judith Vander Meulen Crain, Green Bay, Wisconsin 54301
Barbara Fenoglio, Hinsdale, Illinois 60521
Robert Lucas, Merrillville, Indiana 46410

Phillip B. Cover,

Committee Management Control Officer.

[FR Doc. 80-14065 Filed 5-6-80; 8:45 am]

BILLING CODE 4410-01-M

U.S. Circuit Judge Nominating Commission Seventh Circuit Panel; Meeting

April 30, 1980.

The Seventh Circuit Panel of the United States Circuit Judge Nominating Commission will hold its first meeting on Friday, May 23, 1980, in Room 2781 of the Federal Building, 219 South Dearborn Street, Chicago, Illinois at 10:00 AM. The meeting will be devoted to a discussion of applicants and will be closed to the public pursuant to Pub. L. 92–463, Section 10(d) as amended.

[CF 5 U.S.C. 552b(c)(6)]

Phillip B. Cover,

Committee Management Control Officer.

[FR Doc. 80-13957 Filed 5-6-80; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Criminal Justice Evaluation Activities; Solicitation

National Institute of Justice has an interest in sponsoring studies which will widen the scope of its criminal justice evaluation activities.

The specific goal of this program is to fund a limited number of evaluation proposals that are not necessarily designated as priority areas in the Institute Program Plan but which address significant criminal justice issues, are of sound methodological design, and have potentially important implications for criminal justice policy and practice. Attention should be given to planned or operational innovative programs where evaluation is needed, or where additional funding will improve the potential of evaluation studies now underway.

Proposals in the general area of criminal justice evaluation which have the potential of answering a significant question for practitioners are invited.

Eligible applicants include: universities, state and local agencies involved in the criminal justice process, other not-for-profit and non-profit research organizations, and profit making organizations that are willing to waive their fee.

The range of funding for each award will be from $50,000 to $300,000 for research of up to two years duration, with preferences being given to projects budgeted toward the lower end of the range.

Copies of the solicitation may be obtained by calling or writing: General Evaluation Program, National Criminal Justice Reference Service, P.O. Box 6000, Rockville, MD 20850, (301) 862–2900.

For further information about the program or the application process, interested parties may write to: Office of Program Evaluation, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or call W. Jay Merrill at (301) 492–9065.

Dated: April 25, 1980.

Harry M. Bratt,

Acting Director, National Institute of Justice.

[FR Doc. 80-13958 Filed 5-6-80; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-35)]

NASA Advisory Council (NAC), Space and Terrestrial Applications Advisory Committee (STAAC); Meeting

The *Ad Hoc* Informal Advisory Subcommittee on Materials Processing in Space (MPS) of the NAC-STAAC will meet in Room 226A of Federal Building 10B at the National Aeronautics and Space Administration in Washington, D.C., from 9:00 a.m. to 3:00 p.m. on May 23, 1980. The meeting is open to the public. Members of the public will be admitted to the meeting on a first-come, first-served basis up to the seating capacity of 40 persons, and will be required to sign a visitor's register.

The STAAC ad hoc Informal Advisory Subcommittee was established to advise NASA on the Materials Processing in Space (MPS) program's accomplishments, ongoing research, and long range plans. The Subcommittee has six members representing the scientific and industrial communities and is chaired by Dr. Martin E. Glicksman.

The Subcommittee will first discuss common interests in Materials Processing in Space with Universities Space Research Association (USRA) and recommend approaches to support the program objectives. The second area of discussion will concern Headquarters staffing of the Materials Processing in Space Division. Thirdly, the Materials Processing in Space advanced program planning summary will be presented and discussed.

The approved agenda for the meeting is as follows:

May 23, 1980.

Time and Topic

9:00 a.m.—Introductory Remarks.

9:30 a.m.—Joint/General Discussion between the Universities Space Reseach Associations Science Council and advisory Subcommittee members on the major thrusts of the Materials Processing in Space program.

11:30 a.m.—Materials Processing in Space Division Staffing.

12:30 p.m.—Lunch.

1:30 p.m.—Advanced Program Planning Summary.

3:00 p.m.—Adjourn.

For further information, contact Dr. John R. Carruthers, Director of Materials Processing in Space, Code EM-7, NASA Headquarters, Washington, D.C. 20546 (202/755-2070).

Dated: April 30, 1980.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

[FR Doc. 80-13659 Filed 5-6-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMUNICATIONS SYSTEM

Facsimile Apparatus and Procedures for Document Transmission in the General Switched Telephone Network

The Administrator of the General Services Administration (GSA) is responsible, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the National Communications System (NCS) was designated by the Administrator, GSA, as the responsible agent for the development of telecommunication standards for NCS interoperability and the computer-communications interface. Further information on the NCS can be found in DoD Directive 5100.41, "Arrangements for Discharge of Executive Agent Responsibilities for the NCS," and in an NCS Information Brochure available upon request from the National Communications System.

The purpose of this notice is to solicit comments on four draft proposed Federal Standards (1060, 1061, 1062, and 1063). These proposed Federal Standards have been developed under the Federal Telecommunication Standards program by the National Communications System Office of Technology and Standards, and are based primarily upon International Telegraph and Telephone Consultative Committee (CCITT) Recommendations T.2, T.3, T.30 and draft CCITT Recommendation T.4.

The primary purpose of these proposed Federal Standards is to facilitate the interoperability of telecommunication systems and networks of the Federal Government. Copies of these standards may be obtained from the Office of Technology and Standards, National Communications System, Washington, D.C. 20305.

Prior to formal coordination and adoption of these proposed Federal Standards, it is considered essential that proper consideration be given to the needs and views of industry, the public, and State and local government. Interested parties may submit their comments to the Office of Technology and Standards, National Communications System, Washington, D.C. 20305. All comments should be submitted within 90 days of the date of this notice. Telephone inquiries should be directed to Mr. Dennis Bodson at (202) 692-2124.

Dated: May 1, 1980.

Joseph Rose,

Deputy Manager.

[FR Doc. 80-14046 Filed 5-6-80; 8:45 am]

BILLING CODE 3610-05-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

[Circular No. 1]

Reconsideration of Applications for Financial Assistance Declined by the National Endowment for the Arts

April 16, 1980.

1. *Purpose.* The National Endowment for the Arts relies on peer panel review of grant applications in order to assure informed funding of artistically and culturally significant projects and activities. In the past, requests from grant applicants for reconsideration of application review procedures and panel funding recommendations have been entertained by the Endowment on an informal basis. This Circular, for the purpose of guaranteeing uniformity and fairness in the review of funding recommendations, establishes procedures for reconsideration of applications for financial assistance declined by the National Endowment for the Arts. The provisions of this Circular do not apply to procurements governed by the Federal Property and Administrative Services Act or to applications for fellowships.

2. *Policy.* Award of Endowment financial assistance is discretionary. Nonetheless a Project Director or Authorizing Official whose application has been declined may obtain an explanation of the declination from the responsible Program Director. If the Project Director or Authorizing Official is dissatisfied with this explanation and believes the application was handled unfairly or evaluated unreasonably, reconsideration of the declination may be obtained from the Deputy Chairman for Programs, who will consult with the Chairman prior to making a final determination.

Reconsideration is not an adversary procedure and no formal hearing is provided. Also, the Endowment cannot assure applicants that reconsideration will result in the making of a grant award even if a discrepancy is established in connection with the initial evaluation.

3. *Procedures.* a. *Explanation by Program Director.* A Project Director or Authorizing Official may request, by letter, by telephone, or in person, information regarding declination of a grant application from the appropriate Program Director. The Program Director will explain the basis for the declination and on request will provide the Project Director or Authorizing Official with the substance of the peer panel review comments. The Program Director will afford the Project Director or Authorizing Official an opportunity to present his or her point of view and will take any further action that appears appropriate.

No revisions made to a grant application after declination will be considered in connection with reconsideration of the original application. However, a substantially revised application may be submitted for review and evaluation as a new application in accordance with usual procedures.

b. *Reconsideration by the Deputy Chairman for Programs at the Request of the Project Director or Authorizing Official.* If dissatisfied with the Program Director's explanation, the Project Director or Authorizing Official may request in writing reconsideration of the Endowment's action. A request of this nature ordinarily will be considered only if an explanation from the Program Director has been sought and obtained by the Project Director or Authorizing Official and only if the request is received by the Deputy Chairman for Programs within 30 days after receipt of such explanation from the Program Director.

The request should be mailed to the Deputy Chairman for Programs and should state the basis for the Project Director's or Authorizing Official's belief that the declination was unwarranted.

The Deputy Chairman for Programs, in consultation with the Chairman, will review the request for reconsideration in light of all relevant material regarding evaluation of the grant application in order to determine whether the application was handled fairly and evaluated in a reasonable manner. The Deputy Chairman for Programs may request additional information from the Project Director or Authorizing Official and may obtain additional peer reviews. The Deputy Chairman for Programs may conduct the reconsideration personally or may designate another Endowment official who had no part in the initial evaluation to do so. As used here, "Deputy Chairman for Programs" includes such a designated official.

Within 30 days after the date of the request for reconsideration, the Deputy Chairman for Programs will provide the Project Director or Authorizing Official with a written summary of the results of the reconsideration. If results cannot be furnished within 30 days, the Deputy Chairman will provide the Project Director or Authorizing Official with a written explanation of the need for more time, indicating the date by which results can be expected. If the Deputy Chairman for Programs, in consultation with the Chairman, reaffirms the declination, such determination shall be final.

5. *Audit.* Pre-award audits or surveys of applicant organizations requesting reconsideration by the Deputy Chairman for Programs may be conducted in order to assess the financial management and control systems and procedures of the organization.

6. *Reporting Requirement.* The Deputy Chairman for Programs will maintain a record of all requests for reconsideration. The record should include the date of receipt, the name of the Project Director or Authorizing Official, the name of the applicant organization, and the application number. When the reconsideration is completed, the record should be updated to indicate when the results of the reconsideration were furnished to the organization and what the results were.

Livingston L. Biddle, Jr.,

Chairman, National Endowment for the Arts.

[FR Doc. 80-13960 Filed 5-6-80; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Ad Hoc Oversight Subcommittee for Solid State Physics; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meetings:

Name: Ad Hoc Oversight Subcommittee for Solid State Physics, Advisory Committee for Materials Research.

Date and time: June 9 and 10, 1980—9:00 a.m.–5:00 p.m. each day.

Place: Room 421, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.

Type of meeting: Closed both days, 9:00 a.m.–5:00 p.m.

Contact person: Dr. Dean L. Mitchell, Program Director, Division of Materials Research, Room 408, National Science Foundation, Washington, D.C.; telephone: (202) 357-9787.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Solid State Physics.

Agenda: Monday, June 9, 1980—9:00 a.m. to 5:00 p.m.—Closed. Review and comparison of declined proposals (and supporting documentation) with successful awards including review of peer review materials and other privileged materials.

Tuesday, June 10, 1980—9:00 a.m. to 5:00 p.m.—Closed. 9:00 a.m.—Further discussions of declined proposals and awards. 12:00 noon—Lunch. 1:00 p.m.—Preparation of report on Subcommittee findings and recommendations.

Reasons for closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meetings: This determination was made by the Committee Management Officer, NSF, pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

May 2, 1980.

[FR Doc. 80-14095 Filed 5-6-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Earthquake Hazards Mitigation of the Advisory Committee for Engineering and Applied Science; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463 as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Earthquake Hazards Mitigation (EHM) of the Advisory Committee for Engineering and Applied Science

Date and time: June 2, 1980—9:00 AM to 5:00 PM; June 3, 1980—9:00 AM to 12:00 M

Place: June 2: Room 540—June 3: Room 543 National Science Foundation, 1800 G Street, N.W., Washington, D.C.

Type of meeting: Part-open: Open: June 2, 9:00 AM to 5:00 PM; June 3, 10:00 AM to 12:00 M; Closed: June 3, 9:00 AM to 10:00 AM

Contact person: Ms. Ramona Lauda, Professional Assistant, Division of Problem-Focused Research, Room 1134A NSF, Washington, D.C. 20550, (202) 357-7815

Summary minutes: May be obtained from the Contact Person at the above address

Agenda: June 2, 9:00–9:30 AM: Welcome and Status of FY 1980 Budget

9:30–10:30 AM: Discussion of proposed programs related to the problems of Existing Hazardous Buildings given by Dr. Fred Krimgold and Dr. William Anderson

10:30–12:00 M: Discussion and update of EHM five year plan

12:00–1:30 PM: Lunch

1:30–5:00 PM: Discussion of the Fiscal Year 1980 EHM program in Design

June 3, 9:00–10: AM: Review and evaluation of research proposals as part of the selection process for awards (Closed to the public)
10:00–12:00 M: General discussions
12:00 M: Adjournment
Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
May 2, 1980.
[FR Doc. 80-14093 Filed 5-6-80; 8:45 am]
BILLING CODE 7555-01-M

DOE/NSF Nuclear Science Advisory Committee

In accordance with the Federal Advisory Committee Act. Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee
Date and Time: June 1, 1980—2:00 pm to 6:00 pm
June 2, 1980—9:00 am to 6:00 pm
June 3, 1980—9:00 am to 5:00 pm
Place: June 1, room 107 Physics Hall, June 2–3, room 148 Administration Building, University of Washington, Seattle, Washington 98195.
Type of Meeting: June 1, 1980—2:00 pm to 6:00 pm (open)
June 2, 1980—9:00 am to 6:00 pm (open)
June 3, 1980—9:00 am to 5:00 pm (open)
Contact Person: Dr. Harvey D. Willard, Program Director for Intermediate Energy Physics, National Science Foundation, Washington, D.C. 20550. 202/357–7993
Summary minutes: May be obtained from Ms. Lynn Martin, Physics Division, National Science Foundation, Washington, DC 20550
Purpose of Committee: To provide advice on continuing basis to both DOE and NSF on support for basic nuclear science in the United States.
Agenda: *June 1, 1980—2:00 pm to 6:00 pm.* Working groups will report back to the Committee with charges and recommendations for the following Subcommittees: (a) Role of the Universities
June 2, 1980—9:00 am to 6:00 pm. Continuation of Subcommittee discussions: (b) Manpower, (c) Instrumentation, (d) National Computing Needs for Nuclear Science and (e) Heavy Ion Facilities. Discussions will be held about the issue of young scientists, the need for updating the Long Range Plan, and the funding of nuclear science.
June 3, 1980—9:00 am to 5:00 pm. Continuation of discussions from previous two days.

M. Rebecca Winkler,
Committee Management Coordinator.
May 2, 1980.
[FR Doc. 80-14092 Filed 5-6-80; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee on Scientific and Technical Personnel of the Advisory Committee for Policy Research and Analysis and Science Resources Studies; Meeting

In accordance with the Federal Advisory Committee Act. Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Scientific and Technical Personnel of the Advisory Committee for Policy Research and Analysis and Science Resources Studies.
Date and time: May 30, 1980—9:00 a.m. to 4:45 p.m.
Place: Room 540, National Science Foundation, 1800 G St. N.W., Washington, D.C. 20550
Type of meeting: Open
Contact person: Ms. Sharon Dyer, Division of Science Resources Studies, Directorate for Scientific, Technological, and International Affairs, Room L–611, National Science Foundation, Washington, D.C. 20550. Telephone (202) 634–4666. Anyone who plans to attend should contact Ms. Dyer by May 23, 1980.
Summary minutes: May be obtained from the contact person, Ms. Dyer, at the above address.
Purpose of committee: To provide advice, recommendations, and oversight concerning program emphases and directions of the Scientific and Technical Personnel Studies Section of the Division of Science Resources Studies.
AGENDA: *Friday, May 30, 1980*
9:00–9:30 a.m.—Intorductory Remarks, Dr. Falk, Mr. Fechter
9:30–9:45—Chairman's Remarks, Dr. Hansen
9:45–10:45—Content of the 1982 Postcensal Questionnaire, Mr. Fechter, Mr. Brown
10:45–12:30—Report on the Sampling Design for the 1982 Postcensal Survey, Mr. Fechter, Mr. Brown
12:30–1:30—Lunch
1:30–2:30 p.m.—Reaction to Material from Airlie House Cenference, Subcommittee
2:30–3:30—High Priority Research Topics, Subcommittee
3:30–4:30—DSRS Analytic Grants Program History, Current Situation, DSRS's Efforts to Promote It, Mr. Barries
4:30—Closing Remarks, Dr. Falk, Mr. Fechter

M. Rebecca Winkler,
Committee Management, Coordinator.
May 2, 1980.
[FR Doc. 80-14096 Filed 5-6-80; 8:45 am]
BILLING CODE 7555-01-M

Subcommittee for Sociology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subcommittee for Sociology of the Advisory Committee for Social and Economics Science.
Date and time: June 5–6, 1980, Thursday—9:00 am to 6:00 pm.
Friday—9:00 am to 4:00 pm.
Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. Room 338.
Type of meeting: Closed.
Contact person: Roland J. Liebert, Program Director for Sociology, Room 316, National Science Foundation, Washington, D.C. 20550; telephone: (202) 632–4204.
Purpose of subcommittee: To provide advice and recommendation concerning support for research in the Sociology Program.
Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.
Reason for closing: The proposals being reviewed include informationof a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to close meeting: This determination was made by the Committee Management Oficer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, of July 6, 1979.

M. Rebecca Winkler,
Committee Management Coordinator.
May 2, 1980.
[FR Doc. 80-14094 Filed 5-6-80; 8:45 am]
BILLING CODE 7555-01-M

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

OMB Circular A–120: Guidelines for the Use of Consulting Services

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Circular issuance.

SUMMARY: OMB Circular A–120, "Guidelines for the Use of Consulting Services," was effective April 14, 1980.

The Circular provides permanent guidance on Federal agencies' use of consulting services replacing OMB Bulletin No. 78–11. The Circular contains: the same definition used in Bulletin 78–11, with an expanded list of examples; the same policies, with an additional policy designating to the contracting officer final responsibility for determining whether a proposed procurement action is for consulting services; a requirement to raise the level of agency approval during the fourth fiscal quarter; and, the same guidelines, management controls, and data requirements. The relationship of the Circular to OMB Circular A–76 is also clarified.

FOR FURTHER INFORMATION CONTACT:
Mr. Herman Shipley, Deputy Associate Administrator for Systems and Technology, Office of Federal Procurement Policy, Office of Management and Budget, Room 9013, 726 Jackson Place NW., Washington, D.C. 20502, or telephone 202–395–6810.

Karen Hastie Williams,
Administrator for Federal Procurement Policy.

April 14, 1980.

[Circular No. A–120]

Guidelines for the Use of Consulting Services

1. *Purpose.* The Circular establishes policy and guidelines to be followed by executive branch agencies in determining and controlling the appropriate use of consulting services obtained from individuals and organizations. This Circular supersedes OMB Bulletin No. 78–11, dated May 5, 1978, on the same subject.

2. *Background.* OMB Bulletin No. 78–11 was based largely upon data received from the agencies in response to the President's memorandum of May 12, 1977, which asked the heads of agencies to assure that consulting service arrangements of their organizations were both appropriate and necessary. The Bulletin was issued to meet the identified need for uniformity of definition, criteria, and management controls among the agencies.

This Circular provides permanent guidance in lieu of the interim guidance provided by the Bulletin. To assist agencies in identifying consulting services, as defined in the Bulletin and this Circular, an expanded list of examples is included in the Attachment to this Circular.

An additional policy is provided in this Circular with respect to responsibility for final determination of whether or not a proposed procurement action is for consulting services, as defined in this Circular.

3. *Relationship to OMB Circular No. A–76.* In summary, OMB Circular No. A–76, "Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government" revised March 29, 1979, directs that:

—Governmental functions must be performed by Government employees (reference 4b and 5f of A–76);

—Commercial or industrial products and services should be provided in the most economical manner through the use of rigorous cost comparisons of private sector and Government performance (reference 4c of A–76); and

—Consulting services are not either of the above categories and should be provided either by Government staff organizations or from private sources, as deemed appropriate by executive agencies in accordance with executive branch guidance on the use of consulting services (reference 6d(5) of A–76).

4. *Coverage.* The provisions of this Circular apply to consulting services obtained by the following arrangements:

a. Personnel appointment;

b. Procurement contract; and

c. Advisory committee membership.

5. *Definition.* As used for administrative direction in this Circular, *Consulting Services* means those services of a purely advisory nature relating to the governmental functions of agency administration and management and agency program management. (See Attachment for examples of the type of services to which this Circular applies.)

These services are normally provided by persons and/or organizations who are generally considered to have knowledge and special abilities that are not generally available within the agency. The form of compensation is irrelevant to the definition.

6. *Basic Policy.* a. Consulting services will not be used in performing work of a policy/decision making or managerial nature which is the direct responsibility of agency officials.

b. Consulting services will normally be obtained only on an intermittent or temporary basis; repeated or extended arrangements are not to be entered into except under extraordinary circumstances.

c. Consulting services will not be used to bypass or undermine personnel ceilings, pay limitations, or competitive employment procedures.

d. Former Government employees per se will not be given preference in consulting service arrangements.

e. Consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation.

f. Grants and cooperative agreements will not be used as legal instruments for consulting service arrangements.

g. The contracting officer shall be responsible for determining whether a requested solicitation or procurement action, regardless of dollar value, is for consulting services. The contracting officer's determination shall be final. Prior to processing any solicitation or procurement action for consulting services, the contracting officer shall insure that the applicable provisions of this Circular have been adhered to and that documentation required by the Circular (see 8.a. and 8.b.) is complete and included in the official contract file. The contracting officer will also insure that awards over $10,000 are identified as consulting service contracts on either the agency's data collection form (which conforms to the requirements of the Federal Procurement Data System) or optional Form 279, for input into the Federal Procurement Data System (reference 9.b.).

7. *Guidelines for use of Consulting Services.* Consulting service arrangements may be used, when essential to the mission of the agency, to:

a. Obtain specialized opinions or professional or technical advice which does not exist or is not available within the agency or another agency.

b. Obtain outside points of view to avoid too limited judgment on critical issues.

c. Obtain advice regarding developments in industry, university, or foundation research.

d. Obtain the opinion of noted experts whose national or international prestige can contribute to the success of important projects.

e. Secure citizen advisory participation in developing or implementing Government programs that, by their nature or by statutory provision, call for such participation.

8. *Management Controls.* a. Each agency will assure that for all consulting service arrangements:

(1) Every requirement is appropriate and fully justified in writing. Such justification will provide a statement of need and will certify that such services do not unnecessarily duplicate any previously performed work or services;

(2) Work statements are specific, complete and specify a fixed period of performance for the service to be provided;

(3) Contracts for consulting services are competitively awarded to the maximum extent practicable to insure that costs are reasonable;

(4) Appropriate disclosure is required of, and warning provisions are given to,

the performer(s) to avoid conflict of interest; and

(5) Consulting service arrangements are properly administered and monitored to insure that performance is satisfactory.

b. Each agency will establish specific levels of delegation of authority to approve the need for the use of consulting services, based on the policy and guidelines contained in this Circular. Written approval of all consulting service arrangements will be required at a level above the organization sponsoring the activity. Additionally, written approval for all consulting service arrangements during the fourth fiscal quarter will be required at the second level above the organization sponsoring the activity.

c. OMB Circular No. A-63, Advisory Committee Management, governs policy and procedures regarding advisory committees and their membership.

d. The Federal Personnel Manual (FPM), Chapter 304, governs policy and procedures regarding personnel appointments.

e. Until the Federal Acquisition Regulation is published, the Federal Procurement Regulation and the Defense Acquisition Regulation govern policy and procedures regarding contracts.

9. *Data Requirements.* The following data systems will continue to provide information on consulting service arrangements within the executive branch:

a. Central Personnel Data File (CPDF), operated by the Office of Personnel Management, will have data on personnel appointments, segregating consultants, experts, and advisory committee members (as defined in OMB Circular No. 63).

b. Federal Procurement Data System (FPDS) will have data on contract arrangements.

c. Advisory committee data will continue to be maintained in accordance with OMB Circular No. A-63.

10. *Effective date.* This Circular is effective immediately.

11. *Implementation.* All executive branch agencies have previously implemented OMB Bulletin No. 78-11. That implementation is applicable to this Circular and will continue under the guidance of this Circular.

To implement the new policy with respect to responsibility for final determination of whether or not a proposed procurement action is for consulting services, the Secretary of Defense and the Administrator for General Services are directed to incorporate the applicable provisions of this Circular (see 6.g.) into the Defense acquisition Regulation and the Federal Procurement Regulations, respectively, within sixty (60) days of the date of this Circular.

12. *Inquiries.* All questions or inquiries should be submitted to the Office of Management and Budget. Telephone Number (202) 395-6810.

James T. McIntyre, Jr.,
Director.

ATTACHMENT

This attachment contains examples of the type of services which are consulting services, as defined in this Circular, and to which this Circular applies.

- Advice on or evaluation of agency administration and management, such as:
  - —Organizational structures;
  - —Reorganization plans;
  - —Management methods;
  - —Zero-base budgeting procedures;
  - —Mail handling procedures;
  - —Records and file organization;
  - —Personnel procedures;
  - —Discriminatory labor practices;
  - —Agency publications;
  - —Internal policies, directives, orders, manuals, and procedures; and
  - —Management information systems.
- Advice on or evaluation of agency program management, such as:
  - —Program plans;
  - —Acquisition strategies;
  - —Assistance strategies;
  - —Regulations;
  - —Assistance or procurement, solicited or unsolicited technical and cost proposals;
  - —Legal aspects;
  - —Economic impacts;
  - —Program impact; and
  - —Mission and program analysis.

This Circular also applies to any contract task assignment for consulting services given to Federally Funded Research and Development Centers.

See OMB Circular No. A-76 for examples of Governmental functions and commercial and industrial products and services. It should also be noted that the conduct of research and development and technology assessments are not consulting services.

[FR Doc. 80-13991 Filed 5-6-80; 8:45 a.m.]
BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Committee on Private Voluntary Agency Eligibility; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the Office of Personnel Management announces the following meeting:

Name: Committee on Private Voluntary Agency Eligibility
Date and time: May 22, 1980, 9 a.m.
Place: Office of Personnel Management, 1900 E Street NW., Washington, D.C.
Room: 1304.
Type of meeting: Open. Any interested person may file a written statement with the Committee in advance of or at the meeting.
Contact person: Nelda Perkins, Office of the Assistant to the Director, Office of Personnel Management, 1900 E Street NW., Washington, D.C. 20415. Telephone: 202-632-5564.
Purpose of committee: To make recommendations to the Director of the Office of Personnel Management regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program.
Agenda: Review of applications for fund-raising privileges which have been submitted by voluntary organizations to the Office of Personnel Management in accordance with the Federal Fund-Raising Manual.

Carl V. Beeler,
Acting Assistant to the Director.

[FR Doc. 80-13993 5-6-80; Filed 8:45 a.m.]
BILLING CODE 6325-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1815, Amdt. No. 2]

California, Declaration of Disaster Loan Area

The above number Declaration (See 45 FR 24750) and Amendment No. 1 (See 45 FR 28031) are amended by adding the following County:

County	Natural disasters	Dates
Santa Clara	Heavy rain, strong winds, flooding, mudslides and land erosion.	1/8/80-2/26/80

and adjacent counties within the State of California as a result of natural disaster as indicated. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business June 2, 1980, and for economic injury until the close of business on January 2, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 15, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-14127 Filed 5-6-80; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 1815; Amdt. No. 3]

California; Declaration of Disaster Loan Area

The above number Declaration (See 45 FR 24750), Amendment No. 1 (See 45 FR 28031), and Amendment No. 2 (See this issue) are amended by adding the following county:

County	Natural disasters	Dates
Solano	Heavy rains, flooding and mudslides	1/8/80-2/26/80

and adjacent counties within the State of California as a result of natural disaster as indicated. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business June 2, 1980, and for economic injury until the close of business on January 2, 1981.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: April 23, 1980.

William H. Mauk, Jr.,

Acting Administrator.

[FR Doc. 80-14128 Filed 5-6-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/02-0070]

Investors Capital Corp.; Surrender of License

Notice is hereby given that Investors Capital Corporation (Investors), 144 Golden Hill Street, Bridgeport, Connecticut 06603, incorporated under the laws of the State of Connecticut on March 17, 1961, has surrendered its License No. 01/02-0070, issued by the Small Business Administration on May 18, 1961.

Investors has complied with all the conditions set forth by SBA for surrender of its license. Therefore, under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of Investors is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: April 29, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-14132 Filed 5-6-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-5-5144]

Mutual Investment Company, Inc.; Issuance of a Small Business Investment Company License

On January 30, 1980, a notice was published in the Federal Register (45 FR 6876) stating that an application had been filed by Mutual Investment Company, Inc., 20101 James Couzens Detroit, Michigan 48235 (address subsequently changed to 17348 W. Twelve Mile Road, Suite 104, Southfield, Michigan 48076), with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1979)) for a license as a small business investment company.

Interested parties were given until close of business February 14, 1980, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-5144 on April 21, 1980, to Mutual Investment Company, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-14131 Filed 5-6-80; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting

The Small Business Administration Region III Advisory Council, located in the geographical area of Clarksburg, West Virginia, will hold a public meeting at 11:00 a.m., Thursday, May 29, 1980, at the Sheraton Inn, 153 West Main Street, Clarksburg, West Virginia, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Arthur J. Glick, District Director, U.S. Small Business Administration, 109 North Third Street, Clarksburg, West Virginia 26301—(304) 622-6601.

Dated: May 1, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-14129 Filed 5-6-80; 8:45 am]

BILLING CODE 8025-01-M

Region VI Advisory Council Executive Board Meeting

The Small Business Administration Region VI Advisory Council Executive Board will hold a public meeting from 10:00 a.m. until 2.00 p.m., Thursday, June 19, 1980, in the GSA Conference Room (room 7A23), Federal Building, 1100 Commerce Street, Dallas, Texas, to discuss such business as may be presented by members, staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Mercurio Martinez, Jr., Regional Administrator, U.S. Small Business Administration, 1720 Regal Row, Dallas, Texas 75235—(214) 767-7611.

Dated: May 1, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-14130 Filed 5-6-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Performance Review Board

AGENCY: Notice of Members of Performance Review Board.

SUMMARY: The members of a Senior Executive Service Performance Review Board must be published in the Federal Register.

DATE: Performance Review Board effective May 1, 1980.

FOR FURTHER INFORMATION CONTACT:

G. Jerry Shaw, CC:GLS, 1111 Constitution Ave. N.W., Room 4579, Washington, D.C. 20224, Telephone No. 202-566-3488 (not a toll free number).

SUPPLEMENTAL INFORMATION: Pursuant to section 4314(c)(1) of the Civil Service Reform Act of 1978, the members of the Office of Chief Counsel's Senior Executive Service Performance Review Board are as follows:

David R. Brennan, Deputy General Counsel, Department of Treasury, Chairperson.

William E. Williams, Deputy Commissioner, Office of the Commissioner.

Leon G. Wigrizer, Inspector General, Office of the Inspector General, Department of Treasury.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive on improving Government regulations appearing in the Federal

Register for Wednesday, November 8, 1978. (43 FR 52122).

G. Jerry Shaw,

Director, General Legal Services Division.

[FR 80-14106 Filed 5-6-80; 8:45 am]

BILLING CODE 4830-01-M

VETERANS ADMINISTRATION

Master Plan of the Veterans Administration Medical Center Houston, Tex.; Finding of No Significant Impact

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur as a result of the contemplated development and modernization of the VA Medical Center (VAMC) at Houston, Texas.

The proposed project action involves major medical facility modification of the VAMC based on a developed master plan. The plan considers the options of: (1) an onsite replacement facility (Scheme C & B), (2) a phased renovation of existing buildings Nos. 1, 1A, 2, 3, 4, 5, 6, 26A, 26B, 26C, 26D, and 32, with new construction of a bed tower, diagnostic/treatment, and outpatient services (Scheme A) or (3) no action. Two of the three alternatives would include significant reorganization of the structures at the VAMC and also would involve exterior site work, traffic and parking changes.

Alternative Scheme C, and its variations on that site area (Scheme B), will have possible impacts affecting air quality, traffic and utility services of the immediate VA property.

Alternate Scheme A would have limited adverse impact on utilities, air quality, traffic and noise.

Mitigations to impacts would include: implementation of erosion and sedimentation controls; onside noise abatement measures; and air quality controls related to construction.

The Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9, Title 40, Code of Federal Regulations. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, Director, Office of Environmental Affairs (004A), Room 1018, Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420, (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to the above office.

Dated: April 28, 1980.

By direction of the Administrator.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-13987 Filed 5-6-80; 8:45 am]

BILLING CODE 8320-01-M

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Special Medical Advisory Group, authorized by 38 U.S.C. 4112(a), will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on May 28 nd 29, 1980. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Pryor, Executive Secretary, Special Medical Advisory Group, Veterans Administration Central Office (Phone 202/389-2298) prior to May 16, 1980.

Dated: April 29, 1980.

By direction of the Administrator.

Rufus H. Wilson,

Deputy Administrator.

[FR Doc. 80-13986 Filed 5-6-80; 8:45 am]

BILLING CODE 8320-01-M

Availability of Summary Report Dialysis Program Evaluation

Notice is hereby given that the evaluation of the Veterans Administration's Dialysis Program has been completed.

Single copies of the Dialysis program evaluation are available free. Reproduction of multiple copies can be arranged at the requester's expense.

Direct inquiries, specifying the name of the program evaluation desired, to Mr. Errol D. Clark, Director, Program Evaluation and Appraisal Service, Veterans Administration (074), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: May 1, 1980.

Max Cleland,

Administrator.

[FR Doc. 80-13985 Filed 5-6-80; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. B-1]

AM Broadcast Application Accepted for Filing and Notification of Cut-Off Date

Released: May 1, 1980.

Cut-Off Date: June 9, 1980.

Notice is hereby given that the following application is accepted for filing. Because it is in conflict with an application previously accepted for filing and listed as subject to a cut-off date for conflicting applications, no application which would be in conflict with this application will be accepted for filing.

Petitions to deny this application and minor amendments thereto must be on file with the Commission not later than the close of business on June 9, 1980. The application previously accepted for filing and in conflict with this application may also be amended as a matter of right not later than the close of business on June 9, 1980.

Amendments filed pursuant to this notice are subject to the provisions of Section 73.3572(b) of the Commission's Rules.

BP-791012AG—(New) Blowing Rock, North Carolina, Samuel Sturgis, Samuel Boyd Tate, Robert Eugene Chandler, and Gregory Glenn Triplett, d.b.a. Mountaineer Broadcasting Service; Req: 1510 kHz, 1 kW (250 W-CH), Day.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-13978 Filed 5-6-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-11]

AM Broadcast Application Accepted for Filing and Notification of Cut-Off Date

Released: May 1, 1980.

Cut-off date: June 9, 1980.

Notice is hereby given that the application listed below is hereby accepted for filing, and will be considered ready and available for processing after June 9, 1980. This application seeks interim authority to provide broadcast service formerly rendered by station WLLE, Raleigh, North Carolina. (To minimize the disruption of service, the Commission has granted the applicant temporary permission to operate the facilities specified.)

The Commission will accept for consolidation with this application, other applications which propose essentially the same facilities, if substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on June 9, 1980.

The invitation specified herein is for authority to operate on an interim basis only. As announced in an earlier Public Notice, 45 FR 19308 (March 25, 1980), applicants who desire to operate the facilities on a regular basis must file their applications with the Commission not later than May 5, 1980.

Petitions to deny this application must be on file with the Commission not later than the close of business on June 9, 1980.

BPI-800225AT—Raleigh, North Carolina, Faith Communications, Incorporated; Req: 570 kHz, 500 W, Day (facilities of former station WLLE, Raleigh, North Carolina) on an interim basis.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-13979 Filed 5-6-80; 8:45 am]

BILLING CODE 6712-01-M

[Report No. A-12]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: May 2, 1980.
Cut-Off Date: June 10, 1980.

Notice is hereby given that the applications listed in the attached appendix are hereby accepted for filing. They will be considered to be ready and available for processing after June 10, 1980. An application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on June 10, 1980, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., not later than the close of business on June 10, 1980.

Petitions to deny any application on this list must be on file with the Commission no later than the close of business on June 10, 1980.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

BP-780829AE—WMLB, West Hartford, Connecticut, 1550 Radio, Inc., Has: 1550 kHz, 1kW,D, Req: 1550 kHz, 2.5kW, 10kW-LS, DA-2,U.

BP-790417AB—WTCR, Kenova, West Virginia, Greater Kentucky Radio, Inc., Has: 1420 kHz, 5 kW,D, Req: 1420 kHz, 500W, 5kW-LS, DA-N,U.

BP-790705AD—(New), Woodstock, Virginia, Deerfield Broadcasting Co., Inc., Req: 940 kHz, 250 W,D.

BP-790803AC—(New), Sisters, Oregon, Rice Broadcasting Corporation, Req: 980 kHz, 5kW, DA-D.

BP-790909AH—(New), Tremonton, Utah, Bear River Broadcasting Co., Inc., Req: 1470 kHz, 5kW,D.

BP-790813AA—WIQT, Horseheads, New York, Chemung County Radio, Inc., Has: 1000 kHz, 1 kW,D, Req: 1000 kHz, 5 kW,D (2.5 kW,CH).

BP-790813AB—WCRI, Scottsboro, Alabama, Jackson County Broadcasting Service, Inc., Has: 1050 kHz, 250W,D, Req: 1050 kHz, 1kW,D.

BP-790821AF—(New), Cabot, Arkansas, Cabot Broadcasting, Req: 1350 kHz, 500W,D.

BP-800108AH—(New), Frost, West Virginia, Pocahontas Communications Cooperative Corporation, Req: 1370 kHz, 1kW,D.

[FR Doc. 80-13960 Filed 5-6-80; 8:45 am]

BILLING CODE 6712-01-M

Domestic Public Land Mobile Radio Service Procedures for Processing Construction Permit Applications for Base Stations in Areas of Irregular Terrain;* Revision

May 2, 1980.

Section 22.504 of the FCC Rules and Regulations governs the method of computation of propagation from base stations in the Domestic Public Land Mobile Radio Service (DPLMRS). Section 22.504(b) of the Rules includes charts for determining signal propagation identical to those found in an FCC document generally referred to as the Carey Report. Unfortunately, both the Carey Report, and Section 22.504, only are useful for making theoretical propagation computations under "average terrain conditions." The method for making computations for terrain having characteristics different from those described in the Carey Report, henceforth known as irregular terrain, is not specified by the Commission. As a result, problems have arisen as to what method should be used to compute propagation where irregular terrain exists.

In a Memorandum Opinion and Order (MO&O), Docket No. 15694, adopted August 9, 1967, 32 F.R. 12040 (August 22, 1967), the Commission recognized that there are situations that may call for "propagation determinations at variance with the Carey Report." The MO&O stated:

* * * we expect such requests to be supported by extensive quantitative engineering field strength measurement data gathered over a significant geographic area and covering a substantial time period within each of the four seasons of the year. We wish to stress that requests for waivers of our rules should be submitted only in the most exceptional circumstances.

In a Public Notice, May 30, 17979, Mimeo 1973, a meeting was announced by the Commission staff to discuss with members of the public alternative methods of propagation computation where irregular terrain exists. The meeting took place on June 26, 1979. We still continue to struggle with the question of what alternative computational procedures afford substantial improvement over the Carey method presently set forth in our rules. In short, it seems that any alternative procedure has some significant shortcoming.

Because more complications that solutions have develped since the June 26, 1979 meeting, the Mobile Services Division has decided to strictly follow the procedures contemplated by the Commission's rules. Applications for construction permits for new stations, additional sites for existing call signs, or modifications of existing stations, must include data and computations in accordance with our rules, regardless of terrain. We briefly describe below how we intend to respond to claims that irregular terrain affects prediction of reliable service contours.

The following situations are offered as examples only, and should not be construed as all inclusive.

Example 1. An objection is filed against an application based on the argument that irregular terrain may cause a signal to extend beyond the area that Carey would predict, thereby causing harmful interference to co-channel facilities. In this situation, we will grant the construction permit, subject to the following conditions:

1. The granted facility shall not cause co-channel electrical harmful interference.

2. Prior to the start of service tests, the grantee shall inform the objecting party of the date of commencement of these tests. Should the objecting party wish to conduct tests for interference, both parties must keep each other informed of their plans in this regard and shall cooperate in the actual testing.

The objecting party shall submit an Initial Field Measurement Report to the FCC, with a copy to the grantee. The initial report shall conform to the MO&O, except that it shall apply only to the season during which the tests were made.

* This Public Notice replaces the Notice released on April 24, 1980.

If in the judgment of the commission staff the initial report shows harmful interference, the Commission staff will consider that a condition of the grant has not been met and will require immediate modification of the grantee's operation to eliminate the interference.

In the event that the initial report shows no harmful interference, the objecting party may wish to conduct a similar series of tests, with similar notification and cooperation, for each of the remaining three seasons. After each series, the objecting party shall submit a Field Measurement Report to the FCC. The Commission will review each report for harmful interference, and take appropriate action in accordance with the Rules and the conditions of the grant. The Commission will not grant the covering license for a period of one year from the date of receipt, in order to allow the objecting party to conduct appropriate tests.

Example 2. The applicant's proposal will cause co-channel interference according to our rules, but the applicant claims that the terrain will limit his signal and not cause the predicted Carey interference. In this case the applicant must request a waiver of Section 22.504(b), and support for the waiver must include measurements in accordance with the MO&O. If the waiver and supporting data do not accompany the application, the application will be returned as defective. Because obtaining the necessary data is not usually possible without being on the air, an applicant who has this particular claim should file for developmental authority prior to filing for a construction permit. Developmental authority will be granted for a period of one year to allow the applicant to make the necessary measurements as required by the MO&O. Testing during this developmental period will be coordinated with the licensees of all pertinent co-channel facilities.

Example 3. The applicant's proposal will not cause interference according to our rules. However, an existing licensee claims that a new applicant's signal will cause interference within the licensee's reliable service contour (as calculated by Carey) because irregular terrain causes the existing licensee's signal to be weaker at the fringes of its service area then it would be as calculated by Carey. In this case, we will not place any restrictions on the applicant's construction permit.

Example 4. New applicant concedes that his proposal as calculated by Carey will cause interference to a co-channel station. Because of irregular terrain, however, applicant contends that the existing licensee's actual reliable service contour covers a smaller area that Carey would predict and therefore only the smaller service contour should be afforded protection. As above however, we will protect the service contour as determined by Carey and deny the new application.

In addition, the Mobile Services Division will adopt the following policy regarding requests for a waiver of Section 22.505 of the Commission's Rules. In cases where an applicant claims irregular terrain limits the normally predicted service contour as determined by Carey, the applicant must submit with his application actual measurements which will substantiate his claim. We will deny all height/power waiver requests based on this claim unless such measurements are submitted. In the case of a new applicant, no height/power waivers will be initially granted. After the grant of the initial C.P., the applicant can make the required measurements and then file an application to modify his facilities.

For further information please contact John V. Buscemi, telephone (202) 632-6450.

Sheldon M. Guttmann,

Chief, Mobile Services Division, Common Carrier Bureau.

[FR Doc. 80-13961 Filed 5-6-80; 8:45 am]

BILLING CODE 6712-01-M

Mexican Standard Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

February 1, 1980.

Mexican List No. 293

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
				550kHz					
XEGUZ	Cd Guzman, Jal., N. 19°47'45", W. 103°28'56".	*.300*	ND-D-175	D	III	361	120	361	Aug. 1, 1980.
				580 kHz					
XEYT	Cancun, Q.R., N. 21°06'58", W. 86°56'11" (Previously on 1180 kHz).	.500	ND-D-175	D	III	339	120	358	
				700 kHz					
XEDKR	Guadalajara, Jal., N. 20°38'28", W. 103°20'24" (*Shares antenna with XEDK, 1250 kHz, and XEDKT, 1340 kHz.*)	1.000	ND-D-172	D	II	316	120	245	
				710 kHz					
XERL	Colima, Col., N. 19°14'27", W. 103°42'47" (PO 1/KW/D, 0.200/KW/N, ND-U-175, 308/90/305).	*10.000D/10.000N*	*DA-2*	U	II	———	———	———	
				710 kHz					
XEON	Tuxtla Gutierez, Chis., *N. 16°44'23", W. 93°04'37"* (PO 2/KW/D, 1/KW/N).	3.000D/1.000N	ND-U-197	U	II	427	120	345	
				710 kHz					
XEZC	Rio Grande, Zac., N. 23°49'40", W. 103°02'17" (assignment deleted, see operation on 1450 kHz).	.500D/.250N	ND-U-190	U	II	347	120	347	

Mexican List No. 293—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
XEEJ	PTO Vallarta, Jal, N. 20°36'40", W. 105°14'50" (PO 1360 kHz).	1.000D/ .100N	ND-U-175	*740 kHz* U	II	306	120	253	
(New)	Ixtepec, Oax, N. 16°36'11", W. 95°07'35".	1.000	ND-D-190	*740 kHz* D	II	333	120	333	Aug. 1, 1980.
XEZA	Topolobampo, Sin., N. 25°37'18", W. 109°03'10" (PO 1600 kHz).	.250/ .250N	ND-U-175	*740 kHz* U	II	306	120	253	
XELD	Autlan De Navar, Jal., N. 19°45'12", W. 104°22'26" (PO 1240 kHz).	5.000	ND-D-190	*760 kHz* D	II	315	120	315	Aug. 1, 1980.
XFGZ	*Gomez Palacio, Dgo., N. 25°34'00", W. 103°28'00"* (PO CD Lerdo, N. 25°32'30", W. 103°31'12") (Shares antenna with XEBP, 1450 kHz).	1.000D/ .250N	ND-U-174	*790 kHz* U	III	305	120	216	Aug. 1, 1980.
XEZV	Tlapa, Gro, N. 17°32'00", W. 98°32'00".	1.000	ND-D-175	*800 kHz* D	II	308	120	216	Immediately.
XEZC	Rio Grande, Zac., N. 23°52'30", W. 103°02'00" (PO 1450 kHz).	1.000D/ .125N	ND-U-175	*810 kHz* U	II	304	120	213	Aug. 1, 1980.
XECUC	Campeche, Camp., N. 19°50'47", W. 90°32'14" (PO 1580 kHz).	.500	ND-D-175	*840 kHz* D	II	264	120	223	Aug. 1, 1980.
XEFG	Celaya, Gto., *N. 20°30'52", W. 100°46'50".*	1.000	ND-D-176	*840 kHz* D	II	246	120	246	Immediately.
XEACC	PTO Escondido, Oax., N. 15°51'03", W. 97°03'28" (PO 0.250/KW/D).	*.500*	ND-D-183	*870 kHz* D	II	249	120	269	
XEAAA	Zapopan, Jal., N. 20°37'21", W. 103°29'46" (PO 1/KW/D, ND-D-181).	10.000	ND-D-188	*880 kHz* D	II	297	120	268	
(New)	Tapachula, Chis., N. 14°56'15", W. 92°16'43".	5.000	ND-D-190	*890 kHz* D	II	276	120	276	Aug. 1, 1980.
XEMTS	Mascota, Jal., *N. 20°31'28", W. 104°46'47".*	.500D/ .250N	ND-U-*183*	*910 kHz* U	III	*216*	120	*270*	Aug. 1, 1980.
(New)	Huixtla, Chis., N. 15°04'45", W. 92°29'30".	5.000	ND-D-190	*930 kHz* D	III	276	120	276	Aug. 1, 1980.
XEEZ	Caborca, Son., *N. 30°42'51", W. 112°08'21"* (PO 0.250/KW/D, 0.100/KW/N).	.500D/ .100N	ND-U-*170*	*970 kHz* U	III	223	*120*	*168*	
XELC	La Piedad, Mich., *N. 20°19'55", W.* 102°01'31" (Shares antenna with XELP, 1170 kHz).	5.000D/ .200N	ND-U-196	*980 kHz* U	III	249	90	328	
XEQS	Fresnillo, Zac., N. 23°10'26", W. 102°52'58" (PO 1470 kHz).	1.000D/ 1.000N	DA-N	*980 kHz* U	III	251	120	251	Aug. 1, 1980.
XEWS	Culiacan, Sin., N. 24°49'47", W. 107°24'43" *(Shares antenna with XEEX, 1400 kHz).*	5.000D/ .250N	ND-U-180	*1010 kHz* U	II	246	90	230	Aug. 1, 1980.
XEBBB	Zapopan, Jal., N. 20°37'57", W. 103°26'24".	5.000	DA-D	*1040 kHz* D	II	.....	.....	.....	Aug. 1, 1980.
XEOB	Pichucalco, Chis., N. 17°32'21", W. 93°06'39" (Previously on 1440 kHz).	1.500D/ .150N	ND-U-175	*1060 kHz* U	II	197	120	173	Aug. 1, 1980.
XEMCA	Panuco, Ver., N. 22°08'01", W. 98°07'56".	5.000	ND-D-190	*1090 kHz* D	II	226	120	226	Immediately.
XEYI	Cancun, Q.R., N. 21°06'58", W. 86°56'11" (Assignment deleted, see assignment of 580 kHz).	1.000	DA-D	*1160 kHz* D	II	.....	.....	.....	
XEFP	Jalpa, Zac., N. 21°39'37", W. 102°56'40" (PO 1580 kHz).	1.000D/ .250N	ND-U-161	*1230 kHz* U	IV	156	90	156	Aug. 1, 1980.
XELD	Autlan De Navar, Jal., N. 19°45'12", W. 104°22'26". (See assignment of 760 kHz) (PO 1/KW/D, 0.100/KW/N).	5.000D/ .100N	ND-U-180	*1240 kHz* U	IV	190	120	164	
(New)	Zihuatanejo, Gro., N. 17°39'42", W. 101°33'12".	.500	ND-D-175	*1250 kHz* D	III	181	120	150	Aug. 1, 1980.
XEDK	Guadalajara Jal., N. 20°38'28", W. 103°20'24" (Shares antenna with ZWSLE, 700 kHz and XEDKT, 1340 kHz).	5.000D/ 1.000N	ND-U-223	*1250 kHz* U	III	316	120	245	

Mexican List No. 293—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
				1310 kHz					
(New)	Taxco, Gro., N. 18°31'59", W. 99°36'00".	.400	ND-D-175	D	III	173	120	143	Aug. 1, 1980.
				1340 kHz					
XEDKT	Guadalajara, Jal., *N. 20°38'28", W. 103°20'24"* (*Shares antenna with XEDKR, 700 kHz and XEDK, 1250 kHz*).	1.000D/ .250N	ND-U-235	U	IV	*318*	*120*	*245*	Immediately.
				1340 kHz					
XEPX	Puerto Angel, Oax., N. 15°39'14", W. 96°30'05" (PO 0.500/KW/D, 0.200/ KW/N).	*1.000D/* .200N	ND-U-185	U	IV	197	120	146	
				1350 kHz					
XFJF	Tierra Blanca, Ver., N. 18°27'15", W. 96°21'10" (PO .500/KW/D, 0.100/ KW/N).	1.000D/ .100N	ND-U-179	U	III	172	90	169	
				1360 kHz					
XEEJ	Puerto Vallarta, Jal., N. 20°36'40", W. 105°14'50" (See assignment on 740 kHz).	1.000	ND-D-199	D	III	295	120	131	
				1380 kHz					
XEVD	CD Allende, Coah., N. 28°20'22", W. 100°50'12" (PO 0.500/KW D, 0.100/KW/N).	*1.000D/* 1.000N	*ND-D-183, DA-N*	U	III	*177*	*120*	*154*	
				1380 kHz					
XEFAC	Salvatierra, GTO, N. 20°12'06", W. 100°53'36" (PO 1/KW/D).	*2.000*	ND-D-180	D	III	180	120	143	
				1380 kHz					
XETY	Tecoman, Col., N. 18°55'00", W. 103°53'00".	5.000D/ *.250N*	ND-U-190	U	III	177	120	*177*	
				1400 kHz					
XENAY	Ahuacatlan, Nay., N. 21°02'08", W. 104°29'07" (PO 0.250/KW/D, 0.200/KW/N).	*1.000D/* .200N	ND-U-170	U	IV	131	90	131	
				1400 kHz					
XEEX	*Culiacan, Sin. N. 24°49'47", W. 107°24'43"* (PO El Dorado, 0.250/ KW/N, ND-U-184) (*Shares antenna with XEWS, 1010 kHz*).	1.000D/ .150N	ND-U-*212*	U	IV	246	*90*	*230*	
				1420 kHz					
XEF	CD Juarez, Chih., *N. 31°44'46", W. 106°26'28"*.	5.000D/ .500N	ND-U-*250*	U	III	302	*240*	*302*	Aug. 1, 1980.
				1440 kHz					
XEOB	Pichucalco, Chis., N. 17°32'21", W. 93°06'39" (Assignment deleted, see assignment on 1080 kHz).	1.000D/ .150N	ND-U-178	U	III	197	90	131	
				1450 kHz					
XEBP	*Gomez Palacio, Dgo. N. 25°34'00", W. 103°28'00"* (PO Torreon, Coah. N. 25°32'18", W. 103°27'55") (*Shares antenna with XEGZ, 790 kHz*).	1.000D/ .250N	ND-U-234	U	IV	305	120	216	
				1450 kHz					
XEZC	Rio Grande, Zac., N. 23°52'30", W. 103°02'00" (PO 0.250/KW/U, ND-U-165) (See assignment on 810 kHZ).	.500D/ .250N	ND-U-187	U	IV	180	90	180	
				1470 kHz					
XEBAL	Becal, Camp., *N. 20°28'10", W. 90°01'28"*.	1.000	ND-D-190	D	III	167	120	167	Aug. 1, 1980.
				1470 kHz					
XEDS	Colima, Col., N. 19°14'27", W. 103°42'47" (PO 1/KW/D, 0.200/ KW/N).	*5.000D/ 5.000N*	ND-D-202, *DA-N*	U	III	223	120	223	
				1470 kHz					
XEQS	Fresnillo, Zac., N. 23°10'26", W. 102°52'58" (See assignment on 980 kHz, Shares antenna with XEMA, 690 kHz).	1.000	ND-D-202	D	III	197	120	197	
				1510 kHz					
(New)	Iguala, Gro., N. 18°17'57", W. 99°31'00".	1.000	ND-D-175	D	II	150	120	124	Aug. 1, 1980.
				1520 kHz					
(New)	Acapulco, Gro., N. 16°56'42", W. 99°58'02".	.500	ND-D-175	D	II	149	120	123	Aug. 1, 1980.
				1530 kHz					
XEGQ	Los Reyes, Mich., N. 19°35'00", W. 102°28'00" (PO 1/KW/D).	1.000D/ *.100N*	ND-U-190	U	II	161	120	161	
				1560 kHz					
(New)	CD Cuauhtemoc, Chih., N. 28°24'42", W. 106°52'24".	*.750D/* .250N	ND-U-175	U	II	126	120	133	Aug. 1, 1980.
				1560 kHz					
XEVIP	San R Chamapa, Mex., *N. 19°30'00", W. 99°13'03"* (PO 10/KW/U, ND-D-224, DA-N; 164 120 164).	50.000D/ 5.000N	DA-1	U	II				

Mexican List No. 293—Continued

Call letters	Location	Power watts	Antenna radiation mv/m/kw	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of change or commencement of operation
							Number radials	Length (feet)	
				8					
				1560 kHz					
XEDD	Montemorelos, N.L., N. 25°11'39" W. 99°49'31" (PO 0.500/KW/D).	.500D/ *.1500N*	ND-U-175	U	II	118	120	164	
				1560 kHz					
(New)	Naranjos, Ver., N. 21°22'51" W. 97°44'45"	1.000	ND-D-190	D	II	158	120	158	Aug. 1, 1980.
				1580 kHz					
XECUC	Campeche, Camp., N. 19°50'47" W. 90°32'14" (See assignment on 840 kHz).	.500	ND-D-175	D	II	140	120	118	
				1580 kHz					
XEFP	Jalpa, Zac., N. 21°39'37" W. 102°56'40' (PO 1/KW.D, 0.200/ KW/N, ND-U-190) (See assignment on 1230 kHz).	2.000D/ .250N	ND-U-190	U	II	156	120	156	
				1600 kHz					
(New)	Etzatlan, Jal., N. 20°46'35" W. 104°05'05" (Assignment deleted).	.250	ND-D-190	D	III	154	120	154	
				1600 kHz					
XEZA	Topolobampo, Sin., N. 25°37'18" W. 109°03'10" (See assignment on 740 kHz).	1.000D/ .200N	ND-U-175	U	III	138	90	138	

Richard J. Shiben,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 80-13982 Filed 5-6-80; 8:45 am]

BILLING CODE 6712-01-M

[FCC 80-273]

Delegation of Authority to a Board of Commissioners for Period of May 1-22, 1980

Order

Adopted: April 30, 1980.

Released: May 2, 1980.

It appearing, That a quorum of the Commission will not be present in the District of Columbia from May 1 through May 22, 1980, inclusive;

It further appearing, That it is necessary to the proper functioning of this Commission and to the prompt and orderly conduct of Commission business that a Board of Commissioners be authorized to act upon all matters normally acted upon by the Commission en banc except for those matters explicitly excepted in Sections 0.212(b) (1), (2), and (3) of the Commission's Rules, 47 CFR 0.212(b) (1), (2), and (3);

It is ordered, pursuant to Section 5(d)(1) of the Communications Act, 47 U.S.C. § 155(d)(1), and Section 0.212 of the Commission's Rules, 47 CFR 0.212, that during the period from May 1 through May 22, 1980, inclusive there is delegated to a Board of Commissioners, to be composed of all Commissioners present in the District of Columbia and able to act during said period, the authority to act upon all matters normally acted upon by the Commission en banc except for those matters explicitly expected in Sections 0.212(b) (1), (2), and (3) of the Commission's Rules, 47 CFR 0.212(b) (1), (2), and (3);

Notwithstanding any of the foregoing, it is further ordered, That the Commission, insofar as consistent with Sections 4(e), 4(i), and 4(j) of the Communications Act, 47 U.S.C. §§ 154 (e), (i), and (j), the Government in the Sunshine Act, 5 U.S.C. § 552b, and other applicable law, reserves to the Commission en banc the authority, in its discretion, and on its own motion, to act on any matter of Commission business through the assistance of telephonic or other means of communications.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 80-14089 Filed 5-6-80; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 80-173, File No. BPH-780928AF; BC Docket No. 80-174, File No. BPH-790326AA; BC Docket No. 80-175, File No. BPH-790328AS]

Meyer Great Falls, Inc., Northern Sun Corp., and D. M. Gray Co., Inc.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: April 17, 1980.

Released: April 29, 1980.

In re Applications of Meyer Great Falls, Inc., Great Falls, Montana, Req: 92.9 MHz, Channel 225, 100 kW (H&V) 450'; Northern Sun Corporation, Great Falls, Montana, Req: 92.9 MHz, Channel 225, 100 kW (H&V) 388'; and D. M. Gray Company, Inc., Great Falls, Montana, Req: 92.9 MHz, Channel 225, 100 kW (H&V) 388'.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of Meyer Great Falls, Inc. (Meyer), Northern Sun Corporation (Sun) and D. M. Gray Company, Inc. (Gray).

2. *Meyer.* Analysis of the financial portion of Meyer's application reveals that it will require $417,591.00 to construct its proposed facility and operate for three months, without revenue, itemized as follows:

Equipment	$172,249.00
Land	60,000.00
Building	90,000.00
Miscellaneous	23,615.00
Three months operating costs	71,727.00
Total	417,591.00

To meet these requirements, Meyer states that it has available existing capital from its parent, Meyer Broadcasting Company (MBC), in the amount of $150,000; a loan from the First National Bank and Trust Company of Bismarck in the amount of $240,000; and profits from existing operations in the amount of $75,000. With respect to the existing capital, MBC has not submitted an agreement agreeing to lend or invest funds in the applicant. Furthermore, the balance sheet submitted by MBC does not indicate whether the accounts receivable are properly aged in accordance with Paragraph 4(b), Section III of Form 301. A balance sheet for Meyer was not submitted. As a result, funds cannot be found to be available from this source. Therefore, only $315,000 is available to meet a requirement of $417,591. In addition, Meyer has included only $1,000 for legal costs. Although a hearing must be held, Meyer has made no allocation for legal fees incident to a hearing on its application. In light of the above-mentioned deficiencies in Meyer's financial plan, we are specifying a limited financial issue.

3. Meyer has failed to comply with the requirements of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 FCC 2d 650, 21 RR 2d 1507 (1971). From the information before us, it appears that the applicant has interviewed members rather than community leaders of the following groups: women, agriculture and consumer services. In addition, Meyer has not indicated that the problems and needs listed in its application comprise all the problems and needs obtained in community leader contacts, as required by Question and Answer 22 of the *Primer.* Accordingly, a limited ascertainment issue will be specified.

4. *Gray.* Analysis of the financial portion of Gray's application reveals that Gray will require $207,987.40 to construct its proposed facility and operate for three months, without revenue, itemized as follows:

Equipment	$137,182.50
Miscellaneous	16,817.40
Three months operating expenses	53,987.50
Total	207,987.40

To meet these requirements, Gray intends to rely upon the following sources: existing capital in the amount of $2,800, stock subscriptions in the amount of $47,200 and a loan of $200,000 from the Small Business Administration. In regard to existing capital, the applicant failed to submit its balance sheet segregating current assets and liabilities (*i.e.,* amounts payable within one year) from long-term liabilities, as required by Paragraph 2(a), Section III of Form 301. The applicant also failed to supply personal balance sheets of Mr. Gabriel and Ms. Campagna to show that they have sufficient net liquid assets to meet their commitments to subscribe for the purchase of stock. The balance sheet submitted by Mr. Gray does not show sufficient net liquid assets to meet his stock subscription commitment of $26,000. Finally, the applicant has failed to submit a loan commitment letter from the Small Business Administration. As a result, we cannot determine that any funds are available to Gray. Accordingly, a general financial issue will be specified.

5. *Other Matters.* Data submitted by the applicants indicate that there would be a significant difference in the size of the areas which would receive service from the proposals. Consequently, for the purpose of comparison, the areas which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to any of the applicants.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. Accordingly, it is ordered, That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated hearing proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether Meyer has available funds in excess of the $315,000 indicated and, in light thereof, whether it is financially qualified to construct and operate the proposed station.

2. To determine with respect to Meyer's efforts to ascertain community problems:

(a) whether Meyer interviewed leaders of women, agriculture, and consumer services in connection with its ascertainment effort;

(b) whether Meyer has complied with Question and Answer 22 of the *Primer.*

3. To determine whether Gray is financially qualified to construct and operate the proposed station.

4. To determine which of the proposals would, on a comparative basis, best serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

9. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Jerold L. Jacobs,

Chief, Broadcast Facilities Division.

[FR Doc. 80-14090 Filed 5-6-80; 8:45 am]

BILLING CODE 6712-01-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 90
Wednesday, May 7, 1980

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (Eastern Time), Tuesday, May 6, 1980.

PLACE: Commission Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E. Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public

1. Freedom of Information Act Appeal No. 80-1-FOIA-59, concerning a request for the applications of certain candidates for a job and credentials of those selected.
2. Reorganization of Internal Audit.
3. Proposed Revision of EEO-4 Report Forms.
4. Request for Ratification of ADEA cases requesting preliminary relief.
5. Delegation of Authority Memorandum.
6. Report on Commission Operations by the Executive Director.

Closed to the Public

Litigation authorization; General Counsel recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:
Marie D. Wilson, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued April 29, 1980.

[S-901-80 Filed 5-5-80; 10:55 am]
BILLING CODE 6570-06-M

2

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, May 6, 1980 at 10 a.m.

FEDERAL REGISTER NO. 877.

CHANGE IN MEETING: The following matter has been added to the agenda: status of litigation.

The following matter has been deleted from the agenda: Labor/Management Relations.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 8, 1980 at 10 a.m.

FEDERAL REGISTER NO. 877.

CHANGE IN MEETING: The following matters have been added to the agenda—

1. Request for Waivers—Arizona Democratic Majority and Citizens for Brennan.
2. Failure by 1976 Democratic Campaign Committee to Make Repayment of Public Funds.
3. Ethics Act—Nonfiler Procedures for Presidential Campaign Reports.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary to the Commission.

[S-906-80 Filed 5-5-80; 2:42 pm]
BILLING CODE 6715-01-M

3

FEDERAL MARITIME COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: May 2, 1980, 45 FR 29460.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: May 8, 1980, 10 a.m.

CHANGE IN THE MEETING: Withdrawal of the following item the open session:

13. Docket No. 79-74; Japan/Korea and Gulf Freight Conference (Agreement No. 3103-67—Extension of Intermodal Authority)—Petition to reopen of Proponents.

[S-907-80 Filed 5-5-80; 3:33 pm]
BILLING CODE 6730-01-M

4

FEDERAL RESERVE SYSTEM: (Board of Governors).

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 29461, May 2, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, May 7, 1980.

CHANGES IN THE MEETING: Determination by the Board to close the following previously announced open item(s):

Proposal relating to foreign bank overdrafts under the marginal reserve/special deposit program for managed liabilities.

The above item(s) will be discussed in a closed meeting following a recess at the conclusion of the open meeting.

CONTACT PERSON FOR MORE INFORMATION:
Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: May 5, 1980.

Griffith L. Garwood,
Deputy Secretary of the Board.

[S-905-80 Filed 5-5-80; 2:31 pm]
BILLING CODE 6210-01-M

5

INTER-AMERICAN FOUNDATION.

TIME AND DATE: 9 a.m., May 14, 1980.

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Boulevard, Arlington, Va 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Chairman's Report.
2. Remarks by the President.
3. Minutes of the March 17, 1980, Meeting.
4. Staff Briefing.

CONTACT PERSON FOR MORE INFORMATION: Lawrence E. Bruce, Jr., (703) 841-3812.

[S-904-80 Filed 5-5-80; 2:13 pm]
BILLING CODE 7025-01-M

6

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 2:30 p.m., Thursday, May 15, 1980.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personel rules and practices) and (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy).

MATTERS TO BE CONSIDERED: Consideration of applicants qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION:

Robert Volger, Acting Executive Secretary, Washington, D.C. 20570, Telephone: (202) 254–9430.

Dated, Washington, D.C., May 5, 1980.

By direction of the Board:

George A. Leet,

Associate Executive Secretary, National Labor Relations Board.

[S-903-80 Filed 5-5-80; 4:12 pm]

BILLING CODE 7545-01-M

7

NATIONAL SCIENCE BOARD.

DATE AND TIME: May 15, 1980, 1 p.m., Open Session. May 16, 1980, 9 a.m., Closed Session.

PLACE: National Science Foundation, Rm. 540, 1800 G St. N.W., Washington, D.C.

STATUS: Change to previously published announcement:

MATTERS TO BE CONSIDERED AT THE OPEN SESSION: Delete item 8: Program Review—Mathematical Sciences.

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 357–9582.

[S-902-80 Filed 5-5-80; 11:04 am]

BILLING CODE 7555-01-M

8

OVERSEAS PRIVATE INVESTMENT CORPORATION.

Meeting of the Board of Directors

TIME AND DATE: Meeting of the OPIC Board of Directors: Tuesday, May 13, 1980 at 9:00 a.m. (Closed Portion); 10:30 a.m. (Open Portion).

PLACE: Offices of the Corporation. Seventh (7th) floor Board Room; 1129 20th Street, N.W., Washington, D.C.

STATUS: The first part of the meeting from 9 a.m. to 11 a.m will be closed to the public. The open portion of the meeting will start at 11 a.m.

MATTERS TO BE CONSIDERED:

Closed to the Public: 9 a.m. to 11 a.m.

1. Proposed OPIC Legislation.
2. Finance Project in African Country.
3. Insurance Project in Middle East Country.
4. Insurance Project in Middle East Country.
5. Insurance Project in Middle East Country.
6. Insurance Project in Latin America Country.
7. Claims Report.
8. Information Reports.

FURTHER MATTERS TO BE CONSIDERED:

Open to the Public; 11 a.m.

1. Approval of Minutes of Previous Board Meeting.
2. Confirmation of Scheduled Board Meetings.
3. Determination of a Country as an Eligible Developing Country: Zimbabwe.
4. Country Eligibility for OPIC Programs; Proposed Additional Exception for U.S. Trade Benefits.
5. Extension of Program for Insurance of Contractors' Guaranties to Non-Service Contractors and Suppliers.
6. Projects Involving Military Purchases and Sales (Amended).
7. Financial Statements.
8. Information Reports.

CONTACT PERSON FOR INFORMATION: Information with regard to this meeting may be obtained from the Secretary of the Corporation at (202)632–1839.

Elizabeth A. Burton,

Corporate Secretary.

May 2, 1980.

[S-899 Filed 5-2-80; 5:10 pm]

BILLING CODE 3210-01-M

Federal Register

Wednesday
May 7, 1980

Part II

Department of the Interior

Bureau of Indian Affairs

Referendum Election To Determine Whether the Yurok Tribe of the Hoopa Valley Reservation Desires To Establish a Representative Interim Yurok Governing Committee

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 55b

Referendum Election To Determine Whether the Yurok Tribe of the Hoopa Valley Reservation Desires To Establish a Representative Interim Yurok Governing Committee

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of the Interior proposes to add a new part to its regulations in order to establish rules and procedures for the conduct of a referendum in which eligible Yurok voters would express their approval or disapproval of conducting a further election for the creation of an interim Yurok governing committee.

The referendum is proposed as the next step in implementing the plan for the eventual establishment of a reservation-wide body to manage the resources of the Hoopa Valley Reservation as set forth in the Message of November 20, 1978, from the Assistant Secretary—Indian Affairs. The plan provides for the election of an interim Yurok governing committee whose primary responsibility would be to draft a proposed Yurok tribal constitution. Such an election was initiated; however, a temporary injunction issued by the United States District Court for the Northern District of California stopped the opening and counting of the ballots pending determination of the action entitled *Florence Beaver et. al.*, v. *Secretary of the Department of Interior, et. al.*, Civil No. C-79-2925-SW. The case was dismissed without prejudice as moot when the Secretary of the Interior agreed: (1) to destroy the ballots, unopened and uncounted, and (2) that should the Secretary propose to conduct an election of a temporary or permanent governing committee, a constitutional drafting committee or any other body purporting to be representative of the voters identified in 25 CFR Part 55, a referendum shall be held in accordance with law to determine whether such an election shall take place.

The referendum will be conducted in accordance with the judgment in the *Beaver* case. It is a step toward filling the continuing need for a Yurok body which can address the concerns of the Yurok people as they relate to the use and benefit of resources of the Hoopa Valley Reservation.

DATE: Comments must be received on or before June 6, 1980.

ADDRESS: Written comments may be directed to: Area Director, Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, CA 95825, Telephone: (916) 484-4682.

FOR FURTHER INFORMATION CONTACT: William E. Finale, Area Director, Bureau of Indian Affairs, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825, Telephone: (916) 484-4682, or Norman L. Sahmaunt, Assistant to the Area Director, Bureau of Indian Affairs, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825, Telephone: (916) 484-4766.

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

In 1973, the United States Court of Claims handed down a decision in *Jessie Short et al.*, v. *United States*, 202 Ct. Cl. 870, 486 F. 2nd 561, stating that the Hoopa Valley Square and Extension are one reservation. It had been the contention of the United States in the litigation that the Square and the Extension were separate Indian reservations.

On November 20, 1978, the Assistant Secretary—Indian Affairs, in a message to the Hoopa and Yurok people of the Hoopa Valley Indian Reservation, outlined a course of action, the purpose of which was to resolve problems concerning the administration and use of benefits from the Hoopa Valley Reservation, now considered as a single rather than as two separate reservations.

The Assistant Secretary's message addressed these problems in indicating his intent to provide the tribes of the reservation (Hoopa Valley and Yurok), the opportunity to participate in the management of the reservation. However, in order for the Yurok Tribe to have a role in reservation management, a functioning tribal governing body is necessary. The Assistant Secretary also indicated that until such time as the Yuroks have established a tribal government, and a reservation-wide management and coordination body is in place, the Department would assume management of reservation assets on behalf of both tribes.

The initial step in providing an opportunity for the Yurok Tribe to organize a tribal government is the election of an interim Yurok governing committee. The Assistant Secretary directed that a Yurok voters list be established in order that the Yurok voters could nominate and select such a committee.

The Department would then work with this committee under a temporary grant of authority, its mandate limited to a two-year term only. The primary task of the committee would be to draft a proposed tribal constitution for adoption or rejection by the voters. Any other responsibilities would be shaped by its perception of its role as representative of the Yurok people and by its unique opportunity to act as a liaison; a liaison between the Yurok people and the Hoopa Valley Tribe on mutual concerns, and between the Yurok people and the Bureau of Indian Affairs on questions of policy and regulations affecting management of the reservation.

Final regulations were published which provided for a list of eligible Yurok voters, 44 FR 24536 (April 25, 1979), and for petition and voting procedures, 44 FR 46269 (August 7, 1979). Ballots for the election of an interim Yurok governing committee were to be received by the Area Director, Sacramento, by October 30, 1979. Prior to the balloting deadline, on October 10, 1979, a complaint was filed in the *Beaver* case, *supra*, with the results noted in the Summary above. The referendum regulations proposed here comply with the judgment in the *Beaver* case.

Should the referendum vote favor an election for an interim Yurok governing committee, a new election will be held in accordance with 25 CFR Part 55a.

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

The primary author of this document is Tina Hansen, Claims Clerk, Sacramento Area Office, Bureau of Indian Affairs, Department of the Interior, 2800 Cottage Way, Sacramento, CA 95825 (916) 484-4766.

Therefore, it is proposed to amend Subchapter G of Chapter 1 of Title 25 of the Code of Federal Regulations by adding a new Part 55b to read as follows:

PART 55b—REFERENDUM ELECTION TO DETERMINE WHETHER THE YUROK TRIBE OF THE HOOPA VALLEY RESERVATION DESIRES TO ESTABLISH A REPRESENTATIVE INTERIM YUROK GOVERNING COMMITTEE

Sec.

55b.1 Definitions.
55b.2 Purpose.
55b.3 Conduct of the referendum.
55b.4 Monitoring the referendum count.
55b.5 Referendum protests.
55b.6 Follow-up on referendum results.

Authority: 5 U.S.C. 301, R.S. 463 and 465, 43 U.S.C. 1457, 25 U.S.C. 2 and 9, Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

§ 55b.1 Definitions.

As used in this part:

(a) "Voters" means those Yuroks who are at least 18 years of age and who otherwise meet the qualifications set forth in 25 CFR 55.3. Such individuals are eligible to participate in the referendum to determine whether an interim Yurok governing committee should be established.

(b) "Referendum" means an election conducted in accordance with the judgment entered in the case entitled *Florence Beaver, et al.*, v. *Secretary of the Department of the Interior, et. al.*, Civil No. C–79–2925–SW, United States District Court, Northern District of California, to determine whether the voters approve or disapprove of an election of an interim Yurok governing committee as provided for in 25 CFR Part 55a.

(c) "Interim Yurok Governing Committee" means an eight-member committee or persons nominated from and by the voters and elected by the voters to serve as a temporary governing body of the Yurok Tribe, whose primary responsibility it to draft a proposed tribal constitution for consideration by the voters.

(d) "Hoopa Valley Reservation" means the reservation established by Executive Order of President Grant on June 23, 1876 (referred to as the "Square"), and the addition made by Executive Order of President Harrison on October 16, 1891 (referred to as the "Extension" or "Connecting Strip"), and the former Klamath River Reservation created in 1855.

(e) "Referendum Date" means the deadline for receipt of ballots. Such date, to be established by the Area Director, shall not be less than thirty (30) days after these regulations become effective.

(f) "Area Director" means the Area Director, Bureau of Indian Affairs, Sacramento Area Office, or his/her authorized representative.

(g) "Voters List" means the list of voters prepared pursuant to 25 CFR Part 55.

(h) "Validly Cast Ballot" means a ballot provided to an eligible voter by the Area Director. Such ballot must be received by the Area Director only through the United States Postal Service no later than the close of business on the referendum date and must be marked either YES or NO in the space provided. A ballot sent to any place other than the Sacramento Area Office, shall *not* be considered validly cast.

§ 55b.2 Purpose.

The purpose of these regulations is to establish procedures for conducting the referendum defined in § 55b.1(b), *supra*.

§ 55b.3 Conduct of the referendum.

(a) By the effective date of these regulations, the Area Director shall cause ballots to be prepared in the following form:

DO YOU FAVOR THE ESTABLISHMENT OF AN INTERIM YUROK TRIBAL GOVERNING COMMITTEE?

—— YES —— No

On the effective date of these regulations, or as soon thereafter as possible, the Area Director shall cause ballots to be mailed to those on the voters list for whom addresses are known. Included with each mailed ballot, shall be a notice of the exact date of the referendum and instructions for voting. Ballots shall be sent and received through the United States Postal Service; no other form of delivery will be accepted.

(b) Each voter wishing to cast a ballot, shall mark the ballot provided and mail it to the Sacramento Area Director at the address given in the voters' instructions. Only ballots determined to be validly cast shall be counted.

(c) The Area Director shall then cause the opening and counting of the ballots, posting of the result, the issuing of a certification of the referendum and publication of the certificate in daily newspapers of general circulation in the vicinity of the reservation.

(d) The result of the referendum will be determined by a simple majority of the validly cast ballots.

§ 55b.4 Monitoring the referendum count.

Ballots shall be opened and counted at a place to be determined and arranged by the Area Director in Eureka, Arcada, Klamath, or Crescent City. The Area Director shall cause to be sent to each eligible voter, a special notice of the time and place for counting ballots. Such notice shall be issued prior to the referendum date. Any interested person may be present to observe the opening and counting of the ballots.

§ 55b.5 Referendum protests.

(a) Any person whose name appears on the voters list may protest the manner in which the referendum was conducted by filing a written statement to be received by the Sacramento Area Director within five (5) days following the date the referendum certification is published. The Area Director shall review all protests and promptly respond to each one by certified mail, return receipt requested.

(b) Any person whose protest is denied, may appeal the Area Director's decision directly to the Commissioner of Indian Affairs, whose decision on the protest shall be final for the Department.

(c) In order to be considered, any appeal of the Area Director's decision must be in writing, stating the complete basis for the appeal, and be received by the Commissioner within ten (10) days of receipt by the appellant of the Area Director's decision.

§ 55b.6 Follow-up on referendum results.

In the event of the referendum results favor an election for an interim Yurok governing committee, the Area Director shall call for an election, based on 25 CFR Part 55a, within 60 days after the referendum results have been certified.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

May 2, 1980.

[FR Doc. 80-13966 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-02-M

Federal Register

Wednesday
May 7, 1980

Part III

Department of the Interior

Office of the Secretary

Policy for Federal Land Acquisition/ Protection Studies and Recommendations Under the Land and Water Conservation Fund Program

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Policy for Federal Land Acquisition/ Protection Studies and Recommendations Under the Land and Water Conservation Fund Program

AGENCY: Department of the Interior.

ACTION: Notice of final policy statement.

SUMMARY: The Department of the Interior's Assistant Secretary for Fish and Wildlife and Parks has adopted a policy statement concerning Federal land acquisition/protection studies and recommendations. This policy statement provides general guidance concerning the study of new areas that could result in use of the Federal portion of the Land and Water Conservation Fund (LWCF) by the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service-USDA. This policy does not address studies or acquisition programs within the boundaries of areas previously authorized by Congress or the Secretary of the Interior.

The Land and Water Conservation Fund Policy Group (LPG) developed the adopted statement of general policy as recommended by the Nationwide Outdoor Recreation Planning Program to improve administration of the Federal portion of the Land and Water Conservation Fund. Each agency will continue to carry out its mission under the more detailed policies and procedures covering individual study programs. However, this statement provides general guidance on what type of areas will be studied, how priorities will be established, and what alternative protection techniques will be considered. The policy also addresses schedules for implementing adopted protection strategies in newly authorized areas.

The Assistant Secretary for Fish and Wildlife and Parks has concluded, on the basis of an environmental assessment, that an environmental impact statement for the adoption of this policy is not required. Copies of the environmental assessment and finding of no significant impact are available at the address given below.

EFFECTIVE DATE: June 6, 1980.

FOR FURTHER INFORMATION CONTACT: John G. Tkach, Staff Director, Land and Water Conservation Fund Policy Group, Department of the Interior, Heritage Conservation and Recreation Service, Washington, D.C. 20243 (202) 343-7665.

Summary of Response to Public Comments

The public was invited to comment on the proposed policy statement which appeared in the Federal Register December 11, 1979 (Vol. 44, No. 239, page 71776). Three public meetings on the proposal were conducted in San Francisco, Denver, and Washington, D.C. and written comments were accepted through January 31, 1980.

More than seventy people participated in the public meetings and twenty-one speakers presented oral comments. Sixteen additional written responses were received. Members of Congress, State agencies, conservationists and environmentalists, business and professional organizations, representatives of national and local associations of land owners, and individuals participated in this review and comment process.

There was considerable support expressed for the policy statement. The effort of the Department of Interior to coordinate, avoid duplication, and set overall policy guidelines was described as a positive step.

There were some comments questioning the adequacy of the proposal. Clarification on the purpose and substance of the statement was requested by one individual so that requirements for compliance can be determined.

There were several requests for additional information concerning the Land and Water Conservation Fund, the LPG, the purpose and anticipated utilization of the policy, and the relation of this proposal to the agencies and their programs. In response to these general questions, a new section titled "Introduction" has been added to the statement.

Comments by Section

General

There are very few comments on this section. Concern was expressed about a few specific national areas, and one representative of a national wildlife association recommended that the LPG adopt a policy banning all hunting and trapping in new areas. These suggestions were considered to be too specific for inclusion in a general policy statement covering programs of five different agencies, each operating under different statutory authorities.

Questions also were raised about how this policy relates to Congressional actions. The policy only covers recommendations by participating agencies concerning use of the Land and Water Conservation Fund. It is an administrative proposal which cannot restrict any actions taken by Congress or override any legislative mandates.

One comment recommended that "scenic" resources be specifically recognized as well as natural, cultural, and recreational. This suggestion was incorporated into this section, although references to natural, cultural, and recreational resources are intended to include a wide range of scenic, scientific, inspirational and other values.

Concern was expressed about the meaning of the phrase "resources which exhibit sufficient qualities to merit Federal action." The study process referenced in this policy will provide a basis for defining "sufficient qualities" based upon an analysis of resource characteristics and National goals established by Congress and the Administration.

Studies

The study process, the primary subject of the policy statement, generated the greatest number of comments. Particular topics of concern were: public participation in the study process; compliance with the National Environmental Policy Act; coordination with State and local interests; and the application of the study process to existing areas. The first three areas of concern have been recognized with specific statements in the revised policy. Suggestions that the policy be extended to existing areas were not accepted as they go beyond the scope of this policy. Previously authorized areas have already been studied in detail and in most cases decisions about alternatives for protection and management have been made by Congress. Implementation of programs in previously authorized areas is accomplished in accordance with Congressional directives and the detailed policies of the individual agencies.

Concern was expressed about the reference in this section to "systematic inventories and analytical procedures" as the methods for identifying areas eligible for study. The emphasis on inventories and procedures is intended to improve the study process by identifying land and water with characteristics and significance to contribute to national goals. This identification does not change the area or impose controls, but assures that only the most outstanding areas will be considered for detailed study.

Priorities

Several specific suggestions were made concerning additional factors to be considered in establishing priorities for study. The list has been expanded to include reference to threatened and

endangered species, and private donations or bargain sales. Also, to clarify this part of the policy, reference to the budget process has been eliminated. Socio-economic, energy resources, minerals, and other factors are considered throughout the study process. As a result, the list of factors has not been expanded to include consideration of these issues prior to undertaking a study of basic natural, cultural, or recreational resource values.

Alternatives

There were a substantial number of comments expressing appreciation for this part of the policy. Several people were encouraged that other-than-fee acquisition alternatives were discussed. Some desired to limit fee acquisition to a last resort alternative. Others pointed out that fee acquisition is many times the only effective method to protect resources. The discussion of alternatives also elicited strong supporting comments for the utilization of cooperative programs that increase coordination with State and local governments.

Changes have not been recommended for this section because it is a listing of alternatives to be considered and not an evaluation of the relative merit of various protection and management techniques.

Implementation: Specific comments on this section proposed that a plan for management and development of new areas be completed prior to any acquisition taking place. In order to maintain the flexibility necessary to protect resources, the policy does call for a plan for each new area, but does not specify when that plan is to be completed.

Adopted policy: The following statement has been adopted after consideration of public comments.

Policy for Federal Land Acquisition Protection Studies and Recommendations Under the Land and Water Conservation Fund Program

Introduction: The Land and Water Conservation Fund (LWCF) Act of 1965, as amended, authorizes appropriations for acquisitions of land, waters, or interests in land or waters for certain additions to the National Park System, National Wildlife Refuge System, other areas authorized to be administered by the Secretary of the Interior (Bureau of Land Management) for outdoor recreation purposes, and the National Forest System. The Land and Water Conservation Fund Policy Group (LPG) was established to serve an advisory and interagency coordinating role with respect to the Federal portion of the LWCF.

The LPG is composed of the Directors of the Department of the Interior's Bureau of Land Management, Fish and Wildlife Service, Heritage Conservation and Recreation Service, and National Park Service; the Chief of the Department of Agriculture's Forest Service; and Interior's Deputy Assistant Secretary for Fish and Wildlife and Parks as chairperson.

The primary mission of the LPG is to develop recommendations for the Department of the Interior's Assistant Secretary for Fish and Wildlife and Parks concerning policies, procedures, protection strategies, funding levels and allocation of funds among member agencies to assure the most effective use of moneys available for Federal purposes under the LWCF Act of 1965, as amended.

General: It is the policy of the member agencies of the Land and Water Conservation Fund Policy Group to identify and develop recommendations to protect, for the use and benefit of present and future generations, those natural, cultural, recreational, and scenic resources which exhibit sufficient qualities to merit Federal action.

Studies: Studies of potential new national areas or major expansions of existing areas will be conducted as part of an adopted planning process. Areas eligible for study will be identified by systematic inventories and analytical procedures as having natural, cultural, recreational, or scenic qualities of importance to the nation.

Agencies conducting studies shall cooperate and coordinate with State and local agencies to the fullest extent possible. These studies shall incorporate opportunities for public participation. Environmental planning shall be conducted in the study process as provided for in the National Environmental Policy Act and implementing regulations.

Priorities: In recommending priorities for studying potential new areas, the LPG will consider, in light of agency program missions and responsibilities, relevant factors which may include:

—Relationship to national goals established by congressional and administrative directives, including the Nationwide Outdoor Recreation Plan.
—Extent of representation of the resources in areas already being protected by Federal, State, local or private action.
—Potential to increase benefits from land already in Federal ownership or from other Federal program expenditures.
—Potential to generate complementary activities by State, local, and other Federal agencies, or private philanthropy.
—Unique, threatened, or outstanding characteristics of the resource.
—Relationship to habitats of threatened or endangered plant and animal species.
—Proximity to population concentration and accessibility.
—Land price escalation.
—Support or opposition by State and local governments, citizen organizations, individuals, or other interests.
—Opportunities for public use or enjoyment.
—Relationship to Statewide Comprehensive Outdoor Recreation Plans (SCORP) and other adopted plans at the State, local, or regional level.

Alternatives: Protection strategies may involve various types of direct or indirect Federal action. Recommendations concerning the appropriate Federal role in resource protection and management will consider a full range of applicable alternatives including:

—Reliance on State, local, or private initiatives.
—Registration (natural or historic landmarks, etc.).
—Technical and financial assistance.
—Coordination and consistency of existing Federal or federally-assisted programs with management and protection objectives.
—Implementation of Federal, State, or local regulatory authorities.
—Acquisition of less-than-fee interests.
—Purchase with reserved interests or provisions for lease-back.
—Acquisition of fee-simple interests.

For potential new areas, recommendations to use any individual technique will be based upon an analysis of alternatives with respect to their ability to protect resource values and meet management objectives, considering long and short term costs as well as benefits.

Implementation. Adopted protection and management strategies which result in the authorization of new national areas or major expansions of boundaries of existing areas will be implemented as promptly as possible to protect resource values and to effectively utilize available LWCF monies. Each authorized new national area or major expansion will have a plan for management and development, including a schedule for implementation which identifies primary values to be protected, land to be acquired in fee, and land to be protected through other means.

Dated: May 5, 1980.

Robert L. Herbst,

Assistant Secretary for Fish and Wildlife and Parks.

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BILLING CODE 4310-03-M

Federal Register

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PARTS IV THROUGH VIII
PETROLEUM AND NATURAL GAS CONSERVATION: FEDERAL ASSISTANCE PROGRAMS

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Part V—Federal Community/Economic Development Programs

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30326 Minority Business Development Agency, Commerce Department
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30346 Housing and Urban Development Department
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Part IV

Interagency Coordinating Council

Petroleum and Natural Gas Conservation: Federal Assistance Programs; Introduction

THE WHITE HOUSE

WASHINGTON

May 7, 1980

TO RECIPIENTS OF FEDERAL ASSISTANCE AND OTHER INTERESTED PARTIES

Reducing our dangerous dependence on foreign oil is one of the most critical challenges America faces during the 1980's. Energy conservation provides the quickest and cheapest way of accomplishing this objective and is a cornerstone of President Carter's National Energy Policy. Executive Order 12185, which was signed by the President on December 17, 1979 in accordance with Section 403(b) of the Power Plant and Fuel Use Act of 1978, extends existing efforts to promote energy conservation through federal aid programs. The President's directive requires that energy efficiency standards be incorporated into all federal assistance programs which offer opportunities for significant conservation of petroleum and natural gas

Because it is government-wide in scope, Executive Order 12185 is being implemented through the President's Interagency Coordinating Council (IACC) The IACC, which was established by President Carter in 1978 under Executive Order 12075, is composed of key major program managers from each of the domestic agencies of the Executive branch.

In this effort, the IACC has facilitated communication among agencies so that the requirements adopted in accordance with the Executive Order are as uniform as possible. It has also guided and coordinated the drafting of such requirements to ensure timely implementation of the Presidential directive. The federal agency officials participating on the IACC are responsible, of course, for the substance of the contemplated energy conservation standards, and for their application to the federal aid programs involved.

The first step in implementing Executive Order 12185 was completed on February 7, 1980. On that date, a consolidated, government-wide list of federal assistance programs which appeared to have significant energy saving potential was published in the Federal Register The public was given 60 days to review and comment on this list of programs and to suggest rules which would effectuate the purposes of the Executive Order.

After the list of programs was published in the Federal Register, the second implementation step was undertaken. It involved a series of analyses to determine the applicability of Executive Order 12185 to various programs, and to assess basic energy conservation standards that could be incorporated into the affected programs without in any way impairing their statutory purposes.

Initially, these analyses were conducted by interagency working groups which were established around the seven broad functional areas that were used in organizing the February 7 publication. These areas were:

1) Planning and Technical Assistance
2) Community/Economic Development
3) Housing
4) Transportation
5) Public Facilities
6) Energy
7) Labor/Education/Human Resources.

Completion of the interagency reviews resulted in several major decisions. For example, the programs which had been listed separately under the Planning and Technical Assistance section in the earlier publication were incorporated into each relevant program area. It was also determined that since conservation of petroleum and natural gas was already the underlying objective of the federal programs published under the energy section on February 7, further requirements in those programs were unnecessary.

Upon completion of the interagency working groups' analyses, each agency developed and refined a variety of proposals specific to its programs to comply with the purposes of Executive Order 12185. These proposals are published in today's Federal Register, thereby bringing us to the third step in implementing the Executive Order. This publication is the product of extensive communication among agencies, careful interagency coordination, and intensive analysis. As you will note, the proposals have now been divided into four broad functional areas:

1) Community/Economic Development
2) Housing
3) Public Facilities
4) Transportation.

Since recipients of federal assistance, including state and local governments, will be directly impacted by any measures that are eventually adopted to comply with the provisions of Executive Order 12185 and the Power Plant and Fuel Use Act of 1978, it is imperative that all such recipients review the proposed regulatory and administrative actions and communicate their concerns to the appropriate agency. We will carefully consider all such advice and comment as final rules are developed.

Jack Watson

Jack H. Watson, Jr.
Assistant to the President,
Chairman, Interagency Coordinating Council

APPENDIX 1

Executive Order 12185—Conservation of Petroleum and Natural Gas

Note.—Executive Order 12185 was originally published in the Federal Register on December 19, 1979 (44 FR 75093).

By the authority vested in me as President of the United States of America by Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318; Public Law 95-620) and Section 301 of Title 3 of the United States Code, in order to encourage additional conservation of petroleum and natural gas by recipients of Federal financial assistance, it is hereby ordered as follows:

1-101. Each Federal agency, as that term is defined in Section 103(a)(25) of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3297), shall effectuate through its financial assistance programs the purposes of that Act relating to the conservation of petroleum and natural gas.

1-102. Each Federal agency which extends financial assistance shall review those programs of financial assistance and identify those which are most likely to offer opportunities for significant conservation of petroleum and natural gas.

1-103. Within two months, and annually thereafter, each agency shall publish for comment a list of those programs which it has identified as likely to offer significant opportunity for conservation. The public shall be given 60 days to submit comments, including suggestions for rules which would effectuate the conservation purposes of the Act.

1-104. After receiving public comment and suggestions, and after consulting with the Director of the Office of Management and Budget, each agency shall publish proposed rules designed to achieve conservation of petroleum and natural gas in connection with the receipt of financial assistance.

Proposed rules should be published within 30 days of the close of the comment period under Section 1-103.

1-105. Final rules shall be adopted by each agency in accordance with the provisions of Sections 102(b), 403(b) and 701(a) of the Powerplant and Industrial Fuel Use Act of 1978, and the provisions of this Order, not later than 180 days from the date of this Order.

1-106. No one shall be awarded any financial assistance unless that award complies with the provisions of the conservation rules adopted by the agency pursuant to this Order.

1-107. To the extent permitted by law and where not inconsistent with the financial assistance program, final rules may provide for the reduction or suspension of financial assistance under any award. Such reduction or suspension shall not be ordered until there has been an opportunity for a hearing on the record, and shall last for such time as the recipient fails to comply with the terms of the conservation rule.

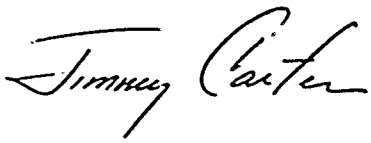
1-108. No conservation rule shall be adopted which is inconsistent with the statutory provisions establishing the financial assistance program.

1-109. No conservation rule shall be used to enforce compliance with any prohibition under the Act against any person or facility which has been specifically determined by the Secretary of Energy as subject to or exempt from a prohibition under the Act. The conservation rules shall be used to enforce other new ways of achieving the purposes of the Act related to the conservation of petroleum and natural gas.

1–110. In order to assess the effectiveness of this program, each agency shall annually prepare a report on its activities in accord with Section 403(b)(1)(B) of the Act. These reports shall be submitted to the President through the Secretary of Energy.

1–111. The Secretary of Energy shall prepare for the President's consideration and transmittal to the Congress the report required by Section 403(c) of the Act.

1–112. The Director of the Office of Management and Budget may issue any rules, regulations, or orders he deems necessary to ensure the implementation of this Order. The Director may exercise any of the authority vested in the President by Section 403(b) of the Act, and may redelegate such of that authority as he deems appropriate to the head of any other agency.



THE WHITE HOUSE,
December 17, 1979.

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BILLING CODE 6450-01-C

Federal Register

Wednesday
May 7, 1980

Part V

Federal Community/ Economic Development Programs

Economic Development Administration, Commerce Department
Minority Business Development Agency, Commerce Department
Housing and Urban Development Department
Farmers Home Administration, Agriculture Department
Small Business Administration
Community Services Administration

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Part V—Section A

Department of Commerce

Economic Development Administration

Petroleum and Natural Gas Conservation: Federal Community/Economic Development Assistance Programs

DEPARTMENT OF COMMERCE

Economic Development Administration

13 CFR Parts 304, 305, 306, 307, 308, and 315

Miscellaneous Amendments to Financial Assistance Programs Regarding Energy Conservation

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

ACTION: Proposed rule.

SUMMARY: On December 17, 1979, the President directed Federal agencies to issue proposed rules to encourage conservation of petroleum and natural gas in connection with the receipt of Federal financial assistance. EDA provides various forms of financial assistance to alleviate conditions of economic distress. This rule proposes to amend several sections of EDA's program regulations to implement the President's order.

DATE: Comments by July 7, 1980.

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

FOR FURTHER INFORMATION CONTACT: Alan S. Gregerman, Policy Development Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202) 377-5103.

SUPPLEMENTARY INFORMATION: In Executive Order 12185, the President instructed Federal agencies to review financial assistance programs and to identify those programs which are most likely to provide opportunities for significant conservation of petroleum and natural gas. A list of EDA's programs affected by the Order was published by the Department of Energy on February 7, 1980 (45 FR 8534), as part of a preliminary goverment-wide list. Section 1-104 of the Order requires Federal agencies to publish proposed rules which are designed to achieve conservation of petroleum and natural gas in connection with the extension of financial assistance. This proposed rule would amend several of EDA's program regulations to accomplish this goal.

Energy is closely related to EDA's basic economic development mission in three ways:

1. EDA facilitates economic adjustment which may be needed in part because of the high cost or unavailability of energy;

2. EDA investments, both public and private, can be strenthened by the sound use of energy conserving techniques and practices; and,

3. EDA can assist distressed communities to take advantage of development opportunities in the energy field through both public and private sector aid.

EDA has already accomplished a wide range of successful energy-related projects within its basic programs. These include: research on energy problems and impacts, technical assistance studies of energy alternatives, energy planning/management assistance to Economic Development Districts, business development assistance to firms in the energy field, and public works grants for energy conservation and development. To implement Executive Order 12185, EDA will integrate energy conservation measures into its basic programs. The regulatory and administrative actions proposed are intended to encourage energy conservation consistent with program purposes and sound economic development objectives. While a number of steps are proposed, the most important crosscutting actions would:

1. Make energy conservation features of otherwise acceptable projects eligible costs for EDA aid.

2. Require energy-efficiency analyses of proposed projects.

3. Require that the most energy-conserving alternative developed by the energy-efficiency analysis be incorporated into the project.

4. Require energy conservation considerations to be made an integral part of the economic development planning process.

Summary of Regulatory Changes

Public Investments

Public works applicants will be required to submit an energy efficiency analysis of the proposed facility. Applicants will be expected to incorporate energy conservation measures identified in the analysis—which will be eligible project costs—unless funds are not available from EDA and/or the applicant to cover the costs of such measures; or there are overriding economic development considerations. In addition, applicants will be asked to provide information on the energy needs of users of the facility.

Development Finance Program

Energy conservation actions will be incorporated into the Development Finance Program as a means for enhancing the quality of EDA investments. Certain energy conservation measures will be eligible project costs. In addition, applicants constructing new facilities or proposing substantial rehabilitations—and planning to use either petroleum or natural gas—will be required to analyze energy alternatives and adopt the most feasible and energy conserving one available.

Planning Programs

Within EDA's planning programs, regulations will require that energy conservation considerations be made an integral part of the economic development planning process and reflect this in resultant plans and programs.

Technical Assistance Program

EDA will continue to use its Technical Assistance Program to address the energy-related problems of economic growth and development. Within the context of limited resources, the Agency will expressly allow as eligible for assistance energy-related projects which study a specific problem but have broad applicability to distressed communities and regions.

Title IX

EDA will require applicants for assistance under Title IX, where appropriate, to perform an energy design and operating analysis to ensure that facilities will be designed, constructed, and operated in an energy-efficient manner.

Trade Adjustment Assistance Program

EDA will expressly allow costs associated with energy conservation measures as eligible costs under the Agency's Trade Adjustment Assistance Program.

EDA will take additional energy conservation steps after Congress acts on amendments to EDA's basic authorizing legislation. Depending upon this congressional action, EDA will establish a special initiative in the Development Finance Program to assist innovative new technology firms. A focus of this initiative will be on energy-related businesses.

In addition to these changes to EDA's program regulations, EDA proposes to take the following administrative actions to further the purposes of the Order:

Administrative Actions

Overall Agency Action

- Training will be provided to appropriate EDA staff to assist them in reviewing the energy features of proposed projects.

Public Works Program

- EDA will encourage energy conservation measures to be incorporated into the design of buildings assisted with public works funds and participate in funding resultant costs within reasonable limits.
- EDA will encourage the use of renewable energy sources for the heating and production processes of assisted facilities and participate in funding resultant costs within reasonable limits.

Revolving Loan Fund Program

- When appropriate, EDA will encourage Revolving Loan Fund (RLF) applicants to incorporate energy conservation measures in their plans for the RLF through the inclusion of energy conservation as a loan selection criterion. Inclusion of energy conservation as a loan selection criterion will help to ensure that borrowers will consider the energy efficiency of their facilities.
- EDA will encourage RLF recipients to seek out and fund firms in the energy conservation field.
- EDA will seek, on a limited basis, the development of RLFs to make loans in the energy conservation field. Under this initiative, project loans from the RLFs would be available to either businesses providing energy conservation products and services or for energy conserving facility and process modifications as an "energy adjustment". Such projects must be consistent with local economic development efforts.

Technical Assistance Program

- EDA will utilize TA-supported University Centers, Trade Adjustment Assistance Centers and other national programs as depositories of information on energy conservation.

Executive Order 12044 Determinations

Because these changes broadly affect EDA programs, EDA has determined that this rule is a "significant regulation" under the criteria of Executive Order 12044, on "Improving Government Regulations". While this rulemaking is "significant", EDA has determined that this rule does not have major economic consequences under the criteria of that Order and does not require preparation of a "Regulatory Analysis".

EDA invites interested organizations and individuals to comment in writing concerning this rule to the Assistant Secretary at the above address. In order to further the goal of that Order to provide the public with a greater opportunity to participate in rulemaking, EDA has consulted with many public interest groups concerned with the EDA programs in developing these proposed regulations. Continuing consultation sessions will be held.

Accordingly, EDA proposes to revise the following regulations:

PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

1. 13 CFR 304.4 is proposed to be amended by adding a new paragraph (e) at the end thereof, to read as follows:

§ 304.4 Initial OEDP.

* * * * *

(e) The initial OEDP will be developed with a specific regard for energy conservation concerns and principles, and shall reflect this regard in any developed or proposed plans, programs, or projects.

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

2. 13 CFR 305.59 is proposed to be amended by revising it to read as follows:

§ 305.59 Energy conservation and other requirements.

(a) *Energy conservation.* Applicants for EDA assistance for public works facilities will submit the following as part of the application:

(1) An energy design and operating analysis addressing the energy efficiency of the facilities, where appropriate, for which EDA assistance is requested. Such analysis will include the following:

(i) The overall design of the facilities;

(ii) Special conservation measures to be utilized;

(iii) Fuel requirements for heating, cooling and production processes of the facilities;

(iv) Consideration given to the use of alternative and renewable energy sources for heating, cooling and production processes of the facilities; and

(v) BTU savings resulting from the design of the facilites compared to standard design criteria.

(2) Where appropriate, the following information concerning energy considerations of the firms which will use the facilities for which EDA assistance is requested:

(i) Fuel needs;

(ii) Fuel sources;

(iii) Transportation needs;

(iv) Provisions being made for renewable fuel sources; and

(v) Energy conservation decisions made in order to determine the site and users of the facilities.

(b) *Other requirements.* The requirements of part 309 of this chapter apply to this part, as appropriate.

PART 306—BUSINESS DEVELOPMENT PROGRAM

3. 13 CFR 306.12 is proposed to be amended by adding a new paragraph (g)(4) and by adding a new paragraph (j) to read as follows:

§ 306.12 Allowable costs for projects involving fixed assets.

* * * * *

(g) * * *

(4) In otherwise eligible projects, costs associated with the acquisition or installation of: insulating materials for buildings, furnaces, kilns or other project facilities; machinery and equipment for recovery of waste heat; computerization of production processes for energy process management; conversion of existing facilities, machinery, equipment and production processes to coal or non-fossil fuels; and, other energy conserving purposes as approved by the Assistant Secretary.

* * * * *

(j) Applicants constructing new facilities or proposing substantial rehabilitation of existing facilities and planning to use petroleum or natural gas for heating or production processes will be required to analyze alternatives for long-run cost savings. Applications for such projects must contain an architect/engineer's or operating engineer's certification that the proposed alternative is the most feasible and energy conserving available.

PART 307—TECHNICAL ASSISTANCE, RESEARCH AND INFORMATION

4. 13 CFR 307.3 is proposed to be amended by revising paragraphs (a)(1)(iii) and (a)(1)(iv) and by adding a new paragraph (a)(1)(v) to read as follows:

§ 307.3 Projects.

(a) * * *

(1) * * *

(iii) Management and operational assistance,

(iv) Preliminary design planning and feasibility studies of development facilities, and

(v) Studies regarding energy conservation if such studies will examine specific energy problems which have broad applicability to economically distressed regions and communities.

* * * * *

5. 13 CFR 307.22 is proposed to be amended to read as follows:

§ 307.22 Planning grant objectives.

(a) Planning grants for administrative expenses are given to enable eligible applicants to establish and carry out effective economic development programs at local and multijurisdictional levels, and to provide a basis for improved coordination and continuity of Federal, State, and local economic development activities. Planning grants should contribute to the establishment of a permanent economic development process, capable of meeting the planning, coordinating and implementation requirements of the area, district, or reservation.

(b) In order to further the objectives of Executive Order 12185 to conserve petroleum and natural gas, recipients shall ensure that economic development planning processes assisted under this subpart shall provide a means for addressing energy-conservation concerns and principles.

6. 13 CFR 307.28 is proposed to be revised by renumbering existing paragraph (c)(6) as (c)(7) and adding an new (c)(6) to read as follows:

§ 307.28 Continuation planning grants.

* * * * *

(c) The appraisals will consider the following:

* * * * *

(6) Incorporation by the grantee of energy conservation concerns and principles into the economic development planning process.

(7) Implementation by the grantee of recommendations of the preceding appraisal.

7. 13 CFR 307.52(a)(1)(i) is proposed to be amended by adding a new paragraph (F) and by revising paragraphs (D) and (E), to read as follows:

§ 307.52 Types of grants.

* * * * *

(a) * * *

(1) * * *

(i) * * *

(D) Provide public services;

(E) Balance physical and human resources through the management and control of physical development; and

(F) Enhance and support energy conservation principles, measures and activities.

* * * * *

8. 13 CFR 307.55 is proposed to be amended by adding a new paragraph (a)(5) and a new paragraph (c)(5), and by redesignating existing paragraph (c)(5) as (c)(6), to read as follows:

§ 307.55 Application requirements.

* * * * *

(a) * * *

(5) That the planning process will be coordinated with energy conservation planning efforts to ensure that energy conservation principles, activities and measures are reflected in State economic development plans, programs and projects.

* * * * *

(c) * * *

(5) That, in undertaking the activities described in paragraphs (c)(3) and (c)(4) of this section, attention will be given to incorporating energy conservation concerns and principles into any economic development plans, programs, and projects. The economic development planning process shall be coordinated with existing energy conservation planning efforts.

(6) That, if a city or county is located in a larger economic development planning unit, activities funded with a planning grant shall be coordinated with the larger unit.

9. 13 CFR 307.56 is proposed to be amended by adding a new paragraph (h) to read as follows:

§ 307.56 Limitations.

* * * * *

(h) Grants may cover costs incurred for ensuring that energy conservation concerns are incorporated into the economic development planning process and resultant plans and programs as required by this subpart, except that such costs will not be allowed if the grantee is receiving other Federal assistance to perform energy conservation planning. Subject to the requirement of section 716 of the Act and § 309.13 of this chapter, the Assistant Secretary may waive the prohibition against costs determined ineligible under the preceding sentence for good cause.

10. 13 CFR 307.57 is proposed to be amended by adding a new paragraph (a)(6):

§ 307.57 Annual reports.

* * * * *

(a) *States* * * *

(6) For grants approved after October 1, 1980, certification regarding the manner in which the State incorporated energy conservation concerns into the activities of its planning process.

* * * * *

PART 308—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

§ 308.5 [Amended]

11. 13 CFR 308.5(a) is proposed to be amended by changing the reference in the first sentence of that subsection from "section 308(a)" to "section 308.6(a)".

12. 13 CFR 308.6 is proposed to be amended by adding the following new paragraph a(8) at the end thereof:

§ 308.6 Planning requirements.

(a) * * *

(8) Where appropriate, a completed energy design and oprating analysis addressing the energy efficiency of the facilities for which EDA assistance is requested. Such analysis will include the following:

(i) The overall design of the facilities;

(ii) Special conservation measures to be utilized;

(iii) Fuel requirements for heating, cooling and production processes of the facilities;

(iv) Consideration given to the use of alternative and renewable energy sources for heating, cooling and production processes of the facilities; and

(v) BTU savings resulting from the design of the facilities compared to standard design criteria.

* * * * *

PART 315—ADJUSTMENT ASSISTANCE FOR FIRMS AND COMMUNITIES

13. 13 CFR 315.54(b) is proposed to be revised to read as follows:

§ 315.54 Technical assistance.

* * * * *

(b)(1) Technical assistance may be provided under this subpart in order to assist a firm in—

(i) Developing a proposal for its economic adjustment;

(ii) Implementing such a proposal; or

1(iii) Both.

(2) Technical assistance extended under paragraph (b)(1) of this section may include assistance to study a specific energy related problem in the context of the adjustment needs of the applicant.

* * * * *

15. 13 CFR 315.55(b)(1) is proposed to be revised to read as follows:

§ 315.55 Financial assistance.

* * * * *

(b) * * *

(1) For acquisition, construction, installation, modernization, development, conversion or expansion of land, plants, buildings, equipment, facilities or machinery and, in otherwise eligible projects, for costs associated with the acquisition or installation of: insulating materials for buildings, furnaces, kilns, or other project facilities; machinery and equipment for recovery of waste heat; computerization

of production processes for energy process management; conversion of existing facilities, machinery, equipment and production processes to coal or non-fossil fuels, and other energy conserving purposes as approved by the Assistant Secretary; or

* * * * *

Dated: May 1, 1980.

Robert D. Hall,

Assistant Secretary for Economic Development.

[FR Doc. 80-14056 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-24-M

Federal Register

Wednesday
May 7, 1980

Part V—Section B

Department of Commerce

Minority Business Development Agency

Petroleum and Natural Gas Conservation: Federal Assistance Programs

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Conservation of Petroleum and Natural Gas

AGENCY: Minority Business Development Agency.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA), which makes management and technical assistance available to minority entrepreneurs and firms in an effort to move them into the economic mainstream, announces that in furtherance of Executive Order 12185 (conservation of petroleum and natural gas), it will:

1. Encourage the Minority Construction Contractor Assistance Centers it funds to promote weatherization and insulation of existing structures.
2. Support the development of firms in energy related activities through its Technology Commercialization Program.
3. Make energy conservation data and information available to minority entrepreneurs and firms.

FOR FURTHER INFORMATION CONTACT: Roy Mixon, Minority Business Development Agency, 14th & Constitution Avenue, N.W., Washington, D.C. 20230, 202/377-5217.

Dated: May 1, 1980.

Allan A. Stephenson,

Deputy Director.

[FR Doc. 80-14072 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-21-M

Federal Register

Wednesday
May 7, 1980

Part V—Section C

Department of Housing and Urban Development

Petroleum and Natural Gas Conservation: Federal Community/Economic-Development Assistance Programs

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-80-797]

Community Development Block Grants; Energy Conservation Changes to Urban Development Action Grant Rules

AGENCY: Office of Urban Development Action Grants, HUD.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Urban Development Action Grant regulations to include additional energy conservation measures developed in accordance with Executive order 12185 and applicable to private participating parties constructing Action Grant projects.

DATES: Comments must be received by July 7, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Each person submitting a comment should include his/her name and address, refer to the document by the document number indicated by the headings, and give reasons for any recommendation. Copies of all written comments received will be available for examination by interested persons in Office of Rules Docket Clerk, at the address listed above. The proposal may be changed in the light of comments received.

FOR FURTHER INFORMATION CONTACT: Catherine Hare (202–755–7362) or Mark Williams, Office of Urban Development Action Grants, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: In accordance with national energy objectives and the provisions of Executive Order 12185, we are proposing that each private participating party constructing an Action Grant project evaluate and implement the most cost-effective energy efficient measures feasible directly affecting the construction or rehabilitation of buildings and the production processes to be performed therein. Thus, a new requirement is added to the Action Grant application calling for a certification to this effect by appropriate participating parties. Institutions which are participating parties exclusively for the purpose of lending funds are excluded from this requirement.

A finding of no significant impact under the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the finding is available for inspection in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department proposes to amend § 570.458 by adding at the end a new paragraph (c)(16) to read as follows:

§ 570.458 Full Applications.

* * * * *

(c) * * *

(16) Each private participating party constructing an action grant funded or non-action grant funded activity must submit a certification providing assurance that it had evaluated and it will implement the most cost-effective energy efficient measures feasible directly affecting the construction or rehabilitation of buildings and the production processes to be performed therein. Each Private participating party will be expected to cite the energy efficient measures that it is including in its building or production processes. Institutions which are participating parties exclusively for the purpose of lending funds are excluded from this requirement.

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*); Title I Housing and Community Development Act of 1977 (Pub. L. 95–128); and Sec. 7(d), Department of Housing and Urban Develpment Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C. April 17, 1980.

Walter G. Farr,

Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 80-13971 Filed 5-6-80; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 570

[Docket No. R-80-798]

Community Development Block Grants; Energy Conservation Provisions; Proposed Rules

April 16, 1980.

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

ACTION: Proposed rule.

SUMMARY: This rule provides that where units rehabilitated with block grant funds are proposed to be included as goals in a Housing Assistance Plan (HAP) they must comply with HUD's Cost-Effective Energy Conservation Standards. It also provides that where block grant funds are provided to private entities to acquire properties for the purpose of rehabilitation, the structures to be acquired must meet the Cost-Effective Energy Conservation Standards after rehabilitation.

DATE: Comments must be received on or before July 7, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Harriet Frank, Entitlement Cities Division, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. (202) 755–1871. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: As part of its review to determine how HUD programs can be administered in a way that fosters energy conservation, the Department is proposing to amend the rules for the Community Development Block Grant (CDBG) program to include two new requirements affecting rehabilitation:

(1) Units to be counted as goals in a HAP would be required to conform to HUD's Cost-Effective Energy Conservation Standards;

(2) Where block grant funds are provided to private entities to acquire properties for the purpose of rehabilitation, the properties would be required to meet Cost-Effective Energy Conservation Standards after rehabilitation.

This expansion of the standards pertaining to these categories of rehabilitation is consistent with the Department's current approach to regulating rehabilitation, as well as with the national objective to conserve energy. Although HUD has not set minimum standards for all block grant funded rehabilitation and has relied on local discretion in designing rehablitation programs, it has enforced minimum standards for rehabilitation included in HAP goals and for rehabilitation where funds are provided to private entities to acquire the properties to be rehabilitated. (Such rehabilitation must meet the Section 8 Existing Housing Quality Standards.) In light of the critical problems of energy supply and cost, it is considered appropriate to include energy conservation in the minimum standards applicable to such rehabilitation efforts.

It is noted that the low- and moderate-income persons who are the principal beneficiaries of the block grant program often suffer disproportionately from high

energy costs and shortages. Inclusion of these standards in the block grant regulations will therefore not only serve national energy conservation objectives, but will also result in significant savings to lower-income persons in fuel costs or rent expenses attributable to the costs of fuel.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding is available for public inspection during regular business hours in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department proposes to amend 24 CFR Part 570 to read as follows:

1. Section 570.202(c)(1) is revised as follows:

§ 570.202 Eligible rehabilitation and preservation activities.

* * * * *

(c) *Rehabilitation of private properties.** * *

(1) *Acquistion for the purpose of rehabilitation.* Block grant funds may be used to assist private entities, including profit making and not for profit organizations, to acquire properties for the purpose of rehabilitation, and to rehabilitate such properties, for use or resale for residential purposes. Such properties may include:

(i) Permanent housing units, both signle family and multifamily, for rental or sale; and

(ii) Residential facilities such as group homes, halfway houses, and emergency shelters.

Properties acquired and rehabilitated under this provision must meet the Section 8 Existing Housing Quality Standards at 24 CFR 882.109 and the Cost-Effective Energy Conservation Standards at 24 CFR Part 39.

2. Section 570.306(c)(1)(vi) is revised as follows:

§ 570.306 Housing assistance plan.

* * * * *

(c) * * *

(1) * * *

(vi) *Adequacy of rehabilitation.* In order to be included as goals in a HAP, any units proposed to be rehabilitated for either owners or renters must be units which are determined by the applicant to be substandard, and upon completion will meet, at a minimum, the Section 8 Existing Housing Quality Standards at 24 CFR 882.109 and the Cost-Effective Energy Conservation Standards at 24 CFR Part 39, and be occupied by lower-income households. Any units proposed for rehabilitation using Federal assistance shall upon completion meet the standards of the applicable Federal program where they exceed Section 8 Existing Housing Quality Standards.

* * * * *

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

Issued at Washington, D.C., April 17, 1980.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-13972 Filed 5-6-80; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 570

[Docket No. R-80-799]

Community Development Block Grants, Small Cities Program, Energy Criteria

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: Hud is soliciting comments on this proposed revision to the Small Cities Program regulations, Subpart F of the Community Development Block Grant regulations. The proposed changes put more emphasis upon energy conservation and production in the Small Cities Program.

DATES: Comments must be received on or before June 6, 1980.

ADDRESS: Comments should include references to the docket number and date of publication and be sent to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Jody A. Cook, Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: HUD has decided to put more emphasis upon energy conservation and production in the programs it administers. The changes would implement energy conservation and production considerations in the Small Cities Program. The changes made are limited and do not alter substantially the Program with which the public is already familiar.

On April 8, 1980, HUD published in the Federal Register proposed changes to the Small Cities Program. The changes below reference those proposed regulations and not the current regulations in effect which were published in the Federal Register on June 26, 1979.

The following paragraphs identify the sections revised to include energy considerations and explain each proposed change:

Section 570.424(i) and § 570.428(i), both titled *Energy conservation or production (20 points).*

This new paragraph is added to encourage Small Cities Program applicants to promote energy conservation or support energy production efforts in their proposed programs. Applicants which do so will receive 20 points under the Single Purpose Grant and Comprehensive Grant selection systems.

Section 570.430(b)(2) *Applications for Single Purpose Grants, Housing Assistance Plan, HUD review of HAP.*

In order to count toward Housing Assistance Plan goals, rehabilitated units must now meet the *Cost-Effective Energy Conservation Standards* set forth in 24 CFR Part 39. For Single Purpose grantees, this requirement is reflected in the last sentence of § 570.430(b)(2) (comprehensive grantees must meet the same provision under § 570.306(c)(1)(vi), *Adequacy of rehabilitation,* proposed for revision in a separate document).

In addition, minor changes are made to other paragraphs which (1) reflect the increase in selection factors from eight to nine and (2) redesignate § 570.424(i) to § 570.424(j) and § 570.428(i) to § 570.428(j) in order to accommodate the additional selection factor.

In the proposed regulations published April 8, 1980, HUD also proposed adding an energy-related Comprehensive Grant program impact criteria. It allows applicants for Comprehensive Grants to design programs to specifically support energy conservation or production.

Interested persons are invited to participate in final rulemaking by submitting written comments about the proposed regulations. To facilitate HUD's consideration and review of comments, each commenter must refer to the docket number and clearly identify each paragraph and its corresponding comments. Comments should be addressed to the Rules Docket Clerk, whose address is above, before the date specified, in order to be considered for the final rule. Copies of all written comments received will be available for examination and copying during business hours in the Office of the Rules Docket Clerk.

To include energy considerations in the Small Cities Program this year, the final energy regulations must be effective prior to the fiscal year 1981 Small Cities competitions, which begin

in October. The 30 day comment period makes this possible, allowing HUD to use energy considerations in its fiscal year 1981 funding decisions and giving applicants enough time to accommodate energy considerations in planning their projects. After considering public comment, HUD intends to publish a single final rule for the Small Cities Program which includes the proposed energy regulations and the proposed regulations published April 8, 1980.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of Inapplicability is on file and available for inspection in the Office of the Rules Docket Clerk.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to executive Order 12044.

Accordingly, 24 CFR 570 is amended as follows:

1. By amending § 570.424 to revise the introductory text and adding paragraphs (i) and (j) to read as follows:

§ 570.424 Selection system for comprehensive grants.

Preapplications are rated and scored against each of the following nine factors. All points for each factor are rounded to the nearest whole number. The maximum score possible is 1020 points.

	Points
(a) Need—absolute number of poverty persons	100
(b) Need—percent of poverty persons	50
(c) Program factor—impact of the proposed program	400
(d) Benefit to low- and moderate-income persons	200
(e) Performance:	
Housing	100
Local equal opportunity efforts	50
(f) Areawide Housing Opportunity Plan (AHOP)	50
(g) Hold-harmless phaseout communities	25
(h) State's rating	25
(i) Energy conservation or production	20

Preapplications from counties in behalf of themselves, States in behalf of themselves or in behalf of counties, or joint preapplications in which a county is participating, are scored separately with respect to the needs factors of § 570.424(a)–(b).

* * * * *

(i) *Energy conservation or production (20 points).* Twenty points are awarded to each applicant that demonstrates that its proposed program will promote energy conservation or support energy production in the applicant's jurisdiction.

(j) *Final ranking.* The points received by each applicant on the nine rating factors are totaled and the preapplications ranked according to the point totals. Invitations for full applications are based on this final ranking to the extent funds are available. However, if an Area Office made a procedural error in the previous year's competition, that, when corrected, would have resulted in awarding sufficient points to warrant an invitation to an applicant, HUD may invite that applicant, if otherwise eligible, to submit a full application for current year funding. HUD may invite additional applications on a stand-by basis in the event one of the higher ranked preapplications is not approved, or additional funds become available.

2. By amending § 570.428 by revising the introductory text and adding paragraphs (i) and (j) to read as follows:

§ 570.428 Selection system for Single Purpose Grants

Preapplications are rated and scored against each of the following nine factors. All points for each factor are rounded to the nearest whole number. The maximum score possible is 1020 points.

	Points
(a) Need—absolute number of poverty persons	100
(b) Need—percent of poverty persons	50
(c) Program factor—impact of the proposed program	400
(d) Benefit to low- and moderate-income persons	200
(e) Performance:	
Housing	100
Local equal opportunity efforts	50
(f) Areawide Housing Opportunity Plan (AHOP)	
Applicant participating	50
(g) Other Federal programs	25
(h) State's rating	25
(i) Energy conservation or production	20

Preapplications from counties in behalf of themselves, States in behalf of themselves or in behalf of counties, or joint preapplications in which a county is participating are scored separately with respect to the needs factors of § 570.428(a)–(b).

* * * * *

(i) *Energy conservation or production (20 points).* Twenty points are awarded to each applicant that demonstrates that its proposed program will promote energy conservation or support energy production in the applicant's jurisdiction.

(j) *Final ranking.* The points received by each applicant on the nine rating factors are totaled, and the preapplications ranked according to the point totals. Invitations for full applications are based on this final ranking to the extent funds are available. However, if an Area Office made a procedural error in the previous year's competition, that, when corrected, would have resulted in awarding sufficient points to warrant an invitation to an applicant, HUD may invite that applicant, if otherwise eligible to submit a full application for current year funding. HUD may invite additional applications on a standby basis in the event one of the higher-ranked preapplications is not approved or additional funds become available.

3. By amending § 570.430(b)(2) as follows:

§ 570.430 Applications for single purpose grants

* * * * *

(b) * * *

(2) *HUD review of HAP.* Where substantial housing needs are identified pursuant to paragraph (b)(1) of this section, HUD may determine that a Housing Assistance Plan with only minimal goals is plainly inappropriate to meeting the applicant's needs. Housing types (new, rehabilitated or existing dwelling units) proposed to meet housing assistance needs should be established in relation to a community's housing market and should be realistic in terms of estimating the number and types of units which can be absorbed by the market within a reasonable period of time and provide for a balanced housing market. Any units proposed to be included in the HAP as goals for rehabilitation must meet, at a minimum, the Section 8 Existing Housing Quality Standards pursuant to 24 CFR 882.109 and the Cost-Effective Energy Conservation Standards pursuant to 24 CFR Part 39 upon completion. Weatherization and other similar activities alone will not satisfy rehabilitation housing assistance goals.

* * * * *

(Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95–123); and Sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., April 17, 1980.

Walter G. Farr,

Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 80-13973 Filed 5-6-80; 8:45 am]
BILLING CODE 4210-01-M

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24 CFR Part 600

[Docket No. R-80-800]

Comprehensive Planning Assistance; Energy Conservation Provisions Proposed Rule

AGENCY: Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This rule would revise the Comprehensive Planning Assistance Program regulations to incorporate energy conservation measures as established in Executive Order 12185 and to provide examples of energy conservation activities that would be

eligible for Comprehensive Planning Assistance funding.

DATES: Comments must be received on or before July 7, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of HUD, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Barbara S. Dorf, Office of Planning and Program Coordination, Room 7254, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-5649. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: In accordance with national policy and the provisions of Executive Order 12185, which addresses energy conservation, HUD has reviewed its programs to determine how they can contribute to achieving this important objective. The Comprehensive Planning Assistance Program focuses on achieving national policy objectives related to the conservation and improvement of existing communities, the increase of housing and employment opportunities, and the promotion of orderly and efficient growth and development. Thus, the Program can be used to promote energy conservation planning and to incorporate energy conservation considerations in the planning process. HUD is therefore proposing to amend the rules for the Comprehensive Planning Assistance Program to incorporate the policy objectives of the Executive Order and to clarify and provide examples of the way in which comprehensive planning funds can be used to further energy conservation.

Energy Conservation Objectives

A new § 600.68 would be added to Subpart B of the Comprehensive Planning Assistance Program regulations. This new section would require that energy conservation considerations be incorporated in the planning process when undertaking planning activities related to the conservation of existing communities, increasing housing and employment opportunities or the promotion of orderly growth. The section would also provide illustrations of the types of considerations that should be included as part of the comprehensive planning process.

Clearinghouse Notification

Section 600.160 would be revised to clarify the requirement that each applicant notify the A-95 Clearinghouse of its intent to submit an application for Comprehensive Planning Assistance funds at least 60 days prior to submittal of the application to HUD. Such notification would have to include the identification of any known energy impacts or any energy planning to be undertaken. All other A-95 Review procedures would remain unchanged and in effect.

Appendix I

Appendix I to Part 600 would be revised to provide examples of activities which may be undertaken with Comprehensive Planning Assistance Program funds to further energy conservation objectives. Additions and changes proposed to be made to the Appendix are underlined.

A finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding is available for public inspection during the regular business hours in the Office of the Rules Docket Clerk at the aforementioned address.

This rule was not listed in the Department's semiannual agenda of significant regulations published on February 5, 1980 pursuant to Executive Order 12044.

Accordingly, the Department is proposing to amend Part 600 as follows:

PART 600—COMPREHENSIVE PLANNING ASSISTANCE

1. By adding a new § 600.68, to read as follows:

§ 600.68 Energy Conservation requirements

This section applies to planning and management activities funded in whole or part by a Comprehensive Planning Assistance grant, related to the conservation and improvement of existing communities, the increase of housing and employment opportunities and the promotion of orderly and efficient growth and development. For such activities, applicants must include in their comprehensive planning process adequate consideration of energy problems and the formulation of policies to assure that energy conservation is addressed as part of the comprehensive planning process. Applicants may consider:

(a) Energy problems and issues, including applicable Federal, State and local energy policies and standards which the applicant determines to be of major significance in its efforts to conserve and improve existing communities; to increase housing and employment opportunities for the poor, disadvantaged and minorities; and to promote orderly growth and development.

(b) The impact of proposed development policies and programs to determine effects on energy consumption particularly of petroleum and natural gas.

(c) Federal, State and local energy conservation plans and programs in the development of programs to achieve National Policy Objectives.

2. By revising paragraph (c) of § 600.160, to read as follows:

§ 600.160 OMB circular A-95 coordination procedures.

* * * * *

(c) *Clearinghouse Notification.* Applicants must notify the appropriate State and areawide clearinghouses at least 60 days prior to the submittal of the application to HUD. The notification should indicate any known energy impacts and any specific energy planning to be undertaken. A copy of the application must be submitted to the clearinghouses at least 30 days prior to the submittal of the application to HUD. In no instance will applications be approved without having fulfilled the A-95 requirements.

* * * * *

3. By revising Appendix I to Part 600, to read as follows:

Appendix I

Comprehensive Planning Assistance, Department of Housing and Urban Development

This list contains illustrations of the types of comprehensive planning and management activities that States, areawide planning organizations and localities may undertake, beginning in FY 1979, which would be clearly supportive of National Policy objectives.

I. States

A. *To conserve and revitalize communities:*

- Reform State income, sales business and property tax systems and laws, including tax revenue sharing formulas, to provide more cost efficient public services and facilities; assure that distressed population groups are equitably treated; and the needs of distressed communities and populations are adequately addressed.
- Identify disparities among communities in State services, facilities and assistance and reprogram State aid to alleviate such disparities.
- Conduct "fair share" analyses of State aid and State administered Federal aid to communities.
- Develop program(s) for targeting the development, rehabilitation or modernization of State facilities to distressed communities.
- Seek State legislative endorsement for priorities and programs designed to carry out community conservation, *energy conservation,* and revitalization objectives.
- Increase State role to finance and deliver aid to communities for such local functions as education, public transit and economic development.

• Enhance communities borrowing capacity.

• Establish a State Development Cabinet, or equivalent mechanism, to enable Governors to coordinate State and local strategy actions.

• Establish an urban impact review capacity.

• *Create a program of tax incentives, through direct income and investment tax credits for homeowners and corporations, to encourage weatherization and energy retrofit conservation measures at the local level.*

B. *To expand housing choice:*

• Develop State and regional policies to guide major public and private decisions on priority areas where growth should occur, *with due consideration of the need to conserve energy,* where conventional housing should be located and HUD and FmHA should provide insured housing.

• Develop a three year State housing allocation plan and coordinate the provision of State assisted housing with HUD and FmHA assisted housing.

• Establish or increase State funding for State programs of housing loans, grants, and guarantee programs.

• Establish a system for constructing State facilities or allocating State expenditures which gives priority based on a community's provision of low and moderate income housing.

• Provide new authority for State, regional, or local housing authorities to develop a wide variety of housing and rehabilitation programs and assistance.

• Develop model housing rehabilitation standards and/or process to assist in a revitalization program.

• Develop model single family and multifamily rehabilitation codes which foster revitalization efforts and encourage their adoption by regional bodies and local governments.

• Establish a State Housing Finance Agency.

• Reform tax policies to encourage rehabilitation and ensure equity in property taxes for the elderly and low income homeowners.

• Reform tax policies to ensure equity in property taxes for renters and reform landlord-tenant, consumer protection and fair housing laws, including the strengthening of administrative and enforcement actions.

• Reform model and existing building codes by eliminating unjustified cost increasing requirements, and encouraging the use of new technology in construction materials and methods for conventional and factory-built housing.

• Establish laws and regulations for financial institutions that prevent red-lining.

• Reform State laws relating to lending and land title practices which tend to increase housing costs.

• Establish uniform State building and housing maintenance codes.

• Reform local zoning, subdivision, and other land-use ordinances to facilitate the construction of assisted and unassisted, modest cost, multi-family and single family housing, including approaches such as metropolitan or state zoning appeals boards, State-established maximums for house and lot size, garage, density, site development requirements and fees and charges.

• Develop and carry out a comprehensive fair housing strategy (New Horizons Fair Housing Assistance Project).

• Establish uniform State standards for accessibility to the handicapped and adopt or revise building and housing codes as necessary.

• *Develop model single family and multi-family rehabilitation codes which foster revitalization efforts that also promote energy conservation by including weatherization and other appropriate standards in the code revisions, and encouraging their adoption by regional bodies and local governments.*

• *Modify codes to encourage use of energy recovery methods, solid waste processing and solar systems to achieve maximum energy efficiencies in new construction and through retrofit of established structures. Revise codes to permit use of equally energy efficient, but less expensive materials in construction.*

C. *To expand employment opportunities:*

• Establish State financed economic development programs for distressed communities and allocate State resources on a preferential basis to such communities.

• Coordinate and target State programs and State administrated Federal programs for employment assistance, such as CETA, to benefit distressed communities.

• Establish State programs to encourage the restoration, rehabilitation and more efficient utilization of existing public and private commercial and industrial structures and facilities in distressed and declining communities.

• Eliminate or reduce State and local government barriers which restrict private investment or inhibit the creation of employment opportunities in distressed or declining communities.

D. *To promote orderly growth:*

• Develop policies which coordinate State resources and State administrated Federal community and housing development resources for transportation access, major utility sites, and air and water quality management actions.

• Develop State policies and guidelines for land use and development which will assure that adequate amounts of reasonably priced developable land will be available of the development of modest-cost housing.

• Streamline regulatory mechanisms to reduce the cost of procedural delay in the administration of State and local regulations governing housing development and renovation.

• Provide assistance to develop data needed to fulfill Community Development Block Grant, Urban Development Action Grant, Housing Opportunity Plan and other HUD program application or regulatory requirements.

• Assess extent to which HUD approved land use and housing elements address the Program Objectives and modify the elements, community conservation and orderly growth.

• Develop or modify enabling legislation for municipal annexation, county government modernization, and other local government reorganization actions or mergers to encourage community conservation and inhibit sprawl development.

• Promote legislative initiatives and actions which address the needs of distressed communities and populations, including handicapped populations.

• *Consider major patterns of existing and future State land use and relate to energy conservation, emphasizing factors such as transportation, industrial needs and development, water availability and population mobility.*

II. Areawide Planning Organizations

(Metropolitan and Nonmetropolitan)

A. *To conserve and revitalize communities:*

• Prepare a multi-year strategy to include a regional development guide for major public and private investments coordinated with air quality and transportation control strategies *energies efficiency and conservation measures* and regional housing strategies.

• Implement HUD approved areawide land use and housing elements that are consistent with the Program Objectives.

• Prepare regional economic development programs to identify job requirements and preferred major development sites *in keeping with energy conservation objectives.*

• Strengthen APO's by moving to establish proportional representation voting systems during the 1979–81 period.

B. *To expand housing choice:*

• Develop three year regional housing guide and implementation programs for conventional housing to promote reinvestment and reduce sprawl.

• Develop and carry out a comprehensive fair housing strategy (New Horizons Fair Housing Assistance Project).

• Develop a three year assisted housing allocation plan and implementation program, to include guidelines for coordinating the program of State, HUD and FmHA assistance, or establish or refine a housing Opportunity Plan pursuant to 24 CFR 891.

• Establish multijurisdictional housing authority which operates program to expand opportunities for low income households outside areas of concentration.

• Establish procedures to ensure consistency of areawide housing opportunity plan (HOP) goals with housing assistance plans (HAP) goals of CDBG applicants.

• Promote fair and equal housing and facilitate interjurisdictional mobility, by such means as an Areawide Affirmative Marketing Plan, counseling programs, relocation information and assistance, advertising or promotional campaigns, establishing fair housing groups or agencies, adoption of fair housing ordinances and recommendations for new legislation.

• Operate programs to expand housing choice directed at assisting local governments to modify their practices which affect housing cost or restrict housing choice particularly in the area of inclusionary and exclusionary land use and zoning ordinances.

• Operate programs directed at assisting (builders and financial institutions), and the public sector, to modify their practices which affect housing cost or restrict housing choice.

• Propose and encourage programs to eliminate redlining or other public or private practices which contribute to the problems of distressed areas.

• Propose programs to reduce involuntary relocation of low income households in areas undergoing redevelopment and reinvestment.

• Use A-95 or other review authorities established by State law or voluntary agreements to implement State and regional housing plans.

• Establish standards for local regulations that are consistent with illustrated State Activities, so as to facilitate the construction of assisted and unassisted modest-cost housing and monitor compliance with such standards, which may cover house and lot size requirements, allowable densities, site development requirements, fees and charges and procedures governing changes in zoning *and energy conservation.*

• Develop and implement procedures for monitoring land prices so as to determine that development policies and controls are not unreasonably driving up land prices.

C. *To expand employment opportunities:*

• Designate preferential locations for new employment through development of regional public facilities within communities to be conserved.

• Identify sites for major new private economic development and otherwise assist private developers to provide new employment to serve areas and persons of greatest need.

• Promote improved transportation services to job centers from areas of high employment.

• Establish priorities to promote the redevelopment or modernization of commercial and industrial areas in older, highly urbanized areas.

• Use A-95 or other authorities to divert new employment opportunities into areas of highest unemployment and poverty.

D. *To promote orderly growth:*

• Develop regional public investment programs and schedules for regional public facilities which include timing and staging of facilities coordinated with orderly urban development in existing communities or neighborhoods, and promoting revitalization of distressed areas.

• Delineate priority areas where private sector growth should occur, in order to minimize the cost of additional government services and maximize the use of existing services.

• Establish and operate an urban impact review system.

• Implement HUD approved land use and housing elements that are consistent with the Program Objective.

• Establish or strengthen programs to assist localities to apply for and manage CDBG Small City funds, including analysis of local needs and problems, formulation of housing assistance plans and local community plans, and establishment or improvement of local CDBG program management systems.

• Consider major patterns of existing and future regional land use and relate to energy conservation measures, emphasizing factors such as transportation, industrial needs and development, water availability and population mobility.

• *Encourage communities to revise zoning to ensure access to sunlight to enable single and multiple family housing units to utilize solar energy.*

III. Localities

(Municipalities Under 50,000 Population and Counties Other Than Urban Counties as Defined in Title I, HUD Act of 1974, as Amended)

A. *To conserve and revitalize communities:*

• Develop and carry out a comprehensive plan, or strategy, and action programs to identify, conserve, and rehabilitate neighborhoods and business areas within the locality.

• Prepare community develoment plans, annual programs, and plans for neighborhood strategy areas, and develop applications to qualify for assistance under the CDBG Small Cities program.

• Develop programs for land clearance and site aggregation for private or public developments within distressed areas.

• Promote infilling of vacant land within the locality.

• Survey sites, structures, and districts, and develop programs for historic preservation.

• Develop energy conservation measures and facility siting plans.

B. *To expand housing choice:*

• Develop plans and develop implementation programs to conserve and rehabilitate the existing housing stock.

• Formulate the production of new housing to reduce the isolation of income groups and families and handicapped person within the locality and to foster interjurisdictional mobility.

• Develop and carry out a comprehensive fair housing strategy (New Horizons Fair Housing Assistance Project).

• Develop, promulgate and adopt single and multi-family rehabilitation codes which encourage revitalization efforts.

• Develop progams to promote assisted housing, such as land writedowns, establishment of a housing authority or joining a multijurisdiction housing authority, and identification and improvement of sites for assisted housing.

• Develop outreach programs and informational services to promote interjurisdictional mobility and expand housing opportunities for non-residents.

• Update, modernize, and adopt land development and structural codes and ordinances, to remove exclusionary barriers and create inclusionary opportunities consistent with 701 Program Objectives.

• Streamline local administrative procedures pertaining to the regulation of land development and building construction so as to reduce the cost of delay and increase the degree of predictability of the governmental review and approval process.

C. *To expand employment opportunity:*

• Develop and carry out plans and programs to attract or retain business and industry, to retain or upgrade the local labor force, or to create new job opportunities for the unemployed, underemployed or handicapped in the locality.

• Revise local tax and business regulation structures to remove barriers and encourage new economic development consistent with Program Objectives.

• Prepare applications and development plans necessary to qualify for assistance under the Urban Development Action Grant program.

D. *To promote orderly growth:*

• Develop and carry out a comprehensive plan (including the statutorily prescribed land use and housing elements) as a guide for public and private development, redevelopment, or resource conservation, as appropriate within the locality, to include priority areas for Federal community development and housing assistance (insured and subsized). Such comprehensive plan to consider the needs of all population groups, the availability of land, the public sector costs and benefits of additional growth, and the incidence of their impact, on the population energy consumption, and the environment.

• Assess and revise functional plans and investment programs, such as for transportation, parks and recreation, and social services to alleviate any disparities and to provide services to meet the special needs of distressed areas and population groups within the locality.

• Plan local facilities consistent with a regional or state public investment programs.

• Carry out programs to detail and implement a regional development guide at the local level.

• Conduct flood control studies and develop programs for flood plain management.

(Section 7(d), Department of HUD Act 42 U.S.C. 3535(d), Section 701 of the Housing Act of 1954, as amended, 40 U.S.C. 461, et seq.)

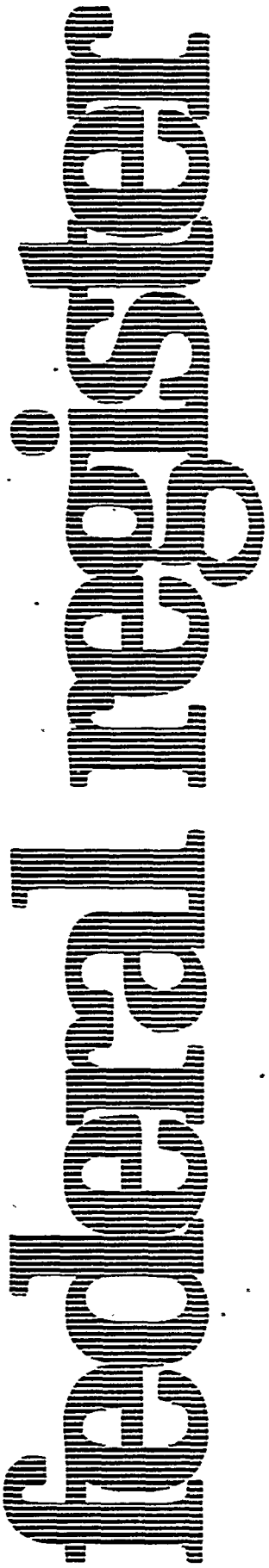
Issued at Washington, D.C., April 17, 1980.

Robert C. Embry, Jr.

Assistant Secretary for Community Planning and Development.

[FR Doc. 80-13974 Filed 5-6-80; 8:45 am]

BILLING CODE 4210-01-M



Wednesday
May 7, 1980

Part V—Section D

Department of Agriculture

Farmers Home Administration

Petroleum and Natural Gas Conservation: Federal Community/Economic Development Assistance Programs

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Conservation of Petroleum and Natural Gas Through Proposed Changes in USDA Financial Assistance Programs; Executive Order 1285, Community and Economic Development

AGENCY: U.S. Department of Agriculture, Farmers Home Administration.

FOR FURTHER INFORMATION CONTACT: James E. Thornton, Associate Administrator, Farmers Home Administration, Room 5014 South Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–5614.

Dated: May 2, 1980.

Gordan Cavanaugh,

Administrator, Farmers Home Administration.

Farmers Home Administration (FmHA) has determined that the following actions are covered by existing rules and be accomplished by the issuance of an Administrative Notice (AN) to all FmHA field offices.

Business and Industry Loan Program

Encourage conservation of Petroleum and Natural Gas by applicant/borrowers by integrating consideration of these concerns in feasibility studies described in 7 CFR 1980.442.

Water and Waste Disposal Loans and Grants—Community Facility Loans—Industrial Development Grants

Amend guides for preliminary architectural/engineering reports to include consideration of direct and indirect energy usuage resulting from project construction and operation.

Rural Planning Grants

Recommend and encourage inclusion of energy conservation as integral part of planning process and as significant component of planning documents where applicable.

Farmers Program

Establish funding goal for projects which conserve petroleum and natural Gas. Provide resource material to local offices on conservation practices which are feasible in areas of Land Development, Building Development, Farm Operations.

[FR Doc. 80-14099 Filed 5-6-80; 8:45 am]
BILLING CODE 3410-07-M

Wednesday
May 7, 1980

Part V—Section E

Small Business Administration

Petroleum and Natural Gas Conservation: Federal Community/Economic Development Assistance Programs

SMALL BUSINESS ADMINISTRATION

13 CFR Ch. I

Energy Conservation

AGENCY: Small Business Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: A recent Executive order requires agencies to publish proposed regulations requiring the conservation of petroleum and natural gas in programs receiving Federal financial assistance. The Small Business Administration may propose regulations or take administrative action to meet the requirements of this Executive order.

DATES: Comments must be received on or before July 7, 1980.

ADDRESS: Send comments to: Edward Starr, Economist, Office of Policy Analysis and Review, Small Business Administration, Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Edward Starr, 653–7482.

SUPPLEMENTARY INFORMATION: The Small Business Administration intends to propose rules and take administrative actions designed to promote energy conservation. Among these initiatives are the following proposals:

1. Establish new procedures for using life-cycle costing in assessing loan applications for energy conservation purposes. By shifting to life-cycle costing, the probability that any given energy conservation loan request will be granted may rise. (The magnitude of the increase cannot be easily estimated.)

2. Establish new procedures by which SBA's regional and district offices will become more active in working with the small business community, on the state and local level, towards the goal of energy conservation. For example, SBA could sponsor or participate in workshops, seminars, and "energy fairs," designed to educate and assist small business concerns with respect to energy conservation.

3. Give greater visibility to the uses of SBA's financial assistance program for the purposes of energy conservation. For example, a carefully crafted and selectively targeted public information effort could increase the utilization of SBA financial support programs and refocus them towards energy conservation and the production of renewable energy sources. Members of the public are invited to submit comments or information to SBA pertaining to the initiatives announced in this notice. Comments or information, or requests for further information about these initiatives should be subitted to: Edward Starr, Economist, Office of Policy Analysis and Review, Small Business Administration, Washington, D.C. 20416, (202) 653–7482.

Dated: May 2, 1980.

A. Vernon Weaver,
Administrator.

[FR Doc. 80-14058 Filed 5-6-80; 8:45 am]
BILLING CODE 8025-01-M

Federal Register

Wednesday
May 7, 1980

Part V—Section F

Community Services Administration

Petroleum and Natural Gas Conservation: Federal Community/Economic Development Assistance Programs

COMMUNITY SERVICES ADMINISTRATION

Notice of Implementation of Executive Order 12185—Energy Conservation in Federal Government Programs and Operations

AGENCY: Community Services Administration.

ACTION: Notice.

SUMMARY: Executive Order 12185 directs each Federal agency to conserve energy in all of its programs. This Notice directs all Community Services Administration's grantees to reduce and conserve energy consumption whenever possible in all of their programs and activities.

FOR FURTHER INFORMATION CONTACT:
Mr. John Yoder, Office of Economic Development, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone (202) 254–5988, Teletypewriter (202) 254–6218.
Mr. John Finley, Office of Community Action, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506, Telephone (202) 632–6694, Teletypewriter (202) 254–6218.

SUPPLEMENTARY INFORMATION: The problems of the low-income created by the energy crisis have severely limited their ability to maintain minimum living conditions and, in some cases, to survive. As the Federal agency mandated to provide a comprehensive range of essential services to the poor, the Community Services Administration (CSA) recognizes its responsibility and that of its grantees, to encourage and practice energy efficient methods of service delivery. Grantees are, of course, expected to comply with any local, state or Federal energy conservation standard, regulation or requirement in the operation of their programs. In addition, CSA will work with its grantees in implementing the following measures to reduce daily energy consumption.

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

William W. Allison,

Acting Director.

Notice of Energy Conservation in all CSA Programs and Activities

All CSA programs grantees should, to the extent possible:

1. Carry out their analysis of local problems and development of responses to community needs with a view toward the potential for energy conservation. Grantees should ensure that their policies and practices are developed in light of the need for energy conservation.

2. Maximize effective use of vehicles presently in service. Grantees are encouraged to develop schedules of transportation for group travel and encourage to the maximum extent possible the use of public transportation.

3. When using funds from any Federal source for new building construction or site acquisition, comply with the energy conservation regulations.

4. Continue to apply cost-effective energy conservation and efficiency standards in programs including weatherization and/or rehabilitation.

5. Utilize stronger grantee self-evaluation instruments and reporting procedures in monitoring delegate agencies, thereby lessening the requirement for travel to each grantee by the funding agency to conduct on-site assessments. See 45 CFR 1050.80, Monitoring and Reporting Performance.

6. Analyze the cost and availability of energy in program planning to serve as a warning of negative impact, to indicate development possibilities and limitations, and to internalize energy impacts into individual program decisions. The object is to accomplish the greatest possible energy savings while achieving the basic goal of the anti-poverty programs.

Community Action and Community Economic Development Activities

Through this notice CSA is highlighting for its Community Action Agencies, Community Development Corporations and other grantees it funds examples of ways that many of the programs they operate can become more energy conserving.

1. The use of solar greenhouses in family and community garden projects. This kind of greenhouse can grow food and heat the family quarters at the same time.

2. The use of food declared surplus by food wholesalers and retailers. Exclusive of labor, energy is the largest component of the cost of such food, which is otherwise wasted unless it is made available to the poor. The energy costs include the fertilizer, which is a by-product of petroleum, fuel needed to operate machinery in processing the food, and fuel used for transporting the food.

3. The expansion of gleaning programs, where the energy savings are great since much less energy is used for food at the harvest point than at the wholesale point.

4. Sponsorship of home repair and rehabilitation projects that demonstrate energy-saving techniques such as a balanced combination of energy-saving home improvements, including insulation and storm windows and doors, adjustments to heating and cooling systems, replacing faulty and unsafe wiring, and use of alternative energy sources.

5. Conducting programs which provide unskilled youth with the necessary training to develop marketable skills in conservation and solar related programs that optimize weatherization and solar retrofiting.

6. Research and demonstration programs that explore the energy efficiency of alternative energy sources in the areas of solar space and domestic water heating, biomass conversion, small-scale hydro power, wind power, gasohol, etc.

[FR Doc. 80-14057 Filed 5-6-80; 8:45 am]
BILLING CODE 6315-01-M

Federal Register

Wednesday
May 7, 1980

Part VI

Federal Housing Assistance Programs

Housing and Urban Development Department

Farmers Home Administration, Agriculture Department

Veterans Administration

federal register

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May 7, 1980

Part VI—Section A

Department of Housing and Urban Development

Petroleum and Natural Gas Conservation: Federal Housing Assistance Programs

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 865

[Docket No. R-78-601]

PHA-Owned Projects—Project Management—Utilities

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

ACTION: Final rule.

SUMMARY: The Department is adding a new Subpart C—Energy Audits and Energy Conservation Measures to 24 CFR Part 865, that requires all Public Housing Agencies to conduct energy audits and to accomplish energy conservation measures, according to the time required to accumulate net savings in the amount of the initial costs of the energy conservation measure (pay-back period). Other methods for PHAs to conserve energy are also specified. In addition, Subpart D is changed so that its requirements are compatible with Subpart C.

EFFECTIVE DATE: May 27, 1980.

FOR FURTHER INFORMATION CONTACT: Charles R. Ashmore, Utilities Specialist, Maintenance and Utilities Branch, Office of Public Housing, HUD, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6640. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice was given on December 28, 1978 in the Federal Register (43 FR 60854) that HUD proposed to add a new Subpart C, Energy Audits and Energy Conservation Measures, and to revise Subpart D, Individual Metering of Utilities, to 24 CFR Part 865. This Notice allowed 30 days for public comment. However, since commentors requested additional time for responses on April 16, 1979, (44 FR 22472), we extended the public comment period to May 16, 1979.

Eighty-three comments were submitted on the new Subpart C and the change to Subpart D. Some of the communications were petitions signed by several individuals. Other communications were form letters. Each of the comments and recommendations were carefully studied and considered. Several changes were made in the proposed rules as a result. The following is a summary of the comments that were received and the changes that have been made to the proposed rule.

One of the comments brought to our attention was that all the provisions of the proposed rule could not be applied to the Mutual Help and Turnkey III Homeownership Housing Programs because the owner-occupants may have an interest in the cost of their dwellings and may pay for their utilities. As a result, Section 865.302 has been changed so that the rule will only apply to the extent that Modernization Program funds are used to improve projects under the Homeownership housing programs.

Some commentors contended that the proposed rule provided a twenty year pay back period for conversion to individual meters, while requiring a fifteen year pay back period for all other energy conservation measures (ECM). This was not accurate, since application of the benefit cost analysis as required in 24 CFR 865 Subpart D results in a pay back period of approximately 12.5 years. The fifteen year pay back period for accomplishing ECMs is retained.

Various commentors expressed a concern as to energy audit content and form. Section 865.304 has been changed so that either State Standards or a HUD approved method may be used for energy audits. Most states now have adopted energy audit standards and HUD expects to have its own procedures available shortly.

A few comments were made that the proposed rule overemphasized installation of individual meters. Other comments were recommendations that certain ECMs were made mandatory rather than optional. The rule has been revised so that conversion to individual meters has been deemphasized and all ECMs have been combined into one list to be accomplished generally in order of pay back period. ECMs with the shortest pay back period will have the highest priority. However, HUD Field Offices may permit PHAs to make adjustments to the order of funding to permit ECMs with lower priority to be accomplished first under conditions detailed in § 865.306.

Several comments were made as to the rationale for using a multiplier of 2 in determining the savings from solar systems. We consider that because of environmental cleanliness, the rapidly increasing cost of conventional fuels and the national interest in renewable energy sources, solar energy systems should be given this preference over other ECMs. Based on current costs of fuels and energy systems, we believe that a multiplier of two (2) will provide the emphasis that solar energy systems deserve.

A few Public Housing Agencies commented on costs of implementing this rule. HUD considers energy conservation to be in the national interest, and energy conservation is a priority work item in the Modernization Program. Therefore, PHAs without sufficient operating funds, can include the cost of energy audits in an approved Modernization Program. In addition, it is anticipated that other funds may become available to HUD under a special appropriation.

One comment expressed a concern that HUD requirements for energy efficient equipment may be in conflict with the requirements of the Department of Energy (DOE). The rule has been changed to include a requirement that equipment must meet DOE standards.

There were a few comments from PHAs that gas cooking ranges equipped with electric ignition were not cost-effective because of their high cost of maintenance. As a result, the requirement was modified so that PHAs can continue to purchase standing pilot ranges when found to have a lower life cycle cost then ranges equipped with electric ignition.

A manufacturer of heating controls commented that the Department of Defense is currently specifying thermostats that limit the maximum temperature to 72°F for residences. To be as consistent as possible with other Federal Agencies, HUD is adopting the same upper limit in specifying thermostats for non-elderly dwellings. However, because of the special needs of the elderly, the maximum temperature for space heating thermostats installed in elderly dwelling units will continue to be 75°F.

Several commentors contended that basing priorities for funding energy conservation measures on the pay-back period method favors low initial cost measures and recommended that priorities be based on life-cycle cost comparisons or on the estimated amount of energy that each measure should save. We have considered these methods of determining priorities and have determined that the pay-back period should be retained because it is simpler to calculate and is sufficiently precise for the intended purpose.

Many commentors recommended that the regulation contain provisions for tenant participation in all aspects of planning and decision making concerning energy audits, and energy conservation measures. We do not consider such provisions appropriate for the reason that energy conservation is a paramount national objective which must be effectuated without delay that would result from tenant participation at every stage. Also, energy audits are technical analyses which require further

action on the part of the PHA and HUD. Usually there must be approval of a Modernization Program before any changes can take place. The action will generally be processed in accordance with administrative provisions for tenant participation and we do not consider additional provisions necessary in this program.

Many commentors criticized the requirement and method of making benefit/cost studies to determine if changes from mastermetering of tenant utilities would be cost-effective. The Department is planning further study on the factors and method presently used in Subpart D and will, at a later date, if appropriate, request public comments on proposed changes.

Several comments were made to the effect that PHAs should be required to buy the most energy efficient equipment manufactured instead of the most efficient offered by a manufacturer. We do not consider that it is necessary to adopt this comment because manufacturers will undoubtedly produce competitive models and PHAs should have some discretion in selecting equipment and appliances.

24 CFR 865, Subpart D, which has been effective since May 17, 1976, requires that all PHA-owned housing projects shall be individually metered if the installation of individual gas, electric or water meters would be cost-effective. While HUD considers the use of individual meters under Subpart D to be a very effective method for conserving energy, it is adopting in this same docket Subpart C—Energy Audits and Energy Conservation Measures to enlarge the energy conservation program for PHA-owned housing projects. This enlarged program requires the analysis for cost-effectiveness of several energy conservation measures in addition to individual utility meters. Under Subpart C, PHAs are required to make energy audits of their projects and to determine the "pay-back" period for each measure analyzed. Energy conservation measures are to be funded and accomplished in the order of the shortest "pay-back" periods. However, note that this rule also amends 24 CFR 865.408. Thus, while the installation of individual utility meters will be accomplished like other energy conservation measures, the benefit/cost analyses for the installations will continue to be made unlike the requirements of Subpart C, in accordance with § 865.404.

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. This Rule has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions or levels of government. Copies of the Findings are available for inspection during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Office of the General Counsel, Department of Housing and Urban Development 451 7th Street, SW., Washington, D.C. 20410.

This rule is listed as item number H-96-78 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, 24 CFR Part 865 is amended by:

1. Adding a new Subpart C, Energy Audits and Energy Conservation measures, to read as follows:

PART 865—PHA-OWNED PROJECTS—PROJECT MANAGEMENT

Subpart C—Energy Audits and Energy Conservation Measures

Sec.

865.301 Purpose.
865.302 Applicability.
865.303 Definitions.
865.304 Requirements for energy audits.
865.305 Energy conservation measures.
865.306 Order of funding.
865.307 Funding.
865.308 Energy conservation equipment.
865.309 Energy conservation practices.
865.310 Compliance schedule.

Authority: U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq., Section 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).

Subpart C—Energy Audits and Energy Conservation Measures

§ 865.301 Purpose.

The purpose of this subpart is to implement HUD policies in support of national energy conservation goals by reducing energy consumption, with consequent reduction of operating costs, of PHA-owned housing projects, by requiring that PHAs conduct energy audits and undertake certain cost-effective, energy conservation measures. Energy audits will determine what energy conservation measures will be cost-effective and will establish priorities for funding those measures found to be cost-effective.

§ 865.302 Applicability.

The provisions of this subpart apply to all PHAs with PHA-owned housing including Mutual Help and Turnkey III. No PHA-leased project or Section 8 Housing Assistance Payments Program projects including PHA-owned Section 8 projects are covered by this subpart.

§ 865.303 Definitions.

(a) Energy Audit. A process carried out in accordance with this Subpart, which identifies and specifies the energy and cost savings which are estimated to result from installing or accomplishing an energy conservation measure.

(b) Energy conservation measures. Physical improvements or modifications that, if undertaken for a building or facility, or its equipment, are likely to reduce the cost of energy in an amount sufficient to recover the installation costs in a period no longer than the useful life of the measure. Energy conservation measures are listed in § 865.305.

(c) "Pay-back" period means the number of years required to accumulate net savings to equal the cost of an energy conservation measure.

(d) Cost Effective. As used in this Subpart an energy conservation measure with a pay back period of fifteen (15) years or less shall be considered cost effective.

§ 865.304 Requirements for energy audits.

All PHAs shall complete an appropriate energy audit for each PHA-owned project under management in accordance with the schedule specified in § 865.310. Energy audits shall be conducted by PHA personnel or consultants as appropriate. Standards for energy audits shall be equivalent to State standards for energy audits or as approved by HUD. Energy audits shall analyze all of the energy conservation measures specified in § 865.305 that are pertinent to the type of buildings and equipment operated by the PHA. The objective of each audit shall be to determine the areas, if any, in need for improvements that will reduce the need for energy. For each improvement analyzed, the energy audit shall determine the period of time needed to recover its capital cost. In making this computation, the estimated cost of accomplishing each energy conservation measure shall be divided by the net annual savings estimated from the measure to determine the period, in number of years, needed to recover the cost through savings, for example:

(a) The existing ceiling insulation in a building has a value of R-11. By adding additional insulation to a value of R-22, the annual savings in heating costs will amount to $1000 per year.

(b) The cost in installing the additional insulation is estimated to be $7500.

(c) The "Pay-back" period is:
$7500÷$1000=7.5 years.

§ 865.305 Energy conservation measures.

PHAs shall consider the following energy conservation measures and shall conduct an energy audit for each measure if there is reason to believe,

based upon age of equipment, type of buildings, etc., that they may be cost-effective:

(a) Installation of individual utility meters. Benefit cost analyses for individual utility meters shall continue to be made in accordance with § 865.404. However, priority for funding of utility meters will be considered on the basis of their pay back period.

(b) Ceiling insulation.

(c) Insulation of bare hot water or steam pipes.

(d) Caulking and sealants in building joints.

(e) Weatherstripping for doors and windows.

(f) Clock thermostats for units with individual heating controls.

(g) Exterior insulation for hot water heaters located in unheated spaces.

(h) Insulation for air ducts in unheated spaces.

(i) Storm doors and windows, replacement of single glazed windows with double glazed windows.

(j) Replacement of incandescent fixtures in public spaces with higher efficiency lighting.

(k) Flow restrictors for hot water lines to shower heads or faucets.

(l) Thermostatic radiator valves.

(m) Floor insulation over unheated crawl spaces.

(n) Exterior wall insulation.

(o) Improved burners for oil-fired heating equipment.

(p) Improved boiler controls for central, group or building heating plants.

(q) Separate boilers for domestic hot water in central, group or building heating plants.

(r) Heat pumps to replace existing electric resistance heating systems.

(s) Capacitors, peak load controllers, time clock controls and other equipment that will lower the cost of electricity.

(t) Other energy conservation measures that a PHA considers may be cost effective.

(u) Solar energy systems. (The pay-back period for these systems shall be calculated by multiplying the amount of the estimated net savings by two. This is because solar energy is renewable and because anticipated cost increases in non-renewable energy are not to be considered in calculating their pay-back period).

§ 865.306 Order of funding.

(a) Within the funds available to a PHA, energy conservation measures will be accomplished in the order of "pay-back" periods, those with the shortest pay-back periods funded first. However, HUD Field Offices should permit PHAs to make adjustments to this funding order because of insufficient funds to accomplish high cost ECMs or a situation in which an ECM with a longer pay-back period can be more efficiently installed in conjunction with other planned modernization. Field Offices may not authorize installation of individual utility meters which measure the energy or fuel used for space heating in dwelling units which need substantial weatherization, when installation of meters would result in economic hardship for tenants. In these cases, the ECMs related to weatherization must be accomplished before the installation of individual utility meters.

(b) For example, by means of an energy audit of PHA-owned project, a PHA determines the following order of funding for energy conservation measures:

Energy conservation measures	"Pay-back" period (Years)
Weatherstrip doors	1.5
Ceiling insulation	4.5
Electric checkmeters	5.2
Clock thermostats	5.7
Storm windows and doors	7.1
Improved boiler controls	10.3
Solar hot water heaters	14.7

(c) The PHA shall accomplish these energy conservation measures in the order listed, to the extent funds are available. If, however, insufficent funds would not be available for ceiling insulation but there would be enough funds for clock thermostats, installation of the latter could be approved. Also, electric checkmeters can be delayed until after storm windows and doors are installed if the project is designed for electricity to be used for space heating tenant dwellings.

§ 865.307 Funding.

The cost of accomplishing cost-effective energy conservation measures, including the cost of performing energy audits, shall be funded from operating funds of the PHA to the extent feasible. When sufficient operating funds are not available for this purpose such costs are eligible for inclusion in a Modernization Program, for funding from any available Development Funds in case of projects still in development or for other available funds that HUD may designate to be used for energy conservation.

§ 865.308 Energy conservation equipment.

In purchasing original or, when needed, replacement equipment, PHAs shall acquire only:

(a) Equipment that meets or exceeds the minimum efficiency requirements established by U.S. Department of Energy.

(b) Gas cooking ranges that are equipped with electric or mechanical ignition in lieu of standing pilot lights unless a life cycle cost analysis made by PHA determines that standing pilot lights are more economical over the expected life of the ranges.

(c) Gas furnaces and space heaters that are equipped with automatic electric ignition and automatic flue dampers.

(d) Electric refrigerators, cooking ranges and domestic hot water heaters which are of the highest efficiency offered by a manufacturer for the type and size required, unless a life-cycle cost analysis determines that the less efficient model is more economical over the life of the appliance.

(e) New and replacement space heating thermostats which have been factory set for a maximum temperature of no more than 75°F for elderly dwelling units and 72°F for non-elderly dwelling units.

(f) In case of any conflicts between the requirements of § 865.308(a) and those under (b) through (e), PHAs shall follow the requirements of (a).

§ 865.309 Energy conservation practices.

In the operation of their facilities, PHAs shall follow operating practices directed to maximum energy conservation. Such practices shall include, but not be limited to, the following:

(a) The temperature of domestic hot water at the taps shall not exceed 120°F.

(b) All standing pilot lights in gas furnaces or space heaters, shall be extinguished during the non-heating season.

§ 865.310 Compliance schedule.

(a) The energy audits required in § 865.304 shall be completed no later than 36 months after the effective data of this subpart.

(b) For a public housing project to be approved after September 30, 1980 by HUD, for Comprehensive Modernization, the PHA shall have completed an energy audit on the project prior to submission of the Final Application for modernization.

(c) All energy conservation measures determined by energy audits to be cost effective shall be accomplished as funds are available.

(d) The requirements, for energy conservation equipment specified in § 865.308, shall be effective three (3) months after the effective date of this subpart.

(e) The requirements for energy conservation practices specified in § 865.309 shall be effective for all projects under PHA management on the effective date of this subpart.

2. Revising paragraph (b) of § 865.408 of the existing Subpart D, Individual Metering of Utilities, to read as follows:

Subpart D—Individual Metering of Utilities

§ 865.408 Compliance Schedule.

* * * * *

(b) *Mastermetered projects* determined to be cost-effective on conversion to Retail Service of Checkmetering shall be so converted according to their order of priority as specified in § 865.307, as funds become available.

(U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.) Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C. on May 1, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-14060 Filed 5-6-80 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 868

[Docket No. R-80-802]

Modernization Program—PHA-Owned Projects; Comprehensive Modernization; Interim Rule

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

ACTION: Interim rule.

SUMMARY: This amendment sets forth the special requirements applicable to Comprehensive Modernization, a major effort to target a portion of Fiscal Year (FY) 1980 and subsequent fiscal year public housing modernization funds for the substantial rehabilitation of larger, rental public housing projects with severe physical deficiencies.

DATES: Effective date: May 27, 1980.

COMMENT DUE DATE: July 7, 1980.

ADDRESS: Send comments to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of HUD, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Pris Peake, Office of Public Housing, Department of HUD, 451 Seventh Street SW., Washington, D.C. 20410, (202) 426-0744. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On March 19, 1980, HUD gave notice in the Federal Register (45 FR 17640) that $20 million out of the total of $50 million available in FY 1980 public housing modernization contract authority had been set aside for the Comprehensive Modernization of a limited number of public housing projects with severe physical deficiencies. The $20 million of contract authority will finance approximately $218.2 million of capital improvements. This effort is an integral part of the overall Modernization Program. Normal modernization policies and procedures, as set forth in this Part and related HUD Handbooks, apply to Comprehensive Modernization, subject to a number of special requirements explained below and set forth in the new § 868.17.

Comprehensive Modernization takes a substantial rehabilitation approach to severely deteriorated projects. For each project approved for Comprehensive Modernization, all modernization needs should be fully met without regard to the funding priorities which are normally applicable to modernization work items. The minimum standard for Comprehensive Modernization is based on upgrading the project, to the extent feasible, to the intent of HUD Minimum Property Standards (MPS) for Multifamily Housing (see 24 CFR Part 200, Subpart S). However work items that exceed the modified MPS also may be funded if they are justified by the needs of a particular project.

A limited number of projects will be selected for Comprehensive Modernization through a national competition. The most important selection factors are the urgency of the project's needs, including the extent of substandard vacant units, the Public Housing Agency's (PHA's) capability to complete the Comprehensive Modernization within a three-year period after project approval, the prospects for the long-term viability of the project after completion of the Comprehensive Modernization, and the PHA's capability to carry out any needed management improvements.

A PHA is not eligible for Comprehensive Modernization if it has any unexpended modernization funds approved in FY 1975 and prior fiscal years, unless HUD determines that the failure to expend the funds is due to circumstances beyond the PHA's control. Subject to this requirement, eligibility is limited to PHA-owned, rental projects with 100 or more dwelling units and unfunded modernization needs (at the modified MPS level) averaging $5,000 or more per dwelling unit. Section 8, Section 23 and homeownership projects (Turnkey III and Mutual Help) are not eligible for Comprehensive Modernization. In addition, eligibility is limited to one project per PHA. However, a PHA may additionally propose the completion of rehabilitation already underway for one project previously funded for Targeted Rehabilitation under the Public Housing Urban Initiatives Program and requiring incremental additions for completion.

Comprehensive Modernization processing will begin with HUD Field Office determinations, in consultation with PHAs, of PHA and project eligibility. HUD Field Offices and PHAs with eligible projects then will conduct on-site Joint Reviews and the PHAs will submit their Final Applications for Comprehensive Modernization to the HUD Field Offices. After completion of their reviews of the Final Applications, the HUD Field Offices will forward their funding recommendations to HUD Headquarters for review in accordance with the same criteria used by the HUD Field Offices. The Assistant Secretary for Housing-Federal Housing Commissioner then will make final funding decisions.

It is HUD's intent to continue Comprehensive Modernization in subsequent fiscal years, subject to the availability of funding, so that over a five-year period, the modernization needs of all severely deteriorated projects will be funded. However, future Comprehensive Modernization funding of a particular PHA will be contingent upon satisfactory progress in previously funded modernization and in effecting any previously required management improvements. Future Comprehensive Modernization funding for Headquarters-designated financially troubled PHAs also will be contingent upon PHA progress in implementing the strategies, accomplishing the tasks, and achieving the level of operating reserves set forth in their Financial Workout Plans. It is expected that experience in connection with FY 1980 Comprehensive Modernization will result in the furthur refinement of standards and procedures for implementation in FY 1981 and subsequent fiscal years.

Because of the need for prompt action in issuing this rule, the Secretary has determined that it is impracticable to invite public comment on the amendment made by this rule before it becomes effective. It is necessary that FY 1980 funds for Comprehensive Modernization be reserved before September 30, 1980, the end of the fiscal year. Since projects will be selected for Comprehensive Modernization through a national competition, the selection factors contained in this rule will be needed by PHAs in preparing their applications. Thus, in order to provide sufficient time for preparation of applications by PHAs and processing of the applications by HUD Field Offices and Headquarters Staff, this rule must become effective as soon as possible.

However, since Comprehensive Modernization is such an important effort which is expected to continue in future fiscal years, the Secretary invites all interested persons to participate in this rulemaking by filing data, comments and suggestions with the Rules Docket Clerk at the above address, on or before the comment due date. Each comment should include the commentor's name and address, and must refer to the docket number indicated in the heading to this document. All relevant comments will be considered for rulemaking for Comprehensive Modernization covering subsequent fiscal years. Copies of all comments received will be available for copying and inspection in the Office of the Rules Docket Clerk at the above address.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability is available for public inspection in the Office of the Rules Docket Clerk at the above address.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

Accordingly, the Department amends Chapter VIII of Title 24 of the Code of Federal Regulations by adding a new § 868.17, *Comprehensive Modernization,* to read as follows:

PART 868—MODERNIZATION PROGRAM—PHA-OWNED PROJECTS

§ 868.17 Comprehensive Modernization.

(a) *Description.* Comprehensive Modernization is the targeting of a portion of the modernization funds for the substantial rehabilitation of larger, rental public housing projects with severe physical deficiencies. Since Comprehensive Modernization is an integral part of the overall Modernization Program, the other sections of this Part apply, except where specifically modified in this section.

(b) *Fundable work items.* Under Comprehensive Modernization, all modernization needs of a project should be fully funded without regard to the priority work items in § 868.3. Where the total estimated cost exceeds the published prototype cost limit for similar structures in the same prototype cost areas, rehabilitation will not be considered feasible. Modernization needs will be determined by applying the following Comprehensive Modernization work standards:

(1) *Basic Level.* The Basic Level includes all eligible work items required to upgrade the project, to the extent feasible, to the intent of HUD Minimum Property Standards (MPS) for Multifamily Housing (see 24 CFR Part 200, Subpart S). The MPS should not be applied where its application will result in excessive costs, such as major structural changes which are unnecessary to maintain the structural soundness of the building.

(2) *Project Completion Level.* The Project Completion Level includes all eligible work items that are not includable in the Basic Level, but are necessary or highly desirable for the long-term operation and marketability of the project. Examples of Project Completion Level work items which must be justified on a project-by-project basis are design changes, structural modifications, amenities, such as community space, and selective demolition. In addition, work items relating to energy conservation and accessibility for the physically handicapped shall be funded under Comprehensive Modernization, as follows:

(i) Installation of weatherization materials as required by Section 13(a) of the U.S. Housing Act of 1937, as amended, to the extent necessary under local climatic conditions; individual metering of all utilities consumed directly by tenants, to the extent practicable, as required by 24 CFR Part 865, Subpart D; and installation of other energy conservation work items if the simple payback period for the item is less than 10 years. Simple payback period is calculated by dividing the cost of the work item by the cumulative savings, without taking into account interest.

(ii) Alterations of existing facilities which affect facility accessibility, to the maximum extent feasible, so that the altered portion of the facility is accessible to and usable by handicapped persons in accordance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151), and related HUD regulations (24 CFR Part 40).

(c) *Eligibility.* In addition to the eligibility requirements set forth in § 868.4, Final Applications for Comprehensive Modernization will be given consideration for funding only if the following eligibility criteria are met:

(1) *PHA eligibility.* No PHA shall be eligible for Comprehensive Modernization, even if the project eligibility criteria are otherwise met, so long as the PHA has any unexpended modernization funds approved in FY 1975 and prior fiscal years, unless the Field Office determines, on the basis of specific facts, that the failure to expend the funds is due to circumstances beyond the PHA's control. Such circumstances may include:

(i) Lack of a HUD procedure to transfer modernization funds among projects;

(ii) Litigation;

(iii) Environmental clearance requirements; or

(iv) Other circumstances that HUD determines, on the basis of specific facts, to have been beyond the PHA's control.

(2) *Project eligibility.* A project shall be eligible for Comprehensive Modernization if it:

(i) Is a PHA-owned, rental project under an Annual Contributions Contract (ACC) with HUD. Section 8, Section 23, and homeownership projects (Turnkey III and Mutual Help) are not eligible for consideration.

(ii) Has 100 or more dwelling units. Two or more projects with separate project numbers may be considered a single project if they are contiguous and constitute a single management entity.

(iii) Has unfunded modernization needs, at the Basic Level defined in paragraph (b)(1) of this section, averaging $5,000 or more per dwelling unit. This per unit average cost is not applicable to any project previously funded for Targeted Rehabilitation under the Public Housing Urban Initiatives Program (PHUIP).

(3) *Limitation on number of eligible projects per PHA.* Eligibility for funding consideration will be limited to one project per PHA. This limitation is not applicable to any PHA that requires additional modernization funds to complete the rehabilitation of one project previously funded for Targeted Rehabilitation under the PHUIP. In such case, the PHA may propose for Comprehensive Modernization the Targeted Rehabilitation project under the PHUIP and one other project for a total of two projects.

(d) *Resident participation.* The requirements for resident participation set forth in § 868.5 shall apply.

(e) *Procedures for obtaining approval of Comprehensive Modernization.* The procedures for obtaining approval of Comprehensive Modernization are the same as those set forth in § 868.7, with the following modifications:

(1) *Determination of eligibility.* As a result of informal consultations with interested PHAs, the appropriate HUD office will determine eligibility for Comprehensive Modernization under paragraph (c) of this section and will notify each PHA involved, by letter, of the eligibility determination. Since the letter serves to confirm the results of the informal consultations between the

appropriate HUD office and the PHA, the PHA is not required to submit a Preliminary Application for Comprehensive Modernization under § 868.7(b).

(2) *HUD–PHA Joint Review.* In addition to the items set forth in § 868.7(c)(1), the joint review shall include the following:

(i) Greater emphasis on the identification of any needed management improvements and the assessment of the PHA's willingness and capability to make those improvements that directly impact upon the long-term viability of the project after completion of the Comprehensive Modernization. Therefore, the joint review shall determine the PHA's capability to meet the following management requirements:

(A) Adequate project maintenance;

(B) Achievement of a 97 percent occupancy rate at the project;

(C) Demonstration that its tenant selection and eviction policies and procedures will prevent disruptive tenants from occupying or continuing to occupy units within the project;

(D) Collection of the rents at the project;

(E) Provision of adequate security for the tenants of the project and adequate protection against vandalism to the property; and

(F) Assurance that adequate social services for the tenants of the project will be provided through the PHA itself or other public and private agencies.

(ii) PHA performance in using minority and female-owned business enterprises in previously approved modernization programs.

(iii) Identification of other projects within the PHA's inventory that appear to meet the eligibility criteria of paragraph (c) of this section and therefore, are potentially eligible for Compehensive Modernization in subsequent fiscal years.

(3) *Final Application.* In addition to the items set forth in § 868.7(d), the Final Application shall include the following:

(i) Additional certification in the resolution by the PHA Board of Commissioners that the PHA will take all necessary steps to provide qualified tenants with employment opportunities that may be generated by Comprehensive Modernization;

(ii) If applicable, justification for any proposed demolition of buildings or disposition of real property, as required by 24 CFR Part 870; and

(iii) Listing of other projects, in priority order, identified as candidates for future Comprehensive Modernization, including comments from the chief executive of the local governing body and any tenant organizations on the listing.

(f) *Three-year implementation period.* Because of the scope of Comprehensive Modernization, three years rather than the two years required in § 868.7(d)(2) and § 868.7(d)(4) will be allowed for completion of the physical work and the management improvements.

(g) *Selection factors.* Selection for Comprehensive Modernization will be based on consideration of the following factors:

(1) Extent and urgency of project's modernization needs, including extent of substandard vacant units;

(2) Degree to which Final Application reflects thorough analysis of specific modernization needs and represents sound response to identified needs;

(3) Degree of completeness of proposed program in addressing all identified needs of the project;

(4) Efficiency and economy of approach to physical rehabilitation; reasonableness and adequacy of cost estimates and work schedule;

(5) PHA capability to carry out proposed program within prescribed three-year period;

(6) Prospects for long-term viability of project after completion of Comprehensive Modernization;

(7) PHA's current overall management capability and compliance with HUD requirements, including compliance with equal opportunity and business opportunity requirements;

(8) PHA's willingness and capacity to implement identified management improvements and coordinate delivery of social services that directly impact upon project viability;

(9) Degree of local government and tenant support for proposed program;

(10) Overall quality of proposed program; and

(11) If applicable, need for additional improvements to complete Targeted Rehabilitation under the PHUIP.

The legislative review provisions of Section 7(o) of the Department of HUD Act have been complied with.

(United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C. April 18, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-14063 Filed 5-6-80; 8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 241

[Docket No. R-80-801]

Supplementary Financing for Insured Project Mortgages for Energy-Related Improvements

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: This proposed rule amends Part 241 to make it clear Section 241 supplemental loans are available for the purpose of purchasing and installing energy-related improvements for projects having mortgages which are presently insured another section of the National Housing Act, or which are presently held by the Secretary. The proposed rule hold adds two new subparts to allow Section 241 loans in connections with projects which are not insured under the National Housing Act or held by the Secretary, where such loans are to be used for the purchase and installation of energy conserving improvements, solar energy systems, and/or individual utility meters.

COMMENTS DUE: July 7, 1980.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of General Counsel, Room 5218, 451 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. George O. Hipps, Director, Office of Multifamily Housing Development, Department of Housing and Urban Development, Washington, D.C. 20410. (202) 755-5720. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The Department is proposing to amend 24 CFR Part 241 to make it clear that projects with mortgages which are insured or held by HUD may obtain a Section 241 insured loan for energy-related improvements. While Section 241 loans have been available to these projects for a wide range of improvements, including those which are energy-related, the regulations are being amended to specifically highlight the availability of Section 241 loans for energy purposes. Additionally, the Department proposes to amend 24 CFR Part 241 to add new Subparts C and D to provide specific criteria whereby a project not insured under the National Housing Act or held by the Secretary may obtain an insured Section 241 supplemental loan for the purchase and installation of (1) energy conserving improvements; (2) a solar energy system; and/or (3) individual utility meters. Section 311(b) of the Housing and Community Development Amendments of 1978 (Pub. L. 95-557) amended Section 241 to provide the Department the authority to make payments on, or to bid on at foreclosure sale, a conventional first mortgage where the project had obtained on insured Section 241 loan. Further, Section 247 of the National Energy Conservation Policy Act of 1978 (Pub. L. 95-619) amended Section 241 to specifically include as eligible improvements the three energy-related improvements mentioned above, and to include as eligible projects those which have been conventionally financed. This proposed amendment to 24 CFR Part 241 limits the applicability of Section 241 loans on conventional projects to those three energy-related improvements specified in the National Energy Conservation Policy Act.

Interested persons may participate in this proposed rulemaking by submitting such written data, suggestions, or arguments as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All comments received on or before July 7, 1980 will be considered before adoption of a final rule in this matter. Copies of all comments received will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

The Department has determined that this proposed rule will not have a significant impact upon the quality of the environment. A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the finding of inapplicability is available for public inspection during regular business hours at the address specified above.

This rule is listed as item number H-23-79 in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044. Accordingly, Part 241, is amended as follows:

PART 241—SUPPLEMENTARY FINANCING FOR INSURED PROJECT MORTGAGES

Subpart A—Eligibility Requirements

1. Section 241.1 is amended by adding paragraphs (k) and (l).

§ 241.1 Definitions

* * * * *

(k) "Energy conserving improvements" means the purchase and installation of weatherization materials as defined in Section 6862(9) of Title 42. Specifically, the term "weatherization materials" means:

(1) Caulking and weatherstripping of doors and windows;

(2) Furnance efficiency modifications limited to—

(i) Replacement burners designed to substantially increase the energy efficiency of the heating system,

(ii) Devices for modifying flue openings which will increase the energy efficiency of the heating system, and

(iii) Electrical or mechanical furnance ignition systems which replace standing gas pilot lights;

(3) Clock thermostats;

(4) Ceiling, attic, wall, floor, and duct insulation;

(5) Water heater insulation;

(6) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective windows.

(7) Such other insulating or energy conserving devices or technologies as the Secretary of Energy may determine, by rule, after consulting with the Secretary of Housing and Urban Development, the Secretary of Agriculture, and the Director of the Community Services Administration.

For the purposes of this subpart, "energy conserving improvements" shall also include the purchase and installation of solar energy systems and/or individual utility meters if such meters are purchased or installed in connection with other energy conserving improvements or with a solar energy system or the project meets minimum standards of energy conservation established by the Secretary.

(l) "Solar energy system" means any addition, alteration, or improvement to an existing or new multifamily structure which is designed to utilize wind energy or solar energy either of the active type based on mechanically forced energy transfer or the passive type based on the convective, conductive, or radiant energy transfer or some combination of these types to reduce the energy requirements of that structure from other

energy sources, and which is in conformity with such criteria and standards as shall be prescribed by the Secretary in consultation with the Secretary of Energy.

2. Section 241.125 is amended to read as follows:

§ 241.125 Use of loan proceeds.

The proceeds of the loan shall be used only to finance improvements or additions including energy conserving improvements, solar energy systems and individual utility meters that are in conformity with standards prescribed by the Secretary, for a multifamily project, nursing home, intermediate care facility, group practice facility or hospital which is subject to a mortgage insured under any Section or Title of the Act or covered by a mortgage held by the Secretary. Use of loan proceeds for purchase and installation of individual utility meters is subject to the purchase and installation of energy conserving improvements as defined in § 241.1(k) above. The proceeds of a loan involving a nursing home, intermediate care facility, group practice facility or hospital may also be used to purchase equipment to be used in the operation of such nursing home, intermediate care facility, group practice facility or hospital.

3. New Subparts C and D are added after § 241.275, as follows:

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Energy Conserving Improvements, Solar Energy Systems, and Individual Utility Meters in Multifamily Projects without a HUD-Insured or HUD-Held Mortgage.

Sec.

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Authority: Sec. 311(b), Pub. L. 95-557; sec. 247, Pub. L. 95-619; sec. 211. National Housing Act, as amended (12 U.S.C. 1715b).

Subpart C—Eligibility Requirements—Supplemental Loans to Finance Purchase and Installation of Energy Conserving Improvements, Solar Energy Systems, and Individual Utility Meters in Multifamily Projects without a HUD-Insured or HUD-Held Mortgage.

§ 241.500 Definitions.

In addition to the definitions contained in Subpart A, incorporated herein by reference, except § 241.1(f), (h) and (i), the following terms, as used in § 241.500 et. seq., shall have the meaning indicated:

(a) "Approved lender" means a financial insititution or other mortgagee approved by the Commissioner as eligible for insurance under Section 2 of the National Housing Act, or a mortgagee approved under Section 203(b)(1) of the National Housing Act.

(b) "Borrower" means the owner of a project held in fee simple or of a leasehold interest which is not now covered by a mortgage insured or held by the Secretary.

(c) "Energy saving loan" means any form of secured obligation used in connection with the purchase and installation of energy conserving improvements.

(d) "Multifamily project" means a project which consists of not less than five dwelling units on one site, each such unit providing complete living facilities including provisions for cooking, eating, and sanitation within the unit and which is not now covered by a mortgage insured or held by the Secretary.

Fees and Charges

§ 241.505 Application and commitment fees.

(a) *Application.* An application for the insurance of either a conditional or firm commitment for insurance of an energy saving loan on a project shall be submitted by an approved lender and by the sponsors of such project through the local HUD office on an approved FHA form.

(b) *Application and commitment fees.* (1) Application for conditional commitment. An application fee of $1.50 per thousand dollars of the amount of the loan applied for shall accompany the application for a conditional commitment. (2) Application for firm commitment. An application for a firm commitment shall be accompanied by the payment of an application fee of $1.50 per thousand dollars of the amount of the loan applied for, if such fee has not been previously submitted. A commitment fee, in an amount which, when added to the application fee, will aggregate $3 per thousand dollars of the loan applied for, shall also be submitted with the applications for a firm commitment.

§ 241.510 Commitments.

(a) *Conditional commitment.* The issuance of a conditional commitment indicates completion of the Commissioner's preliminary analysis of the proposed energy conserving improvements and constitutes an agreement by the Commissioner, subject to specified terms and conditions, to accept an application for a firm commitment.

(b) *Firm commitment.* The issuance of a firm commitment indicates the Commissioner's approval of the application for insurance and sets forth the terms and conditions upon which the loan will be insured.

(c) *Types of firm commitment.* (1) Where the amount of the loan is $250,000 or more, the firm commitment may provide for the insurance of advances of loan money made during construction or may provide for the insurance of the loan after completion of the improvements. (2) Where the amount of the loan is less than $250,000, the firm commitment shall provide for insurance for the loan after completion of the improvements.

(d) *Term of commitment.* (1) A conditional commitment shall be effective for whatever term is specified in the text of the commitment, normally 60 days.

(2) A firm commitment to insure advances shall be effective for a period of not more than 90 days from the day of issuance.

(3) A firm commitment to insure upon completion shall be effective for a designated term within which the borrower is required to begin construction, and if construction is begun as required, the commitment shall be effective for such additional period, estimated by the Commissioner, as will allow for completion of construction.

(4) The term of either a conditional or firm commitment may be extended in such a manner as the Commissioner may prescribe.

(e) *Reopening of expired commitments.* An expired conditional or firm commitment may be reopened if a request for reopening is received by the Commissioner within 90 days of the expiration of the commitment. The reopening request shall be accompanied by a fee of 50 cents per thousand dollars of the amount of the expired commitment. If the reopening request is not received by the Commissioner within the required 90 day period, a new application, accompanied by the required application and commitment fee, must be submitted.

§ 241.515 Inspection fee.

The firm commitment shalll provide for the payment of an inspection fee in an amount not to exceed $5 per thousand dollars of the commitment. If an inspection fee is required, it shall be paid as follows:

(a) If the case involves the insurance of advances, it shall be paid at the time of initial endorsement.

(b) If the case involves insurance upon completion, it shall be paid prior to the date construction is begun.

§ 241.520 Fees on increases.

(a) *Increase in firm commitment prior to endorsement.* An application, filed prior to initial endorsement (or prior to endorsement in a case involving insurance upon completion), for an increase in the amount of an outstanding firm commitment shall be accompanied by a combined additional application and commitment fee. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the requested increase. If an inspection fee was required in the orginal commitment, an additional inspection fee shall be paid in an amount computed at the same dollar rate per thousand dollars of the amount of increase in commitment as was used for the inspection fee required in the original commitment. When insurance of advances is involved, the additional inspection fee shall be paid at time of initial endorsement. When insurance upon completion is involved, the additional inspection fee shall be paid prior to the date construction is begun or if construction has begun, it shall be paid with the application for increase.

(b) *Increase in loan between initial and final endorsement.* Upon an application, filed between initial and final endorsement, for an increase in the amount of the loan, either by amendment or by substitution of a new loan, a combined additional application and commitment fee shall accompany the application. This combined additional fee shall be in an amount which will aggregate $3 per thousand dollars of the amount of the increase requested. An additional inspection fee shall accompany the application in an amount not to exceed $5 per thousand dollars of the amount of the increase requested.

§ 241.525 Refund of fees.

If the amount of the commitment issued or an increase in loan prior to endorsement is less than the amount applied for, the Commissioner shall refund the excess amount of the application and commitment fees submitted by the applicant. If an application is rejected before it is assigend for processing, or in such other instances as the Commissioner may determine, the entire application and commitment fees or any portion thereof may be returned to the applicant. Commitment inspection, and reopening fees may be refunded, in whole or in part, if it is determined by the Commissioner that the installation of energy conserving improvements for the project has been prevented because of condemnation proceedings or other legal action taken by a governmental body or public agency, or in such other instances as the Commissioner may determine.

§ 241.530 Maximum fees and charges by lender.

The lender may collect from the borrower the amount of the fees provided for in this subpart. The lender may also collect from the borrower an initial service charge in an amount not to exceed 2 percent of the original principal amount of the loan to reimburse the lender for the cost of originating and closing the transaction. Any additional charges shall be subject to the prior approval of the Commissioner.

Eligible Security Instruments

§ 241.530 Note and security form.

The lender shall present for insurance a note and security instrument, on forms apporved by the Commissioner for use in the jurisdiction in which the property to be improved is located.

§ 241.535 Loan multiples-minimum principal.

The loan shall involve a principal obligation in multiples of $100, and the minimum principal obligation shall be $10,000.

§ 241.540 Method of loan payment and amortization period.

(a) *Monthly payments.* The loan shall provide for monthly payments on the first day of each month on account of interest and prinicipal and shall provide for payment in accordance with the amoritization plan as agreed upon by the borrower, the lender and the Commissioner.

(b) *Amortization period.* (1) The loan shall have an amortization of either 5, 10, or 15 years by providing for either 60, 120, or 180 monthly amortization payments. No energy saving loan shall have an amortization period in excess of 15 years unless the amount of the loan exceeds $50,000.00, in which event the amortization period may be increased to 20 years, with a provision for 240 monthly amortization payments.

(2) In any event, the loan shall have a maturity satisfactory to the Commissioner of not less than 20 or more than 2 years from the date of the beginning of amortization, or the Commissioner's estimate of the remaining economic life of the structure, whichever is the lesser.

(3) The Commissioner shall establish the date of the first payment to principal, which shall no later than the first day of the second month following the date of endorsement of the loan for insurance.

§ 241.545 Covenant against liens.

The security instrument shall contain a covenant against the creation by the borrower of additional liens against the property superior or inferior to the lien of such instrument, except with the prior approval of the Commissioner.

§ 241.550 Accumulation of next premium.

The secruity instrument shall provide for payments by the borrower to the lender on each interest payment date of an amount sufficient to accumulate in the hands of the lender one payment period prior to its due date the next annual insurance premium payable by the lender to the Commissioner.

§ 241.555 Security instrument and lien.

The security instrument shall cover the entire property included in the project, shall be a lien on the real property of the project under the laws of the jurisdiction in which the project is located, and may be junior to such prior liens or mortgage indebtedness as the Commissioner may approve. The security instrument shall contain a provision that a default under the first mortgage is a default under the supplementary loan security instrument.

§ 241.560 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed the maximum interest rate established by the Secretary for multifamily mortgages and in effect at the time the mortgage is endorsed for insurance.

(b) Interest shall be payable in monthly installments on the principal amount of the loan outstanding on the due date of each installment.

§ 241.565 Maximum loan amount.

The principal amount of the loan shall in no event exceed the cost of the energy conserving improvements including the purchase thereof, cost of installation, architect's fees, interest during construction and such other miscellaneous fees and charges incident to construction as determined by the Commissioner. Nor shall the principal amount of the loan exceed the lesser of the following:

(a) An amount which can be supported by residual income, which is the amount of net income remaining after payment of all existing debt service requirements and deduction of proprietary earnings, as determined by the Commissioner. The computation of net income shall take into account the amount which will be saved in operating costs over the period of repayment of the loan as a result of the installation of the energy conserving improvements.

(b) An amount which, when added to the existing outstanding indebtedness does not exceed the Commissioner's estimate of the value of the project after the energy conserving improvements are installed.

§ 241.570 Insurance endorsement.

(a) *Initial endorsement.* The Commissioner shall indicate his/her insurance of the mortgage by endorsing the original credit instrument and identifying the section of the Act and the regulations under which the mortgage is insured and the date of insurance.

(b) *Final endorsement.* When all advances of mortgage proceeds have been made and all the terms and conditions of the commitment have been complied with to the satisfaction of the Commissioner, he/she shall indicate on the original credit instrument the total approved for insurance and again endorse such instrument.

(c) *Effect of endorsement.* From the date of initial endorsement, the Commissioner and the mortgagee or lender shall be bound by the provisions of this subpart to the same extent as if they had executed a contract including the provisions of this subpart and the applicable sections of the Act.

(d) *Insurance upon completion.* When all advances of mortgage proceeds have been made and all the terms and conditions of the commitment have been complied with to the satisfaction of the Commissioner, he/she shall indicate the total approved for insurance and endorse the credit instrument, identifying the date of insurance.

§ 241.580 Application of payments.

(a) The security instrument shall provide that all monthly payments to be made by the borrower shall be added together and this aggregate amount shall be paid by the borrower upon each monthly payment date in a single payment. The lender shall apply the payment to the following items in the order set forth:

(1) Premium charges under the contract of insurance;

(2) Interest on the loan;

(3) Amortization of the principal of the loan;

(b) Any deficiency in the amount of any monthly payments required under paragraph (a) of this section shall constitute an event of default and the loan shall further provide for a grace period of 30 days within which time the default must be cured.

§ 241.585 Prepayment privilege and prepayment charge.

The security instrument shall contain a provision permitting prepayment of the loan in whole or in part upon any interest payment date after giving to the lender 30 days advance written notice and it may contain a provision, with the approval of the Commissioner, for a reasonable charge in the event of prepayment. The borrower shall be permitted to prepay up to 15 percent of the original principal amount of the loan in an one calendar year without an additional charge. A provision for a charge in the event of prepayment may not be included in a loan of $200,000 or less.

Property Requirements

§ 241.590 Eligibility of property.

(a) A loan to be eligible for insurance shall be on real estate held:

(1) In fee simple; or

(2) On the interest of the lessee under a lease for not less than seventy-five years which is renewable; or

(3) Under a lease having a period of not less than twenty-five years to run from the date the loan is executed.

(b) The property constituting security for the loan transaction must be held by an eligible borrower as herein defined and must at the time the loan is insured be free and clear of all liens other than those specifically approved by the Commissioner.

Title

§ 241.595 Eligibility of title.

In order for the property which is to be the security for a loan to be insured under this subpart to be eligible for insurance, the Commissioner shall determine that the title to the property is vested in the borrower as of the date the security instrument is filed for record. The title evidence will be examined by the Commissioner and the endorsement of the credit instrument for insurance shall be evidence of its acceptability.

§ 241.600 Title evidence.

(a) Upon insurance of the loan, the lender shall furnish to the Commissioner a survey, satisfactory to the Commissioner, and a policy of title insurance as provided in paragraph (a)(1) of this section. If the lender is unable to furnish such policy for reasons satisfactory to the Commissioner, the lender shall furnish such evidence of title as provided in paragraph (a) (2), (3), or (4) of this section as the Commissioner may require. Any survey, policy of title insurance, or evidence of title required under this section shall be furnished without expense to the Commissioner. The acceptable types of title evidence are:

(1) A policy of title insurance issued by a company and in a form satisfactory

to the Commissioner. Such policy shall name the lender and the Secretary of Housing and Urban Development, as their respective interests may appear, as the insured; and shall become an owner's policy running to the lender as owner upon its acquisition of the property in extinguishment of the debt, and to the Secretary as owner upon his acquisition of the property pursuant to the loan insurance contract.

(2) An abstract of title satisfactory to the Commissioner, prepared by an abstract company or individual engaged in the business of preparing abstracts of title, accompanied by a legal opinion satisfactory to the Commissioner, as to the quality of such title, signed by an attorney at law experienced in the examination of titles.

(3) A Torrens or similar title certificate.

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States of America, or of any State or territory thereof.

(b) The survey required by paragraph (a) of this section need not be furnished in connection with a project where the loan does not exceed $200,000.

Form of Contract

§ 241.605 Contract requirements.

(a) When the principal amount of the loan is $100,000 or less, the form of contract between the borrower and the contractor shall be in accordance with the following:

(1) The contract between the borrower and the general contractor may be in the form of either a lump sum contract or a cost plus contract. Either form of contract shall include the cost of the energy conserving improvements, their installation, and such other work to be performed by the contractor as necessary to meet the requirements of the Secretary. A lump sum contract shall provide for the payment of a specified amount. A cost plus contract shall provide for the payment of the contractor's actual cost of compliance with the requirements of the contract, plus such allowance for overhead and profit as may be approved by the Commissioner and shall provide that the total cost under the contract shall not exceed the upset price as approved by the Commissioner.

(2) If agreed to by the general contractor and borrower, a lump sum form of contract between the borrower and the general contractor may be used unless the Commissioner determines that a cost plus contract with a maximum upset price is necessary to protect the interests of the borrower or the Commissioner.

(b) When the principal amount of the loan is over $100,000, the form of contract between the borrower and the contractor shall be in accordance with following:

(1) *Lump sum contract.* If the Commissioner determine that there is no identity of interest between the borrower or any of the officers, directors or stockholders of the borrower and the contractor, there may be used a lump sum contract providing for payment of the specified amount.

(2) *Cost plus fixed fee contract.* (i) If the Commissioner determines that there is any identity of interest (financial or otherwise) between the borrower, its officers, directors or stockholders and the contractor, the form of contract shall provide for payment of the actual cost of construction not to exceed an upset price and may provide for payment of a fixed fee not exceeding a reasonable allowance as established by the Commissioner in accordance with customary practices in the area.

(ii) In any case where the borrower is a nonprofit entity, a cost plus fixed fee contract shall be used unless it is established to the Commissioner's satisfaction that such form of contract is not required to protect his/her interests and the interests of the borrower, in which case, a lump sum form of contract may be used.

§ 241.610 Assurance of completion.

(a) The borrower shall furnish assurance of completion of the project in the following minimum forms and amounts:

(1) Where the estimated cost of construction of the improvements is $500,000 or less, the borrower shall furnish assurance of completion of the project in the form of a personal indemnity agreement executed by the principal officers, directors, stockholders, or partners of the entity acting as general contractor, or by the individuals operating as the general contractor.

(2) Where the estimated cost of construction of the improvements is more than $500,000 or where such cost is less than $500,000 and a personal indemnity agreement is not executed, the assurance shall be in the form of corporate surety bonds for payment and performance, each in the minimum amount of 25 percent of the construction contract, or a completion assurance agreement secured by a cash deposit in the minimum amount of 15 percent of the amount of the construction contract.

(3) All types of assurance of completion shall be on forms approved by the Commissioner. All surety companies executing a bond and all parties executing a personal indemnity agreement must be satisfactory to the Commissioner.

(4) A mortgagee may prescribe more stringent requirements for assurance of completion than the minimum requirements of this section.

(b) The lender may accept, in lieu of a cash deposit required by paragraph (a) of this section, an unconditional irrevocable letter of credit issued to the lender by a banking institution. In the event a demand under the letter of credit is not immediately met, the lender shall forthwith provide cash equivalent to the undrawn balance thereunder.

§ 241.615 Certification of cost requirements.

(a) *Certification agreement.* The lender shall submit with the application an agreement on a form prescribed by the Commissioner and executed by the borrower and the lender.

(b) *Certificate and adjustment.* No loan shall be insured unless:

(1) A certification of actual cost is made by the contractor in cases in which a cost plus form of contract is used; and

(2) The amount of the loan is adjusted to reflect the actual cost to the borrower of the improvements when either a cost plus or lump sum form of contract is used.

(c) *Cost computation.* The term "actual cost of the improvements" shall mean the cost to the borrower of the improvements, after deducting the amount of any kickbacks, rebates, or trade discount received in connection with the improvements, and including the amounts paid under any contract for the improvements, labor, materials, and for any other items of expenses approved by the Commissioner.

(d) *Statement of facts.* Any agreement, undertaking, statement or certification required in connection with cost certification shall specifically state that it has been made, presented and delivered for the purpose of influencing an official action of the Commissioner and may be relied upon as a true statement of the facts contained therein.

(e) *Incontestability.* Upon the Commissioner's approval of the cost certification, such certification shall be final and incontestable except for fraud or material misrepresentation on the part of the borrower.

(f) *Records.* The borrower shall keep and maintain adequate records of all costs of any construction improvements or other cost items not representing work under the general contract and shall require the contractor to keep

similar records and, upon request by the Commissioner, shall make available for examination such records, including any collateral agreements.

(g) *Certificate of public accountant.* Where required by the Commissioner, each certificate of actual cost shall be supported by a certificate as to accuracy by an independent Certified Public Accountant or independent public accountant which shall include a statement that the accounts, records and supporting documents have been examined in accordance with generally accepted auditing standards to the extent deemed necessary to verify the actual costs.

Eligible Borrowers

§ 241.625 Eligible borrowers.

In order to be eligible as a borrower under this subpart, the applicant shall be a profit, limited distribution, nonprofit, or cooperative owner of a multifamily housing project which is not covered by a mortgage insured or held by the Secretary and which the Commissioner has determined to be an acceptable risk in that energy conservation or solar energy benefits to be derived outweigh the risks of possible loss of the Federal Government.

Special Requirements

§ 241.630 Maximum insurance against loss.

A loan insured under this subpart shall be insured for 90 percent of any loss incurred by the person holding the note for the loan.

§ 241.635 Regulatory agreement.

Any borrower obligated on the note for any loan insured under this Subpart shall be regulated or restricted in a manner and on a form prescribed by the Secretary as to rents or sales, charges, capital structure, rate of return and methods of operation of the multifamily project to such an extent and in such manner as to provide reasonable rental to tenants and a reasonable return on the investment until the termination of all obiligations of the Secretary under the contract of insurance.

§ 241.640 Discrimination prohibited.

Any contract or subcontract executed for the installation of equipment, or construction of improvements to the project shall provide that there shall be no discrimination against any employee or applicant for employment because of sex, religion, race, color, creed or national origin.

§ 241.645 Labor standards and prevailing wage requirements.

(a) Any contract, subcontract, or building loan agreement executed for the performance of construction of the project shall comply with all applicable labor standards and provisions of the regulations of the Secretary of Labor issued May 9, 1951, 29 CFR 5.1–5.12 (16 FR 430).

(b) No construction contract shall be entered into with a general contractor or any subcontractor if such contractor or any such subcontractor or any firm, corporation, partnership or association in which such contractor or subcontract has a substantial interest is included on the ineligible list of contractors or subcontractors established and maintained by the Comptroller General, pursuant to § 5.6(b) of the Regulations of the Secretary of Labor, issued May 9, 1951 (29 CFR 5.6(b)).

(c) No advance under the mortgage shall be eligible for insurance after notification from the Commissioner that the general contractor or any subcontractor or any firm, corporation, partnership or association in which such contractor or subcontractor has a substantial interest, was on the date the contract or subcontract was executed, on the ineligible list established by the Comptroller General, pursuant to the provisiosn of the Secretary of Labor issued May 9, 1951 (29 CFR 5.6(b)).

(d) No advance under any mortgage shall be eligible for insurance unless there is filed with the application for such advance a certificate or certificates in the form required by the Commissioner, supported by such other information as the Commissioner may prescribe, certifying that the laborers and mechanics employed in the construction of the dwelling or dwellings, or housing project involved have been paid not less than the wage prevailing in the locality in which the work was performed for the corresponding classes of laboreres and mechanics employed on construction of a similar character, as determined by the Secretary of Labor prior to beginning of construction and after the date of filing of the application for insurance.

(e) Compliance with the provisions of this subsection shall be evidenced at such time and in such manner as the Commissioner may prescribe.

Subpart D—Contract Rights and Obligations—Multifamily Projects without a HUD—Insured or HUD—Held mortgage.

§ 241.800 Definitions.

All of the definitions contained in § 241.500 shall apply to this subpart. In addition, as used in this subpart, the following terms shall have the meaning indicated:

(a) "Contract of insurance" means the agreement evidenced by the endorsement of the Commissioner upon the note given in connection with an insured loan and includes the provisions of this subpart and the applicable provisions of the Act.

(b) "Maturity" means the date on which the loan indebtedness would be extinguished if paid in accordance with periodic payments provided for in the loan.

Premiums

§ 241.805 Insurance premiums.

(a) *First premium.* The lender, upon the endorsement of the loan for insurance, shall pay to the Commissioner a first loan insurance premium equal to one percent of the original face amount of the note.

(b) *Second premium.* The lender, on the date of the first principal payment, shall pay a second premium equal to one percent of the average outstanding principal obligation of the loan for the year following such first principal payment date which shall be adjusted as of that date so that the aggregate of the first and second premiums shall equal the sum of one percent per annum of the average outstanding principal obligation of the loan for the period from the date of the insurance endorsement to one year following the date of the first principal payment.

(c) *Annual insurance premium.* Until the note is paid in full, or until the loan is assigned to the Commissioner, or until the contract of insurance is otherwise terminated with the consent of the Commissioner, the lender, on each anniversary of the date of the first principal payment shall pay an annual loan insurance premium equal to one percent of the average outstanding principal obligation of the loan for the year following the date on which such premium becomes payable.

(d) *Method of premium payment.* Premiums shall be payable in cash or in debentures of the General Insurance Fund at par plus accrued interest. All premiums are payable in advance and no refund can be made of any portion thereof except as provided in § 241.800 et seq.

(e) *Calculation of premiums.* The premiums payable on and after the date of the first principal payment shall be calculated in accordance with the amortization provisions without taking into account delinquent payments or prepayments.

§ 241.805a Mortgagee's late charge.

Mortgage insurance premiums which are paid to the Commissioner more than 15 days after the billing date or due date, whichever is later, shall include a late charge of 4 percent of the amount of the payment due, except that no late charge shall be required with respect to any case for which HUD fails to render a proper billing to the mortgagee.

§ 241.815 Termination of insurance.

(a) *Prepayment in full.* The contract of insurance shall be terminated if the loan is paid in full prior to its maturity. Notice of the prepayment shall be given to the Commissioner, on a form prescribed by the Commissioner within 30 days from the date of the prepayment, or 30 days prior to the Commissioner's receipt of the prepayment notice, whichever is later.

(b) *Voluntary termination.* The contract of insurance shall be voluntarily terminated upon receipt by the Commissioner of a written request, on a form prescribed by the Commissioner, by the borrower and the lender for such termination, accompanied by a submission of the original credit instrument for cancellation of the insurance endorsement and the remittance of all sums to which the Commissioner is entitled. The termination shall become effective as of the date these requirements are met.

§ 241.825 Pro rata refund of insurance premium.

Upon termination of a loan insurance contract by a payment in full or by a voluntary termination, the Commissioner shall refund to the lender for the account of the borrower an amount equal to the pro rata portion of the current annual loan insurance premium theretofore paid which is applicable to the portion of the year subsequent to the effective date of the termination.

Rights and Duties of Lender Under the Contract of Insurance

§ 241.830 Definition of default.

(a) If the borrower fails to make any payments due under or provided to be paid by the terms of the note or security instrument, the note shall be considered in default for the purposes of this subpart.

(b) The failure to perform any other covenant under the note or security instrument shall be considered a default: *Provided,* The lender, because of such default, has exercised its rights under the note or security instrument and accelerated the debt.

(c) The failure to make any payment or to perform any covenant under the first conventional note and mortgage by reason of which the holder thereof declares a default as evidenced by formal written declaration of said default to the Commissioner and the lender by the holder of the first note and mortgage, shall be considered a default under the insured loan.

(d) If such defaults as defined in paragraphs (a), (b) and (c) of this section continue for a period of 30 days, the lender shall be entitled to receive the benefits of insurance hereinafter provided.

§ 241.840 Date of default.

In computing loan insurance benefits, the date of default shall be considered as:

(a) The date of the lender's acceleration of the debt because of the borrower's uncorrected failure to perform a covenant or obligation under the note or security instrument; or

(b) The date of the first failure to make a monthly payment which subsequent payments by the borrower are insufficient to cover when applied to the overdue monthly payments in the order in which they become due.

(c) The date of the lender's acceleration of the debt because of the borrower's default under the first conventional note and mortgage.

§241.850 Notice of default.

(a) If the default is not cured within the 30 day grace period, as defined in § 241.530(d), the lender shall, within 30 days thereafter, notify the Commissioner in writing of such default.

(b) The lender shall give notice in writing to the Commissioner of the failure of the borrower to comply with any covenant or obligation under the security instrument or note regardless of the fact that the lender may not have elected to accelerate the debt.

§ 241.860 Commissioner's right of require acceleration.

Upon receipt of notice of the failure of the borrower to comply with any covenant or obligation under the security instrument or note, or under the conventional note and mortgage, the Commissioner may require the lender to accelerate payment of the outstanding principal balance due.

§ 241.865 Election by the lender.

Where a real estate mortgage, or other security instrument has been used to secure the payment of a loan made under the provisions of this subpart and Subpart C of this part, the lender may either elect to assign the loan to the Commissioner in exchange for the payment of insurance benefits or may exercise its rights under the note and security instrument in lieu of making a claim for insurance benefits. If the lender elects the later course, the Commissioner shall be so notified and the contract of insurance shall be deemed terminated upon the date of receipt of such notification.

§ 241.875 Maximum claim period.

Notice of intention to file claim on a form prescribed by the Commissioner shall be filed within 45 days after the lender becomes eligible for the benefits of the loan insurance, or within such later time as may be agreed upon by the Commissioner in writing.

§ 241.880 Items to be delivered on submitting claim.

Within 30 days after the filing of the notice of intention to assign the loan to the Commissioner, or within such further period as may be agreed upon by the Commissioner in writing, the lender shall deliver to the Commissioner:

(a) The fiscal data pertaining to the loan transactions;

(b) Receipts covering all disbursements as required by the fiscal data form;

(c) The original note and any security instrument or instruments which shall be assigned to the Commissioner without recourse or warranty, except that the lender must warrant that no act or omission of the lender has impaired the validity and priority of such security instrument or instruments, that the security instrument or instruments are prior to all mechanics' and materialmen's liens filed of record subsequent to the recording of such security instrument or instruments regardless of whether such liens attached prior to such recording date, and prior to all liens and encumbrances which may have attached or defects which may have arisen subsequent to the recording of such security instrument or instruments, except such liens or other matters as may be approved by the Commissioner, that the amount stated in the instrument of assignment is actually due and owing under the security instrument or instruments, that there are no offsets or counterclaims thereto, and that the lender has a good right to assign such note and security instrument or instruments;

(d) The assignment to the Commissioner of all rights and interests arising under the note and security instrument or instruments so in default and all claims of the lender against the borrower or others arising out of the loan transaction;

(e) All policies of title or other insurance or surety bonds, or other guarantees and any and all claims thereunder; including evidence satisfactory to the Commissioner that the original title coverage has been extended to include the assignment of the note and security instrument or instruments to the Commissioner;

(f) All records, ledger cards, documents, books, papers and accounts relating to the loan transaction;

(g) Any additional information or data which the Commissioner may require;

(h) The following cash items, held in connection with the loan insured under this subpart, shall either be retained by the lender or delivered to the Commissioner in accordance with instructions to be issued by the Commissioner at the time the insurance claim is filed.

(1) Any cash held by the lender or its agents or to which it is entitled including deposits made for the account of the borrower and which have not been applied in reduction of the principal of the loan indebtedness.

(2) All funds held by the lender for the account of the borrower received pursuant to any other agreement.

(i) On the date the assignment of the note and security instrument or instruments are filed for record, the lender shall notify the Commissioner and the Office of Finance and Accounting by telegram of such recordation.

§ 241.885 Insurance benefits.

(a) *Method of payment.* Payment of claim shall be made in the following manner:

(1) *Payment in cash.* Unless a written request for payment in debentures is filed with the application, payment shall be made in cash.

(2) *Optional payment in debentures.* Payment shall be made in debentures upon the filing of a written request for same with the application.

(b) *Amount of payment.* Upon acceptable assignment of the note and security instrument to the Commissioner, the insurance benefits shall be paid in an amount equal to 90 percent of the amount determined as follows:

(1) By adding to the unpaid principal amount of the loan, computed as of the date of default, the following items:

(i) Any accrued interest due as of the date of execution of the assignment of the loan to the Commissioner.

(ii) Any advances approved by the Commissioner made previously by the lender under the provisions of the note or security instrument or instruments.

(iii) Reimbursement for such reasonable collection costs, court costs, and attorney's fees as may be approved by the Commissioner.

(iv) Any loan insurance premiums paid after default.

(v) If payment is made in cash, an amount equivalent to the debenture interest which would have been earned thereon, as of the date such cash payment is made, except when the lender fails to meet any one of the applicable requirements of §§ 241.850, 241.875, and 241.880, within the specified time and in a manner satisfactory to the Commissioner (or within such further time as the Commissioner may approve in writing), the interest allowance in such cash payment shall be computed only to the date on which the particular required action should have been taken or to which it was extended.

(2) By deducting from the total of the items computed under paragraph (b)(1) of this section the following items:

(i) Any amount received by the lender on account of the loan after the date of default.

(ii) Any net income received by the lender from the property covered by the note or security instrument and not applied to prior debts held by that lender.

(iii) The sum of the cash items retained by the lender pursuant to § 241.880(h) (1) and (2).

§ 241.890 Characteristics of debentures.

Debentures issued in settlement of insurance claims under this subpart shall have the same characteristics and the same requirements for registration and redemption as those issued pursuant to Subpart B of this part except that debentures shall bear interest at the rate in effect as of the date the commitment was issued, or as of the date the loan was first endorsed for insurance, whichever rate is higher, and shall mature 10 years from the date of issue which date shall be the date of execution of the assignment of the loan to the Commissioner.

§ 241.893 Cash adjustment.

Any difference of less than $50 between the amount of debentures to be issued to the lender and the total amount of the lender's claim, as approved by the Commissioner, shall be adjusted by the issuance of a check in payment thereof.

Assignments

§ 241.895 Assignment of insured loans.

(a) An insured loan may be transferred only to a transferee who is a lender approved by the Commissioner. Upon such transfer and the assumption by the transferee of all obligations under the contract of insurance the transferor shall be released from its obligations under the contract of insurance.

(b) The contract of insurance shall terminate with respect to loans described in paragraph (a) of this section upon the happening of either of the following events:

(1) The transfer or pledge of the insured loan to any person, firm or corporation, public or private, other than an approved lender.

(2) The disposal by a lender of any partial interest in the insured loan to other than an approved lender.

Extension of Time

§ 241.897 Actions to be taken by lender.

With respect to any action required of the lender within a period of time prescribed by this subpart, the Commissioner may extend such period.

Rights in Housing Fund

§ 241.900 No vested right in fund.

Neither the lender nor the borrower shall have any vested or other right in the General Insurance Fund.

§ 241.905 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a lender under the contract of insurance on any loan already insured and shall not adversely affect the interests of a lender on any loan to be insured on which the Commissioner has made a commitment to insure.

(Sec. 311(b), Pub. L. 95-557; sec. 247, Pub. L. 95-619; sec. 211, National Housing Act, as amended (12 U.S.C. 1715b))

Issued at Washington, D.C., April 17, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-14082 Filed 5-6-80; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-80-998]

Housing Programs—Administrative Actions Implementing Executive Order 12185

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

ACTION: General notice—listing of administrative measures implementing Executive Order 12185.

SUMMARY: By publishing this Notice, HUD is notifying the public of the significant non-regulatory administrative measures that it will take for housing programs administered by the undersigned, in order to implement Executive Order 12185.

FOR FURTHER INFORMATION CONTACT: Michael Wells, Office of Policy and Program Development, Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6454 (This in not a toll-free number).

SUPPLEMENTARY INFORMATION: In accordance with Section 102(b) of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620) and Executive Order 12185, the Assistant Secretary for Housing is about to issue the following administrative notices and memoranda to the HUD Field Offices and to the recipients under the housing programs of the Office of Housing (Some of these notices also apply to Housing's public facilities programs).

1. HUD will revise and supplement the underwriting criteria for new multifamily developments so they include: (a) An engineering analysis which will function to encourage the latest cost-effective energy conserving features; (b) analysis of site location with regards to transportation energy use; (c) consideration of solar orientation of structures; and (d) consideration of whether the site and structure(s) are planned to encourage the greatest amount of energy conservation.

2. HUD will encourage single family developers to include passive and active solar energy and energy conservation measures when planning sites and buildings.

3. HUD will request energy audits of: (a) Section 8 New Construction and Substantial Rehabilitation projects; (b) subsidized insured housing projects; (c) unsubsidized insured projects; and (d) HUD-owned or mortgage held projects.

4. HUD will encourage the development of projects (public housing, Section 8, HUD-insured) which use solar energy systems and provide the maximum permissible mortgage amounts and financial assistance to accommodate such systems.

5. HUD appraisal and valuation procedures will place greater emphasis on the trade-off between energy conserving capital costs and subsequent operating expenses in underwriting single and multifamily housing.

6. HUD will develop procedures and materials to encourage and finance the addition of energy conserving features to existing single family homes upon transfer.

7. HUD will reemphasize and clarify its requirement for an energy audit on each subsidized insured housing project applying for flexible subsidy.

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

Issued at Washington, D.C., on May 1, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-14059 Filed 5-6-80; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-80-997]

Modernization Program—PHA-Owned Projects; Announcement of Proposal To Set Aside Fiscal Year 1980 Modernization Funds for Testing Energy Conservation Measures

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

ACTION: Notice of set-aside funds for testing energy conservation measures.

SUMMARY: This Notice announces a set-aside of $5,000,000 of loan authority from Fiscal Year (FY) 1980 Modernization Program for testing of energy conservation measures on housing projects owned by Public Housing Agencies (PHAs).

FOR FURTHER INFORMATION CONTACT: Charles R. Ashmore, Utilities Specialist, Office of Public Housing, Department of HUD, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6640 (this is not a toll free number) or the Chief, Assisted Housing Management Branch, in the HUD field office for the jurisdiction where the PHA is located.

SUPPLEMENTARY INFORMATION: HUD has set aside $5 million in FY 1980 Public Housing modernization loan authority for testing energy conservation measures (ECMs) in projects owned by Public Housing Agencies (PHAs). The ECMs to be tested will be hardware-related improvements that are relatively untested in public housing. The purpose of the program is to test the cost-effectiveness and adaptability of commercially available innovative products that are expected to reduce PHA's use of energy and/or cost of utilities. The improvements are to be of such types that their installation can be completed before the end of FY 1981 and their evaluation finished within a year thereafter. Examples of ECMs that will be considered are: heat recovery devices, new thermostats and heating controls, improved furnaces and boilers, and conversions to renewable energy sources.

1. Selection Procedures

The Assistant Secretary for Housing—Federal Housing Commissioner will select the ECMs that will be funded in accordance with the following procedures:

(a) All PHAs that own low-income public housing projects are invited to submit proposals. Within 45 calendar days of the date of this Notice, PHAs should submit a letter to the HUD field office containing the following information for each ECM for which funds are requested:

(1) Description of project in which the ECM is to be installed. Provide project name, number, number of units, type of construction, etc.;

(2) Description of the ECM;

(3) Estimated installed cost of the ECM including engineering, materials, and installation costs;

(4) Amount and value of estimated annual energy savings; this value shall be based on the current cost of energy;

(5) Estimated annual operational (other than energy) and maintenance cost of ECM;

(6) Estimated "pay-back" period. Pay-back period is the number of years calculated by dividing the total cost of the ECM by the estimated net annual savings in energy and in operational and maintenance costs;

(7) Procedures to be used to record and evaluate the actual operational results.

(b) Because of the limited amount of funds, PHAs should limit their proposals to one project and to one ECM unless the PHA considers that two or more ECMs will complement each other and should be tested and evaluated simultaneously.

(c) PHAs may use their staff for preparing proposals, use information furnished by manufacturers, or request assistance from HUD field offices. The amount and type of HUD assistance will depend on the PHA's need for

assistance and the workload of the HUD field office.

(d) HUD field offices will review all proposals and submit them with appropriate recommendations to the Assistant Secretary for Housing-Federal Housing Commissioner (Attn: Chief, Maintenance and Utilities Branch), within 75 calendar days of the date of this Notice. Field office submissions must include:

(1) Verification on the reasonableness of the pay-back period calculations;

(2) Assessment of past PHA performance in the Modernization Program;

(3) Recommendations on whether the proposal should be funded. HUD field offices with no proposals must submit a negative report.

In making recommendations, field offices should comment on the technical capabilities of the PHA to operate and maintain the ECM, on the appropriateness or suitability of the ECM for the project, and on their estimate of whether the test will be useful in showing whether the ECM will be of general utility, save energy and be cost effective.

(e) The Assistant Secretary for Housing-Federal Housing Commissioner will select, within 105 calendar days of the date of this Notice, the proposals that best meet the selection criteria in section 2(d) and notify the field offices involved by assigning the set-aside funds through regular assignment channels. In some cases, it may be necessary to reduce the amount of funding for ECMs that can be tested on a smaller scale. The field offices in turn shall notify the selected PHAs and assist them in submitting appropriate final modernization applications. After the field office approval of the final application, the activity will be implemented under the requirements and procedures prescribed in Handbook 7485.9, Low-Income Public Housing Modernization Program, and Handbook 7485.10, Low-Income Public Housing Modernization Program Processing.

2. Selection Criteria

(a) In general, the proposed ECM should be an improvement that is innovative and untested to the degree that PHAs would not request modernization funds for it under their regular Modernization Programs.

(b) The proposed ECM should have reasonable expectations of being cost-effective. For new or untested ECMs the benefit-cost analysis need not be exhaustive or totally conclusive; that is, all possible ramifications on how the measure may affect operational and maintenance cost do not need to be evaluated. To be considered cost-effective in public housing, an ECM's pay-back period should not exceed 15 years or the life of the measure, whichever is less.

(c) The installations should, if possible, be made under controlled conditions where accurate base line data will be available and recorded. If feasible, a comparable number of units or buildings should not receive the improvements being tested, so that an accurate comparison between improved and unimproved units or buildings may be made to compute the actual savings in energy.

(d) Priority for approval will be given to proposed improvements that best meet all of the following criteria:

(1) ECMs that may be usable by large numbers of other similar size or type public housing projects.

(2) ECMs that are expected to result in significant reductions in utility expenses (for example, ECMs to reduce cost of electricity in all-electric housing projects).

(3) ECMs that will be installed before the end of FY 1981 and be evaluated within a year after installation.

(4) ECMs that will not require an exceedingly large proportion of the set-aside funds. An ECM that requires more than 5% of funds set aside for this program will be considered exceedingly large.

(5) ECMs in housing projects with good recorded data on the consumption of utilities.

(6) Proposals that include satisfactory plans for evaluating the effectiveness of ECMs.

3. Final Reports on Energy Conservation Measures

PHAs must prepare final reports on ECMs installed under this program. In order to prepare the report, the PHA will need to collect data and information for at least one year after the ECM is installed. During the period the ECM is under test, the PHA should attempt to control conditions at the project so that the data collected will be meaningful. HUD will issue a notice at the time reports are due. The following information will be requested on each ECM:

(a) Description;

(b) Total installed costs, including breaking costs down into material and equipment, labor, and engineering and design;

(c) Estimated amount and value of energy save per year;

(d) Annual operational and maintenance costs;

(e) Tenant reaction, if applicable;

(f) Other information of interest to PHAs and HUD;

(g) Recommendation for future use.

(United States Housing Act of 1937 (42 U.S.C. 1401 et seq.) as amended by the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 7(d), Housing and Urban Development Act of 1968 (42 U.S.SC. 3535(d)))

Issued at Washington, D.C., on May 1, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 80-14061 Filed 5-6-80; 8:45 am]

BILLING CODE 4210-01-M

Federal Register

Wednesday
May 7, 1980

Part VI—Section B

Department of Agriculture

Farmers Home Administration

Petroleum and Natural Gas Conservation: Federal Housing Assistance Programs

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1804, 1930, 1944

Conservation of Petroleum and Natural Gas Through Proposed Changes in USDA Financial Assistance Programs; Executive Order 12185

AGENCY: Farmers Home Administrator U.S. Department of Agriculture.

ACTION: Proposed rules, request for comment.

SUMMARY: This notice proposes changes in rules in certain programs of the Department of Agriculture, Farmers Home Administration, to increase the incentives for conserving petroleum and natural gas. Three separate rule changes are covered under this notice which amend existing programs procedures or requirements. The public is invited to comment on the feasibility and the effectiveness of the proposed actions in conserving petroleum and natural gas or to make suggestions which might improve the effectiveness of the proposed actions.

This notice of proposed rulemaking is being published as required by Section 1–104 of Executive Order 12185 "Conservation of Petroleum and Natural Gas" and constitutes the USDA response to that requirement.

DATES: Comments must be received by July 7, 1980.

ADDRESS: Send comments to: James E. Thornton, Associate Administrator, Farmers Home Administration, Room 5014 South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: James E. Thornton, Associate Administrator, Farmers Home Administration, Room 5014 South Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 447–5614.

SUPPLEMENTARY INFORMATION: Executive Order 12185, Conservation of Petroleum and Gas, signed by the President December 17, 1979, and published December 19, 1979, at 44 FR 75093 mandates that each federal agency identify its financial assistance programs which are most likely to offer opportunities for significant conservation of petroleum and natural gas. It further directed that a list of these programs be published so that the public could provide suggestions for rules which would encourage energy conservation. A notice inviting public comment on a list of USDA financial assistance programs was published February 29, 1980 (45 FR 13718). Comment on this notice was requested by April 7, 1980.

Very few public comments were received and thus the proposed actions contained in this notice are largely the result of internal review if USDA programs and analysis of available alternatives. Of fourteen programs initiatives published for comment on February 29, 1980, eleven were found to be covered by existing rules and the objectives achievable by administrative actions or unachievable at this time. Three initiatives involve amending existing program rules.

These proposed actions have been reviewed under USDA procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044 and have been classified not significant.

The emergency nature of this action warrants publication of this proposed rule without completion of a Draft Impact Analysis. A Final Impact Statement will be developed after public comments have been received.

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart A—Planning and Performing Development Work

The Farmers Home Administration is amending Subpart A of Part 1804, Subchapter A, Chapter XVIII, Title 7 in the Code of Federal Regulations.

Paragraph D of Appendix D will be added to specify minimum passive design features for new construction.

Passive solar design has proven to be an effective means of reducing auxiliary requirements for space heating. The proposed rules will establish minimum levels of passive solar benefits. Additional solar measures including other passive design considerations and active system design could offer additional benefits.

The computation of minimum south facing glazing area may be accomplished using recognized procedures including but not limited to the methodologies shown in the Passive Solar Design Handbook published by DOE. In addition, FmHA intends to issue guides and tables which will show the minimum glazing areas that meet the requirements of Paragraph D 1 for various building configurations and weather conditions. Suggestions for the guide will be appreciated. The requirements of this paragraph will be effective 60 days after publishing of final rules.

Paragraph E will be added to recognize and give appropriate appraisal credit to building designs which exceed FmHA insulation and passive design standards or otherwise incorporate energy saving devices that reduce the cost of home ownership or apartment rental.

Subpart D—Planning and Performing Site Development Work

The Farmers Home Administration is amending Subpart D of Part 1804, Subchapter A, Chapter XVIII, Title 7 in the Code of Federal Regulations. The amendment will require builder-developers to consider energy demands associated with site development and occupancy when selecting the site and final project design. It is anticipated that construction cost savings and increased marketibility of the developed site, as a result of better planning, will make this action cost-effective for the builder-developer. The demand for petroleum products associated with new construction financed by FmHA will be reduced both in the areas of initial development and in providing support services and vehicular transportation after the site is occupied.

PART 1930—GENERAL

Subpart C—Management and Supervision of Multiple Housing Borrowers and Grant Recipients

On December 5, 1979, the Farmers Home Administration (FmHA) published in the Federal Register at 44 FR 69937 proposed rules for Management and Supervision of Multiple Housing Borrowers and Grant Recipients. The following proposed amendment will amend portions of the December 5, 1979, proposal to incorporate actions to comply with Executive Order 12185. The proposed amendment will require that borrowers applying for rental increases in FmHA financed projects have energy audits performed. Based upon this audit the FmHA may require that cost effective energy conservation measures be incorporated into the project prior to approval of the rental increase.

PART 1944—HOUSING

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

On November 30, 1979, the Farmers Home Administration (FmHA) published in the Federal Register at 7 CFR 69130 proposed rules for Rural Rental Housing Loan Policies, Procedures and Authorizations. The following proposed amendment will amend portions of the November 30, 1979, proposal to incorporate actions to comply with

Executive Order 12185. The proposed amendment will require that borrowers applying for rental assistance in FmHA financed projects have energy audits performed. Based upon this audit the FmHA may require that cost effective energy conservation measures be incorporated into the project prior to approval of the rental assistance.

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850)

Dated: May 2, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

Therefore Chapter XVIII is amended as follows:

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Subpart A—Planning and Performing Development Work

In Part 1804, Subpart A, Appendix D Paragraphs III D and E are added and existing paragraph III D is redesignated as paragraph IIIF. The added paragraphs read as follows:

Appendix D

Exhibit

United States Department of Agriculture

(Farmers Home Administration)

Construction Standards

* * * * *

III. *Minimum Requirements:* * * *

* * * * *

D. *Passive solar design requirements—New Construction.* This paragraph describes minimum design requirements for obtaining direct gain passive solar benefit. Passive features which exceed the specific limitations of this section including other measures such as thermal walls, sunspaces, trombe walls and other similar passive measures may be used provided they have equivalent passive sollar benefits. The use of these other measures including hybrid systems which incorporate forced air distribution must be reviewed and approved by the State Director. For the purpose of this paragraph the following shall apply:

A wall or roof area oriented within 30 degrees of true South shall be deemed to be "South Facing".

A South facing glazing area shall be deemed "shaded" if direct sunlight is obstructed for any 3 hour period between 9 am and 3 pm on January 21st.

1. *Minimum Glazing for Direct Gain Passive Solar Heating.* Glazing areas of windows, doors of skylights on South facing walls or roofs shall be designed for maximum solar gains without overheating interior spaces. Overheating shall be deemed to occur whenever the interior space temperature exceeds 80 degrees F. The following assumptions may be used to determine overheating conditions:

a. Auxiliary heating setpoint—68 degrees F.

b. 5 degree F temperature rise from internal heat gains (occupants, lighting, etc.).

c. Clear day insolation on January 21.

d. Average January daily temperature profile.

e. Infiltration equal to 0.6 air changes per hour.

Minimum glazing on south facing walls or roofs shall be computed using the assumptions (a)-(e) above and the thermal mass of wood frame construction.

2. *Maximum Glazing.* a. The total building glazing area of heated spaces shall not exceed 15% of the gross exterior wall area enclosing the heated spaces, or

b. The non-south facing and shaded south facing area shall not exceed 6% of the building gross exterior wall area enclosing the heated spaces.

3. *Moveable Insulation.* Moveable insulation with an airtight seal on the bottom and side edges shall be required for all south facing glazed areas which exceed 6% of the gross exterior wall area enclosing heated spaces. This insulation shall have a minimum R-4 insulating value. Unshaded, south facing glazing equipped with moveable insulation may be double glazed in areas of 4501 or more degree days.

4. *Summer Shading.* All south facing glazing shall be equipped with shutters or have sufficient roof overhang or other exterior shading to prevent excessive summer heat gains. Overhangs designed in accordance with Paragraph IV A of this exhibit shall be deemed suitable for this purpose.

5. *Orientation.* Buildings shall be oriented so that the longest wall faces within 30 degrees of true south. Exceptions to this requirement may be approved by the State Director when the physical features of the property make this orientation impractical or the site is shaded by off-site topographic on Man-made features or structures which prevent beneficial solar gains during the heating season. In all cases when an exception is granted or the property does not benefit from passive solar gains the appraisal of the property shall be adjusted to reflect the increased life cycle heating cost.

E. *Exceeding standards.* New or existing buildings which exceed the insulation or passive solar requirements of this exhibit or otherwise reduce energy consumption below a conventionally designed building shall be given an energy appraisal credit equal to the "Value in Use" of the improvement not to exceed the increment in construction cost above the cost of a conventionally designed building. The "Value in Use" shall be based upon life cycle cost analysis procedures taking into account:

1. Operation and maintenance cost
2. Useful life of energy saving component
3. Energy savings
4. Cost of Fuel
5. Fuel cost escalation factors (Department of Energy 10 CFR Part 436 Subpart A)
6. Discount rate of 10 percent real (after adjustment for inflation)
7. (New buildings or improvements only) Benefits not included in the dollar saving of fuel costs. The net present value of life cycle fuel savings over a conventionally designed building may be increased 30 percent to reflect these external benefits.

* * * * *

Subpart D—Planning and Performing Site Development Work

2. In 1804.63 new (c) is added and the existing paragraph (c) is redesignated as paragraph (d).

§ 1804.63 Purpose and general policy.

* * * * *

(c) The energy required to develop the site and needed to provide support services and for transportation by residents after the site is occupied must be a factor used to select the site and final project design.

* * * * *

3. In § 1804.74 new paragraph (a)(6) is added and existing paragraph (a)(6) is redesignated as paragraph (a)(7).

§ 1804.74 Planning and submission of documents.

(a) * * *

* * * * *

(6) *Energy Considerations.* A discussion of the energy efficiency of the proposed site relative to the alternative sites. This discussion should include energy required for site preparation, installing utilities, building construction, site maintenance, operating utilities, providing services, and vehicular transportation of the occupants, as applicable to the proposed development. Demonstrate how energy considerations influenced selection of the site and development of concepts for the project design.

* * * * *

PART 1930—GENERAL

Subpart C—Management and Supervision of Multiple Housing Borrowers and Grant Recipients

4. In Part 1930, Subpart C, Exhibit C: A new paragraph III A. 8. is added and the existing paragraph III A. 8. is redesignated as III A. 9.

A new paragraph IV A 5 is added and existing paragraphs IV 5 and 6 are redesignated IV A 6 and 7 without change.

Exhibit C—*Rent Increase.*

* * * * *

III. Borrower's Responsibility in Processing Request:

A. * * *

* * * * *

8. An energy audit for the project conducted in accordance with the procedures established for the Department of Energy (DOE) Resource Conservation Service (RCS)

or other energy auditing procedures acceptable to the State Director. This audit will determine what improvements could be made to conserve energy in the project, how much energy would be saved, and what the estimated cists of the improvements would be.

* * * * *

IV. *Determination by FmHA:*

A. *Actions by District Director.* * * *

* * * * *

5. The District Director shall consider the amount of proposed rent increase attributable to increased energy costs and compare that to the amount of monthly payment necessary to amortize a subsequent loan for energy improvements which would yield utility costs savings equivalent to the proposed rent increase attributable to utility costs. Where the amortized loan payment is equal to or less that the cost of energy which would be saved the District Director shall recommend that the rent increase be approved only if the cost effective energy conservation measure are taken.

* * * * *

PART 1944—HOUSING

Subpart E—Rural Rental Housing Loan Policies, Procedures, and Authorizations

5. In Part 1944, Subpart E Exhibit C, paragraphs XA1c is added, a new paragraph XC2 is added and existing paragraphs XC2, XC3, and XC4 are redesignated as XC3, XC4 and XC5.

11. Exhibit C—*Rental Assistance Program.*

* * * * *

X. *Processing of Rental Assistance Applications.* * * *

A. *Existing Projects.*

1. * * *

* * * * *

c. An energy audit for the project conducted in accordance with the procedures established for the Department of Energy (DOE) Resource Conservation Service (RCS) or other energy auditing procedures acceptable to the State Director. This audit will determine what improvement would be made to conserve energy in the project how much energy would be saved and what the estimated costs of the improvements would be.

* * * * *

C. *State Director Action on Requests for Rental Assistance.*

* * * * *

2. The State Director shall consider the amount of proposed rent increase attributable to increased energy costs and compare that to the amount of monthly payments necessary to amortize a subsequent loan for energy improvements which would yield utility cost savings equivalent to the proposed rent increase attributable to utility costs. Where the amortized loan payment is equal to or less than the cost of energy which would be saved the State Director shall approve the rent increase only if the cost effective energy conservation measures are taken.

* * * * *

[FR Doc. 80—14064 Filed 5-6-80; 8:45 am]
BILLING CODE 3410-07-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

Conservation of Petroleum and Natural Gas Through Proposed Changes in USDA Financial Assistance Programs; Executive Order 12185, Housing

AGENCY: Farmers Home Administration, U.S. Department of Agriculture.

ACTION: Proposed Administrative Notice.

FOR FURTHER INFORMATION CONTACT: James E. Thornton, Associate Administrator, Farmers Home Administration, Room 5014 South Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-5614.

Dated: May 2, 1980.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

Farmers Home Administration (FmHA) has determined that the following actions are covered by existing rules and can be accomplished by the issuance of an Administrative Notice (AN) to all FmHA field offices.

Home Repair Loans and Grants

Set goal of using 60 percent of program funds for weatherization and energy conservation purposes.

Home Ownership Loans

Direct all field personnel to include home energy management as an integral part of applicant/borrower credit counseling.

Rural Housing Supervisory Assistance Grants

Instruct grantees to include home energy management counseling as part of credit counseling activities.

Mutual and Self Help Housing Grants

Instruct Technical Assistance grantees to train persons participating in self help housing projects in energy efficient house construction and home energy management.

[FR Doc. 80-14100 Filed 5-6-80; 8:45 am]

BILLING CODE 3410-07-M

Federal Register

Wednesday
May 7, 1980

Part VI—Section C

Veterans Administration

Petroleum and National Gas Conservation: Federal Housing Assistance Programs

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; Housing Programs Compliance With E.O. 12185

AGENCY: Veterans Administration.

ACTION: Notice as required by Executive Order 12185.

SUMMARY: This notice is published to describe VA compliance with Executive Order 12185. The VA (Veterans Administration) has two housing programs, the guaranteed and insured home loan program and the direct home loan program, which fall within the purview of E.O. 12185. It is our belief that existing policies presently in operation coupled with the proposed improvements to the policies will continue the Loan Guaranty program in compliance with E.O. 12185.

DATES: Comments must be received on or before July 7, 1980. Comments will be available for public inspection at the address shown below until July 17, 1980.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Ave. NW., Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation (262), Loan Guaranty Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW., Washington, DC 20420 (202-389-2691).

SUPPLEMENTARY INFORMATION: It has been determined that two Loan Guaranty programs fall within the scope of Executive Order 12185. The first program, the guaranteed home loan program, is affected as to loans for both proposed construction and existing housing. For background purposes, it should be noted that all Loan Guaranty programs depend upon the voluntary participation of builders, home sellers, real estate brokers, and most importantly veteran-purchasers. In addition, in guaranteed loan programs such as the VA home program, voluntary participation by lenders and investors is essential to the program's success. Proposed new homes purchased with the assistance of a VA guaranteed home loan shall comply with the thermal requirements contained in the Minimum Property Standards for One and Two Family Dwellings, HUD (Department of Housing and Urban Development) 4900.1, as identified in § 200.929(a) and (b)(1) of title 24 of the Code of Federal Regulations. Existing homes which are acquired with the assistance of a VA guaranteed loan shall be subject to the VA voluntary program for including energy conservation features in the loan for acquisition of the property. VA presently has a program which allows a veteran to add energy conservation features to a home at the time the veteran acquires the home. Proposed regulations were published on January 21, 1980, (45 FR 3926) to authorize these types of loans to be guaranteed on the automatic basis, (elminiating the need for VA prior approval of the loan application). Final regulations should be published implementing this procedure in the near future. In addition VA is proposing and has already developed a checklist for use by VA appraisers in identifying those observable areas in an existing home where energy conservation improvements may be considered by the seller or veteran purchaser. A home energy checklist will then be furnished the veteran purchaser with his or her copy of the VA certificate of reasonable value of the home to be acquired with VA guaranteed financing. This checklist will identify those areas where energy conservation improvements should be considered and advise the veteran of his or her option to have such improvements financed under VA's simultaneous acquisition and improvement loan program. We believe that our present program along with foregoing proposed changes will assure compliance with E.O. 12285 by the guaranteed home loan program.

Direct loans offer assistance to veterans in rural or credit shortage areas to acquire a loan to purchase a home. This program also depends upon the voluntary participation of sellers, builders, real estate brokers, and veteran purchasers. Loan funds are furnished from VA's direct loan revolving fund; however, a statutorily mandated loan maximum of $33,000 is imposed. Proposed new homes constructed and purchased with the assistance of a VA direct loan shall comply with VA's Minimum Property Requirements for proposed construction in areas designated as housing credit shortage areas. Existing homes shall be subject to the VA voluntary program for including energy conservation measures in the home. The voluntary program will encompass the use of the proposed checklist by appraisers which will identify those observable areas in an existing home where energy conservation improvements should be considered by the seller or veteran purchaser. A home energy checklist, which will identify those areas where energy conservation improvements should be considered, will then be furnished the veteran purchaser with his or her copy of the VA certificate of reasonable value of the home to be acquired with a VA direct loan. It should be noted that loan funds for energy conservation features can only be added to the acquisition loan amount up to the maximum VA direct loan limit. We believe that our existing programs along with the proposed changes will assure compliance with E.O. 12185 by the VA direct loan program.

It should be emphasized that VA is most interested in establishing program guidelines which encourage veterans to construct new homes or improve existing homes with energy conservation features financed with VA guaranteed or direct loans. It is important to us that this be accomplished with a minimum of federal paperwork and at the lowest possible interest cost to the veteran home buyer.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Ave., NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between 8:00 a.m. and 4:30 p.m. Monday through Friday (except holidays) until June 16, 1980. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

By direction of the Administrator.

Approved: April 30, 1980.

Maury S. Cralle, Jr.,

Associate Deputy Administrator.

[FR Doc. 80-14065 Filed 5-6-80; 8:45 am]

BILLING CODE 8320-01-M

Federal Register

Wednesday
May 7, 1980

Part VII

Federal Public Facilities Assistance Programs

Environmental Protection Agency
Heritage Conservation and Recreation Service, Interior Department
Surface Mining Office, Interior Department
Housing and Urban Development Department
Education Department
Health and Human Services Department
Veterans Administration
National Oceanic and Atmospheric Administration, Commerce Department

Federal Register

Wednesday
May 7, 1980

Part VII—Section A

Environmental Protection Agency

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 35

[FRL 1479-6]

Petroleum and Natural Gas Conservation

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice identifies possible actions intended to conserve petroleum and natural gas within Environmental Protection Agency (EPA) programs that provide financial assistance either for the construction of public facilities or for planning and technical assistance and requests public comment on those actions. Specifically, comments are requested on: (1) the effectiveness of the listed actions to conserve natural gas or petroleum; (2) suggestions for other actions in these financial assistance programs that could save significant amounts of energy; (3) additional information that should be considered before EPA publishes specific conservation-oriented rule changes.

DATE: Comments on this notice of proposed rule making must be submitted on or before July 7, 1980.

ADDRESS: Comments should be addressed to Bob Southworth, Effluent Guidelines Div. (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Bob Southworth, Effluent Guidelines Division, Environmental Protection Agency, telephone 202/426-2707.

SUPPLEMENTARY INFORMATION:

1. Background

Executive Order 12185, Conservation of Petroleum and Natural Gas, signed by the President on December 17, 1979, and published December 19, 1979, at 44 FR 75093 mandates that each Federal agency identify its financial assistance programs most likely to offer opportunities for significant conservation of petroleum and natural gas. It further directs that a list of these programs be published for public comment so that the public may provide suggestions for rules that would encourage energy conservation. This list was published in the Federal Register on February 7, 1980, at 45 FR 8534. It included the following EPA programs:

Clean Water Act

Grants for Construction of Treatment Works (Title II)

Water Quality Management Planning Grants (Section 208) State Pollution Control Grants

Best Management Practices Implementation Grants

Clean Air Act

Urban Air Quality Planning Grants (Section 175)

Control Agency Grants (Section 105)

Resource Conservation and Recovery Act

Local Resource Recovery Grants

State/Regional Solid Waste Plans

Hazardous Waste Management

Safe Drinking Water Act

Public Water Supply Systems Supervision Grants

Underground Water Service Protection

Federal Insecticide, Fungicide, and Rodenticide Act

State Cooperation Aid and Training

Toxic Substances Control Act

Toxic Substances and Enforcement Grants

EPA revised this preliminary list of programs to select only those programs *most* likely to offer opportunities for *significant* conservation of petroleum and natural gas. EPA concluded that the following programs offer such significant conservation opportunities. (EPA deleted from further consideration under this Executive Order those programs *not* listed below.)

Construction Grant Program (Title II of the Clean Water Act of 1977)

Program Purpose: Provides financial assistance to municipalities for the construction of publicly owned treatment works (POTWs) that abate water pollution or eliminate health hazards.

Water Quality Management Planning Grants (Section 208 of the Clean Water Act)

Program Purpose: Designated agencies and/or States receive grants to conduct water quality assessments, identify problems and priorities, and determine effective controls to be implemented by State, areawide and local agencies. From fiscal year 1980, 208 grants are directed solely to nonpoint source problems.

Urban Air Quality Planning Grants (Section 175 of the Clean Air Act)

Program Purpose: Assist local agencies to develop the revised air quality plans required by the 1977 amendments to the Clean Air Act for areas not attaining ozone and carbon monoxide standards. This is a two-year grant program. The amount of funds remaining to be disbursed is approximately $25 million.

Control Agency Grants (Section 105 of the Clean Air Act)

Program Purpose: Provides support to State and local air pollution control agencies for establishing and maintaining control programs. The focus of federal support has been on the development, implementation, and enforcement of State air quality plans and on associated national priorities (e.g., air quality monitoring network establishment and operation). The amount of grant funds available annually is slightly over $80 million.

Resource Recovery System Implementation Grants (Section 4008(a)(2)(A) of the Resource Conservation and Recovery Act)

Program Purpose: Provides financial assistance to States, counties, municipalities, and intermunicipal agencies and State and local public solid waste management authorities to implement resource recovery systems that recover energy through the environmentally acceptable disposal of municipal solid waste and municipal sewage sludge.

After examining the pertinent grant regulations of the program on the revised list, EPA determined that energy conservation can be achieved through revised and supplementary guidance (i.e., administrative changes) to grantees for all programs *except* the Construction Grants Program. For the Construction Grants Program, regulatory changes are necessary to implement E.O. 12185.

The proposed changes require: (1) escalation of energy (petroleum, natural gas, and electricity) prices in the cost-effectiveness analysis of alternative wastewater management systems, and (2) coordination with State Energy Plans during facility planning. Energy cost escalation rates will be based on the schedule of future energy prices published by the Department of Energy.

At this time, therefore, we are providing notice of the proposed *regulatory* changes for the Construction Grants Program. Proposed administrative changes and other information for the affected programs are presented in this supplementary information section.

2. Proposed Administrative Actions that Do Not Require Regulatory Changes.

Four of the programs that offer significant conservation opportunities proposed *administrative* program

changes that could conserve petroleum and natural gas. Those changes are:

Grants for Construction of Treatment Works (Title II of the Clean Water Act of 1977)

Expedited I/A Technology Program: The Agency is investigating procedures for identifying candidate projects and for expediting the issuance of construction grants for I/A technologies selected for their significant energy conservation, recovery or production attributes. These technologies include low energy consumption processes, processes that recover or produce significant amounts of usable energy, and processes that use alternative energy sources. One proposal being considered is contracting with experienced architect-engineering firms to plan and design selected energy-conserving innovative and alternative wastewater treatment projects for target communities. These projects will serve as models for other communities and will be greatly expedited through the grants process.

Another proposal, which is currently being initiated, involves the assignment of EPA staff to work with State and local governments and project consultants to assist in the development of I/A technology projects. Full-time staff from the EPA Office of Research and Development have already been assigned to match selected energy conserving technologies with suitable communities in line for construction grants. Follow-up efforts include providing necessary technical information and assisting with grant procedures on selected projects. Full-time staff members at the EPA regional levels are currently being assigned for these purposes.

Memorandum of Understanding with the Department of Energy (DOE): EPA and DOE will establish a Memorandum of Understanding to promote greater use of energy conservation and recovery in the development and operation of municipal wastewater treatment projects. The agreement will address jointly funded demonstration projects, technical assistance on evaluating construction grants projects, and the sharing of personnel and research facilities.

Energy Audit Manual: EPA will prepare and publish an energy audit manual and background information for use in addressing energy considerations when developing municipal wastewater treatment projects. Energy audit methodologies as well as energy information on raw materials, construction techniques, and unit processes will be covered.

Contact (for Construction Grants Program Administration Actions): Alan Hais WH-547; 202/426-8976. Municipal Technology Branch; Municipal Construction Divison.

Water Quality Management (WQM) Planning Grants (Section 208 of the Clean Water Act)

Central to the WQM process is the development of Best Management Practices (BMPs) by State and areawide planning agencies. BMPs are methods, measures, or practices to prevent or reduce nonpoint source water pollution and include structural and nonstructural controls and operations and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the discharge of pollutants into receiving waters. Economic, institutional, and technical factors shall be considered in developing BMPs.

Feasible BMPs that reduce nonpoint source pollution and achieve the water quality goals of the Clean Water Act must be developed and implemented for all categories of nonpoint sources. The BMPs are developed in a continuing process of identifying problems, devising control measures, assessing BMP adequacy, and modifying BMPs when necessary to attain water quality goals. State priorities for developing nonpoint source control programs are established in accordance with general EPA guidance and are contained in the State/EPA Agreement.

EPA considers the development of BMPs to be the most logical step in the WQM process in which to introduce the concept of petroleum and natural gas conservation. Consequently EPA is willing to include consideration of conservation as a criterion for 208 funding in the policy memorandum titled "FY' 81 WQM Funding Policy and Funding Criteria," which is due to be distributed by the end of April 1980. The language would be the following:

Conservation of petroleum and natural gas must be considered, where appropriate, during the development of BMPs, consistent with Executive Order 12185.

Contact: David Ziegler WH-554; 202/426-2474. Policy and Evaluation Branch; Water Planning Division.

Control Agency Grants (Section 105 of the Clean Air Act)

Grant applications are processed in accordance with EPA general regulations for State and local assistance (40 CFR Part 35.001-35.425) and regulations specifically for air pollution control program grants (40 CFR Part 35.501-35.538-2). Processing is carried out by EPA regional offices. Grant programs are based on the State air quality plans required by the Clean Air Act and on annual EPA guidance identifying national objectives and priorities.

Annual EPA guidance specifying national priorities and goals was published in February 1980.

Requirements for future State air quality plan revisions are currently being prepared. Energy related activities now covered in the annual guidance include:

—Vehicle inspection and maintenance programs

—Fuel conversions

—Permitting of energy facilities

EPA will evaluate the portion of the agency guidance setting priorities for section 105 grants to determine whether any revised or supplementary guidance is necessary to implement Executive Order 12185. Energy conservation considerations will be incorporated in the requirements for future State air quality plan revisions. These requirements will not be finalized until late summer of 1980.

The primary focus of the requirements will be the development of guidance for implementing section 172(b)(9) of the Clean Air Act. This section requires that States identify and analyze the energy and other effects of air quality plan provisions and alternatives considered by the States. Development of the transportation portion of State air quality plans will generally be funded under the Urban Air Quality Planning program.

Contact: Jerry Kurtzweg ANR-445; 202/755-0570. Chief, Land Use Policy Branch, Office of Transportation and Land Use Policy.

Urban Air Quality Planning Grants (Section 175 of the Clean Air Act)

The proposed administrative change for this program was published in the Federal Register by the Transportation Work Group established by EO 12185. The Department of Transportation is the lead agency for that working group.

Dated: May 1, 1980.

Barbara Blum,

Deputy Administrator, Environmental Protection Agency.

Grants for Construction of Municipal Waste Water Treatment Works

Proposed Regulatory Changes to Cost-Effectiveness Analysis Guidelines

Escalation of Energy Cost: The Cost-Effectiveness Analysis Guidelines represent EPA's policies and procedures for determining the most cost-effective wastewater treatment system or component part. The Guidelines apply to

the planning of all municipal wastewater treatment projects for which Federal grant assistance is being sought. The Guidelines are published as Appendix E of the Construction Grants Regulations (40 CFR Part 35, Subpart E).

The Agency's cost-effectiveness analysis procedures presently call for use of constant value dollars to represent the worth of goods and services required for a project over time. As exceptions, however, certain cost escalation allowances are provided for land and natural gas. The constant dollar approach assumes that the cost of all resources involved in treatment works construction and operation increase at about the same rate on a long-term basis.

The Department of Energy's (DOE) Energy Information Administration projects future price increases for certain energy inputs of wastewater treatment relative to the projected general inflation rate. EPA proposes, therefore, to revise the cost-effectiveness analysis guidelines to require escalation of those energy prices over the 20 year planning period for wastewater treatment works. This would encourage selection of facilities requiring less energy.

The Agency expects to receive DOE's cost escalation rates within six weeks. At that time, we will publish the proposed regional escalation rates for the cost-effectiveness analysis in the Federal Register and accept comments on those rates.

Coordination with State Energy Plans: Facility planning should take into account applicable provisions of state energy plans. Accordingly, the Agency proposes to revise the cost-effectiveness guidelines to require that grantees consider such state energy plans in future facility planning.

Contact: Myron Tiemens WH-547; 202/426-9404. Facility Requirements Division.

[FR Doc. 80-13922 Filed 5-6-80; 8:45 am]
BILLING CODE 6560-01-M

Federal Register

Wednesday
May 7, 1980

Part VII—Section B

Department of the Interior

Heritage Conservation and Recreation Service

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

36 CFR Part 1207

Energy Conservation by Recipients of Federal Assistance

AGENCY: Heritage Conservation and Recreation Service (HCRS) Department of the Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Heritage Conservation and Recreation Service is making available for public review and comment the procedures it proposes to use to implement Executive Order 12185, Conservation of Petroleum and Natural Gas. Specifically, comments are requested from the public through this notice on (1) the effectiveness of saving petroleum or natural gas through amendment to the Historic Preservation Grants-in-Aid financial assistance program, (2) other actions in this financial assistance program that could conserve significant amounts of energy. (3) means of implementing the actions likely to be most cost beneficial in terms of all major impacts, (4) data or other information that could help identify the best options to encourage petroleum and natural gas conservation though the Historic Preservation Program, and (5) other activities, possible actions, expected outcomes of actions, costs or benefits, or other legal or technical requirements that should be considered by the Heritage Conservation and Recreation Service. So that your comments may easily be identified with the proper program be sure to identify the program as shown below and specific action under the proposed program.

DATES: Comments must be received on or before July 7, 1980.

ADDRESS: Comments should be directed to the Heritage Conservation and Recreation Service, Department of the Interior, Division of Environmental and Compliance Review, 440 G Street, N.W. Washington, D.C. 20243.

FOR FURTHER INFORMATION CONTACT: Carrolena Key, Program Liaison Specialist, Division of Environmental and Compliance Review, Heritage Conservation and Recreation Service, Washington, D.C. 20243, phone (202) 343–5711.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, February 7, 1980, the Department of Energy (DOE) published a list of financial assistance programs administered by agencies of the Executive Branch which are most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The list responds to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implements Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1979 (Pub. L. 95–620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas and petroleum in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and issuance of regulations imposing conservation requirements as a condition of continuing to receive the assistance

The Federal Register notice of February 7, 1980, listed the Federal financial assistance program being considered under Executive Order 12185 in the following groups: Planning and Technical Assistances; Community/Economic Development; Housing; Transportation; Public Facilities; Energy; and Labor/Human Resources/Education. This notice presents proposed amendment and administrative action to be taken relative to 36 CFR 1207; General Standards for Historic Preservation Projects which will implement Executive Order 12185.

The Department of the Interior has determined that these amendments are not significant and do not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Authorship Statement

This document was prepared by Carrolena Key, (202) 343–5711, Division of Environmental and Compliance Review, and Gary Hume, (202) 343–7217, Technical Preservation Services, Heritage Conservation and Recreation Service, Department of the Interior.

Heritage Conservation and Recreation Service Compliance With Executive Order 12185 (Conservation of Petroleum and Natural Gas)

The Heritage Conservation and Recreation Service has examined its procedures, regulations and policies as required by Executive Order 12185. The following regulatory amendment is proposed to assure that all of the agency's actions relative to the administration of the Historic Preservation Program are in compliance with the Order.

Historic Preservation Grants-in-Aid Program. The Historic Preservation Grants-in-Aid Program provides acquistion and development grants to acquire, protect, stabilize, preserve, rehabilitate, restore, or reconstruct structures and other properties listed in the National Register of Historic Places. Preservation of historic structures is in itself an energy conserving action since it often makes unnecessary the construction of a new replacement building. Thus, the energy invested in the construction of the historic building remains intact. Therefore, when viewing the energy efficiency of historic buildings, a credit for the invested energy should be considered.

a. HCRS proposes the following administrative action: "Funding priority will be given to energy efficient projects, and to the degree possible and appropriate, all projects shall meet the thermal insulation standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc. Standard 90–75, Energy Conservation in New Building Design or the 'Cost Effective Energy Conservation Standards' of HUD or other equivalent standards with a commitment to abide by the Department of Energy's 'Building Energy Performance Standards,' when published."

b. HCRS also proposes to amend 36 CFR 1207, "General Standards for Historic Preservation Projects" Section 1207.3, by adding the following sentence to the introductory paragraph of the section. The revised introductory text of § 1207.3 reads as follows:

§ 1207.3 General standards for historic preservation projects.

The general standards listed below shall apply to all historic preservation grant-in-aid projects; additional standards in § 1207.4 for acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction apply to specific grant-in-aid projects as appropriate. The Standards shall be applied taking into consideration the energy conservation needs and the economic and technical feasibility of each project; in the final analysis, however, the treatment must be consistent with the historic character of the structure and, where appropriate, with the district in which it is located.

* * * * *

Dated: April 30, 1980.

Robert Herbst,

Assistant Secretary of the Interior.

[FR Doc. 80-13923 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-03-M

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

Energy Conservation by Recipients of Federal Assistance

AGENCY: Heritage Conservation and Recreation Service (HCRS), Department of the Interior.

ACTION: Proposed Amendments to Land and Water Conservation Fund Grants-in-Aid Manual.

SUMMARY: The Heritage Conservation and Recreation Service is making available for public review and comment the procedures it proposes to use to implement Executive Order 12185, Conservation of Petroleum and Natural Gas. Specifically, comments are requested from the public through this notice on (1) the effectiveness of saving petroleum or natural gas through the actions proposed for the Land and Water Conservation Fund, (2) other actions in this financial assistance program that could conserve significant amounts of energy, (3) means of implementing the actions likely to be most cost beneficial in terms of all major impacts, (4) data or other information that could help identify the best options to encourage petroleum and natural gas conservation through the Land and Water Conservation Program, and (5) other activities, possible actions, expected outcomes of actions, costs or benefits, or other legal or technical requirements that should be considered by the Heritage Conservation and Recreation Service. So that your comments may easily be identified with the proper program be sure to identify the program as shown below and specific action under the proposed program.

DATES: Comments must be received on or before July 7, 1980.

ADDRESS: Comments should be directed to the Heritage Conservation and Recreation Service, Department of the Interior, Division of Environmental and Compliance Review, 440 G Street NW., Washington, D.C. 20243.

FOR FURTHER INFORMATION CONTACT: Carrolena Key, Program Liaison Specialist, Division of Environmental and Compliance Review, Heritage Conservation and Recreation Service, Washington, D.C. 20243, phone (202) 343-5711.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, February 7, 1980, the Department of Energy (DOE) published a list of financial assistance programs administered by agencies of the Executive Branch which are most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The list responds to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implements Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1979 (Pub. L. 95-620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas and petroleum in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and issuance of regulations imposing conservation requirements as a condition of continuing to receive the assistance.

The Federal Register notice of February 7, 1980, listed the Federal financial assistance programs being considered under Executive Order 12185 in the following groups: Planning and Technical Assistances; Community/Economic Development; Housing; Transportation; Public Facilities; Energy; and Labor/Human Resources/Education. This notice presents proposed administrative policy changes to be made in existing manuals and operational guidelines by the Heritage Conservation and Recreation Service for the Land and Water Conservation Fund Program which will implement Executive Order 12185. The Department of the Interior has determined that these amendments are not significant and do not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Authorship statement: This document was prepared by Carrolena Key, (202) 343-5711, Division of Environmental and Compliance Review, and Cathy-Martin Urbanek (202) 343-7801, Division of State Programs, Heritage Conservation and Recreation Service, Department of the Interior.

Heritage Conservation and Recreation Service Compliance With Executive Order 12185 (Conservation of Petroleum and Natural Gas)

The Heritage Conservation and Recreation Service has examined its procedures, regulations and policies as required by Executive Order 12185. The following amendments are proposed to assure that all of the agency's actions relative to the administration of the Land and Water Conservation Fund are in compliance with the Order.

Land and Water Conservation Fund Program (L&WCF). L&WCF provides acquisition and development grants for a wide range of public outdoor recreation areas and facilities, such as picnic areas, inner city parks, campgrounds, tennis courts, boat launch ramps, bike trails, swimming pools and support facilities.

a. The following policy shall be added to the Land and Water Conservation Fund Grants-in-Aid Manual, Part 640, Chapter 3, *Criteria for Development Projects*, Section 6, *Guidelines for Eligible Support Facilities:*

"J. The energy conservation elements of an eligible outdoor recreation facility and its support facilities are eligible for L&WCF assistance. This includes but is not limited to solar energy systems, earth berms, window shading devices, energy lock doors, sodium vapor lights, insulation, and other energy efficient design methods and materials. In addition, power systems which minimize or eliminate a facility's use of petroleum and natural gas are eligible, including but not limited to windmills, on-site water power systems, and facilities

required for the conversion of existing power systems to coal, electricity or other energy efficient fuels."

b. The following policy shall be added to the Land and Water Conservation Fund Grants-in-Aid Manual, Part 660, Chapter 2, *Project Evaluation,* Section 3, *Criteria for Project Evaluation.*

"M. Energy conservation. All projects shall be designed, constructed, operated and maintained in an energy efficient manner.

(1) Power systems for heating, cooling, lighting and operation shall minimize or eliminate the facilities use of petroleum and natural gas, through solar, wind, electric, coal or other power systems.

(2) All Projects shall meet the thermal insulation standards of the American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc. Standard 90–75, Energy Conservation in New Building Design or the "Cost Effective Energy Conservation Standards" of HUD or other equivalent standards with a commitment to abide by the Department of Energy's "Building Energy Performance Standards" when published.

(3) State project selection systems shall give priority to the most energy efficient projects, including but not limited to the adaptive reuse of existing structures over new construction, projects that are located in populated areas and accessible by foot, bicycle or public transportation, facilities for non-motorized outdoor recreation activities, the retrofitting to improve the energy efficiency of existing recreation facilities, projects resulting from an energy audit or energy efficiency plan, or projects which help minimize energy development impacts."

Dated: April 30, 1980.

Robert Herbst,

Assistant Secretary of the Interior.

[FR Doc. 80-13924 Filed 5-6-80; 8:45]

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Federal Register

Wednesday
May 7, 1980

Part VII—Section C

Department of the Interior

Office of Surface Mining

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 886

Abandoned Mine Land Reclamation Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule.

SUMMARY: OSM proposes amending the Abandoned Mine Land Reclamation Program Regulations, relating to amounts and coverage of State grants for construction of public facilities. The proposed action encourages States receiving financial assistance for public facilities constructed with funds from the Abandoned Mine Reclamation Fund to use energy sources other than petroleum or natural gas. The intent is to conserve petroleum and natural gas, not prohibit their use. Project proposals for public facilities will be evaluated by using the reclamation project evaluation factors of § 874.14. These factors should be sufficient to insure that energy efficiency and cost effectiveness are included in the project design.

This action implements the President's Executive Order, E. O. 12185, on conservation of petroleum and natural gas that was published in the Federal Register on December 19, 1979 (44 FR 75093).

DATES: Comments must be received at the address below on or before June 6, 1980, by no later than 5 p.m.

ADDRESS: Written comments must be mailed or hand delivered to: Office of Surface Mining, U.S. Department of the Interior, Administrative Record, Room 153, 1951 Constitution Avenue, N.W., Washington, D.C. 20240. All comments will be available at this location for review.

FOR FURTHER INFORMATION CONTACT: Charles A. Beasley, Assistant Director, Abandoned Mined Lands, Office of Surface Mining, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, 202-343-4012.

SUPPLEMENTAL INFORMATION: Title IV of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, (30 U.S.C. 1201 et seq.), establishes an Abandoned Mine Reclamation Fund and provides the authority to use monies from this fund to reclaim and restore land and water resources adversely affected by past mining. Lands and water eligible for reclamation under this authority are those which were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or other Federal laws. OSM publishes final rules on October 25, 1978 (43 FR 49932) which established the abandoned mine land reclamation program and procedures for administering Title IV of SMCRA.

The regulations establish procedures and requirements for the preparation of State and Indian reclamation programs, consisting of a reclamation plan, annual submissions of projects and applications for annual grants. This subchapter also includes implementation of the federal, state and Indian abandoned mine reclamation funds, general reclamation objectives and requirements, conditions and procedures for entry on land for study, exploration, reclamation, and emergency reclamation work, requirements for acquisition, management and disposition of eligible land and water, authorization for reclamation on private land, and establishment of interim procedures for Indian reclamation projects.

Part 886 sets forth procedures for grants to States having an approved State reclamation plan for the reclamation of eligible land and water and for other activities, which include the construction of public facilities, necessary to carry out the plan as approved. This Part also contains provisions for the reduction or termination of grants under certain circumstances and requirements for the administration of the grants.

Executive Order 12185 requires Federal agencies to review their financial assistance programs and make appropriate regulatory changes to those provisions that could conserve petroleum or natural gas. OSM has concluded its review of the abandoned mine land reclamation regulations and has determined that petroleum and natural gas could be conserved by encouraging States to use on-site energy sources other than petroleum or natural gas for public facilities.

The proposed amendment will require States requesting financial assistance for public facilities projects under their reclamation programs to seriously consider the use of on-site energy sources other than petroleum or natural gas.

Only those facilities that are designed to use petroleum or natural gas on-site for major heating systems, cooling systems, or power generation during the operational phase of the facility will be affected by the proposed rule. When the cost for petroleum and natural gas are considered along with the shortages of these energy sources, prudent design of such facilities, regardless of this proposed rule, should eliminate future on-site use of these rules.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14, 43 FR 58292, et seq. (December 13, 1978).

The Department of the Interior has determined that this action will not have a significant effect on the human environment and an environmental impact statement will therefore not be prepared.

Statement of Authorship

The primary author of this document was George L. Williams, Abandoned Mined Lands, Office of Surface Mining.

Dated: April 30, 1980.

Joan M. Davenport,

Assistant Secretary, Energy and Minerals.

It is proposed that § 886.12(b) be revised to read as follows:

§ 886.12 Coverage and amount of grants.

* * * * *

(b) Grants shall be approved for 100 percent of the total agreed upon costs for reclamation of eligible land and water, construction of public facilities, program administration as specified in § 886.21 and the incremental cost of filling voids and sealing tunnels with waste from mine waste piles reworked for conservation purposes. To the extent technologically and economically feasible, public facilities that are planned, constructed, or modified in whole or in part part with abandoned mine land grant funds should utilize fuel other than petroleum or natural gas.

* * * * *

[FR Doc. 80-13925 Filed 5-6-80; 8:45 am]

BILLING CODE 4310-05-M

Federal Register

Wednesday
May 7, 1980

Part VII—Section D

Department of Housing and Urban Development

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N 80-999]

Public Facilities Programs—Administrative Actions Implementing Executive Order 12185

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

ACTION: General notice—listing of administrative measures implementing Executive Order 12185.

SUMMARY: By publishing this Notice, HUD is notifying the public of the significant non-regulatory administrative measures it will take for public facilities programs administered by the undersigned, in order to implement Executive Order 12185.

FOR FURTHER INFORMATION CONTACT: Michael Wells, Office of Policy and Program Development, Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, (202) 755-6454. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In accordance with Section 102(b) of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95-620) and Executive Order 12185, the Assistant Secretary for Housing is about to issue certain administrative notices to the HUD Field Offices and to the recipients under Housing's public facilities programs. (Some of these notices also apply to Housing's housing programs.)

The public facilities programs are part of the National Housing Act and are the Section 232 Nursing Homes and Intermediate Care Facilities Program, the Section 242 Hospitals Program and the Title XI Group Practice Medical Facilities Program. A listing and summary description of the proposed notices follows:

1. HUD will more fully take into account reasonably probable future increases in energy costs, when analyzing the adequacy of project reserve funds.

2. HUD will both encourage the development of projects which use solar energy systems and provide the maximum permissible mortgage amounts and financial assistance to accommodate such systems.

3. Federal Housing Administration appraisal and valuation procedures will place greater emphasis on the trade-off between energy conserving capital costs and subsequent project operating expenses.

One proposed rule that affects the housing programs of the Office of Housing also affects Housing's public facilities programs. This is the rule providing Section 241 Mortgage Insurance for Supplemental Project Loans for energy conserving improvements in conventionally-financed multifamily projects. It is published with the group of housing regulations.

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

Issued at Washington, D.C. on May 1, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-14055 Filed 5-6-80; 8:45 am]

BILLING CODE 4210-01-M

Federal Register

Wednesday
May 7, 1980

Part VII—Section E

Department of Education

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF EDUCATION

45 CFR Parts 100a and 100b

Proposed Regulations To Implement Executive Order 12185

AGENCY: Office of Education, HEW.

ACTION: Proposed rules.

SUMMARY: The Secretary of Education proposes regulations to implement Executive Order 12185. These proposed regulations are designed to achieve conservation of petroleum and natural gas in connection with the receipt of Federal financial assistance.

DATES: All written comments on these proposed regulations must be received on or before July 7, 1980.

ADDRESSES: Written comments should be addressed to Dr. Wilton Anderson, Director, Energy and Education Action Center, U.S. Office of Education, Room 514, Reporters Building; 300–7th Street, S.W., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Wilton Anderson, (202) 472–7777.

SUPPLEMENTARY INFORMATION: On December 17, 1979, the President issued Executive Order 12185 under the authority granted to the President in Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (Pub. L. 95–620). Under this Executive Order, each Federal agency is required to issue regulations designed to achieve conservation of petroleum and natural gas in connection with the receipt of Federal financial assistance.

On February 7, 1980, a preliminary, government-wide list of Federal programs was published in the Federal Register (45 FR 8534) as a first step in implementing Executive Order 12185. The listed programs were identified by the various Federal agencies as being programs that offered significant opportunities for the conservation of petroleum and natural gas. A number of Federal education programs were listed under the Public Facilities and Labor/Human Resources/Education sections of the Federal Register Notice. The public was given 60 days to comment on the list of programs and to submit suggestions for regulations that would achieve the conservation of petroleum and natural gas in these and other Federal financial assistance programs.

The Department of Education's proposed regulations to implement Executive Order 12185 are amendments to the Education Division General Administrative Regulations (EDGAR). These proposed regulations add new sections, 45 CFR 100a.616, 100a.690, and 100b.690 to EDGAR. The new § 100a.616 of EDGAR requires certain energy conservation measures in the construction of facilities under Federal education programs. The new §§ 100a.690 and 100b.690 require consideration of energy conservation awareness as a program component in Federal education programs.

The Secretary particularly invites comments on whether the Department should establish, adopt, or suggest specific energy performance standards for buildings. These would be concerned with the design and construction of facilities to maximize efficient use of energy and to minimize the use of petroleum and natural gas as energy sources.

The public has 60 days to submit comments on these proposed regulations. In addition to the publication of these proposed regulations to amend EDGAR, program officials of the Department of Education are reviewing program regulations for further opportunities to implement Executive Order 12185. The Department is also interested in receiving comments and suggestions for other regulations on energy conservation that could be included in EDGAR or in specific program regulations.

Citation of Legal Authority

The reader will find a citation of statutory or other legal authority for each section in parentheses on the line following each substantive provision of these proposed regulations.

Dated: May 5, 1980.

Shirley M. Hufstedler,

Secretary of Education.

Parts 100a and 100b of Title 45 of the Code of Federal Regulations are amended as follows:

PART 100A—DIRECT GRANT PROGRAMS

(1) These sections are added under Subpart E of Part 100a as follows.

Sec.

100a.616 Energy conservation.

* * * * *

100a.690 Energy conservation awareness.

* * * * *

(2) A section is added under Subpart E of Part 100b as follows.

100b.690 Energy conservation awareness.

* * * * *

Authority: Sec. 403(b) of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95–620 (42 U.S.C. 8373(b); 92 Stat. 3289–3349) and Executive Order 12185.

(1) Sections 100a.616 and 100a.690 are added under Subpart E as follows.

§ 100a.616 Energy conservation.

(a) In planning for and designing facilities, the grantee shall consider the energy implications of its proposals. In considering the energy implications of a proposed facility, the grantee shall review the type, size, location, and sources of energy for the facility.

(b) To the extent feasible, the grantee shall design and construct facilities to maximize the efficient use of energy and to minimize the use of petroleum and natural gas as energy sources.

(43 U.S.C. 8373(b); E.O. No. 12185)

§ 100a.690 Energy conservation awareness.

To the extent that it is consistent with the statute and regulations for any program, the grantee shall consider incorporating into its program a component on energy awareness. This component may include study of the problems, solutions, and alternatives relating to the Nation's energy crisis.

(42 U.S.C. 8373(b); E.O. No. 12185)

PART 100b—STATE-ADMINISTERED PROGRAMS

(2) Section 100b.690 is added under Subpart E as follows.

§ 100b.690 Energy conservation awareness.

To the extent that it is consistent with the statute and regulations for any program, the subgrantee shall consider incorporating into its program a component on energy awareness. This component may include study of the problems, solutions, and alternatives relating to the Nation's energy crisis.

(42 U.S.C. 8373(b); E.O. No. 12185)

[FR Doc. 80–13926 Filed 5–6–80; 8:45 am]

BILLING CODE 4110–02–M

Federal Register

Wednesday
May 7, 1980

Part VII—Section F

Department of Health and Human Services

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Proposal To Implement Executive Order 12185

AGENCY: The Department of Health and Human Services.

ACTION: Proposal to Implement Executive Order 12185.

SUMMARY: This proposal would implement the purpose of the Executive order and Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 of conserving petroleum and natural gas by continuing the application of recent energy conserving rule changes and administrative changes as an effective interim measure, with the intent of adopting the Buildings Energy Performance Standards (BEPS) for all applicable construction funded by programs administered by this Department, when these standards have been promulgated by the Department of Energy. This notice also requests public comment on the proposed actions. Specifically, comments are requested on:

1. The effectiveness of the listed actions to conserve natural gas or petroleum.
2. Other actions in these financial assistance programs that could save significant amounts of energy.
3. Other information that should be considered before specific rule changes are proposed.

DATE: Comments must be received on or before July 7, 1980.

ADDRESS: Written comments should be sent to Richard Mendes, Acting Director, Office of Management Analysis, Assistant Secretary for Management and Budget, U.S. Department of Health and Human Services, Room 542F, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, (202) 245-1783.

FOR FURTHER INFORMATION CONTACT: Milt Lewis (202) 245-1907.

SUPPLEMENTARY INFORMATION: 1. Pursuant to Executive Order 12185 and section 403(b) of the Powerplant and Fuel Use Act of 1978 (the Act) a preliminary list of Federal programs administered by the Department of Health and Human Services and providing financial assistance to public and private institutions for the construction of public facilities was published in the Federal Register (pages 8534 thru 8538) on February 7, 1980. The programs listed were considered to offer significant opportunities for conservation of petroleum and natural gas. Public comments were invited regarding additions or deletions to the list, and suggestions for rules applicable to existing financial assistance programs which would effectuate the conservation purposes of the Executive Order and the Act. No public comments on the February 7 notice were received. However, some additions and deletions to the published list have been made. The revised listing and brief description of each program follow:

Categorical Grant Programs

Cancer Cause and Prevention Research
Cancer Construction
Clinical Research (NIH)
Community Health Centers
Developmental Disabilities—Basic Support and Advocacy
Hospital Affiliated Primary Care Centers
Medical Facilities Construction—Project Grants
Migrant Health Centers
Native American Programs
Rehabilitation Facilities and Service—Basic Support (will be in new Department of Education)
Residency Training in the General Practice of Dentistry
Special Programs for the Aging—Grants for States and Community Programs for the Aging

Title: Cancer Cause and Prevention Research

Objectives: Grants may be made to eligible institutions for the support of cancer research projects. The grants may be used for personnel, consultation costs, animals, alterations and renovations, miscellaneous items and indirect costs.

Contact: Headquarters Office: Grants: Leo F. Buscher, Jr., Chief, Grants Administration Branch, Division of Cancer Research Resources and Centers, National Cancer Institute, Bethesda, Md. 20205. Telephone: (301) 496-7753. Contracts: James E. Graalman, Chief, Research Contracts Branch, Office of the Director, National Cancer Institute, Bethesda, Md. 20205. Telephone: (301) 496-3573.

Title: Cancer-Construction

Objectives: To provide new and expand existing cancer research facilities and to achieve a geographic distribution of cancer research facilities and centers.

Contact: Headquarters Office: Dr. Donald G. Fox, Chief Research Facilities Branch, Division of Cancer Research Resources and Centers, National Cancer Institute, 5333 Westbard Avenue, Bethesda, Md. 20205. Telephone: (301) 496-7141.

Title: Clinical Research

Objectives: To create and sustain on a stable basis, highly specialized institutional resources in which clinical investigators can observe and study human disease.

Contact: Headquarters Office: General Clinical Research Centers Program Branch, Division of Research Resources, National Institutes of Health, Bethesda, Md. 20014. Telephone: (301) 496-6595. Contact: William Ray De Cesare, M.D.

Title: Community Health Centers

Objectives: To support the development and operation of community health centers which provide primary health services, supplemental health services and environmental health services to medically underserved populations.

Contact: Headquarters Office: Associate Bureau Director for Community Health Centers, Bureau of Community Health Service, Room 7A-55, Parklawn Building 5600 Fishers Lane, Rockville, Md. 20857. Telephone: (301) 443-1153. Contact: Y. B. Rhee.

Title: Developmental Disabilities Basic Support and Advocacy Grants

Objectives: To assist States in the provision of comprehensive services to assure that persons who have a mental and/or physical disability which results in a substantial impairment manifested before age 22, receive service necessary to enable them to achieve their maximum potential through a comprehensive system of services and which insures the protection of their legal and human rights.

Contact: Headquarters Office: Bureau of Developmental Disabilities, Rehabilitation Services Administration, Office of Human Development Services, Office of the Secretary, Department of Health, Education, and Welfare, Washington, D.C. 20201. Telephone: (202) 245-0335, Francis X. Lynch.

Title: Hospital-Affiliated Primary Care Centers

Objectives: To provide funds for the planning, development and operation of hospital-affiliated primary care centers.

Contact: Headquarters Office: Associate Bureau Director, Home Health Services Program and Hospital Affiliated Primary Care Centers, Room 7A-42, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Telephone: (301) 443-1360. Contact: Harold Dame.

Title: Medical Facilities Construction—Project Grants

Objectives: To assist project designed to prevent or eliminate safety hazards in publicly owned or operated medical

facilities or to avoid noncompliance by such facilities with licensure or accreditation standards.

Contact: Headquarters Office: Bureau of Health Facilities, Financing, Compliance, and Conversion, Health Resources Administration, Public Health Service, DHEW, Hyattsville, Md. 20782. Contact: Sam Gilmer. Telephone (301) 436-6880.

Title: Migrant Health Grants

Objectives: To support the development and operation of migrant health centers and projects which provide primary ambulatory and in-patient health services, supplemental health services and environmental health services which are accessible to people as they move and work, to migrant agricultural farm workers, seasonal farm workers, and their families.

Contact: Headquarters Office: Associate Bureau Director for Migrant Health, Bureau of Community Health Services, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Telephone: (301) 443-1153. Contact: Jaime Manzano.

Title: Native American Programs

Objectives: To promote the goal of economic and social self-sufficiency for American Indians, Native Hawaiians, and Alaskan Natives.

Contact: Headquarters Office: Administration for Native Americans, Department of Health, Education, and Welfare, 200 Independence Avenue, S.W., Washington, D.C. 20201. Contact: David Lester. Telephone: (202) 426-3960.

Title: Rehabilitation Services and Facilities—Basic Support

Objectives: To provide vocational rehabilitation services to persons with mental and/or physical handicaps. Priority service is placed on needs of those persons with the most severe disabilities.

Contact: Headquarters Office: Allan Claybrook, Director, Division of Resource Management, Rehabilitation Services Administration, Office of Human Development Services, Department of Health, Education, and Welfare, Washington, D.C. 20201. Telephone (202) 245-0085.

Title: Residency Training in the General Practice of Dentistry

Objectives: To plan, develop, and operate an approved residency program in the general practice of dentistry.

Contact: Headquarters Office: Professional Education Branch, Division of Dentistry, Bureau of Health Manpower, Health Resources Administration, Public Health Service, DHEW, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782. Program Contact: Richard G. Weaver. Telephone: (301) 436-6510. Grants Management Contact: Jack Westcott. Telephone: (301) 436-6564.

Title: Special Programs for the Aging Title III Parts A and B—Grants for States and Community Programs on Aging

Objectives: To provide assistance to State and area agencies for support of programs for older persons via statewide planning, and area planning and provision of social services: including multi-purpose senior centers.

Contact: Headquarters Office: M. Gene Handlesman, Associate Commissioner, Office of Program Operations, Administration on Aging. Office of Human Development Services, Department of Health, Education, and Welfare, Washington, D.C. 20201. Telephone: (202) 245-0011.

2. Proposed implementation of petroleum and natural gas conservation requirements in listed programs:

All of the programs listed in 1. above authorize federally assisted construction. Currently, two sets of guidelines apply to construction supported with HEW funds. The first of these is the *Technical Handbook for Facilities Engineering and Construction Manual for Federally Assisted Construction, No. 2.1—Information for Project Applicants and State Agencies on Design and Construction Related Activities.* This publication provides for energy conservation analyses and use of industry standards (American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) Standard 90-75) for energy-efficient building design. It also provides for consideration of life-cycle costs which will allow for the higher initial costs of energy saving devices that can be expected to result in future savings in operations support. These guidelines are used in approving the designs of facilities constructed with funds administered by the Department.

The second publication is *Minimum Requirements of Construction and Equipment for Hospital and Medical Facilities,* (HRA) 79-14500. The requirements in this publication apply to health-related facilities (see 42 CFR 124.201) and were developed in accordance with the provisions of Pub. L. 93-641, the National Health Planning and Resources Development Act of 1974. They constitute minimum requirements for constructing and equipping Federally assisted hospital and medical facilities projects.

Recent additions were made throughout the HRA-79-14500 construction guidelines in order to achieve energy conservation. These additions outline special design considerations for energy conservation, including use of ASHRAE 90-75 or equivalent criteria, insofar as these conservation measures do not conflict with minimum requirements. The guidelines clearly state that "Projects that are unnecessarily wasteful of energy or operating costs will be questioned and may not be approved."

Because of the fact that the Department's construction guidelines have been recently updated to require use of ASHRAE 90-75 or its equivalent where appropriate in construction design, and in light of the adoption or pending adoption of ASHRAE 90-75 as part of the building code in most States, no further changes are planned at this time to reinforce the conservation of petroleum and natural gas which will result from the strong energy conservation measures required by these guidelines.

However, in order to assure that buildings constructed with financial support from programs administered by the Department most effectively conserve petroleum and natural gas, it is planned that the Department will adopt the Buildings Energy Performance Standards when they are promulgated by the Department of Energy and will at that time propose necessary rules to assure that the Standards are applied to all appropriate building construction funded by the Department.

Dated: May 1, 1980.

Frederick M. Bohen,

Assistant Secretary, Management and Budget.

[FR Doc. 80-14098 Filed 5-6-80; 8:45 am]
BILLING CODE 4110-12-M

Federal Register

Wednesday
May 7, 1980

Part VII—Section G

Veterans Administration

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

VETERANS ADMINISTRATION

38 CFR Part 17

Public Facilities Grants Programs

AGENCY: Veterans Administration.

ACTION: Advance notice of proposed rule under E.O. 12185.

SUMMARY: It is proposed to establish a set of energy conservation standards and design targets for all building retrofit, renovation or new construction supported by the public facilities grants programs. The intent is to conserve fossil fuels through the use of energy efficient designs.

DATES: Comments must be received on or before July 7, 1980.

ADDRESS: Send comments to Russell E. Struble, Acting Director Engineering Service (10A4A), Veterans Administration, 810 Vermont Ave., N.W., Washington, D.C. 20420.

FOR FURTHER INFORMATION, CONTACT: John W. Sisty, Energy Conservation Coordinator (202) 389–2476.

SUPPLEMENTARY INFORMATION: This advance notice of proposed rule making would apply to the following programs in the public facilities grants section:

(1) State Home Facilities Grants, (2) Grants to New Medical Schools and (3) Grants for Construction of State Veteran Cemeteries. Pending approval of the Department of Energy Building Energy Performance Standards (BEPS), all designs for retrofit, building expansion and/or new building construction will be reviewed for compliance with existing rules. All projects must be life cycle cost effective with a saving to investment ratio of one or better in accordance with the DOE life cycle cost procedures and all building expansion or new building projects must be designed in accordance with ASHRE 90–75 standards for energy conservation. In addition, we are requesting that all new buildings be designed to meet or exceed the BTU/square foot/year targets listed in the BEPS standards for the local community.

After the BEPS standards have been approved, we propose to change the rules to require that all new buildings be designed to meet or exceed the BEPS standards.

Signed Washington, D.C., on this 30th day of April 1980.

Max Cleland,

Administrator of Veterans Affairs.

[FR Doc. 80-13927 Filed 5-6-80; 8:45 am]

BILLING CODE 8320-01-M

Federal Register

Wednesday
May 7, 1980

Part VII—Section H

Department of Commerce

National Oceanic and Atmospheric Administration

Petroleum and Natural Gas Conservation: Federal Public Facilities Assistance Programs

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Conservation of Petroleum and Natural Gas Through Possible Changes in Federal Assistance for Public Facilities; Implementing Executive Order 12185

AGENCY: U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Coastal Zone Management.

ACTION: Notice of proposed administrative changes.

SUMMARY: This notice identifies proposed changes in administrative procedures for implementing E.O. 12185. These changes are intended to result in conservation of petroleum and natural gas.

The Office of Coastal Zone Management, (OCZM), National Oceanic and Atmospheric Administration, U.S. Department of Commerce proposes to adopt Building Energy Performance Standards (BEPS), when promulgated by the Department of Energy, as minimum standards for construction funded by the Coastal Energy Impact Program (CEIP). Present construction supported by CEIP funds utilizes the CEIP Engineering and Construction Guidelines for Applicants (Federal Register Volume 42, No. 249, Part III, December 28, 1977) which do not contain standards or criteria pertaining to improve energy utilization in the design of new buildings or the alteration of existing buildings. Since the inception of the CEIP, approximately ten percent of the projects identified as construction projects have involved some type of building. The relatively small number of construction projects involving buildings, is anticipated to continue, and the conservation of petroleum and natural gas can be achieved with administrative changes. Therefore, OCZM proposes to implement changes in administrative procedures to comply with the following:

(1) Executive Order 12185—Conservation of Petroleum and Natural Gas, December 17, 1979,

(2) Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318; Pub. L. 95–620),

(3) Section 301 of Title 3 of the United States Code, and

(4) Building Energy Performance Standards, when promulgated by the U.S. Department of Energy.

The Office of Coastal Zone Management plans to make the following changes in administrative procedures:

(1) Revise Coastal Energy Impact Program Engineering and Construction Guildelines for Applicants (Federal Register Volume 42, No. 249, Part III, December 28, 1977) to require interim compliance with the American Society of Heating, Refrigeration, and Air Conditioning Engineers Standard 90–75, until BEPS are promulgated by the Department of Energy, at which time compliance with BEPS will be required.

(2) Require applicants to include compliance considerations in the environmental assessments that accompnay applications.

FOR FURTHER INFORMATION CONTACT: Jack White, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, 202–634–4241.

Dated: April 30, 1980.

Michael Glazer,

Assistant Administrator for Coastal Zone Management.

FR Doc. 80-13928 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-08-M

Wednesday
May 7, 1980

Part VIII

Federal Transportation Assistance Programs

Transportation Department
Environmental Protection Agency
Maritime Administration, Commerce Department
National Park Service, Interior Department

Federal Register

Wednesday
May 7, 1980

Part VIII—Section A

Department of Transportation

Petroleum and Natural Gas Conservation: Federal Transportation Assistance Programs

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 152 and 199

23 CFR Parts 420, 450, 630, and 1204

49 CFR Parts 258, 260, and 266

[OST Docket No. 66; Notice 80-4]

Energy Conservation by Recipients of Federal Financial Assistance

AGENCY: Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking.

SUMMARY: In compliance with a recent Executive Order, DOT proposed for public comment regulations requiring conservation of petroleum and natural gas in programs receiving Federal financial assistance administered by DOT.

DATES: Comments must be received by Monday, July 7, 1980.

ADDRESS: Comments should be sent to Docket Clerk, OST Docket No. 66, Office of the General Counsel, C-50, Department of Transportation, Washington, DC 20590, (202) 426-4723. Comments received are available for public inspection and copying in the Office of the Assistant General Counsel for Regulation and Enforcement, Room 10421, Department of Transportation Building, 400 Seventh Street, SW, Washington, DC, from 9:00 to 5:30 P.M. e.t. Monday through Friday except Federal holidays.

FOR FURTHER INFORMATION CONTACT: On the general DOT approach in this program—Angus Duncan, Director, Office of Energy Policy, P-6, Department of Transportation, Washington, DC 20590 (202) 426-4524. For further information on the proposed implementation of that approach by any of the involved DOT agencies, contact the person identified with that agency in the discussion below.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, February 7, 1980 (45 FR 8534), the Department of Energy (DOE) published a list of financial assistance programs administered by agencies of the Executive Branch which are most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The list responds to Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979), which implements section 403(b) of the Powerplant and Industrial Fuel Use Act of 1979 (Pub. L. 95-620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas and petroleum in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and issuance of regulations imposing conservation requirements as a condition of continuing to receive the assistance.

Sixteen DOT programs were included in the DOE list:

1. Highway Planning and Research Program (Federal Highway Administration (FHWA))
2. Urban Planning Program (FHWA)
3. Technical Studies Grants (Urban Mass Transportation Administration (UMTA))
4. Airport Development Aid Program (Federal Aviation Administration (FAA))
5. Aircraft Loan Guarantee Program (FAA)
6. Federal-aid Highway Program (FHWA)
7. Rural and Small Urban—Section 18 Program (FHWA/UMTA)
8. Financial Assistance to Railroads—Title V Program (Federal Railroad Administration (FRA))
9. Local Rail Service Assistance Program (FRA)
10. Amtrak—Northeast Corridor Improvement Project (FRA)
11. Highway Safety Grant Program (National Highway Traffic Safety Program (NHTSA/FHWA))
12. National Maximum Speed Limit Program (NHTSA)
13. Innovative Project Grant Program (NHTSA)
14. Formula Grants for Operating and Capital Assistance—Section 5 Program (UMTA)
15. Discretionary Capital Grants Program (UMTA)
16. Interstate Transfer Program (UMTA/FHWA)

The comment period for the February 7 notice expired April 7. On April 17 (45 FR 26091), DOT published an advanced notice of proposed rulemaking (ANPRM) to provide advanced notice of the types of rules which we were considering so that affected parties would be better able to take advantage of the public comment period. We also briefed affected interest groups and the general public on the material in the ANPRM. Included in this process was a public meeting on Friday, April 25, 1980. A list of persons and groups attending that meeting is available in the docket.

General Discussion of Rules for Each Program

DOT adopted the following principles in developing proposed rules for these programs:

1. Wherever possible, rules relating to energy conservation should reflect DOE's State gasoline consumption targets and be considered as a means of meeting or exceeding those goals.
2. For programs which finance acquisition and construction of new facilities or vehicles, a life-cycle energy assessment of a proposed project and feasible alternatives may be required as a part of system planning, environmental review, or other project development processes. Such assessment should consider energy required in design, construction, operation, and maintenance of the facility or vehicle.
3. Supplementing the rules, DOT is considering ways to provide additional training and information-sharing to ensure that latest state-of-the-art in energy-saving practices, standards, and technology is made known to program constituents and DOT's own staff.

Federal Aviation Administration

(For Both FAA Programs Listed, Contact Charles Hoch, 202-755-9717)

With regard to the Airport Development Aid Program (ADAP), the proposed rule would require that an energy assessment be accomplished and a certification to comply with the findings furnished to FAA for each building construction or major building modification which exceeds $50,000 in construction cost. It would also require a sponsor to utilize fuel and energy conservation practices in the operation and maintenance of the airport and to encourage airport tenants to use these practices. Currently, energy assessments are performed in conjunction with environmental assessments of agency actions pursuant to the National Environmental Policy Act (NEPA).

In addition to the proposed requirements to be imposed by grants, FAA is evaluating the energy conservation potential at Washington National and Dulles International Airports, which are operated by FAA. The agency will adopt an energy efficient operating policy for these two airports and will establish a system to measure the fuel savings which result from specific techniques used. The airport operating policy can serve as a model for implementing similar programs at other airports. FAA intends to develop detailed technical guidance for implementing energy-saving measures in airport operations, based in

part on the evaluation at National and Dulles airports. This technical guidance will help airport sponsors to institute fuel and energy conservation practices in the operation and maintenance of the airport as required in § 152.509.

With respect to the Aircraft Loan Guarantee Program, § 199.13 (14 CFR 199.13) currently states that "[n]o loan which is contrary to law or to the economic, social or foreign affairs interest or policies of the United States may be guaranteed". This section was issued in recognition of the fact that the authority conferred on FAA to guarantee loans is discretionary and states that, in reasonable exercise of this discretion, FAA will give due regard to those policies which have been promulgated by the Congress and the Executive Branch. The energy conservation policy set forth in Pub. L. 95–620 is of the type contemplated by § 199.13. It is proposed to amend § 199.13 specifically to state that this policy is among those which are so critical as to require application of the rule in § 199.13.

It should be noted that the basic approach of § 199.13 remains the same, even though energy conservation has been specifically highlighted as a policy which must be considered as a part of this program. FAA will make its determination of compliance or non-compliance with policy prior to executing a guarantee agreement. The guarantee, once executed, will remain an unconditional commitment of the United States. This simply recognizes that an FAA guarantee functions as part of a commercial transaction and that, for a guarantee to retain its usefulness as an instrument of the loan guarantee program, it must retain commercial value. In today's market, a guarantee has such value only to the extent that it avoids conditioning the obligation of the United States as guarantor upon events or occurrences beyond those normally accepted by or acceptable to lending institutions.

The amended § 199.13 would also state that FAA policy with respect to energy conservation is expressed in Appendix B to Part 199 and that, as changes in policy become necessary from time to time, such changes will be announced as changes to Appendix B by general notice published in the Federal Register. Appendix B, as proposed, would require each applicant lender to submit a statement from the carrier to whom the loan will be made setting forth the carrier's plan for maintaining and increasing energy efficiency in the 1980's. Such information should, at a minimum, address planning, aircraft fleet composition, routes and service, aircraft operation and maintenance, plant and equipment other than aircraft, and personnel and training.

FAA recognizes that its expertise may be useful in assisting the aviation community to plan for greater energy conservation in the 1980's. Accordingly, FAA will publish an aviation energy policy document in the Fall of 1980 which will include a statement of the energy problems facing the aviation industry, a discussion of energy conservation actions which should be pursued by the industry, and a commitment to various actions by FAA. FAA also has under development an extensive data base for aircraft fuel consumption characteristics and an aircraft flight simulation model which will assess fuel use patterns for both enroute and terminal area air traffic. The model will assist a user in estimating fuel savings from changes in operating procedures, reduction in airport delay, and other regulatory/management changes. Pending full development of these changes, and in order to provide maximum assistance to carriers in planning for energy conservation, Appendix B would designate an FAA contact point to provide further information on an "on call" basis to interested air carriers.

Federal Highway Administration

(For all FHWA Programs Listed, Contact Bruce Cannon, 202–426–1045)

FHWA has reviewed the comments received in response to the February 7 DOE notice. Respondents expressed their belief that existing regulations provided the necessary tools to ensure compliance with E.O. 12185. The comments expressed that any new rules should be as simple and flexible as possible to reflect the current state of the art. The proposed rules in this NPRM have been designed to reflect the general thrust of these comments first by amending existing rules rather than establishing new ones, and second by minimizing the specificity of the requirements.

Other more specific comments recommended fostering greater coordination with State energy offices, a greater use of energy conserving materials and construction methods, and greater promotional efforts on energy conserving programs as well as energy training and information transfer activities, all of which have been incorporated in this NPRM.

Finally, many detailed comments and suggestions were received addressing how FHWA should administer its program to assure adherence to regulatory requirements. This issue, as well as others raised in comments generated by this NPRM, will be considered further in developing rules.

Administrative actions—One of the primary ways in which FHWA attempts to ensure that full consideration is given to energy conserving alternatives and measures is in the context of the NEPA process. The need to conserve energy is well recognized in the environmental review process for highway projects. CEQ has issued regulations implementing NEPA (40 CFR Parts 1500 to 1508) which specifically require the consideration of the direct and indirect energy requirements of various alternatives and mitigation measures to conserve energy (40 CFR 1502.16(e)). FHWA is in the final stages of revising its procedures for preparation of environmental impact statements (EIS's) to include these CEQ requirements. This will ensure that energy considerations are incorporated into the existing Federal-aid highway program and receive proper attention during project development.

FHWA will supplement the CEQ regulations by issuance of specific guidance on the consideration of energy and other potential impact in EIS's. The guidance will call for consideration of a broad range of alternatives, including the alternatives of no action, a limited construction alternative designed to maximize utilitation of the present system, and proposed major construction alternatives. The guidance will outline the principal elements to be examined in an energy assessment, such as significant direct and indirect energy impacts of construction facility operations, and induced changes in land use and travel habits. Also, the guidance will call for a discussion of any energy conservation incentives proposed as part of the project.

FHWA has issued a policy statement (FHWA Notice 5520.4, March 21, 1980, 45 FR 26207) on energy conservation. It is FHWA policy that the planning, design, construction, management, and operation of the Federal-aid highway system is to be conducted in a manner that conserves fuel, maintains the greatest degree of personal and economic mobility consistent with the availability of fuel, and maintains a state of emergency preparedness in the event of an abrupt fuel curtailment.

Also, in addition to the amendments proposed in this NPRM, FHWA is taking several other administrative actions to enhance energy conservation consideration in the Statewide and metropolitan area planning processes. FHWA recognizes that activities are already underway in State and local

transporation planning agencies to provide for energy conservation through the planning processes. The proposed amendments are designed to ensure existing flexibility by providing for a range of energy conservation activities that reflect the often unique interrelationship between energy and transporation in each area. In an effort further to assist State and local planning agencies, FHWA, in conjunction with UMTA, will develop administrative guidance on good energy planning practices, as well as technical assistance in the form of research and training on methodologies and other issues.

FHWA will be working closely with DOE to strengthen channels of communication between transporation and energy planners. In order for State and local transporation planning agencies successfully to incorporate energy conservation in their planning, they must become more closely involved with energy conservation planning activities being conducted at the at State level, usually by the State transportation agency working with the State energy office. It is FHWA's intent that rules published in this notice will be supportive of energy conservation goals including the voluntary targets established by DOE.

FHWA, again in conjunction with UMTA, will give increased attention to promotional activities for a wide range of energy conserving transportation actions. These include a variety of transportation system management actions, such as ridesharing programs, high-occupancy vehicle (HOV) lanes, parking management techniques, freeway ramp metering, and traffic signalization improvements as well as data collection and analyses to measure the effects of the conservation efforts.

FHWA has established an agency-wide Energy Council specifically to coordinate energy activities and to foster increased emphasis on energy conservation within the agency. The Council has focused the agency's attention on energy conservation resulting in the designation of energy conservation as an "emphasis area" in fiscal year 1980. (FHWA Order 1000.1E, dated November 2, 1979)

FHWA also intends to use the plans, specifications, and estimates (PS&E) approval (a checkpoint in the project development process where FHWA insures that requirements relative to planning, environment, and design have been met) to review the extent of energy conservation considerations in project development. Particular emphasis will be placed on the design state. While PS&E approval occurs rather late in the process for the purposes of incorporating energy considerations, it can be used effectively to monitor progress on energy conservation efforts at earlier phases of project development and can serve to guide FHWA efforts to achieve full energy conservation consideration throughout the process. FHWA will encourage consideration of energy aspects through value engineering type approaches, including the use of energy efficient materials such as sulfur extended asphalt, asphaltic emulsions, and high pressure sodium luminairs. FHWA will also encourage the use of alternate construction methods, materials, and designs (i.e., pavement recycling, solar heating, photovoltaic power generation) which are more energy efficient than those normally programmed in the PS&E.

Maintenance certifications also will provide FHWA with an administrative tool for encouraging energy conservation. FHWA Division Administrators annually submit a certification regarding proper maintenance of all Federal-aid projects. This certification is based upon a management review of State maintance practices including a detailed review of selected maintenance activities and detailed physical inspections of selected Federal-aid projects. FHWA will establish a program to foster more attention to energy considerations in the area of highway maintenance. Such a program will focus on using energy related information derived from the reviews top generate changes in the project development process. This will minimize energy-inefficient maintenance requirements. The program will also be used to develop a compendium of energy-conserving maintenance practices for distribution to States as part of the information/technology transfer program.

Two further program areas were identified in the February 7 notice. Rural and Small Urban grants ("Section 18") and Interstate transfer programs have been reviewed and FHWA has determined that amendments to these programs would not offer significant opportunities to conserve petroleum or natural gas. The current programs emphasis in Rural and Small Urban grants is on maximizing the coordination of existing transportation services in these areas. FHWA belives this in itself will work toward a reduction in energy consumption while insuring the mobility mandated by the program. Interstate transfers, on the other hand, are subject to other FHWA requirements discussed in this NPRM and therefore further rules would offer no additional opportunity for conserving energy.

Proposed Rulemaking Actions—With regard to urban transportation planning, FHWA and UMTA believe that energy conservation should be integrated throughout the planning process. The proposed amendments are designed to reflect the emphasis which must be placed on energy conservation and be consistent with our ability to address energy conservation in the planning process.

Current rules on the urban transportation planning process identify energy conservation as an important element in the planning process (23 CFR 450.120(a)(6)). The proposed amendments would strengthen that provision by requiring the transportation plan to "reflect energy conservation targets". Further, technical planning elements are proposed to be added to insure that pertinent energy related information is available to the transportation planning decisionmakers. These technical elements describe the range of normal planning activities that are to be undertaken. They include monitoring and reporting urban transportation energy consumption, estimating total vehicle fuel consumption based on present and projected land development, vehicle ownership and transportation demand, and evaluation of alternative Transportation System Management (TSM) improvements to conserve energy including a determination of the conservation and contingency planning activities necessary to meet conservation targets. In each of these activities the enhanced consideration of energy conservation should ensure that decisions made are sensitive to energy goals, including DOE's voluntary state conservation targets, as well as other important goals.

In considering the administration of these proposed amendments, FHWA and UMTA have determined that existing certification reviews and approvals conducted under 23 CFR 450.122 would represent the most logical mechanism to ensure compliance with the increased focus on energy in the urban transportation planning regulation. This would be consistent with the concept of an integrated approach to transportation and energy conservation planning and with the overall continuing, cooperative, and comprehensive (3C) planning concept. As part of the normal certification review, FHWA and UMTA will be reviewing all aspects of the process and evaluating the attention given to the activities called for by these

amendments. Beginning in fiscal year 1981, the FHWA/UMTA certification of urban transportation planning programs will require, as a minimum prerequisite, energy conservation planning adequate to accomplish the items described in the previous paragraph.

Energy conservation activities in Statewide planning are very similar to those undertaken for urban transportation planning. Therefore, FHWA proposes to amend 23 CFR Part 420, Subpart A, to incorporate provisions similar to those proposed for the amendments to the urban transportation planning regulations discussed above (23 CFR Part 450, Subpart A). The proposed amendments are designed to require that energy related planning activities be included in 23 U.S.C. 307(c).

Energy conservation is a goal of utmost national importance which must be supported by and incorporated into the processes for programming and authorization of Federal-aid projects. With this in mind, the existing requirements of 23 CFR Part 630, Subpart A have been reviewed. The proposed amendments to the regulation restate the FHWA policy on energy conservation and establish fuel conservation as a national goal which must be reflected in the program of projects submitted by State highway agencies in accordance with 23 U.S.C. 105. The amendments provide examples of projects which shall receive priority because of their known energy efficient characteristics and require that projects proposed for use of Federal-aid highway funds be consistent with the energy conservation aspects of the Statewide and urban comprehensive transportation planning efforts.

Urban Mass Transportation Administration

(For all UMTA Programs Listed, Contact Douglas A. Kerr, 202-472-5140)

System Planning and Transit Project Design—Elsewhere in this NPRM a number of changes to the joint UMTA/FHWA planning and programming regulations pertaining to urban highway and public transportation projects are outlined and discussed. The proposed changes would ensure that the energy impacts of public transportation projects proposed for Federal assistance—and their alternatives—would be identified and considered in local system planning and in project design, and that this information will be available for consideration in the Federal decisionmaking process.

UMTA has administratively defined an "alternatives analysis" process for major mass transit investment proposals. This process subsumes and elaborates on the analysis requirements applicable to projects under the planning regulations and under environmental guidelines (NEPA, guidelines issued by CEQ, and UMTA's implementing regulation). UMTA's regulations governing the environmental review process are currently being revised to reflect new CEQ guidelines for environmental impact statements, including required identification and consideration of the direct and indirect energy requirements of various alternatives and mitigation measures to conserve energy. These regulations will be supplemented by issuance of more specific guidance on energy and other project impacts and on the specific range of alternatives required to be considered (e.g., the "no build" alternative and a low capital alternative designed to maximize utilization of existing facilities).

UMTA intends that major transit projects reflect concern for energy conservation at every stage. To achieve this goal we are considering application of the FAA proposal discussed above to UMTA programs. This proposal specifies that recipients certify that cost-effective energy conservation features are incorporated in the design, construction, operation, and maintenance during the expected life of the facilities, consistent with environmental objectives and sound engineering practice. Comment is invited on this and other possible ways to achieve this goal. For non-major mass transit projects, UMTA, in Circular 5620.1, calls for an Environmental Assessment which contains a Section titled "Energy Requirements and Potential for Conservation." Opportunities to conserve energy must be discussed in this section including improvement in energy efficiency (e.g., reconstruction of replacement facilities that are more energy-efficient than present ones), reduction in deadheading of buses, reduction in demand for vehicular travel, increase in load factors, etc. If major increases in energy consumed would result, an EIS would generally be required.

As guidelines or other advisory information on the performance of alternatives analysis are issued, they will include state-of-the-art information on methodology for the assessment of energy impacts. UMTA would also expect to participate with other DOT agencies in additional research or methodology development to refine or advance the ability to predict and evaluate energy impacts of projects, transportation system plans, or urban development patterns and the relationship of energy impacts to other impacts of local or national interest.

Project Selection—Applicants for Federal assistance for major mass transit projects are advised that their comparative assessment of the energy saving potential of a proposed project and of each alternative (developed in the alternatives analysis/draft environmental impact statement) is given strong weight in Federal consideration of the merits of the alternatives and in determining the relative priority of the proposed project for funding by UMTA. Particular attention is given to the relative balance of construction energy consumption versus direct energy savings over the life of the project, including energy savings during operations due to diversion from other modes, increased densities, changed travel patterns, and other factors. Recognition is also given to energy consumption from different energy sources (e.g., petroleum versus coal).

In its reviews of preliminary engineering and final design specifications, UMTA will pay particular attention to factors which would affect the energy efficiency of the project, including vertical alignment, vehicle specifications, station design, modal interfaces, construction methods and other techniques identified in an applicants energy assessment

Energy Conservation in Internal Operations of Grantees—There are also significant opportunities for energy conservation by recipients of UMTA financial assistance in their internal operations—the selection, deployment, operation, and maintenance of public transportation equipment and services. A number of responses to the February 7, 1980 DOE publication pointed out that expanded mass transit programs are increasingly being planned and implemented in urban areas as part of explicit strategies to conserve energy and preserve mobility options. The American Public Transit Association submitted a list of recommended local actions to assure energy efficient transit operations. We consider this list an example of the type of information which we would expect to gather and disseminate to assist local areas. We do not feel it is appropriate at this time to incorporate a regulatory requirement for such plans into project-specific grant conditions, as was suggested by a number of comments that were submitted by transit operators.

Financial constraints tend to assure that local decisions involving existing or expanded services are made to promote

both cost effectiveness and energy efficiency. UMTA is not in a position to preempt these local decisions and believes that explicit administrative or regulatory action is not necessary at this time to assure that energy conservation opportunities in internal operations are being met. UMTA grant recipients are expected to implement programs to assure that every aspect of their operations is as fuel-efficient as possible consistent with other objectives. Such programs should include, but not be limited to, such factors as vehicle specifications, selection of vehicle types for various services, intermodal coordination, maintenance standards and practices, weatherization standards, heat and power sources and fuels, cogneration or other energy recapture techniques, operations scheduling, tradeoffs between deadheading and vehicle storage locations, vehicle operating practices, driver training, employee information and incentives for ridesharing, flexitime, and any other factors or actions which could affect the fuel-efficiency of transit operations or facilities.

National Highway Traffic Safety Administration

(For all NHTSA Programs Listed, Contact John Tartaglino, 202–426–0837)

Implementation of the Innovative Project Grant Program is contingent upon appropriations approval. When approved, energy conservation will be addressed in the NHTSA order initiating that program. The agency contemplates that proposed energy conservation measures will be a factor in the consideration of applications under the program.

Dramatic energy savings are inherent in adoption of the national 55 MPH speed limit. FHWA has issued interim regulations establishing speed monitoring guidelines to ensure enforcement of the national speed limit (23 CFR 658.7(d)). NHTSA plans to achieve additional savings through the Highway Safety Grant Program by encouraging use of energy efficient vehicles and practices in the enforcement of speed laws.

The Highway Safety Grant Program makes fund available to the States on an annual basis to assist in financing programs designed to remedy identified highway safety problems. These programs are carried out in accordance with uniform standards covering various aspects of vehicle, driver, and pedestrain safety (23 CFR 1204.4). Supplement B to § 1204.4, "Highway Safety Program Manual Volume 102—Highway Safety Plan", sets forth NHTSA and FHWA policy and procedures for the submission by States of Highway Safety Plans which, when approved by the agency, form the basis for the award of Federal assistance. In order to realize the energy savings possible under the Highway Safety Grant Program, NHTSA and FHWA now propose to modify Supplement B to require the consideration of energy conservation in State highway safety programs.

Significant energy savings are possible if energy conservation is considered in all State planning activities. Measures such as the use of telephone and other communications systems to minimize travel, improved trip planning, carpooling, and the use of fuel efficient vehicles and public transportation in daily activities could be employed by State highway safety personnel on a general basis. More specifically, periodic motor vehicle inspection programs could include fuel economy related items such as tire inflation pressure and wheel alignment checks. Fuel efficient driving could be encouraged through driver training and licensing programs, and by participation of State law enforcement personnel in DOE's driver training efficiency program. Fuel efficient vehicles and energy-saving operating and maintenance practices could be used for police, school bus, and emergency vehicle fleets and driver training vehicles. Measures such as these can be valuable in meeting DOE state conservation targets.

While highway safety remains the overriding objective in the formulation of Highway Safety Plans, the measures noted above and other energy conservation actions could be applied in many State highway safety programs without sacrificing safety objectives. NHTSA and FHWA, therefore, propose that the policies and procedures for submission and approval of State Highway Safety Plans be amended to provide that each Highway Safety Plan contain a certificate signed by an authorized State official that conservation of energy resources has been considered in planning the State's highway safety program. In support of this certification, the Highway Safety Plan would include an identification and discussion of the opportunities for energy savings in implementation of the planned projects and the extent to which conservation measures would be put into practice. No Highway Safety Plan would be approved unless the FHWA Division Administrator and the NHTSA Regional Administrator were satisfied that due consideration had been given to energy conservation measures.

Federal Railroad Administration

(For all FRA Programs Listed, Contact Marilyn Klein, 202–426–9684)

FRA has determined, for the reasons stated in the ANPRM, that the Northeast Corridor Improvement Project (NECIP) and Amtrak funding are not financial assistance programs within the meaning of Executive Order 12185. The acquisition by Amtrak of energy-efficient, lightweight locomotives and cars for use on the Northeast Corridor, however, will contribute to the conservation of petroleum and natural gas. In addition, FRA is requesting that Amtrak determine what actions can be taken by Amtrak to comply with the policy of Executive Order 12185. Such actions might include working with local transit authorities to provide transit information to rail passengers to encourage them to make greater use of existing public transit to and from railroad stations.

The Local Rail Service Assistance Program provides assistance to States for rail planning, local rail service continuation, rehabilitation of branchlines carrying up to 3 million (in certain circumstances, 5 million) gross ton-miles of freight per mile annually, and construction of rail or rail-related freight facilities including substitute service. The proposed amendment would require States to consider opportunities for rail transportation of coal and to assess the effects of energy conservation as part of the planning process. The *State Rail Planning Manual* (currently being revised) will include a chapter on energy conservation which will provide technical assistance to States to help them assess whether rail, truck, or a rail-truck combination can best meet petroleum conservation objectives. These assessments will consider rehabilitation, maintenance, and operation of rail lines versus the use of highway facilities and vehicles. The manual will also provide techniques for use by States in considering selective upgrading of coal-carrying branchlines.

Sections 505 and 511 of the Railroad Rehabilitation and Regulatory Reform Act of 1976 (4R Act) makes Federal assistance available to rehabilitate rail facilities and equipment so that railroads can provide economical, energy-efficient, and ecologically compatible transportation. FRA's implementation of these sections has encouraged restructuring of the rail system to make it more efficient and thereby improve the system's ability to

compete with less energy-efficient modes of transportation. It is possible that that applications for such projects as electrification, intermodal terminals, and coal line rehabilitation will be encouraged by the proposed amendment, if adopted, although these types of projects are already eligible for funding if they are able to satisfy other program criteria.

The Section 505 program gives funding priority to restructuring projects, such as facility consolidations and traffic coordinations. Those projects that offer opportunities for conservation of petroleum and natural gas will be favored (after projects which improve safety, a statutory priority) in instances where there are competing applications that would otherwise have the same priority for funding.

The Section 511 loan guarantee program has been used primarily for rehabilitation of cars and locomotives, although funds can also be provided for facility rehabilitation, acquisition, and construction. The proposed amendment would require an applicant to document a project's effect on energy consumption, including consideration of opportunities for expanded coal use and rail transport of coal. FRA already considers whether a project will reduce the applicant's energy consumption in reviewing the proposed project's internal rate of return. In discussions with the applicant at the preapplication conference, FRA will emphasize that energy benefits should be included in the internal rate of return computation.

Finally, reference to Executive Order 12185 will be added to FRA's final Procedures for Considering Environmental Impacts, soon to be published in the Federal Register. Environmental Impact Statements will be required to include detailed assessments of any irreversible or irretrievable commitments of energy resources, as well as any potential conservation opportunities, especially those likely to reduce the use of petroleum and natural gas.

Proposed Rules Each Program

In consideration of the foregoing, it is proposed to amend the Code of Federal Regulations as follows:

A. Title 14—Aeronautics and Space

FEDERAL AVIATION ADMINISTRATION

PART 152—AIRPORT AID PROGRAM

(a) Part 152 would be amended by adding a new table of contents for Subpart F, amending the authority citation for Part 152, and adding a new paragraph (f) to § 152.1 and a new Subpart F, to read as follows:

PART 152—AIRPORT AID PROGRAM

* * * * *

Subpart F—Energy Conservation In Airport Aid Program

Sec.
152.501 Purpose.
152.503 Applicability.
152.505 Definitions.
152.507 Building design requirements.
152.509 Energy conservation practices.

Authority: Secs. 1-27, 84 Stat. 220-233; 49 U.S.C. 1711-1727. Sec. 1.47(g), Regulations of the Office of the Secretary of Transportation; 35 FR 17044. Sec. 403(b), 92 Stat. 3318; E.O. 12185, unless otherwise noted.

§ 152.1 Applicability.

* * * * *

(f) Subpart F provides energy conservation requirements for projects under the Airport Development Aid Program.

* * * * *

Subpart F—Energy Conservation in Airport Aid Program

§ 152.501 Purpose.

This subpart implements Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318; Pub. L. 95-620) in order to encourage conservation of petroleum and natural gas by recipients of Federal financial assistance.

§ 152.503 Applicability.

This subpart applies to each recipient of Federal financial assistance from the Federal Aviation Administration through the Airport Development Aid Program (ADAP) unless otherwise excluded by definition.

§ 152.505 Definitions.

As used in this subpart—

"Building construction" means construction of any building determined to be eligible for Federal assistance under the program, which will exceed $50,000 in construction cost.

"Energy Assessment" means a special analysis of total energy requirements of a building, and examination of aternative building designs, environmental subsystems, construction materials, and any other factors which would affect energy requirements of the building, and the identification of those alternatives which would result in maximum energy conservation.

"Major Building Modification" means modification of any building determined to be eligible for Federal assistance under the program, which will exceed $50,000 in construction cost.

§ 152.507 Building design requirements.

Each sponsor will perform an energy assessment for each building construction or major building modification project proposed at the airport and furnish a certification to comply with the findings to the appropriate FAA Airports Office. The building design construction, and operation shall incorporate, to the extent consistent with good engineering practice, the most cost effective energy conservation features identified in the energy assessment.

§ 152.509 Energy conservation practices.

Each sponsor will require fuel and energy conservation practices in the operation and maintenance of the airport and will encourage airport tenants to use these practices.

PART 199—AIRCRAFT LOAN GUARANTEE PROGRAM

(b) Part 199 would be amended by revising § 199.13 and adding a new Appendix B to Part 199, to read as follows:

§ 199.13 National Policy Considerations.

(a) No loan which is contrary to law or to the economic, social, or foreign affairs interest or policies of the United States, including national policy with respect to energy conservation, may be guaranteed.

(b) FAA's implementation of national energy policy will be published as Appendix B to this part. Changes to Appendix B will be announced, as necessary, by a general notice published in the Federal Register.

Appendix B—Energy Conservation

(1) Each applicant shall submit with his application a plan formulated by the carrier to whom the loan will be made for maintaining and increasing energy efficiency in the carrier's fleet and other operations throughout the 1980's. The carrier's information should at a minimum address each of the following areas:

(a) Planning Methodology.
(b) Aircraft Fleet Composition.
(c) Routes and Service. This includes fuel efficiency in routing and changes designed to increase average company load factors.
(d) Aircraft Operation. This includes take-off and landing procedures, as well as cruise altitide and speed procedures.
(e) Aircraft Maintenance.
(f) Plant and Equipment other than Aircraft.
(g) Personnel and Training.

(2) Where appropriate, the above plan may include an account of energy conservation actions taken since 1973 by the carrier.

(3) Failure to provide an acceptable plan will be grounds for rejection of a loan guarantee application.

(4) Applicants may obtain technical information on energy conservation measures from the Energy Division (AEE-200), Federal

Aviation Administration, for use in developing their energy conservation plan.

Title 23—HIGHWAYS

FEDERAL HIGHWAY ADMINISTRATION

PART 420—PROGRAM MANAGEMENT AND COORDINATION

(a) Part 420 would be amended by revising § 420.105(d) and adding a new § 420.111, to read as follows:

§ 420.105 Policy.

* * * * *

(d) Highway planning activities shall be consistent with the States' energy conservation goals and objectives, and reflect any established energy conservation targets.

* * * * *

§ 420.111 Planning program coverage.

In support of the planning of future highway programs and local public transportation systems under 23 U.S.C. 307(c), State planning work programs shall include:

(a) Activities relating to the transportation component of State energy conservation and energy contingency plans.

(b) Evaluations of alternatives to conserve energy, including the determination of energy conservation and contingency activities necessary to meet established conservation targets.

(c) An estimate of current and future demand on energy consumption.

FEDERAL HIGHWAY ADMINISTRATION and URBAN MASS TRANSPORTATION ADMINISTRATION

PART 450—PLANNING AND ASSISTANCE STANDARDS

(b) Part 450 would be amended by revising § 450.116(d) and § 450.120(a)(8), to read as follows:

§ 450.116 Urban transportation planning process: Transportation plan.

* * * * *

(d) The transportation plan shall be consistent with the area's comprehensive long-range land use plan, urban development objectives, the area's overall social, economic, environmental, system performance and energy conservation goals and objectives, and reflect energy conservation targets.

* * * * *

§ 450.120 Urban transportation planning process: Elements.

(a) * * *

(8) Include the following technical activities to the degree appropriate for the size of the metropolitan area and the complexity of its transportation problems:

(i) An analysis of existing conditions of travel, transportation facilities, and systems management;

(ii) Estimates of total current vehicle fuel consumption based on present land development and vehicle ownership;

(iii) An evaluation of alternative transportation systems management improvements to make more efficient use of existing transportation resources, to conserve energy, to be incorporated into contingency plans to respond to short term disruptions in the energy supply, and to aid in the development of the transportation systems management element of the transportation plan;

(iv) Projections of urban area economic, demographic, and land use activities consistent with urban development goals and projections of potential transportation demands based on these levels of activity, as well as an estimate of total vehicle fuel consumption required to satisfy the projected transportation demand;

(v) Analysis of alternative transportation investments or strategies to meet area-wide needs for transportation facilities and to aid in development of the long-range element of the transportation plan, such analysis to include estimates of the energy consumption of each alternative;

(vi) Refinement of the transportation plan through the conduct of corridor, transit technology, and staging studies; and sub-area feasibility, location, legislative, fiscal, functional classification, institutional and energy impact studies;

(vii) Monitoring and reporting of urban development, transportation and energy consumption indicators and a regular program of reappraisal of the transportation plan; and

(viii) Implementation programming which merges the results of plan refinement of the long-range element and the improvements recommended in the transportation systems management element of the transportation plan to produce a transportation improvement program as specified in Subpart C of this part.

FEDERAL HIGHWAY ADMINISTRATION

PART 630—PRECONSTRUCTION PROCEDURES

(c) Part 630 would be amended by—

(1) In § 630.106, redesignating paragraph (b) as paragraph (c) and adding a new paragraph (b), to read as follows:

§ 630.106 Policy.

* * * * *

(b) In recognition of the national concern that this country practice rigorous energy conservation, and in further recognition that highway transportation is a major consumer of petroleum based fuels, the planning, design, construction, management, and operation of the Federal-aid highway system will be conducted in a manner that conserves fuel, maintains the greatest degree of personal and economic mobility consistent with the availability of fuel, and maintains a state of emergency preparedness in the event of an abrupt fuel curtailment. Energy conservation is a national goal of utmost importance which must be supported by, and incorporated into, the processes for the programming and authorization of Federal-aid projects.

* * * * *

(2) In § 630.110, redesignating paragraphs (b) through (g) as paragraphs (c) through (h), respectively, and adding a new paragraph (b), to read as follows:

§ 630.110 General requirements.

* * * * *

(b) In preparing the program the SHA shall give consideration to projects identified as energy conserving, such as, but not limited to, public transporttion, ridesharing activities. parking management techniques, traffic signalization and control, HOV facilities, and 3R work, in lieu of major reconstruction. The program shall include a discussion of the priority to be given to such projects, consistency with energy conservation aspects of the Statewide and urban comprehensive transportation plans, and contribution toward achieving energy conservation goals or targets.

* * * * *

(3) In § 630.112, redesignating paragraphs (a) through (f) as paragraphs (b) through (g), respectively, and adding a new paragraph (a) to read as follows:

§ 630.112 Approval of programs.

(a) The FHWA Division Administrator will first review the programs to assure that each provides adequate consideration of and represents an aggressive effort toward energy conservation in the number and types of projects which offer high potential for conserving energy in accordance with State and national goals or targets.

* * * * *

(4) In § 630.114, redesignating paragraphs (a) through (g) as paragraphs (b) through (h), respectively, and

inserting a new paragraph (a), to read as follows:

§ 630.114 Authorization to proceed.

(a) With each authorization, the FHWA Division Administrator shall review the level of program implementation to assure that the energy conservation projects are proceeding at a rate consistent with implementation of other categories of projects, and that all projects are designed, planned, and constructed in an energy-efficient manner.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION and FEDERAL HIGHWAY ADMINISTRATION

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

(d) Supplement B to § 1204.4 of Part 1204 would be amended by—

(1) In Chapter I, adding a new paragraph at the end of Section 3; substituting ", 92 Stat. 3318 section 403(b), and E.O. 12185 impose" for "imposes" in Section 5; and adding a new paragraph c. to Section 6, all to read as follows:

Chapter I—Introduction

* * * * *

3. *Authority.* * * * Section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318; Pub. L. 95–620) and Executive Order 12185 direct each Federal agency to take such actions as lie within its authority to maximize the efficient use of energy and the conservation of petroleum and natural gas in programs funded by the agency.

* * * * *

5. *General Requirements.* 23 U.S.C. 402(b)(1), 92 Stat. 3318 section 403(b), and E.O. 12185 impose certain requirements which must be met as a prerequisite to program approval. * * *

* * * * *

6. *Policy.* * * *

c. With reference to the energy conservation requirements of section 403(b) of the Powerplant and Industrial Fuel Use Act of 1978 and E.O. 12185, each State receiving funds under 23 U.S.C. 402 shall consider, in the formulation of a Highway Safety Plan, measures by which the efficient use of energy and conservation of energy resources can be maximized in the implementaiton of the Sate's highway safety program.

* * * * *

(2) In Chapter II, adding a new subparagraph at the end of paragraph c and a new subparagraph at the end of paragraph e(5) of Section 3, to read as follows:

Chapter II—Content of HSP

* * * * *

3. *Preparation of the Highway Safety Plan.*

* * * * *

c. *Overall Statewide Goals (part III).*

* * * * *

This part should also include a discussion of the measures by which energy conservation can be realized in the achievement of the stated highway safety goals.

* * * * *

e. *Program Modules (Part V).*

* * * * *

A complete Program Module shall consist of the following five components:

* * * * *

(5) * * *

This discussion should describe any energy conservaion measures to be undertaken in implementation of the task.

* * * * *

(3) In Chapter III, a new sentence would be added at the end of paragraph a(1) in Section 4, to read as follows:

Chapter III—Submission and Approval

* * * * *

4. *Approval of the Highway Safety Plan.*

a. *Program Approval.* * * * The HSP shall not be approved unless it contains a statement, signed by an authorized State official, certifying that the efficient use of energy and the conservation of energy resources were considered in planning the State's highway safety program and describes to the satisfaction of the FHWA Division Administrator and the NHTSA Regional Administrator the prospects for energy conservation in implementation of the plan.

(4) In Appendix B to Supplement B, ", 92 STAT. 3318, and EXECUTIVE ORDER 12185" would be inserted in the title after "23 U.S.C. 402(B)(1)" and a new paragraph (g) would be added at the end, to read as follows:

Appendix B—State of ————

Certificate of Compliance With 23 U.S.C. 402 (B)(1), 92 Stat. 3318, and Executive Order 12185

I hereby certify that:

* * * * *

(g) The efficient use of energy and the conservation of energy resources have been considered in planning the State's highway safety program.

C. Title 49—Transportation

FEDERAL RAILROAD ADMINISTRATION

PART 258—REGULATIONS GOVERNING SECTION 505 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

(a) Part 258 would be amended by adding a new paragraph (a)(4)(vii) to § 258.7 and by revising paragraphs (b) and (c) of § 258.29, all to read as follows:

§ 258.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

* * * * *

(4) Detailed description of the amount and timing or purposes, including—

* * * * *

(vii) A description of the project's effect on national energy consumption (over the life of the project) by the applicant and other parties (as applicable) with particular emphasis on increases and decreases in the national use of petroleum, natural gas, and coal.

* * * * *

§ 258.29 Order of funding.

* * * * *

(b) Where appropriated funds are adquate to finance some but not all projects which are eligible for Federal assistance within any one of the categories described in paragraph (a) of this section, priority for funding will be given first to projects that provide safety improvements and signals, including underpasses or overpasses at railroad crossings at which injury or loss of life has frequently occurred or is likely to occur and then to projects which significantly reduce national energy consumption.

(c) As between two projects within the same category, as described in paragraph (a) of this section, which both either provide or do not provide safety improvements and signals or which significantly reduce national energy consumption, priority for funding will be given to the project which was first proposed in a completed application.

PART 260—REGULATIONS GOVERNING SECTION 511 OF THE RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976, AS AMENDED

(b) In Part 260, a new paragraph (a)(7)(iv) would be added to § 260.7, to read as follows:

§ 260.7 Form and content of application.

(a) Each application shall include, in the order indicated and identified by applicable section numbers and letters corresponding to those used in this part, the following information:

* * * * *

(7) Statement, together with supporting evidence, that the facilities or equipment being acquired, rehabilitated, or improved will be efficiently and economically utilized, including:

* * * * *

(iv) A description of the project's effect on national energy consumption (over the life of the project and in light of the information provided in response to § 260.6) by the applicant and other parties (as applicable) with particular emphasis on increases and decreases in national use of petroleum, natural gas, and coal.

PART 266—ASSISTANCE TO STATES FOR LOCAL RAIL SERVICE UNDER SECTION 5 OF THE DEPARTMENT OF TRANSPORTATION ACT

(c) In Part 266, paragraph (c)(11) of § 266.15 would be revised to read as follows:

§ 266.15 Requirements for State Rail Plan.

* * * * *

(c) *Contents of the State Rail Plan.* Each State Rail Plan shall:

* * * * *

(11) Describe the overall planning process for all transportation services in the State and how that process addresses the need to improve national energy efficiency, reduce the national use of petroleum and natural gas, and increase the national use of coal.

I have determined that this overall regulatory proposal is significant, as that term is used in Executive Order 12044, Improving Government Regulations. Although the proposal is not of such a major economic significance as to trigger the Order's requirement for preparation of a Regulatory Analysis, DOT's own procedures (February 26, 1979; 44 FR 11034) require that every regulatory proposal be accompanied by a Regulatory Evaluation which includes an analysis of the economic consequences of the proposed regulation, quantifying, to the extent practicable, the proposed regulation's estimated cost to the private sector and to Federal, State, and local governments, as well as its anticipated benefits and impacts. Each DOT agency which is particpating in this program has prepared a draft evaluation for its regulatory proposal. Copies of these evaluations have been placed in the docket and may be obtained from the Docket Clerk at the address and telephone number listed above. Comments are invited upon these draft evaluations, as well as upon the proposed rules themselves.

(Sec. 403(b), Pub. L. 95-620; E.O. 12185)

Issued in Washington, D.C on April 29, 1980.

Neil Goldschmidt,

Secretary of Transportation.

[FR Doc. 80-13807 Filed 5-6-80; 8:45 am]

BILLING CODE 4910-62-M

Federal Register

Wednesday
May 7, 1980

Part VIII—Section B

Environmental Protection Agency

Petroleum and Natural Gas Conservation: Federal Transportation Assistance Programs

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1484-6]

Urban Air Quality Planning Grant Program; Compliance With Executive Order 12185, Petroleum and Natural Gas Conservation

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: This notice presents a proposed administrative change to the Environemental Protection Agency's (EPA) Urban Air Quality Planning Grant Program (Section 175 of the Clean Air Act). Comments on the proposed change are requested.

DATE: Comments on this notice must be submitted on or before July 7, 1980.

ADDRESS: Comments should be addressed to Bob Southworth, Effluent Guidelines Div. (WH-552), 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Bob Southworth, Effluent Guidelines Division, Environmental Protection Agency, telephone: 202/426-2707.

SUPPLEMENTARY INFORMATION: Executive Order 12185, Conservation of Petroleum and Natural Gas, signed by the President on December 17, 1979, and published December 19, 1979, at 44 FR 75093 mandates that each Federal agency identify its financial assistance programs most likely to offer opportunities for significant conservation of petroleum and natural gas. It further directs that a list of these programs be published for public comment so that the public may provide suggestions for rules that would encourage energy conservation. This list was published in the Federal Register on February 17, 1980, at 45 FR 8534. It included the following EPA programs:

Clean Water Act

Grants for Construction of Treatment Works (Title II)
Water Quality Management Planning Grants (Section 208)
State Pollution Control Grants
Best Management Practices Implementation Grants

Clean Air Act

Urban Air Quality Planning Grants (Section 175)
Control Agency Grants (Section 105)

Resource Conservation and Recovery Act

Local Resource Recovery Grants
State/Regional Solid Waste Plans
Hazardous Waste Management

Safe Drinking Water Act

Public Water Supply Systems Supervision Grants
Underground Water Service Protection

Federal Insecticide, Fungicide, and Rodenticide Act

State Cooperation Aid and Training

Toxic Substances Control Act

Toxic Substances and Enforcement Grants

EPA revised this preliminary list of programs to select only those programs *most* likely to offer opportunities for *significant* conservation of petroleum and natural gas. EPA concluded that the following programs offer such significant conservation opportunities. (EPA) deleted from further consideration under this Executive Order those programs *not* listed below.]

1. Construction Grants Program (Title II of the Clean Water Act of 1977)
2. Water Quality Management Grants (Section 208 of the Clean Water Act)
3. Control Agency Grants (Section 105 of the Clean Air Act)
4. Urban Air Quality Planning Grants (Section 175 of the Clean Air Act)

Proposed regulatory changes and proposed administrative changes for the Construction Grants Program, the Water Quality Management Grants Program, and the Control Agency Grants Program are being published by the Public Facilities Work Group established by E.O. 12185. The lead agency for that group is the Envrionmental Protection Agency.

This notice presents the proposed administrative change to conserve petroleum and natural gas for EPA's Urban Air Quality Planning Grants Program.

Dated: April 30, 1980.

Barbara Blum,

Deputy Administrator, Environmental Protection Agency.

Proposed Administrative Change

Urban Air Quality Planning Grants

Grant funds are being disbursed using regulations and procedures of the Urban Mass Transportation Administration (Circular C8100). Work plans prepared by grant applicants are developed and approved under the same process established by the Department of Transportation (DOT) for its highway and transit planning program. Activities funded through grants under section 175 of the Clean Air Act are included in unified planning work programs prepared by metropolitan planning organizations and approved by the Federal Intermodel Planning Groups which include representatives of EPA, DOT and the Department of Housing and Urban Development.

The air quality plan elements developed using section 175 grants may include stationary source controls and vehicle inspection and maintenance programs, as well as transportation controls. All air quality plan development funded under section 175 will be coordinated with plan development funded with section 105 Control Agency Grants, as well as other environmental programs administered by the EPA, through the provision of State/EPA agreements.

A Federal Register notice announcing the availability of the remaining $25 million of the $50 million appropriated by Congress was signed by EPA and DOT in February 1980, and published on March 6, 1980 (45 FR 14774). Identification of the energy implications of air quality plan elements was explicitly identified in the notice as an activity eligible for funding. EPA and DOT will prepare joint guidance to their regional offices emphasizing the need for inclusion of energy assessments in transportation-air quality planning and urging regional office staff to work with grant applicants to assure that work plans provide for such assessments. Ultimate energy savings will depend on the measures included in the revised air quality plans required by the Clean Air Act and the extent to which energy assessments prepared during the plan revision process influence state and local policymakers to adopt energy saving alternatives.

Contact: Jerry Kurtzweg, ANR-445, 202/755-0570; Chief, Land Use Policy Branch, Office of Transportation and Land Use Policy.

[FR Doc. 80-13808 Filed 5-6-80; 8:45 am]

BILLING CODE 6560-01-M

Federal Register

Wednesday
May 7, 1980

Part VIII—Section C

Department of Commerce

Maritime Administration

Petroleum and Natural Gas Conservation: Federal Transportation Assistance Programs

DEPARTMENT OF COMMERCE

Maritime Administration

46 CFR Part 251

Energy Conservation by Recipients of Federal Financial Assistance

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Proposed rulemaking and notice of other proposed actions.

SUMMARY: In accordance with government-wide procedures established for the implementation of Executive Order 12185, Conservation of Petroleum and Natural Gas (December 17, 1979) (E.O. 12185), notice is hereby given of the proposed rulemaking that the Maritime Administration (MarAd) is considering in order to comply with the requirements of E.O. 12185. We have also decided to include in this notice information on all the other MarAd actions under consideration which do not involve the rulemaking process because we wish to receive industry and public comments on those proposals as well.

DATES: Written comments by interest persons must be received by the close of business July 7, 1980.

ADDRESS: Send comments to the Secretary, Maritime Subsidy Board/ Maritime Administration, Washington, DC 20230. All comments will be made available for inspection during normal business hours in Room 3099A, Department of Commerce building.

FOR FURTHER INFORMATION CONTACT: Robert J. Patton, Jr., Secretary, Maritime Subsidy Board/Maritime Administration, Washington, DC 20230. Telephone (202) 377-2056.

SUPPLEMENTARY INFORMATION: In the Federal Register of Thursday, February 7, 1980, the Department of Energy (DOE) published a list of financial assistance programs administered by agencies of the Executive Branch which are believed to be the ones most likely to offer opportunities for significant conservation of petroleum and natural gas by the recipients of such assistance. The list responds to E.O. 12185, which implements section 403(b) of the Powerplant and Industrial Fuel Use Act of 1979 (Pub. L. 95-620; 92 Stat. 3318). The Act and the Order require Federal agencies which administer programs of financial assistance to take actions which maximize the efficient use of energy and conserve natural gas and petroleum in programs funded by those agencies. Included among those actions are identification of those financial assistance programs which might offer opportunities for significant conservation of petroleum and natural gas by recipients of the assistance and consideration of regulations imposing conservation requirements as a condition of continued receipt of assistance.

Three MarAd programs were included in the DOE list:

(1) Ship Construction (CDS)

(2) Federal Ship Financing Fund (Title XI)

(3) Research and Development (R&D)

The comment period for the February 7 notice expired April 7. No comments were received in response to the notice.

Agency Policy and Approach

The effort to conserve energy is not new to the maritime industry or MarAd. Subsequent to the oil embargo in 1973-74, many initiatives were undertaken both by industry and government to streamline the industry and to make it more cost competitive in a world of escalating fuel costs. Several of the more important steps taken were in the area of fuel consumption. For its part, the government instituted a voluntary industrial energy conservation program. These and similar cooperative efforts between the maritime industry and the government in the mid-70's established an emphasis on energy conservation that has continued up to the present time.

Since fuel costs today can exceed 50 percent of operating expenses, depending on vessel type and age, energy consumption has been one of the first and most important areas to come under critical scrutiny. Methods of reducing consumption range from "slow steaming," comparable to the 55 mph speed limit concept, to replacing vessels with more efficient ones. One U.S.-flag liner operator, for instance, is replacing a substantial portion of a large, fast, high cost/consumption fleet with smaller, slower, more fuel efficient vessels. The vessels being replaced are only eight years old and would, under normal circumstances, have an economic life of about 20 years. Nevertheless, the fuel efficiency factor is of such magnitude that it makes replacement a prudent business decision. Suffice it to say that cost cutting, specifically fuel costs, has been and will continue to be a vigorously sought requisite of economic well being in the shipping industry.

The government, likewise, is attempting to solve the problems presented by today's energy situation as part of its overall effort to revitalize and expand the U.S. merchant marine and make it more efficient. This effort was started with the President's policy letter of July 20, 1979, and continues today with efforts to revise the Merchant Marine Act of 1936, as amended. In keeping with the spirit of E.O. 12185, a significant amount of effort is being made both by the Administration and the Congress to provide current and potential shipowners access to the most fuel efficient propulsion systems available. MarAd has in the past and will continue in the future to examine closely, both from an economic and engineering standpoint, the energy efficiency of any project for which government aid is requested; indeed, this is part of MarAd's mandated function. In addition, the agency's R&D staff alone, and in conjunction with the private sector, continues to explore cost cutting design alternatives.

Another important aspect of the current reform effort is aimed at reducing the administrative burden on U.S.-flag vessel owners and operators. It is realized by both government and industry alike that cumbersome administrative and procedural requirements have, in some instances, reached excessive and counter productive proportions, thereby affecting our fleet's ability to compete with less regulated carriers.

Nonrulemaking Actions

Before addressing the specific proposed rulemaking that is the subject of this notice, it is appropriate to review MarAd's past actions and the future actions under active consideration in each of the three program areas listed in DOE's February 7 Notice.

The items listed below are divided into two categories, depending upon the nature of the action described. The first category concerns only internal administrative actions that have been or will be taken or are under serious consideration. The second category covers those actions under consideration which would require some effort on the part of the private sector.

I. Internal Administrative Actions

A. *Past and current Research and Development (R&D):* Research has been performed under various programs and projects which has led or will lead to energy savings. Some examples of such research involve:

—Introduction of improved combustion techniques into the operating fleet as well as procedures for effective shipboard maintenance with minimum manpower and resources.

—Development and successful shore-based testing of an advanced gearing system (contra rotating planetary gears)

which has the potential to reduce consumption by at least 10 percent.

—Initiated a feasibility study on the commercial potential for sailing ships.

Construction-differential subsidy (CDS): Some actions consistent with the intent of the executive order have been taken in the administration of this program.

Examples are:

—Encouraging applicants to use the most energy and cost efficient propulsion systems available and feasibile in terms of their project.

—Supporting the adoption of slow speed diesel propulsion systems.

—By administrative order, temporary relaxation of the 100 percent Buy American requirement applicable to the program to encourage the development of a manufacturing capability in slow speed diesels.

Ship Financing: Under this program, favorable consideration is being given to matters which will result in energy conservation, to the extent that the economic soundness of a project is not adversely affected. An example is:

—Approval of a change in the guaranteed transaction which permitted an LNG vessel operator to utilize more cargo boil-off for propulsion, savings from which action would be passed on to the consumers of the delivered fuel.

B. *Under Consideration.*

R&D: Increase the percentage of the overall R&D budget allocated to energy-related projects. Future projects could include:

—Investigation of the feasibility of coal-oil slurry for fuel.

—Initiation of research and analysis of coal firing technology for the present and future.

CDS: Undertake further administrative efforts to support the consideration and adoption of energy efficiencies.

Such efforts could include:

—Specific analysis of applications by agency's marine engineers and architects to determine the energy efficiency of a proposed vessel or building program.

—Incorporation of energy efficient materials, equipment, or systems into the agency's standard specifications for vessel construction.

II. Actions Under Consideration Involving Industry Effort

CDS: To ensure that applicants are making their own effort to achieve energy efficiencies and conservation, we are considering a change in the CDS application which would require an applicant to document its efforts to incorporate reasonably available and proven energy efficient materials, machinery, or systems in their proposals.

Ship Financing: A change in the application similar to the one under consideration for the CDS program is being analyzed.

Proposed Rulemaking

Pursuant to E.O. 12185, the Maritime Subsidy Board is proposing to amend 46 CFR Part 251 by adding a fourth appendix which would specify a new policy factor to be taken into consideration when establishing the priority of CDS applications. This new policy would require that the energy efficiency of a given application be accorded additional weight in determining the priorities of such applications.

PART 251—APPLICATION FOR SUBSIDIES AND OTHER DIRECT FINANCIAL AID

Accordingly, it is proposed that 46 CFR Part 251 be amended by adding at the end of § 251.1 a new Appendix No. 4, to read as follows:

Appendix No. 4

1. The cost of fuel for propulsion and shipboard services has become one of the most significant elements in vessel operation. Because of the vital effect that this factor now has on the efficient and economical operation of vessels and because of the statutory mandate in section 403(b) of Pub. L. 95-620, the Powerplant and Industrial Fuel Use Act of 1978, and E.O. 12185 (which implements this mandate) the Maritime Subsidy Board will take into consideration, for purposes of assigning priorities on all applications, whether a given proposal, which has met all requirements of Title V, Merchant Marine Act, 1936; will, in the Board's opinion enable the vessel operator to conserve energy, utilize alternative primary energy sources, or both. Increased efficiency and conservation might be achieved through the incorporation of different propulsion systems, machinery, or other shipboard equipment and the utilization of more energy efficient materials.

2. This policy of considering whether a given proposal promises energy conservation and efficiency, for purposes of assigning priorities among proposals, will apply only to those proposals which adopt practicable and cost-effective concepts, systems, or techniques of energy conservation or efficiency that are reasonable and economically sound. Furthermore, it is intended that this policy be implemented consistently with the Board's other statements of policy, especially the policy to provide for the most effective development of the American Merchant Marine by obtaining the greatest shipping capability and productivity through the optimum number and types of vessels.

(Sec. 403(b), Pub. L. 95-620; E.O. 12185; Sec. 204(b), Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)); Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1961 (75 Stat. 840), as amended by Pub. L. 91-469 (84 Stat. 1036); and Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

Dated: April 29, 1980.

By order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton, Jr.,

Secretary, Maritime Subsidy Board, Maritime Administration.

[FR Doc. 80-13809 Filed 5-6-80; 8:45 am]

BILLING CODE 3510-15-M

federal register

Wednesday
May 7, 1980

Part VIII—Section D

Department of the Interior

National Park Service

Petroleum and Natural Gas Conservation: Federal Transportation Assistance Programs

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Ch. I

Visitor Access Transportation System (VATS); Experimental Pilot Program

AGENCY: National Park Service (NPS), DOI.

ACTION: Notice of proposed rule making (no rules are being proposed for this program at the present time).

SUMMARY: Executive Order 12185 requires agencies to publish proposed regulations requiring the conservation of petroleum and natural gas in programs receiving Federal financial assistance. As the only program administered by the National Park Service at this time is the Visitor Access Transportation System (Title III Program), an experimental pilot program, no regulations are being proposed for the program at this time.

DATES: Not applicable.

FOR FURTHER INFORMATION CONTACT: David M. Sherman, Office of the Director, Room 3118, National Park Service, U.S. Department of the Interior, 18th and C Streets, NW, Washington, DC 20240, 343-4917.

SUPPLEMENTARY INFORMATION: Title III of Pub. L. 95-344 (Chattahoochee River National Recreation Area Legislation) dated August 15, 1978 provides for a three-year pilot program to improve public transportation access to the National Park System.

The purpose of the Title III program is to arrange by contract or otherwise for public transportation system improvements which will permit and encourage people to get to units of the National Park System by common carrier. The program can offer the only means of access to National Parks for individuals and families dependent on public transportation, and can be an increasingly attractive alternative to those who would normally arrive by auto. The program holds promise of measurably significant energy savings particularly for access to parks in or near a major metropolitan areas.

Generally this program pays on a cost sharing basis for the extension of public transportation routes (such as extending bus lines) to parks located in or near urban areas in order to make them more accessible to the public and to help discourage private automobile use to these areas. One million dollars was authorized for the first year's operation with 2 million and 3 million approved respectively for the second and third year's operations.

Since this program is generally dependent on the use of existing public transit system vehicles such as buses or trains, energy savings rules and regulations that are implemented to apply to those types of operations would also cover this particular program. The Title III program by its very nature is experimental, and a variety of approaches are being tried in order to encourage people to leave their vehicles at home and take an alternate means of transportation to our urban parks. At present the National Park Service is already analyzing the cost per passenger as well as the amount of fuel consumed as the refinement of the program continues over the 3 year period. This information is already a major factor being taken into consideration as decisions are made as to how different components of this program can be improved upon. Until this 3 year experimental pilot program is completed, the results throughly analyzed, and a decision is made by Congress as to whether or not the program should be continued, it is not planned at the present time to promulgate rules and regulations as it would be premature to do so.

Daniel J. Tobin, Jr.,

Associate Director, Management and Operations.

[FR Doc. 80-13810 Filed 5-6-80; 8:45 am]

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Federal Register

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

REMINDERS

The "reminders" below identify documents that appeared in issues of the Federal Register 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Rules Going Into Effect Today

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

65352 11-9-79 / Sunlamp products; performance standard

[Corrected at 44 FR 67655, 11-27-79]

TRANSPORTATION DEPARTMENT

Coast Guard—

23425 4-7-80 / Evaluation of programs for licensing and certification of foreign tank vessel personnel

Deadlines for Comments on Proposed Rules for the Week of May 11 through May 17, 1980

AGRICULTURE DEPARTMENT

Agricultural Stabilization and Conservation Service—

16493 3-14-80 / Policy and guidelines for floodplain management and wetland protection; comment by 5-13-80

Animal and Plant Health Inspection Service—

15505 3-11-80 / Gypsy moth and browntail moth quarantine; regulations; comments by 5-12-80

Rural Electrification Administration—

24900 4-11-80 / Proposed revision of REA Bulletin 181-3, Accounting Interpretation for Rural Electric Borrower; comments by 5-12-80 (4 documents)

CIVIL AERONAUTICS BOARD

24178 4-9-80 / Statements of general policy; comments by 5-12-80

COMMERCE DEPARTMENT

International Trade Administration—

24458 4-10-80 / Policy concerning the export of phosphate rock, phosphoric acid of all concentrations and phosphatic fertilizer of all concentrations to the U.S.S.R.; comments by 5-12-80

National Oceanic and Atmospheric Administration—

15955 3-12-80 / Atlantic herring; approval of amendment of the Fishery Management Plan, proposed regulations; comments by 5-12-80

22144 4-3-80 / Atlantic Mackerel Fishery Management Plan; comments by 5-16-80

15600 3-11-80 / Grant of petition to amend guidelines for development of fishing management plans; comments by 5-15-80

[*See also* 45 FR 8686, 2-8-80 and 42 FR 34458, 7-5-77]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

28100 4-28-80 / High-cost natural gas produced from tight formations; interim rule; comments by 5-15-80

[*See also* 45 FR 13414, 2-28-80]

ENVIRONMENTAL PROTECTION AGENCY

15566 3-11-80 / Air quality State implementation plans; California Plan revision; Fresno County and Kern County Air Pollution Control Districts; comments by 5-12-80

16502 3-14-80 / Approval of external emission offset for Prefinished Metals Inc. of Ohio; comments by 5-13-80

24510 4-10-80 / Designation of areas for air quality planning purposes; attainment status designations—Calif.; comments by 5-12-80

25087 4-14-80 / Michigan implementation plan; carbon monoxide and ozone; comments by 5-14-80

25093 4-14-80 / Michigan implementation plan; carbon monoxide and ozone; comments by 5-14-80

28172 4-28-80 / Pesticides and toxic substances; general recordkeeping and reporting requirements; preliminary assessment information; clarification; comments by 5-14-80

[*See also* 45 FR 13646, 2-29-80 and 45 FR 23473, 4-7-80]

15952 3-12-80 / Pulp, paper and paperboard point source categories; effluent limitations guidelines; comments by 5-12-80

24509 4–10–80 / Submittal schedules for New Mexico; approval and promulgation of implementation plans; comments by 5–12–80

FEDERAL COMMUNICATIONS COMMISSION

19578 3–26–80 / Adding frequency channeling requirements and restrictions and requiring monitoring for signal leakage from cable television systems; reply comments by 5–12–80

25844 4–16–80 / Authorizing the use of low power radio transmitters by police radio service licensees in the 30–50 MHz, 150–174 MHz, and 450–470 MHz bands; reply comments extended to 5–16–80

[*See also* 45 FR 14902, 3–7–80]

25412 4–15–80 / Continued assignment of frequencies in the 420–450 MHz band for non-Government radiolocation usage; comments by 5–16–80

19575 3–26–80 / FM broadcast station in Cableskill, N.Y.; proposed changes in table of assignments; comments by 5–12–80

19574 3–26–80 / FM broadcast station in Livingston, Mont.; proposed changes in table of assignments; comments by 5–12–80

19576 3–26–80 / FM broadcast station in Milbank, S. Dak.; proposed changes in table of assignments; comments by 5–12–80

20142 3–27–80 / FM broadcast station, Snowmass Village, Colo.; reply comments by 5–14–80

14076 3–4–80 / FM table of assignments; Columbia, Jamestown, and Smiths Grove, Ky.; reply comments by 5–12–80

14078 3–4–80 / FM table of assignments; Marshall and Robinson, Ill.; reply comments by 5–12–80

19583 3–26–80 / Implementing a provision of the New (1974) Safety Convention regarding compulsory carriage of radar on board vessels of 1,600 tons gross tonnage and over; reply comments by 5–12–80

25415 4–15–80 / Operation of automatic digital communications systems in the aeronautical enroute service; comments by 5–16–80

23478 4–7–80 / Television receiver performance standards; comments by 5–16–80

FEDERAL TRADE COMMISSION

24499 4–10–80 / Games of chance in food retailing and gasoline industries; comments by 5–12–80

17019 3–17–80 / Open-panel medical prepayment plans; medical participation in control; comments by 5–16–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

16142 3–12–80 / Commissioners discretionary program; proposed grant regulations; comments by 5–12–80

Food and Drug Administration—

9287 2–12–80 / Cholecystokinetic drug products for over-the-counter human use; establishment of a monograph; comments by 5–12–80

25652 4–15–80 / Viral and Rickettsial Vaccines; confidentiality of data submitted for review by Panel; comments by 5–15–80

16505 3–14–80 / Requirements for certification of medicare and medicaid long term care facilities with repeat deficiencies; comments by 5–13–80

Office of the Secretary—

10622 2–15–80 / Model State Adoption Act and Model State Adoption Procedures; recommendations; comments by 5–16–80

Social Security Administration—

15566 3–11–80 / Family relationships under the Supplemental Security Income (SSI) program; explanation of spouse, child, and parent; comments by 5–12–80

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

24903 4–11–80 / Cost limits on loans for housing for the elderly or handicapped; comments by 5–12–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

13630 2–29–80 / 1980–81 migratory game bird hunting regulations (preliminary); comments by 5–16–80

Indian Affairs Bureau—

27952 4–25–80 / Provision for better consumer protection for Indians in isolated communities where retail sellers are without competition; comments by 5–15–80

Land Management Bureau—

15876 3–11–80 / Trespass; payment for mineral resources damage and reclamation; comments by 5–12–80

Surface Mining Reclamation and Enforcement Office—

25990 4–16–80 / Permanent regulatory program; comments by 5–16–80

INTERSTATE COMMERCE COMMISSION

13159 2–28–80 / Lease and interchange of vehicle (leases involving carrier agents); comments by 5–14–80

19588 3–26–80 / Railroads performing depreciation studies; comments by 5–12–80

JUSTICE DEPARTMENT

Drug Enforcement Administration—

24128 4–9–80 / Controlled substances in emergency kits for long term care facilities; comments by 5–12–80

LABOR DEPARTMENT

Employment and Training Administration—

24902 4–11–80 / Labor certification process for the temporary employment of aliens in agriculture; adverse effect wage rate methodologies; comment period extended to 5–12–80

[Originally published at 45 FR 15914, March 11, 1980]

MANAGEMENT AND BUDGET OFFICE

15954 3–12–80 / Leasing of motor vehicles, make or buy programs, and notation and change of name agreements; comments by 5–16–80

NUCLEAR REGULATORY COMMISSION

15937 3–12–80 / Access controls to nuclear powerplant vital areas; comments by 5–12–80

15936 3–12–80 / General license requirements for any person who possesses irradiated special nuclear material (SNM) in transit; comments by 5–12–80

19564 3–26–80 / Informal conference during inspection; comments by 5–12–80

[Corrected at 45 FR 21261, 4–1–80]

PERSONNEL MANAGEMENT OFFICE

16493 3–14–80 / Extension of retirement coverage to certain employees and members of congress; comments by 5–13–80

SECURITIES AND EXCHANGE COMMISSION

24499 4–10–80 / Business combination transactions—proposed short form for registration and proposed amendments for related rules; comment period extended to 5–15–80

[Originally published at 45 FR 5934, 1–24–80]

16498 3–14–80 / Ratios of earnings to fixed charges; presentation requirements; comments by 5–15–80

TRANSPORTATION DEPARTMENT

Coast Guard—

24471 4–10–80 / Lifesaving equipment for Great Lakes vessels; exposure suits for vessels operating on the Great Lakes; comments by 5–12–80

Federal Aviation Administration—

20424 3-27-80 / Solicitation and leafletting procedures at National and Dulles International Airports; comments by 5-12-80

Federal Highway Administration—

10236 2-14-80 / Design standards for highways; comments by 5-14-80

National Highway Traffic Safety Administration—

24515 4-10-80 / Federal motor vehicle safety standards; motorcycle controls and displays; comments by 5-12-80

24511 4-10-80 / Passenger automobile average fuel economy standards; proposed decision to grant exemption; comments by 5-12-80

TREASURY DEPARTMENT

Alcohol, Tobacco, and Firearms Bureau—

17026 3-17-80 / Napa Valley agricultural area, Calif.; establishment; comments by 5-16-80

17027 3-17-80 / Pennacles Viticultural Area, Calif.; proposed establishment; comments by 5-16-80

17025 3-17-80 / Wine; standards of fill; miniature wine size; comments by 5-13-80

Internal Revenue Service—

15945 3-12-80 / Reductions in value for blockage or similar factors; comments by 5-12-80

VETERANS ADMINISTRATION

25411 4-15-80 / Guaranteed home and mobile home lot loans; allowable easements for drainage and irrigation purposes; comments by 5-15-80

Deadlines for Comments On Proposed Rules for the Week of May 18 through May 24, 1980

AGRICULTURE DEPARTMENT

Rural Electrification Administration—

26340 4-18-80 / Proposed program to permit deferment of principal repayment to achieve conservation; comments by 5-19-80

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

26402 4-18-80 / Provision for intercouncil boundary between Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council; comment period extended to 5-20-80

[*See also* 45 FR 3618, 1-18-80]

COMMODITY FUTURES TRADING COMMISSION

18356 3-20-80 / Futures Commission Merchants, floor brokers, associated persons, commodity trading advisors, and commodity pool operators; registration regulations; comments by 5-20-80

CONSUMER PRODUCT SAFETY COMMISSION

17593 3-19-80 / Proposed exemption of sodium fluoride drug preparations, including liquid and tablet forms, and continuing no more than 264 milligrams of sodium fluoride per package from child-protection packaging requirements; comments by 5-19-80

DEFENSE DEPARTMENT

Air Force Department—

18405 3-21-80 / Part-time career employment program provisions; comments by 5-20-80

ENERGY DEPARTMENT

Economic Regulatory Administration—

27767 4-24-80 / Mandatory petroleum price regulations; production incentives for marginal properties; comments by 5-19-80

Federal Energy Regulatory Commission—

25825 4-16-80 / Expanding the scope of agricultural uses of natural gas defined in the regulations on incremental pricing; comments by 5-28-80

ENVIRONMENTAL PROTECTION AGENCY

18085 3-20-80 / Air pollution; California State implementation plan; comments by 5-19-80

26368 4-18-80 / Maryland State implementation plan; clarification of status of urban hydrocarbon and volatile organic compound regulations; comments by 5-19-80

[Corrected at 45 FR 28380, 4-29-80]

26983 4-22-80 / Michigan; State and Federal administrative orders revising implementation plan; comments by 5-22-80

27788 4-24-80 / Motor vehicle pollution control; waiver of carbon monoxide and oxides of nitrogen emission standards; comments by 5-19-80

26101 4-17-80 / New York State implementation plan; proposed revision; reopening of comments period until 5-19-80

[Originally published at 45 FR 3331, 1-17-80]

26722 4-21-80 / Petitions of the Friends of the Earth for Rulemaking and Policy Changes on labeling and enforcement activities in the area of aerial pesticide application; comments by 5-21-80

[*See also* 45 FR 3316, 1-17-80]

26370 4-18-80 / Registration or registrations of 50 pesticides; information and comments by 5-19-80

11444 2-20-80 / Standards of performance for new stationary sources continuous monitoring performances specifications; comments by 5-20-80

26902 4-21-80 / State and Federal Administrative Enforcement of Implementation Plan requirements after statutory deadlines; delayed compliance order for N. L. Industries, Inc., Sayreville, N.J.; comments by 5-21-80

27454 4-23-80 / State and Federal administrative orders revising the Michigan State implementation plan; comments by 5-23-80

EXECUTIVE OFFICE OF THE PRESIDENT

Administration Office—

26714 4-21-80 / Freedom of Information Act; availability of records; comments by 5-21-80

FEDERAL COMMUNICATIONS COMMISSION

16217 3-13-80 / FM broadcast stations in Carson City; Gardnerville-Minden and Sparks, Nev.; proposed changes in table of assignments; reply comments by 5-19-80

16216 3-13-80 / FM broadcast stations in Rhinelander, Tomahawk, Washburn and Wausau, Wis.; proposed changes in tables of assignments; reply comments by 5-19-80

[*See also* 43 FR 10944, 3-16-78 and 44 FR 31029, 5-30-79]

3335 1-17-80 / Reimbursement of expenses for participation in Commission proceedings; reply comments by 5-23-80

FEDERAL MARITIME COMMISSION

27457 4-23-80 / Free time and demurrage charges on export cargo; proposed revocation; comments by 5-23-80

FEDERAL TRADE COMMISSION

26347 4-18-80 / Disclosure requirements and prohibitions concerning franchising and business opportunity ventures; comments by 5-19-80

26356 4-18-80 / Disclosure requirements and prohibitions concerning franchising and business opportunity ventures; comments by 5-19-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

23474 4-7-80 / Consolidated grants to Insular Areas; comments by 5-22-80

Disease Control Center—

26960 4-22-80 / Clinical laboratories, deletion of requirement for license fees; final rule; comments by 5-22-80

Food and Drug Administration—
19265 3–25–80 / Exocrine pancreatic insufficiency drug products for over-the-counters human use; establishment of monograph; reply comments by 5–21–80
[*See also* 44 FR 75666, 12–21–79 and 45 FR 19266, 3–25–80]
11841 2–22–80 / Nitrites in bacon; proposed exception from the color additive definition, comment period extended to 5–19–80
[Originally published at 44 FR 75659, 12–21–79]
11841 2–22–80 / Phosphates; proposed affirmation of and deletion from GRAS status as direct and human food ingredients; comment period extended to 5–19–80
[Originally published at 44 FR 11841, 3–2–79]
National Institute of Education—
21657 4–2–80 / Program of research grants on organization processes in education; comments by 5–19–80
Social Security Administration—
17131 3–18–80 / Substantial gainful activity earnings; guidelines for 1980; interim rule; comments by 5–19–80
HOUSING AND URBAN DEVELOPMENT DEPARTMENT
Community Planning and Development, Office of the Assistant Secretary—
18949 3–24–80 / Areawide housing opportunity plans; comments by 5–23–80
18955 3–24–80 / Community development block grants and comprehensive planning assistance; consolidation of grants for certain insular areas; comments by 5–23–80
26979 4–22–80 / Community Development Block Grant Program; small cities; modification of regulations to permit greater State participation; comments by 5–22–80
Federal Housing Commissioner, Office of Assistant Secretary for Housing—
18952 3–24–80 / PHA-Owned Projects—Project Management; consolidated supply program; comments by 5–23–80
INTERIOR DEPARTMENT
Fish and Wildlife Service—
17888 3–19–80 / Proposal of critical habitat for four species in Texas; comments by 5–19–80
19004 3–24–80 / Proposal to determine Potentilla Robbinsiana (Robbins Cinquefoil) to be an endangered species and to determine its critical habitat; comments by 5–23–80
Geological Survey—
26924 4–21–80 / Coal mining on Federal lands; amendment and reinstatement of a Federal/State Cooperative Agreement with New Mexico; comments by 5–21–80
Indian Affairs Bureau—
28100 4–28–80 / Amended interim rule governing off-reservation treaty fishing: Great Lakes and Connecting Waters in Michigan ceded in Treaty of 1836; comments by 5–23–80
[*See also* 44 FR 65747, 11–15–79]
Surface Mining Reclamation and Enforcement Office—
26924 4–21–80 / Coal mining on Federal lands regulation; amendment and reinstatement of a Federal/State Cooperative Agreement with New Mexico; comments by 5–21–80
INTERSTATE COMMERCE COMMISSION
28380 4–29–80 / Incentive per diem funds use; comments by 5–19–80
26395 4–18–80 / Policy analysis of role of antitrust and competition factors in motor carrier finance proceedings; comments by 5–19–80
26399 4–18–80 / Review of the motor carrier fuel surcharge program; comments by 5–19–80
JUSTICE DEPARTMENT
18890 3–21–80 / Revision of procedures for the administration of section 5 of the Voting Rights Act of 1965; comments by 5–20–80
Immigration and Naturalization Service—
17591 3–19–80 / Proposed revisions of regulations pertaining to nonimmigrant "F–1" students in the United States; comments by 5–19–80
POSTAL SERVICE
26982 4–22–80 / Extension of city delivery; comments by 5–22–80
SMALL BUSINESS ADMINISTRATION
26974 4–22–80 / Small business size determination procedures; comments by 5–22–80
TRANSPORTATION DEPARTMENT
Coast Guard—
22116 4–3–80 / Distress signals; heptane ignition test for hand red flares; comments by 5–19–80
Coast Guard—
24509 4–10–80 / Equipment requirements for boat operators; acceptance of hand red flares as visual distress signals; comment period corrected from 4–18–80 to 5–19–80
[*See also* original document published at 45 FR 22110, 4–3–80]
23475 4–7–80 / Lists of flammable and combustible bulk cargoes; comments by 5–22–80
[Corrected at 45 FR 25083, 4–14–80]
Federal Highway Administration—
5781 1–24–80 / Hours of service of drivers; comments by 5–23–80
TREASURY DEPARTMENT
Internal Revenue Service—
18976 3–24–80 / Disclosures of returns and return information under certain circumstances; comments by 5–23–80
18974 3–24–80 / Disclosures of returns and return information to officers and employees of Bureaus of the Census and Economic Analysis; comments by 5–23–80
18973 3–24–80 / Excise tax; treatment of certain elderly care facilities; comments by 5–20–80
18030 3–20–80 / Special rule for the deduction of certain charitable contributions of inventory and other property; comments by 5–19–80
VETERANS ADMINISTRATION
18406 3–21–80 / Revision of rules for disinterment of remains from national cemeteries; comments by 5–20–80

Next Week's Meetings

AGRICULTURE DEPARTMENT
Forest Service—
28385 4–29–80 / Los Padres National Forest Grazing Advisory Board, Santa Maria, Calif. (open), 5–16–80
21665 4–2–80 / Nez Perce National Forest Grazing Advisory Board, White Bird, Idaho (open), 5–14–80
21665 4–2–80 / Pacific Crest National Scenic Trail Advisory Council, Claremont, Calif. (open), 5–15 through 5–17–80
ARTS AND THE HUMANITIES, NATIONAL FOUNDATION
27075 4–22–80 / Museum Panel (cooperative programs; wider availability of museums), Washington, D.C. (closed), 5–12 and 5–13–80
27075 4–22–80 / Museum Panel (Special Exhibitions), Washington, D.C. (closed), 5–14 through 5–16–80
CIVIL RIGHTS COMMISSION
28386 4–29–80 / District of Columbia Advisory Committee, Washington, D.C. (open), 5–17–80
28387 4–29–80 / Kentucky Advisory Committee, Louisville, Ky. (open), 5–16–80
28387 4–29–80 / Montana Advisory Committee, Helena, Mont. (open) 5–17–80
26107 4–17–80 / Nebraska Advisory Committee, Lincoln, Nebr. (open), 5–16–80
26108 4–17–80 / Vermont Advisory Committee, Montpelier, Va. (open), 5–12–80

COMMERCE DEPARTMENT
International Trade Administration—
24216 4-9-80 / Importers and Retailers Textile Advisory Committee, Washington, D.C. (open), 5-15-80
Maritime Administration—
26988 4-22-80 / U.S. Merchant Marine Academy Advisory Board, Kings Point, N.Y. (open), 5-16-80
National Oceanic and Atmospheric Administration—
27971 4-25-80 / Caribbean Fishery Management Council, St. Thomas, U.S. Virgin Islands (open), 5-14 and 5-15-80
24908 4-11-80 / Mid-Atlantic Fishery Management, Cape May, N.J. (open), 5-14 through 5-16-80
National Oceanic and Atmospheric Administration—
24217 4-9-80 / Pacific Fishery Management Council, its Scientific and Statistical Committee, and its Pink Shrimp Subpanel, Portland, Oreg. (partially open), 5-13, 5-14, and 5-15-80
26410 4-18-80 / Pacific Fishery Management Council's Groundfish Advisory Subpanel, Multnomah, Oreg. (open), 5-13 and 5-14-80
CONSUMER PRODUCT SAFETY COMMISSION
26746 4-21-80 / Toxicological Advisory Board, Bethesda, Md. (open), 5-12-80
DEFENSE DEPARTMENT
25858 4-16-80 / Defense Science Board Task Force on Acquisition Policy, Los Angeles, Calif. (closed), 5-13 and 5-14-80
26990 4-22-80 / Medical Research and Development Advisory Panel Ad Hoc Study Group on Pharmacology, Washington, D.C. (partially open), 5-15-80
25112 4-14-80 / Military Personal Property Symposium, Arlington, Va. (open), 5-15-80
Army Department—
26989 4-22-80 / Armed Forces Epidemiological Board, Bethesda, Md. (open) 5-15 and 5-16-80
Office of the Secretary—
23717 4-8-80 / Electron Devices Advisory Group, Monterey, Calif. (closed), 5-14 and 5-15-80
19296 3-25-80 / Wage Committee, Washington, D.C. (partially open), 5-13-80
ENERGY DEPARTMENT
Economic Regulatory Administration—
26117 4-17-80 / Compliance problems of small electric utility systems with the Powerplant and Industrial Fuel Use Act of 1978, Dallas, Tex. (open), 5-15-80
Western Area Power Administration—
24912 4-11-80 / Status of the Boulder City Area Consolidated Power Marketing Criteria, Las Vegas, Nev. (open), 5-16-80
ENVIRONMENTAL PROTECTION AGENCY
26934 4-21-80 / Intent to issue policy guidance of Women's Business Enterprise Participation in EPA's construction grants program, (open), Chicago, Ill., 5-13-80 and Seattle, Wash., 5-14-80
28176 4-28-80 / Pesticide and toxic substances; general recordkeeping and reporting requirements; preliminary assessment information, Washington, D.C. (open), 5-14-80
27985 4-25-80 / Science Advisory Board, Subcommittee on Innovative/Alternative Wholewater Technologies, Washington, D.C. (open), 5-13-80
26120 4-17-80 / Scoping of draft environmental impact statement for Northside planning area, Tulsa, Okla., 5-15-80
FEDERAL COMMUNICATIONS COMMISSION
28815 4-30-80 / National Industry Advisory Committee Amateur Radio Services Subcommittee, Washington, D.C., 5-16-80
28808 4-30-80 / Radio Technical Commission for Marine Services, Washington, D.C., 5-15-80
FEDERAL PREVAILING RATE ADVISORY COMMITTEE
27987 4-25-80 / Meeting, Washington, D.C. (open), 5-15-80
FINE ARTS COMMISSION
64863 11-8-79 / Meeting, Washington, D.C. (open), 5-13-80
25857 4-16-80 / Various Projects Affecting Appearance of Washington, D.C., Washington, D.C. (open), 5-13-80
HEALTH, EDUCATION, AND WELFARE DEPARTMENT
Center for Disease Control—
26133 4-17-80 / Mine Health Research Advisory Committee, Rockville, Md. (partially open), 5-15 and 5-16-80
Education Office—
27013 4-22-80 / Bilingual Education Advisory Committee, Washington, D.C. (open), 5-12 and 5-13-80
27827 4-24-80 / National Advisory Council for Career Education, Washington, D.C. (open), 5-15 and 5-16-80
Food and Drug Administration—
25459 5-15-80 / Anesthesiology Devices Section of the Respiratory and Nervous System Devices Panel, Silver Spring, Md. (open and closed), 5-15-80
23067 4-4-80 / Consumer exchange meeting, Philadelphia, Pa. (open), 5-12-80
26464, 26465 4-18-80 / Consumer exchange meetings (open):
San Francisco, Calif., 5-15-80
Casper, Wyo., 5-15-80
Health Care Financing Administration—
14900 3-7-80 / Consideration of changes in Medicare and Medicaid participant certification requirements: Kansas City, Mo. (open), 5-14-80; Denver, Colo. (open), 5-15-80
25142 4-14-80 / National Professional Standards Review Council, Washington, D.C. (open), 5-12 and 5-13-80
National Institutes of Health—
21043 3-31-80 / Advisory Committee to the Director, National Institutes of Health, Bethesda, Md. (open), 5-13 and 5-14-80
20566 3-28-80 / Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, Bethesda, Md. (partially open), 5-16 and 5-17-80
19319 3-25-80 / Pulmonary Diseases Advisory Committee, Washington, D.C. (open), 5-17-80
25150 4-14-80 / Recombinant DNA Advisory Committee, Working Group on Eukaryotic Viral Vectors, Miami Beach, Fla. (open), 5-13-80
HISTORICAL PRESERVATION ADVISORY COUNCIL
25849 4-16-80 / Protection of Historic and Cultural Properties, Washington, D.C., 5-15 and 5-16-80
INTERIOR DEPARTMENT
Geological Survey—
27539 4-23-80 / Proposed surface Phosphate Mine and Slurry Pipeline in Smoky Canyon, Idaho, various locations (open), 5-14 and 5-15-80
Land Management Bureau—
24923 4-11-80 / Canon City Grazing Advisory Board, Canon City, Colo. (open), 5-12-80
27827 4-24-80 / Forest Planning Unit—Coal Unsuitability Study, Richfield, Utah (open), 5-14-80
21356 4-1-80 / Intensive Wilderness inventory, Nevada:
Battle Mountain: 5-14-80
Tonopah: 5-15-80
24253 4-9-80 / Intergovernmental Planning Program, Gulf of Mexico and South Atlantic Regional Technical Working Groups, New Orleans, La. (open), 5-14, 5-15, and 5-16-80
28506 4-29-80 / Las Vegas District Grazing Advisory Board, Las Vegas, Nevada (open), 5-16-80
24702 4-10-80 / Moab District Grazing Advisory Board; Crescent Junction, and Moab, Utah (open), 5-16-80

National Park Service—

28830 4–30–80 / Chesapeake and Ohio Canal National Historical Park Commission, Great Falls, Va. (open), 5–17–80

27540 4–23–80 / New River Gorge National River, W.Va., various locations (open), 5–12 through 5–15–80

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

27568 4–23–80 / Agency For International Development Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development, Washington, D.C. (open), 5–12 and 5–13–80

JUSTICE DEPARTMENT

28237 4–28–80 / Council on the Role of Courts, Williamsburg, Va. (open), 5–16 and 5–17–80

27846 4–24–80 / First Circuit Panel of the U.S. Circuit Judge Nominating Commission, Boston, Mass. (closed), 5–12–80

Justice Assistance, Research, and Statistics Office—

28238 4–28–80 / Juvenile Justice and Delinquency Prevention National Advisory Committee, Washington, D.C. (open), 5–16 and 5–17–80

LABOR DEPARTMENT

Occupational Safety and Health Administration—

28006 5–25–80 / Advisory Committee on Construction Safety and Health and Subgroup on Health Standards, Washington, D.C. (open), 5–14 through 5–16–80

22977 4–4–80 / Consideration of entry and work in confined spaces in general industry and construction, Houston, Tex. (open), 5–13 and 5–14–80

NATIONAL SCIENCE FOUNDATION

27847 4–24–80 / Behavioral and Neural Sciences Advisory Committee, Anthropology Subcommittee, Washington, D.C. (partially open), 5–12 through 5–15–80

27847 4–24–80 / Chemistry Advisory Committee, Washington, D.C. (partially open), 5–12 and 5–13–80

27848 4–24–80 / Physiology, Cellular, and Molecular Biology, Molecular Biology Subcommittee, Group A, Washington, D.C. (closed), 5–13 and 5–14–80

28239 4–28–80 / Policy Research and Analysis Advisory Committee, Environment, Energy and Resources Subcommittee, Wash., D.C. (open), 5–16–80

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

27596 4–23–80 / Meeting, Washington, D.C. (open), 5–16 and 5–17–80

SMALL BUSINESS ADMINISTRATION

27077 4–22–80 / Region III (Washington, D.C.) Advisory Council, Washington, D.C. (open), 5–14–80

27078 4–22–80 / Region IV (Birmingham, Ala.), Advisory Council, Birmingham, Ala. (open), 5–12–80

25563 4–15–80 / Region V Advisory Council, Indianapolis, Indiana (open), 5–14–80

17708 3–19–80 / Region VI Advisory Council, Lubbock, Tex. (open), 5–13–80

27078 4–22–80 / Region IX (Honolulu, Hawaii) Advisory Council, Honolulu, Hawaii (open), 5–15–80

27599 4–23–80 / Region IX (Los Angeles, California) Advisory Council, Los Angeles, Calif. (open), 5–15–80

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

17019 3–17–80 / New York Terminal Control Area, proposed alteration, Cranford, N.J. (open), 5–14–80

27864 4–24–80 / Radio Technical Commission for Aeronautics (RTCA), Executive Committee, Washington, D.C. (open), 5–16–80

26866 4–21–80 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS), Washington, D.C. (open), 5–13 through 5–15–80

Federal Highway Administration—

27869 4–24–80 / Outdoor Advertising and Motorist Information National Advisory Committee, Washington, D.C. (open), 5–15–80

UNEMPLOYMENT COMPENSATION NATIONAL COMMISSION

27847 4–24–80 / Meeting, Austin, Tex., 5–15 through 5–17–80

VETERANS ADMINISTRATION

28598 4–29–80 / Cemeteries and Memorials Advisory Committee (open), Washington, D.C., 5–13 and 5–14–80

18549 3–21–80 / Medical Research Service Merit Review Boards, Washington, D.C. (open), 5–13–80

17714 3–19–80 / Wage Committee, Washington, D.C. (closed), 5–15–80

WAGE AND PRICE STABILITY COUNCIL

27973 4–25–80 / Price Advisory Committee, Washington, D.C. (open), 5–14–80

Next Week's Public Hearings

COMMERCE DEPARTMENT

International Trade Administration—

27948 4–25–80 / Hearing on monitoring of ferrous scrap: Chicago, Ill., 5–12 and 5–13–80; San Francisco, Calif., 5–15 and 5–16–80

25034 4–11–80 / Hearings on petition requesting monitoring of exports of ferrous scrap: Chicago, Ill., 5–12 and 5–13–80; San Francisco, Calif., 5–15 and 5–16–80

26410 4–18–80 / Point Reyes-Farallon Islands Marine Sanctuary draft environmental impact statement hearings, San Francisco and Point Keyes, Calif., 5–13–80

ENERGY DEPARTMENT

Economic Regulatory Commission—

24092 4–8–80 / Financial assistance programs for State utility regulatory commissions and eligible nonregulated electric utilities, Washington, D.C., 5–14–80

27767 4–24–80 / Mandatory petroleum price regulations; production incentives for marginal properties, New Orleans, La., 5–13–80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

26135 4–17–80 / Commission on the Review of the Federal Impact Aid Program; New York, N.Y.: 5–15 and 5–16–80

INTERIOR DEPARTMENT

Fish and Wildlife Service—

17888 3–19–80 / Proposal of critical habitat for four species in Texas, San Marcos, Tex., 5–12–80

Surface Mining and Reclamation Enforcement Office—

25992 4–16–80 / Prime farmlands grandfather provisions, Springfield, Ill., 5–15–80

INTERNATIONAL TRADE COMMISSION

27569 4–23–80 / List of articles which may be considered for International Trade Negotiations, Washington, D.C., 5–14–80

TRANSPORTATION DEPARTMENT

Coast Guard—

25207 4–14–80 / Possible alteration of the Southern Pacific Transportation Co., Bridge across the Mermentau River, Mermentau, La. (open), 5–16–80

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing May 6, 1980.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

RULES GOING INTO EFFECT

28136 4-28-80 / CSA—Grant procurement; Uniform Federal standards; effective 5-28-80

29015 5-1-80 / DOT/FHWA—Bicycle grant program; effective 4-25-80

28666 4-29-80 / HEW/OE—Financial assistance for construction, reconstruction, or renovation of higher education facilities

(Note.—Call or write Office of Education for the effective date of regulations.)

28321 4-29-80 / Justice/AG—Administration of State and local Drug Strike—Force grant program; delegation of authority; effective 4-17-80

28704 4-30-80 / Justice/OJARS—Nondiscrimination in federally assisted programs; effective 4-30-80

DEADLINES FOR COMMENTS ON PROPOSED RULES

28666 4-29-80 / HEW/OE—Financial assistance for construction, reconstruction or renovation of higher education facilities; comments on interim final regulations by 6-30-80

APPLICATIONS DEADLINES

29121 5-1-80 / HEW/HDSO—Demonstration projects for State and local domestic violence resource networks, Regions III and IV; apply by 6-30-80

29196 5-1-80 / HEW/HDSO—Research and Demonstration Grant Program; apply by 6-30-80

29414 5-2-80 / HEW/NIE—Program of research grants on organizational processes in education; institutions of postsecondary education; various preapplication and application due dates (see document)

28817 4-30-80 / HEW/OE—Follow through program—resource centers; apply by 5-30-80

29416 5-2-80 / HEW/OE—Law school clinical experience program; application deadline extended to 6-16-80

28494 4-29-80 / HEW/OE—Law-Related Education Program; apply by 6-27-80

MEETINGS

28499 4-29-80 / HEW/HRA—Health Professions Education National Advisory Council, Hyattsville, Md. (partially closed), 5-12 and 5-13-80

28502 4-29-80 / HEW/NIH—Allergy and Clinical Immunology Research Committee, Bethesda, Md. (partially closed), 6-9 and 6-10-80

28500 4-29-80 / HEW/NIH—Allergy and Infectious Diseases, National Advisory Council, Bethesda, Md. (partially closed), 5-22 and 5-23-80

28500 4-29-80 / HEW/NIH—Allergy and Infectious Diseases, National Institute; Board of Scientific Counselors; Bethesda, Md. (partially open), 6-13-80

28500 4-29-80 / HEW/NIH—Animal Resources Review Committee, Bethesda, Md. (partially closed), 6-4-80

28502 4-29-80 / HEW/NIH—Arthritis, Metabolism, and Digestive Diseases National Advisory Council, Bethesda, Md. (partially closed), 6-2 through 6-4-80

28501 4-29-80 / HEW/NIH—Arthritis National Advisory Board, Bethesda, Md. (open), 5-22-80

28505 4-29-80 / HEW/NIH—Biomedical Library Review Committee and the Subcommittee for Review of Medical Library Resource Improvement grant applications, Bethesda, Md. (partially closed), 6-4 and 6-5-80

28504 4-29-80 / HEW/NIH—Cancer National Advisory Board, Bethesda, Md. (partially closed), 5-19 through 5-21-80

28501 4-29-80 / HEW/NIH—Cancer Research Manpower Review Committee, Bethesda, Md.; cancellation of 5-8 through 5-10-80

28503 4-29-80 / HEW/NIH—Cellular and Molecular Basis of Disease Review Committee, Bethesda, Md. (partially open), 6-9-80

28501 4-29-80 / HEW/NIH—Communicative Disorders Review Committee, Bethesda, Md. (partially closed), 6-2 and 6-3-80

28503 4-29-80 / HEW/NIH—General Research Support Review Committee, Bethesda, Md. (partially closed), 5-27-80

28503 4-29-80 / HEW/NIH—Microbiology and Infectious Diseases Advisory Committee, Bethesda, Md. (partially closed), 6-5 and 6-6-80

28501 4-29-80 / HEW/NIH—Neurological Disorders Program, Project Review A Committee, Bethesda, Md. (partially open), 6-5 through 6-7-80

28504 4-29-80 / HEW/NIH—Neurological Disorders Program, Proect Review B Committee, Bethesda, Md. (partially closed), 6-5 through 6-7-80

28504 4-9-80 / HEW/NIH—Dental Research, National Institute; Special Grants Review Committee, Bethesda, Md. (partially closed), 6-18-80

28502 4-29-80 / HEW/NIH—Pharmacology-Toxicology Review Committee, Bethesda, Md. (partially closed), 6-19 and 6-20-80

28502 4-29-80 / HEW/NIH—Pharmacology-Toxicology Review Committee, Bethesda, Md. (partially open), 6-19 and 6-20-80

28505 4-29-80 / HEW/NIH—Research Resources Council, Bethesda, Md. (partially open), 5-29 and 5-30-80

28505 4-29-80 / HEW/NIH—Transplantation Biology and Immunology Committee, Bethesda, Md. (partially closed), 6-3-80

29143 5-1-80 / NFAH—Artists-In-Schools Advisory Panel, Washington, D.C. (partially open), 5-19 through 5-21-80

29448 5-2-80 / NSF—Behavioral and Neural Sciences Advisory Committee, Linguistics Subcommittee, Washington, D.C. (partially open), 5-22 and 5-23-80

29448 5-2-80 / NSF—Behavioral and Neural Sciences Advisory Committee, Memory and Cognitive Processes Subcommittee, Washington, D.C. (closed), 5-27 and 5-28-80

29449 5-2-80 / NSF—Behavioral and Neural Sciences Advisory Committee, Neurobiology Subcommittee, Washington, D.C. (closed), 5-21 through 5-23-80

29449 5-2-80 / NSF—Behavioral and Neural Sciences Advisory Committee, Social and Developmental Psychology Subcommittee, Washington, D.C. (closed), 5-29 and 5-30-80

29447 5-2-80 / NSF—Mathematical and Computer Sciences Advisory Committee, Computer Science Subcommittee, Washington, D.C. (partially open), 5-28 through 5-30-80

29446 5-2-80 / NSF—Physiology, Cellular and Molecular Biology, Advisory Committee, Cell Biology Subcommittee, Washington, D.C. (closed), 5-19 through 5-21-80

29447 5-2-80 / NSF—Physiology, Cellular and Molecular Biology, Advisory Committee, Developmental Biology Subcommittee, Washington, D.C. (closed), 5-26 through 5-29-80

29446 5-2-80 / NSF—Physiology, Cellular and Molecular Biology, Advisory Committee, Human Cell Biology Subcommittee, Washington, D.C. (closed), 5-27 and 5-28-80

29448 5-2-80 / NSF—Physiology, Cellular and Metabolic Biology, Metabolic Biology Subcommittee, Washington, D.C. (closed), 5-29 and 5-30-80

29449 5-2-80 / NSF—Physiology, Cellular and Molecular Biology, Advisory Committee, Metabolic Biology Subcommittee, New Orleans, La. (closed), 5-31 and 6-1-80

29448 5-2-80 / NSF—Physiology, Cellular and Molecular Biology, Molecular Biology Subcommittee, Washington, D.C. (closed), 5-22 and 5-23-80

29445 5-2-80 / NSF—PCM Advisory Committee, Genetic Biology Subcommittee, Washington, D.C. (closed), 5-22 through 5-24-80

29446 5-2-80 / NSF—Social and Economic Science Advisory Committee, Executive Committee, Washington, D.C. (closed), 5-19 and 5-20-80

29449 5-2-80 / NSF—Social and Economic Science Advisory Committee, Political Science Subcommittee, Washington, D.C. (closed), 5-22 and 5-23-80

29447 5-2-80 / NSF—Social and Economic Science Advisory Committee, Geography and Regional Science Subcommittee, Washington, D.C. (closed), 5-23-80

29446 5-2-80 / NSF—Special Research Equipment Advisory Committee (2-year and 4-year colleges), Washington, D.C. (closed), 5-22 and 5-23-80

OTHER ITEMS OF INTEREST

28984 4-30-80 / HEW/OE—Basic Educational Opportunity Grant program—Family Contribution Schedules

28341 4-29-80 / HEW/OE—Population Education Program regulations; correction to preamble

29142 5-1-80 / LSC—Consideration of grant application submitted by Legal Aid of Fort Wayne, Inc.

29142 5-1-80 / LSC—Consideration of grant application submitted by Legal Aid Society of Gary, Inc.

29142 5-1-80 / LSC—Consideration of grant application submitted by Legal Services Program of Northern Indiana, Inc.

29143 5-1-80 / LSC—Consideration of grant application submitted by Legal Services of North Carolina, Inc.

LEGAL SERVICES CORPORATION

28238-28239 4-28-80 / Grants and contracts, Ohio (6 documents), New Mexico and Maine

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2½ hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

WASHINGTON, D.C.

WHEN: May 30; June 13 and 27; July 11 and 25; at 9 a.m. (identical sessions).
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call Mike Smith, Workshop Coordinator, 202-523-5235. Gwendolyn Henderson, Assistant Coordinator, 202-523-5234.

NEW ORLEANS, LA.

WHEN: May 8 and 9; at 9 a.m. (identical sessions.)
WHERE: Room 125, Hale Boggs Federal Bldg. (identical sessions.) 500 Camp Street, New Orleans, La.
RESERVATIONS: Call Mary Malouse, 504-589-6601.

SALT LAKE CITY, UTAH

WHEN: May 19 and 20; at 9 a.m. (identical sessions.)
WHERE: Room 3421, Federal Bldg., 125 S. State St., Salt Lake City, Utah.
RESERVATIONS: Call Helen Ferderber, Salt Lake City, Federal Information Center, 801-524-5353.

SEATTLE, WASH.

WHEN: May 23; 9 a.m.
WHERE: North Auditorium, Federal Bldg., 915 2nd Avenue, Seattle, Wash.
RESERVATIONS: Call the Seattle Federal Information Center, 206-442-0570.

CHICAGO, ILL.

WHEN: May 28 and 29; at 9 a.m. (identical sessions.)
WHERE: Room 204A, Dirksen Federal Bldg., Chicago, Ill.
RESERVATIONS: Call Ardean Merrifield, 312-353-0339.

ST. LOUIS, MO.

WHEN: June 24 and 25; at 9:00 a.m. (identical sessions.)
WHERE: Room 3720, Federal Office Bldg. 1520 Market Street, St. Louis, Mo.
RESERVATIONS: Call Evelyn Wiebusch, Federal Information Center, 314-425-4106.

PITTSBURGH, PA.

WHEN: June 4 at 1:30 p.m. and June 5 at 9 a.m. (identical sessions.)
WHERE: Rooms 2212 and 2214 (both days), Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa.
RESERVATIONS: Call Mary Silipo, Pittsburgh Federal Information Center, 412-644-3456.