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WEDNESDAY, NOVEMBER 15, 1978



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Monday	Tuesday	Wednesday	Thursday	Friday
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of August 14, 1978, Community Services Administration (CSA) documents are being assigned to the Monday/Thursday schedule.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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- Animal Welfare Act, Standards for the humane handling, care, treatment and transportation of marine mammals; comments by 11-20-78 ..... 42200; 9-19-78

Food and Nutrition Service—
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Charter operators; modification of bond requirements; comments by 11-20-78 ..... 40880; 9-13-78

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CONSUMER PRODUCT SAFETY COMMISSION

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Control of air pollution from aircraft and aircraft engines; comments extended to 11-20-78 [originally published at 43 FR 12615, 3-24-78] 36978; 8-21-78

Electric utility steam generating units, standards of performance for new stationary sources; comments by 11-20-78. 42154; 9-19-78

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Pesticide formulations; exemption from tolerance for inert ingredient; comments by 11-20-78 ..... 48658; 10-19-78

Pesticide Programs, guidelines for registering pesticides in the United States; hazard evaluation: humans and domestic animals; comments by 11-20-78 . 37336; 8-22-78

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National spot sales; network representation of TV stations; request of Spanish National Network; comments by 11-20-78. 45895; 10-4-78

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- Fort Walton Beach, Fla.; comments by 11-21-78 ..... 45620; 10-3-78

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Children's advertising, revised schedule for public hearing and submission dates; comments by 11-24-78 ..... 37203; 8-22-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—
- Special calorie foods label statements; reduced calorie labeling for bread; comments by 11-21-78 ..... 43261; 9-22-78
- Sunscreen drug products for over-the-counter human use; establishment of monograph; comments by 11-24-78 ..... 38206; 8-25-78

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Fish and Wildlife Service—
- Desert tortoise, review of status; comments by 11-22-78 ..... 37662; 8-23-78
- Virgin River chub; endangered status and critical habitat; comments by 11-22-78 ..... 37668; 8-23-78

Land Management Bureau—
- Loans to local governments for relief from mineral development impacts; comments by 11-20-78 ... 49016; 10-20-78

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Office of the Attorney General—
- Exemption of records systems under the Privacy Act; comments by 11-24-78 ..... 51816; 11-7-78

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Wage and Hour Division—
- Age Discrimination in Employment Act; employee benefit plans; comments by 11-21-78 ..... 43264; 9-22-78

NUCLEAR REGULATORY COMMISSION

Licensing of production and utilization facilities, emergency plans for production; comments by 11-24-78 ..... 47978; 10-18-78

SECURITIES AND EXCHANGE COMMISSION

Resales of securities; safe harbors; comments by 11-20-78 ..... 43726; 9-27-78

SMALL BUSINESS ADMINISTRATION

Disaster loans, procedure for requesting disaster declarations and time limit for request; comments by 11-20-78 ..... 42016; 9-19-78

STATE DEPARTMENT

Privacy Act policies and procedures; comments by 11-20-78 ..... 46046; 10-5-78

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- Boats and associated equipment; display of capacity information; comments by 11-20-78 ..... 43006; 9-21-78

Federal Aviation Administration—
- Operations Preview Program Notice No. 10; comments by 11-24-78 ..... 37958; 8-24-78

Federal Highway Administration—
- Federal motor carrier safety regulations; hours of service; comments by 11-20-78 ..... 21905; 5-22-78

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Industry and Trade Administration—
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Land Management Bureau—
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LABOR DEPARTMENT

Labor Statistics Bureau—
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NUCLEAR REGULATORY COMMISSION

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COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—
Preliminary fishery management plan for Pacific billfishes and sharks, Pago Pago, American Samoa, 11-21-78 ..... 49025; 10-20-78

FEDERAL TRADE COMMISSION

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Internal Revenue Service—
Income tax; income of foreign governments, Washington, D.C. 1-23-79 ..... 51648; 11-6-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: Nov. 14, 1978]

S. 791 ..... Pub. L. 95-625
"National Parks and Recreation Act of 1978." (Nov. 10, 1978; 92 Stat. 3467). Price: $2.10.

S. 2474 ..... Pub. L. 95-626
"Health Services and Centers Amendments of 1978." (Nov. 10, 1978; 92 Stat. 3551). Price: $1.80

S. 3085 ..... Pub. L. 95-627
"Child Nutrition Amendments of 1978." (Nov. 10, 1978; 92 Stat. 3603). Price: $1.10.

H.R. 7320 ..... Pub. L. 95-628
To revise miscellaneous timing requirements of the revenue laws, and for other purposes. (Nov. 10, 1978; 92 Stat. 3627). Price: $4.70.

S. 1829 ..... Pub. L. 95-629
To amend the Pennsylvania Avenue Development Corporation Act of 1972; to provide for the establishment of the San Antonio Missions National Historical Park; and for other purposes. (Nov. 10, 1978; 92 Stat. 3635). Price: $.70.

H.R. 14279 ..... Pub. L. 95-630
"Financial Institutions Regulatory and Interest Rate Control Act of 1978." (Nov. 10, 1978; 92 Stat. 3641). Price: $2.30.

S. 2796 ..... Pub. L. 95-631
To amend the Consumer Product Safety Act to extend the authorization of appropriations, and for other purposes. (Nov. 10, 1978; 92 Stat. 3742). Price: $.80.

S. 2899 ..... Pub. L. 95-632
"Endangered Species Act Amendments of 1978." (Nov. 10, 1978; 92 Stat. 3751). Price: $1.00.

S. 2399 ..... Pub. L. 95-633
"Psychotropic Substances Act of 1978." (Nov. 10, 1978; 92 Stat. 3768). Price: $.80.

Documents Relating to Federal Grants Programs

This is a list of documents relating to Federal grants programs which were published in the FEDERAL REGISTER during the previous week.

Rules Going Into Effect:

CSA—Grantee financial management; non-Federal share requirements for certain economic opportunity programs; effective 11-2-78 and 12-11-78... 52438; 11-9-78

HEW/HDSO—Juvenile delinquency programs and activities; deletion of grant-making provisions; effective 11-7-78 ..... 51785; 11-7-78

LSC—Allocation of resources by recipients; effective 12-7-78 ..... 51789; 11-7-78

Deadlines for Comments on Proposed Rules:

HEW/OE—National direct student loan, College Work-Study, and Supplemental Educational Opportunity Grant programs; comments by 12-7-78 ... 52128; 11-8-78

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HEW/ADAMHA—National Advisory Mental Health Council, Rockville, Md. (open), 12-4 and 12-5-78 ..... 51726; 11-6-78

NFAH—Expansion Arts Panel, Washington, D.C. (partially open), 11-28 through 11-30-78 ..... 52303; 11-9-78

Media Arts (In Residence/Workshop) Advisory Panel, Washington, D.C. (closed), 12-4 and 12-5-78 ..... 52303; 11-9-78

rules and regulations

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.

[7590-01-M]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 51—LICENSING AND REGULATORY POLICY AND PROCEDURES FOR ENVIRONMENTAL PROTECTION

AGENCY: Nuclear Regulatory Commission.

ACTION: Extension of the interim fuel cycle rule; conforming amendment.

SUMMARY: The Commission promulgated on March 14, 1977, an interim rule identifying the environmental impact values for the uranium fuel cycle which are to be included in environmental reports and environmental impact statements for individual light water nuclear power reactors. The interim rule was made effective for 18 months with the possibility of extension for good cause. The Commission found good cause to extend the effectiveness of the interim rule and by notice published in the FEDERAL REGISTER on September 18, 1978, extended the period of effectiveness of the interim rule through March 14, 1978. The amendment set forth below makes a conforming amendment to the Commission's regulation "Licensing and Regulatory Policy and Procedures for Environmental Protection" to change the effectiveness date of the interim fuel cycle rule from September 14, 1978, through March 14, 1979.

EFFECTIVE DATE: November 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Gerald L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone 301-492-7086.

SUPPLEMENTARY INFORMATION: The Commission promulgated on March 14, 1977 (42 FR 13803) an interim rule identifying the environmental impact values for the uranium fuel cycle which are to be included in environmental reports and environmental impact statements for individual light water nuclear power reactors. The interim rule was made effective for 18 months with the possibility of extension for good cause. The Commission found good cause to extend the effectiveness of the interim rule and by notice published in the FEDERAL REGISTER on September 18, 1978 (43 FR 41373) extended the period of effectiveness of the interim rule through March 14, 1979. The amendment set forth below makes a conforming amendment to 10 CFR Part 51 by changing the date in the last sentence of § 51.20(e) from "September 14, 1978" to "March 14, 1979".

Because this amendment relates solely to minor matters, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon as unnecessary. Since the amendment of § 51.20(e) merely changes the date therein to conform with the new effectiveness date for the interim fuel cycle rule which was established by the Commission's notice on September 18, 1978, the Commission has found that good cause exists for making the amendment effective immediately without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to title 10, chapter I, Code of Federal Regulations, part 51 is published as a document subject to codification.

§ 51.20 [Amended]

1. Section 51.20 of 10 CFR Part 51 is amended by deleting the words "September 14, 1978" in the last sentence of paragraph (e) and substituting therefor "March 14, 1979".

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Bethesda, Md., this 3d day of November 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.

[FR Doc. 78-31910 Filed 11-14-78; 8:45 am]

[3410-02-M]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange, Grapefruit, Tangerine, and Tangelo Reg. 2, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Tangerine Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum diameter (size) requirement for Dancy variety tangerines from 2 9/16 inches to 2 1/16 inches for the period November 13 through November 19. This action would permit shipment of greater supplies of smaller size tangerines, temporarily available because of growing conditions in the production area and the current market demand for smaller tangerines in the interest of growers and consumers.

EFFECTIVE DATE: November 13, 1978, through October 14, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* (1) Pursuant to the marketing agreement and order No. 905, both as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the recommendations of the committee established under the marketing agreement and order, and upon other available information, it is found that the regulation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The minimum size requirements, herein specified, for domestic shipments reflect the Department's appraisal of the need for the amendment of the current regulation to permit handling of smaller size fresh Florida tangerines of the designated variety during the specified 1-week period based on greater supplies of such variety, temporarily available because of the lateness of the crop and growing conditions in the production area. The Dancy variety continues to size on the tree, and as the season progresses, more of such fruit is expected to meet the specified larger minimum sizes, on and after November 20, 1978. The establishment of the specified minimum size requirements for Dancy tangerines will tend to avoid disruption of the orderly marketing of Florida tangerines of the Robinson and Dancy varieties, which are both currently being shipped and the amendment is in the public interest.

The Citrus Administrative Committee, at an open meeting on November 7, 1978, based on the Florida Crop and Livestock Reporting Service's most recent tree samples, estimated that during the specified 1-week period, 11.5 percent of Dancy tangerines would meet at least the specified 2 $^{11}/_{16}$ inches minimum diameter (210 size). The committee indicated there is a current market demand for a portion of the crop of smaller size Dancy's. It did not recommend the reduction to the smaller minimum size, for the remainder of the season, because markets presently can absorb only a portion of the supply of such variety available for shipment from Florida.

The Department's Crop Reporting Board estimates the 1978-79 season's crop of all Florida tangerines at 3.8 million boxes (approximately 7.6 million cartons). Hence, the volume of the tangerine crops are comparable to those harvested last season.

The committee projected the market demand for all varieties of fresh tangerines, this season, as follows: Dancy (2,500 carlots); Robinson (1,500 carlots); Honey (2,100 carlots). Each carlot is equivalent to 1,000 cartons. The regulation, as amended, for Dancy tangerines relieves restrictions from those currently in effect, and amendment of such regulation, as hereinafter provided, will tend to avoid disruption of the orderly marketing of tangerines in the public interest.

It is concluded that the amendment of the size requirements hereinafter set forth, are necessary to establish and maintain orderly marketing conditions and to provide acceptable size fruit in the interest of producers and consumers pursuant to the declared policy of the act.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Growers, handlers, and other interested persons were given an opportunity to submit information and views on the amendment at an open meeting, and the amendment relieves restrictions on the handling of Florida tangerines. It is necessary to effectuate the declared purposes of the act to make the regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Accordingly, it is found that the provisions of § 905.302 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 2; 43 FR 43013; 52197), should be and are amended by revising in table I paragraph (a), thereof, applicable to domestic shipments of Dancy variety tangerines to read as follows:

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Tangerines:			
Dancy	Nov. 13 to Nov. 19, 1978	U.S. No. 1	2 $^{11}/_{16}$
Do	Nov. 20, 1978 to Oct. 14, 1979	do	2 $^{11}/_{16}$

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

Dated: November 9, 1978, to become effective November 13, 1978.

CHARLES R. BRADER, *Deputy Director, Fruit and Vegetable Division. Agricultural Marketing Service.*

[FR Doc. 78-32154 Filed 11-14-78; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 33348; Order 78-11-31]

PART 250—OVERSALES

Advertising Disclosure of Noncompliance With Oversale Rules; Stay Order

AGENCY: Civil Aeronautics Board.

ACTION: Stay of effectiveness of ER-1078.

SUMMARY: The Board is staying the effectiveness of ER-1078. The stay is based on a petition for stay filed jointly by certain air carriers. The stay is granted so that the Board can reexamine the rule.

DATE: The effectiveness of ER-1078 is stayed until December 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Dyson, Office of the General Counsel, 202-673-5442.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of November 1978.

By ER-1078 (43 FR 50164, October 27, 1978) the Board adopted a rule requiring every carrier operating in foreign air transportation that has not filed a tariff implementing the Board's denied boarding rules to state in its advertisements that it is not following U.S. Government rules for consumer protection on oversold flights. A petition to stay the effectiveness of this rule was filed on November 3, 1978, jointly by Air Canada, Canadian Pacific, Lufthansa, Swiss Air and Swiss Air Transport, challenging the Board's jurisdiction over foreign air carriers outside the United States. The Board is granting the petition, so that it can reexamine the rule, and decide what action, if any, it will take.

Accordingly, the Board stays the effectiveness of ER-1078 until December 18, 1978.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[1] *Secretary.*

[FR Doc. 78-32062 Filed 11-14-78; 8:45 am]

[1] All members concurred.

[4830-01-M]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER H—INTERNAL REVENUE PRACTICE

PART 601—STATEMENT OF PROCEDURAL RULES

Miscellaneous Amendments Relating to Reorganization of the Internal Revenue Service

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains miscellaneous amendments to the statement of procedural rules. The statement of procedural rules sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service. These amendments are made necessary by the reorganization of the Internal Revenue Service and the Office of Chief Counsel.

DATE: These amendments are effective as of July 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention CC:LR:T, 202-566-3328, not a toll-free number.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains amendments to the statement of procedural rules (26 CFR Part 601). The amendments are necessary to conform the statement of procedural rules to the changes made by the reorganization of the Internal Revenue Service and the Office of Chief Counsel effective on July 2, 1978. These amendments are issued under the authority contained in 5 U.S.C. §§ 301 and 552.

The principal changes made by the reorganization that are reflected in the amendments are: At each level of the IRS organization (national, regional and district), services to the public are separated from other functions in order to provide assistance to taxpayers independent of enforcement and other activities, and administrative and support services are centralized.

These amendments to the statement of procedural rules do not meet the Treasury criteria for a significant regulation under paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

RELATIONSHIP TO NOTICE OF ESTABLISHMENT OF SINGLE LEVEL OF APPEALS

These amendments are in addition to the amendments to the statement of procedural rules, relating to the establishment of a single level of appeals, that were published in the FEDERAL REGISTER on September 28, 1978 (43 FR 44484).

DRAFTING INFORMATION

The principal author of these amendments to the statement of procedual rules was Robert Waltuch of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing the amendments, both on matters of substance and style.

ADOPTION OF AMENDMENTS TO THE STATEMENT OF PROCEDURAL RULES

Accordingly, 26 CFR Part 601 is amended as follows:

§ 601.105 (Amended).

Paragraph 1. Section 601.105 is amended as follows:

1. Paragraph (a) is amended by deleting the word "audit" wherever it appears and inserting in lieu there of the word "examination" and by deleting the phrase "Examination Divisions".

2. Paragraph (b)(1) is amended by deleting the word "audit" wherever it appears and inserting in lieu thereof the word "examination" and by deleting the phrase "Audit Division" and inserting in lieu thereof the phrase "Examination Division".

3. Paragraph (b)(2)(ii) is amended by deleting the word "audit" wherever it appears and inserting in lieu thereof the word "examination", by deleting the word "audits" from the third sentence and inserting in lieu thereof the word "examinations", and by deleting the word "Audits" from the fourth sentence and inserting in lieu thereof the word "Examinations".

4. The heading of paragraph (b)(3) is amended by deleting the word "audit" and inserting in lieu thereof the word "examination" and by deleting the word "audit" from paragraph (b)(3) and inserting in lieu thereof the word "examination".

5. The heading of paragraph (b)(4) is amended by deleting the word "audit" and inserting in lieu thereof the word "examination".

6. Paragraph (b)(4) is amended by deleting the word "audit" from the first sentence and inserting in lieu thereof the word "examination".

7. Paragraph (b)(5)(iii) (*c*) and (*d*) is amended by deleting the phrase "Chief, Audit Division" wherever it appears and inserting in lieu thereof the phrase "Chief, Examination Division".

8. Paragraph (b)(5)(iv) (*b*) and (*c*) is amended by deleting the phrase "Chief, Audit Division" wherever it appears and inserting in lieu thereof the phrase "Chief, Examination Division", and by deleting the phrase "Director, Audit Division" from the second to last sentence of paragraph (b)(5)(iv) (*c*) and inserting in lieu thereof the phrase "Director, Examination Division".

9. Paragraph (e)(2) is amended by deleting the phrase "Audit Division" and inserting in lieu thereof the phrase "Examination Division", and by deleting "$100,000' and inserting in lieu thereof "$200,000".

10. The heading of paragraph (f) is amended by deleting the word "audit" and inserting in lieu thereof the word "examination".

11. Paragraph (f) is amended by deleting the phrase "field audits" and inserting in lieu thereof the phrase "field examinations".

12. Paragraph (i) is amended by deleting the phrase "Audit Division" and inserting in lieu thereof the phrase "Examination Division".

13. Paragraph (j)(2) is amended by deleting the word "(Audit)" and inserting in lieu thereof the word "(Examination)".

§ 601.106 (Amended).

Par. 2. Section 601.106 is amended as follows:

1. Paragraph (a)(2)(ii) is amended by deleting the word "precession" and inserting in lieu thereof the word "presession".

2. Paragraph (d)(2)(ii) is amended by deleting the phrase ", or taxes under chapter 42 of the Internal Revenue Code of 1954,".

3. Paragraph (g)(1) is amended by deleting the phrase "or any tax imposed with respect to private foundations or pension plans under chapter 42 or 43,".

§ 601.107 (Amended).

Par. 3. Section 601.107 is amended as follows:

1. The heading of § 601.107 is amended by deleting the word "Intelligence" and inserting in lieu thereof the phrase "Criminal Investigation".

2. Paragraph (a) is amended by deleting the phrase "an Intelligence Division" from the first sentence and inserting in lieu thereof the phrase "a Criminal Investigation function."

3. Paragraph (b)(1) is amended by deleting the phrase "Intelligence Division" immediately before the word "investigation" and inserting the

phrase "conducted by the Criminal Investigation Division" immediately after the word "investigation".

4. Paragraph (b)(2) is amended by deleting the phrase "district intelligence" and inserting in lieu thereof the phrase "district Criminal Investigation" and by deleting the phrase "Chief, Intelligence Division" and inserting in lieu thereof the phrase "Chief, Criminal Investigation Division".

5. Paragraph (c) is amended by deleting the phrase "Chief, Intelligence Division" and inserting in lieu thereof the phrase "Chief, Criminal Investigation Division".

§ 601.108 (Amended).

Par. 4. Paragraph (b) of § 601.108 is amended by deleting the word "Audit" and inserting in lieu thereof the word "Examination".

§ 601.202 (Amended).

Par. 5. Section 601.202 is amended as follows:

1. Paragraph (c)(4) is amended by deleting the word "(audit)" and inserting in lieu thereof the word "(examination)".

2. Paragraph (c)(5) is amended by deleting the phrase "(employee plans and exempt organizations)" and inserting in lieu thereof "(examination)".

§ 601.505 (Amended).

Par. 6. Paragraph (b) of § 601.505 is amended by deleting the phrase "Chief of Audit" wherever it appears and inserting in lieu thereof the phrase "Chief of Examination", and by deleting the phrase "Chief of Intelligence" wherever it appears and inserting in lieu thereof the phrase "Chief of Criminal Investigation".

§ 601.702 (Amended).

Par. 7. Section 601.702 is amended as follows:

1. Paragraph (b)(3)(ii) is amended as follows:

a. The phrase "Chief, Disclosure Staff" is deleted from the mailing address for the National Office and the phrase "Director, Disclosure Operations Division" is inserted in lieu thereof.

b. The phrase "One North Wacker Drive, Chicago, Ill. 60606" is deleted from the mailing address for the Midwest Region and the phrase "230 South Dearborn Street, Room 2896, Chicago, Ill. 60604" is inserted in lieu thereof.

c. The mailing address for the Central Region is amended by deleting "P.O. Box 2119" and inserting in lieu thereof "P.O. Box 1699".

d. The zip code "75202" is deleted from the mailing address for the Southwest Region and the zip code "75222" is inserted in lieu thereof.

2. Paragraph (c)(7)(i) is amended by deleting the phrase "Chief of the disclosure Staff" wherever it appears and inserting in lieu thereof the phrase "Director of the Disclosure Operations Division".

3. Paragraph (c)(8) is amended by deleting the phrase "Disclosure Division" wherever it appears and inserting in lieu thereof the phrase "Disclosure Litigation Division".

4. Paragraph (c)(9)(i)(C) is amended by deleting the phrase "Disclosure Division" and inserting in lieu thereof the phrase "Disclosure Litigation Division", and by deleting the phrase "Disclosure Staff" and inserting in lieu thereof the phrase "Disclosure Operations Division".

5. Paragraph (g) is amended by deleting the phrase "Chief of the Disclosure Staff" and inserting in lieu thereof the phrase "Director, Disclosure Operations Division", and by making the following changes:

a. The phrase "Chief, Disclosure Staff" is deleted from the mailing address for the National Office and the phrase "Director, Disclosure Operations Division" is inserted in lieu thereof.

b. The mailing address for the Burlington District in the North Atlantic Region is amended by deleting "11 Elwood Avenue" and inserting in lieu thereof "11 Elmwood Avenue".

c. The mailing address for the Hartford District in the North Atlantic Region is amended by deleting the zip code "06103" and inserting in lieu thereof the zip code "06115".

d. The mailing address for the Andover Service Center in the North Atlantic Region is amended by inserting the phrase ", Stop 111" immediately after the word "Street".

e. The mailing address and the walk-in-address for the Brookhaven Service Center in the North Atlantic Region are deleted and the following addresses are inserted in lieu thereof:

"Mailing address: Director, Brookhaven Service Center, Internal Revenue Service, Attention: Disclosure Officer, Freedom of Information Request, P.O. Box 400, Stop 650, Brookhaven, N.Y. 11719.

Walk-in-address: 1040 Waverly Avenue, Holtsville, N.Y. 11742".

f. The mailing address for the Newark District in the Mid-Atlantic Region is amended by inserting ", Room 1135" immediately after "P.O. Box 270".

g. The walk-in-address for the Newark District in the Mid-Atlantic Region is amended by inserting ", Room 1135" immediately after the word "Street".

h. The mailing address for the Philadelphia District in the Mid-Atlantic Region is amended by deleting "P.O. Box 12836" and inserting in lieu thereof "P.O. Box 12805".

i. The mailing address for the Pittsburgh District in the Mid-Atlantic Region is amended by deleting "P.O. 2488" and inserting in lieu thereof "P.O. Box 28".

j. The mailing address for the Richmond District in the Mid-Atlantic Region is amended by deleting "P.O. Box 10067" and inserting in lieu thereof "P.O. Box 10113".

k. The mailing address for the Wilmington District in the Mid-Atlantic Region is amended by deleting "P.O. Box 1205" and inserting in lieu thereof "P.O. Box 28".

l. The mailing address for the Atlanta District in the Southeast Region is amended by deleting "P.O. Box 737" and inserting in lieu thereof "P.O. Box 946".

m. The mailing address for the Birmingham District in the Southeast Region is amended by deleting "P.O. Box 715" and inserting in lieu thereof "2121 Eighth Avenue, North, Room 1232", by deleting the zip code "35201" and inserting in lieu thereof the zip code "35203", and by deleting the walk-in-address for the Birmingham District and inserting in lieu thereof the phrase "Same as mailing address".

n. The mailing address for the Greensboro District in the Southeast Region is amended by deleting the zip code "27402" and inserting in lieu thereof the zip code "27420", and by deleting the word "Place" from the walk-in-address for the Greensboro District and inserting in lieu thereof the word "Plaza".

o. The mailing address for the Jacksonville District in the Southeast Region is amended by deleting "P.O. Box 35010" and inserting in lieu thereof "P.O. Box 35045, Stop 100".

p. The mailing address for the Atlanta Service Center in the Southeast Region is amended by deleting the zip code "30341" and inserting in lieu thereof the zip code "30006".

q. The mailing address and the walk-in-address for the Memphis Service Center in the Southeast Region are deleted and the following new addresses are inserted in lieu thereof:

"Mailing address: Director, Memphis Service Center, Internal Revenue Service, Attention: Disclosure Officer, Freedom of Information Request, P.O. Box 30309, Airport Mail Facility, Memphis, Tenn. 38130.

Walk-in-address: 3131 Democrat Road, Stop 16A, Memphis, Tenn. 38130".

r. The walk-in-address for the Aberdeen District in the Midwest Region is amended by deleting "1154 Fourth Avenue SE." and inserting in lieu thereof "115 Fourth Avenue SE.".

s. The mailing address for the Chicago District in the Midwest Region is amended by deleting "P.O. Box 782" and inserting in lieu thereof "P.O. Box 1193".

t. The mailing address for the Des Moines District in the Midwest Region is amended by deleting "P.O. Box 327" and inserting in lieu thereof "P.O. Box 1337", and by deleting the zip code "50302" and inserting in lieu thereof the zip code "50305".

u. The mailing address for the Milwaukee District in the Midwest Region is amended by deleting "P.O. Box 1187" and inserting in lieu thereof "P.O. Box 495".

v. The mailing address for the Springfield District in the Midwest Region is amended by deleting "P.O. Box 5053" and inserting in lieu thereof "P.O. Box 1468".

w. The mailing address for the Regional Office, Central Region, is amended by deleting "550 Main Street" and inserting in lieu thereof "P.O. Box 1699", and by deleting the zip code "45202" and inserting in lieu thereof the zip code "45201".

x. The walk-in-address for the Regional Office, Central Region is amended by deleting the phrase "Same as mailing address" and inserting in lieu thereof the following new walk-in-address: "Federal Office Building, 550 Main Street, Cincinnati, Ohio 45201".

y. The mailing address for the Cincinnati District in the Central Region is amended by deleting "P.O. Box 476" and inserting in lieu thereof "P.O. Box 1818".

z. The mailing address for the Cleveland District in the Central Region is amended by deleting "P.O. Box 99182" and inserting in lieu thereof "P.O. Box 99181".

aa. The mailing address for the Detroit District in the Central Region is amended by deleting "P.O. Box 84" and inserting in lieu thereof "P.O. Box 32513", and by deleting the zip code "48224" and inserting in lieu thereof the zip code "48232".

bb. The walk-in-address for the Detroit District in the Central Region is deleted and the following new walk-in-address is inserted in lieu thereof: "Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, Mich.".

cc. The mailing address for the Indianapolis District in the Central Region is amended by deleting "P.O. Box 44242" and inserting in lieu thereof "P.O. Box 44687".

dd. The mailing address for the Louisville District in the Central Region is amended by deleting "P.O. Box 1735" and inserting in lieu thereof "P.O. Box 1146", and the walk-in-address for the Louisville District is amended by deleting the phrase "Third Floor".

ee. The mailing address for the Parkersburg District in the Central Region is amended by deleting "425 Juliana Street" and inserting in lieu thereof "P.O. Box 1388".

ff. The walk-in-address for the Parkersburg District in the Central Region is amended by deleting "Same as mailing address" and inserting in lieu thereof the following new walk-in-address: "425 Juliana Street, Parkersburg, W. Va. 26101".

gg. The mailing address for the Cincinnati Service Center in the Central Region is amended by deleting the zip code "41012" and inserting in lieu thereof the zip code "41019".

hh. The mailing address for the Austin District in the Southwest Region is amended by deleting "P.O. Box 1448" and inserting in lieu thereof "P.O. Box 250".

ii. The mailing address for the Dallas District in the Southwest Region is amended by deleting the zip code "75202" and inserting in lieu thereof the zip code "75242".

jj. The mailing address for the Denver District in the Southwest Region is amended by deleting "P.O. Box 1378" and inserting in lieu thereof "1050 17th Street", and by deleting the zip code "80201" and inserting in lieu thereof the zip code "80265".

kk. The walk-in-address for the Denver District in the Southwest Region is deleted and the phrase "Same as mailing address" is inserted in lieu thereof.

ll. The walk-in-address for the Little Rock District in the Southwest Region is amended by inserting the word "Avenue" immediately after the word "Capitol".

mm. The mailing address for the New Orleans District in the Southwest Region is amended by deleting "P.O. Box 30350" and inserting in lieu thereof "P.O. Box 30309".

nn. The walk-in-address for the New Orleans District in the Southwest Region is amended by deleting "600 South Street" and inserting in lieu thereof "500 Camp Street".

oo. The mailing address for the Boise District in the Western Region is amended by deleting "P.O. Box 041" and inserting ", Box 041" immediately after the word "Street".

pp. The mailing address for the Helena District in the Western Region is amended by deleting "Federal Building, Second Floor West" and inserting in lieu thereof "316 North Park Avenue".

qq. The mailing address for the Honolulu District in the Western Region is amended by deleting "P.O. Box 2810" and inserting in lieu thereof "P.O. Box 50084", and by deleting the zip code "96803" and inserting in lieu thereof the zip code "96850".

rr. The walk-in-address for the Honolulu District in the Western Region is amended by deleting "335 Merchant Street" and inserting in lieu thereof "300 Ala Moana".

ss. The mailing address for the Portland District in the Western Region is amended by deleting "P.O. Box 4185" and inserting in lieu thereof "P.O. Box 3341".

tt. The walk-in-address for the Salt Lake City District in the Western Region is amended by deleting "465 South 400 East" and inserting in lieu thereof "465 South Fourth East".

uu. The mailing address for the San Francisco District in the Western Region is amended by deleting "P.O. Box 36020" and inserting in lieu thereof "450 Golden Gate Avenue, Box 36040".

vv. The walk-in-address for the San Francisco District in the Western Region is deleted and the phrase "Same as mailing address" is inserted in lieu thereof.

ww. The mailing address for the Seattle District in the Western Region is amended by deleting "915 Second Avenue" and inserting in lieu thereof "P.O. Box 12887", and by deleting the zip code "98104" and inserting in lieu thereof the zip code "98174".

xx. The walk-in-address for the Seattle District in the Western Region is amended by deleting the phrase "Same as mailing address" and inserting in lieu thereof the following new walk-in-address: "915 Second Avenue, Seattle, Wash. 98104".

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-32157 Filed 11-14-78; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 1005.8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Air Pollution Control Pinal-Gila, Coconino, Yuma, and Mohave County Regulations, State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: It is the purpose of this action to promulgate final approval or disapproval of county air pollution control regulations in Pinal-Gila, Co-

conino, Yuma, and Mohave Counties, submitted to EPA by the State of Arizona as a revision to the Arizona State implementation plan (SIP).

EFFECTIVE DATE: December 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, Attention: Robert Baker, Air Programs Branch, EPA, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-556-8063.

SUPPLEMENTAL INFORMATION:

BACKGROUND

On July 14, 1977 (42 FR 36275) EPA proposed approval or disapproval of amendments to the rules and regulations for air pollution control adopted by Pinal-Gila, Coconino, Yuma and Mohave Counties. These revisions to the State implementation plan were submitted to EPA on July 1, 1975.

The proposed rulemaking notice provided for a 30-day public comment period. Information concerning the regulations proposed for approval and disapproval (the EPA evaluation report, the regulations under consideration, and a copy of the proposed rulemaking notice) was made available during the comment period at locations in Phoenix, Florence, Flagstaff, Yuma and Kingman, Ariz. and at the EPA offices in San Francisco, Calif. and Washington, D.C. as per the July 14, 1977 notice.

DISCUSSION OF ACTION

APPROVALS

Approval is being promulgated for the county regulations as follows:

COCONINO COUNTY AIR POLLUTION CONTROL REGULATIONS

12-1-1 (Legal Authority)
12-1-2 (Definitions)
12-1-3 (Air Pollution Prohibited)
12-2-2 (Operating Permits)
12-2-4 (Permit Fees)
12-2-5 (Permit Renewals)
12-2-7 (Testing of Installations)
12-2-8 (Compliance with Terms of Installation Permit)
12-2-9 (Notification of Denial of Permit)
12-2-10 (Appeals to the Hearing Board)
12-2-11 (Permits not Transferable)
12-2-12 (Expiration of Installation Permit)
12-2-13 (Posting of Permits)
12-3-3 (Reporting of Emissions)
12-3-5 (Monitoring Devices)
12-3-6 (Penalty for Violation)
12-4-1 (Shade, Density, or Opacity of Emissions)
12-4-2 (Dust Control)
12-4-3 (Processing of Animal or Vegetable Matter)
12-4-4 (Volatile and Odorous Materials)
12-4-5 (Storage and Handling of Petroleum Products)
12-5-1 (Permit Required)
12-5-2 (Performance Tests: Permit Tags)
12-5-3 (Emission Limitations)
12-5-4 (Authority of Other Public Agencies)
12-6-1 (Unlawful Open Burning)
12-6-2 (Exceptions Requiring no Permission)
12-6-3 (Exceptions Requiring Permission)
12-6-4 (Exceptions Under Special Circumstances)
12-7-1 (Misdemeanor: Penalty)
12-7-2 (Order of Abatement)
12-7-3 (Hearings on Orders of Abatement)
12-7-5 (Notice of Hearing; Publication; Service)
12-7-6 (Injunctive Relief)

MOHAVE COUNTY AIR POLLUTION CONTROL REGULATIONS

Sec. 1, Reg. 1 (Policy and Legal Authority)
Sec. 1, Reg. 2 (Definitions)
Sec. 1, Reg. 3 (Air Pollution Prohibited)
Sec. 1, Reg. 4 (Enforcement)
Sec. 2, Reg. 1 (Shade, Density or Opacity of Emissions)
Sec. 2, Reg. 2 (Particulate Matter)
Sec. 2, Reg. 3 (Reduction of Animal or Vegetable Matter)
Sec. 2, Reg. 4 (Evaporation and Leakage)
Sec. 2, Reg. 5 (Storage Tanks)
Sec. 3, Reg. 1 (Particulate Matter from Fuel Burning Installations)
Sec. 3, Reg. 2A and B (Particulate Matter from Other Sources)
Sec. 3, Reg. 6 (Incinerators)
Sec. 4, Reg. 1 and 2 (Responsibility and Requirements of Testing)
Sec. 5, Reg. 1 (Open Fires: Prohibition and Exceptions)
Sec. 6, Reg. 1 (Sulfur Dioxide)
Sec. 6, Reg. 2 (Non-Specific Particulate)
Sec. 6, Reg. 3 (Evaluation)
Sec. 7 (Violations)

YUMA COUNTY AIR POLLUTION CONTROL REGULATIONS

8-1-1.1 (Policy and Legal Authority)
8-1-1.2 (Definitions)
8-1-1.3A, B, C and D (Air Pollution Prohibited)
8-1-1.4 (Recordkeeping and Reporting)
8-1-1.5 (Enforcement)
8-1-2.1 (Non-Specific Particulate)
8-1-2.2 (Sulfur Dioxide)
8-1-2.3 (Non-Methane Hydrocarbons)
8-1-2.4 (Photochemical Oxidants)
8-1-2.5 (Carbon Monoxide)
8-1-2.6 (Nitrogen Dioxide)
8-1-2.7 (Evaluation)
8-1-2.10 (Emergency Episode Criteria)
8-1-3.1 (Visible Emissions; General)
8-1-3.2 (Fugitive Dust)
8-1-3.3A and B (Particulates—Incineration)
8-1-3.4 (Particulates—Wood Waste Burners)
8-1-3.5A, B, C, D and E (Particulates—Fuel Burning Equipment)
8-1-3.6A (Particulates—Process Industries)
8-1-4.2A and F (Fuel Burning Installations)
8-1-4.3 (Sulfur Emissions—Sulfite Pulp Mills)
8-1-4.4 (Sulfur Emissions—Sulfuric Acid Plants)
8-1-4.5 (Sulfur Emissions—Other Industries)
8-1-5.1 (Storage of Volatile Organic Compounds)
8-1-5.2 (Loading of Volatile Organic Compounds)
8-1-5.3 (Pumps and Compressors)
8-1-5.4 (Organic Solvents; Other Volatile Compounds)
8-1-6.1 (CO_2 Emissions—Industrial)
8-1-7.1 (NO_2 Emissions—Fuel Burning Equipment)
8-1-7.2 (NO_2 Emissions—Nitric Acid Plants)
8-1-8.1 (Open Burning—Prohibition)
8-1-8.2 (Open Burning—Exceptions)

PINAL-GILA COUNTIES AIR POLLUTION CONTROL REGULATIONS

7-1-1.1 (Policy and Legal Authority)
7-1-1.2 (Definitions)
7-1-1.3A and B (Air Pollution Prohibited)
7-1-2.2 (Permit Unit Description and Fees)
7-1-2.4 (Appeals to Hearing Board)
7-1-2.5 (Transfer: Posting: Expirations)
7-1-2.6 (Recordkeeping and Reporting)
7-1-2.7 (Enforcement)
7-1-4.1 and 7-1-4.2 (Orders of Abatement)
7-1-5.1A, B, and C (Classification and Reporting: Production of Records)
7-1-5.1E (Violation: Penalty)
7-1-5.2 (Special Inspection Warrant)
7-1-5.3 (Decisions of Hearing Boards: Subpoenas)
7-1-5.4 (Judicial Review: Grounds: Procedures)
7-1-5.5 (Notice of Hearing: Publication: Service)
7-1-5.6 (Injunctive Relief)
7-2-1.1 (Non-Specific Particulate)
7-2-1.2 (Sulfur Dioxide)
7-2-1.3 (Non-Methane Hydrocarbons)
7-2-1.4 (Photochemical Oxidants)
7-2-1.5 (Carbon Monoxide)
7-2-1.6 (Nitrogen Dioxide)
7-2-1.7 (Evaluation)
7-3-1.1 (Visible Emissions: General)
7-3-1.2 (Particulate Emissions—Fugitive Dust)
7-3-1.3 (Open Burning)
7-3-1.4A and B (Particulate Emissions—Incineration)
7-3-1.5 (Particulate Emissions—Wood Waste Burners)
7-3-1.6 (Reduction of Animal or Vegetable Matter)
7-3-1.7A, B, C, D, and E (Particulate Emissions—Fuel Burning Equipment)
7-3-1.8 (Particulate Emissions—Process Industries)
7-3-2.2 (SO_2 Emissions—Fuel Burning Installations)
7-3-2.3 ($_2$ Emissions—Sulfite Pulp Mills)
7-3-2.4 ($_2$ Emissions—Sulfuric Acid Plants)
7-3-3.1 (Storage of Volatile Organic Compounds)
7-3-3.2 (Loading of Volatile Organic Compounds)
7-3-3.3 (Pumps and Compressors)
7-3-3.4 (Organic Solvents: Other Volatile Compounds)
7-3-4.1 (CO_2 Emissions—Industrial)
7-3-5.1 (NO_2 Emissions—Fuel Burning Equipment)
7-3-5.2 (NO_2 Emissions—Nitric Acid Plants)
7-3-6.1 (Policy and Legal Authority)

NITROGEN OXIDE EMISSIONS

Yuma County regulation 8.1.7.1 (Fuel Burning Equipment) was proposed for disapproval because it contained two different emission limitations for solid fossil fuel and none for liquid fossil fuel. The County has since corrected the deficiency and the regulation is now approved.

VISIBLE EMISSIONS

EPA had proposed to disapprove Coconino County regulation 12-4-1 (Shade, Density, or Opacity of Emissions), Mohave County regulation Sec. 2, Reg. 1 (Shade Density or Opacity of Emissions), Yuma County regulation 8-1-3.1 (Visible Emissions: General) and Pinal-Gila Counties regulation 7-3-1.1 (Visible Emissions: General). However, since 40 CFR 51.19(c) requires States to establish a system for detecting violations of rules and regulations through enforcement of "appropriate visible emission limitations" and since an EPA disapproval of these regulations would result in the absence of an enforceable visible emission limitation, EPA has decided to approve the above mentioned visible emission regulations.

CONFIDENTIALITY

EPA had proposed to disapprove Coconino County regulation 12-3-4 (Production of Records: Confidentiality) and Pinal-Gila Counties regulation 7-1-5.1D (Confidentiality of Records). However, EPA has since determined that these regulations are consistent with the Clean Air Act and for this reason are approved.

DISAPPROVALS

AIR POLLUTION PROHIBITED

Disapproval was proposed and is being promulgated for Mohave County regulation Sec. 3, Reg. 4 (Ground Level Concentrations), and Pinal-Gila Counties regulation 7-1-1.3C (Air Pollution Prohibited) because they may permit violations of ambient air quality standards in areas to which the general public has access.

Yuma County regulation 8-1-1.3 (Air Pollution Prohibited) was proposed for disapproval for the above cited reason. The Administrator now finds that paragraphs A through D of this regulation are approvable, and they are being approved in this action. Paragraph E, however, is to remain disapproved.

UPSET/BREAKDOWN

Disapproval was proposed and is being promulgated for Coconino County regulation 12-3-2 (Emission Standards), Mohave County regulation Sec. 3, Reg. 5 (Exceptions), Yuma County regulation 8-1-1.6 (Exceptions), and Pinal-Gila Counties regulation 7-1-2.8 (Exceptions). These regulations are being disapproved because they place the burden of proving the avoidability of the malfunction on the enforcing agency, thus making all emission limitations set forth in the regulations potentially unenforceable.

It is the EPA's position that the burden of proving that the malfunction was unavoidable be on the source. The enforcing agency would then be able to issue notices of violations for all episodes of excess emissions, whether due to malfunction or otherwise, and permit the source an opportunity to prove that the violation was due to an unavoidable malfunction.

Additionally, these malfunction regulations are being disapproved because they provide exceptions for routine or scheduled maintenance. Since routine maintenance is basically a predictable event, the source operator should be able to schedule his control equipment maintenance to coincide with maintenance on production equipment or other plant shutdowns. As such, the control equipment would always be available when the equipment it serves is operational. Consequently, no excess emissions should be allowed during periods of routine maintenance.

More detailed descriptions of EPA malfunction policy may be found in two recent EPA FEDERAL REGISTER actions; Utah SO_2 Control Strategy, April 27, 1977 (42 FR 21472), and Idaho SO_2 Control Strategy, November 8, 1977 (42 FR 58171).

PARTICULATE EMISSIONS

Disapproval was proposed and is being promulgated for Mohave County regulation Sec. 3, Reg. 2C (Particulate Matter from Other Sources), Yuma County regulations 8-1-3.3C (Incineration), 8-1-3.5F (Fuel Burning Equipment), and 8-1-3.6B (Process Industries), and Pinal-Gila Counties regulations 7-3-1.4C (Incineration) and 7-3-1.7F (Particulate Emissions—Fuel Burning Equipment) because the testing methods these regulations list may vary appreciably in particulate emissions measured, depending on method used, therefore making these regulations unenforceable. It is recommended that EPA approved methods be adopted so that measured particulate levels are comparable to those given in 40 CFR Part 51.

FUEL BURNING INSTALLATIONS

The Administrator, having originally proposed to disapprove Yuma County regulation 8-1-4.2 (Fuel Burning Installations), is instead disapproving paragraphs B, C, D, and E, that portion of the regulation addressing oil fired facilities. These paragraphs are being disapproved because they could allow an existing fuel oil fired power<plant to use dispersion dependent techniques alone as a means of attaining and maintaining ambient standards, contrary to the requirements of section 110(a)(2)(B) and 123(a) of the Clean Air Act, as amended. The portion of this regulation applicable to the use of low sulfur fuel is disapproved because it is unenforceable without the other disapproved provisions. The Administrator is approving paragraphs A and F of this regulation which establish sulfur dioxide emission limits for coal fired powerplants because there is no previously approved regulation and a disapproval of these paragraphs would result in the absence of an enforceable sulfur dioxide emission limit for coal fired powerplants.

CONTINUOUS MONITORING

As proposed in the July 14, 1977, FEDERAL REGISTER, the Administrator is approving Coconino County regulations 12-3-3 (Reporting of Emissions), and 12-3-5 (Monitoring Devices), Yuma County regulation 8-1-1.4 (Recordkeeping and Reporting), and Pinal-Gila Counties regulations 7-1-5.1 A, B, and C (Classification and Reporting: Production of Records) and 7-1-2.6 (Recordkeeping and Reporting). Also as proposed, however, the plan disapprovals are not being rescinded, as the counties have failed to submit regulations that satisfy the EPA continuous monitoring requirements.

DEFERRED ACTION

No action was proposed and no action is currently being taken with regard to Coconino County regulations 12-2-1 (Installation Permits), 12-2-3 (Permit Applications), 12-2-6 (Denial of Permits), 12-7-4 (Conditional Permits), Mohave County regulation Sec. 3, Reg. 3 (Sulfur from copper smelters), Yuma County regulation 8-1-4.1 (Sulfur Emissions—Copper Smelters), Pinal-Gila Counties regulations 7-1-2.1 (Permits: Exceptions: Applications: Fees), 7-1-2.3 (Grant or Denial of Applications), 7-1-3.1 through 7-1-3.4 (Conditional Permits), and 7-3-2.1 (SO_2 Emissions—Copper Smelters). These will be the subject of future FEDERAL REGISTER actions.

NO ACTION

ANTI-DEGRADATION

Coconino County regulation 12-3-1 (Ambient Air Quality Standards), Mohave County regulation Sec. 6, Reg. 4 (Anti-Degradation), Yuma County regulation 8-1-2.8 (Anti-Degradation), and Pinal-Gila Counties regulation 7-2-1.8 (Anti-Degradation) were proposed for approval on July 14, 1977. However, contrary to the proposed action, EPA is taking no action on these regulations. Since the counties have failed to submit specific regulations to prevent air quality degradation, EPA's previous disapproval and substitute regulations at 40 CFR 52.144 for the State remain in effect.

DISCUSSION OF MAJOR COMMENTS

One comment was received during the 30-day comment period in response to the July 14, 1977, FEDERAL

REGISTER notice. It was from the Yuma County Health Department and confirmed that the typographical error in Yuma County regulation 8-1-7.1 (NO_2 Emissions—Fuel Burning Equipment) had been corrected. As a result we are rescinding our proposed disapproval of this regulation.

(Secs. 110, 301(a), Clean Air Act as amended, 42 U.S.C. 7410 and 7601(a).)

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart D of part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart D—Arizona

1. Section 52.120, paragraph (c) is amended by the addition of subparagraph (18) as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(18) Air pollution control regulations for various counties submitted by the Governor on July 1, 1975, as follows:

(i) Coconino County Air Pollution Control Regulations.

12-1-1 (Legal Authority)
12-1-2 (Definitions)
12-1-3 (Air Pollution Prohibited)
12-2-2 (Operating Permits)
12-2-4 (Permit Fees)
12-2-5 (Permit Renewals)
12-2-7 (Testing of Installations)
12-2-8 (Compliance with Terms of Installation Permit)
12-2-9 (Notification of Denial of Permit)
12-2-10 (Appeals to the Hearing Board)
12-2-11 (Permits Not Transferable)
12-2-12 (Expiration of Installation Permit)
12-2-13 (Posting of Permits)
12-3-2 (Emission Standards)
12-3-3 (Reporting of Emissions)
12-3-4 (Production of Records: Confidentiality)
12-3-5 (Monitoring Devices)
12-3-6 (Penalty for Violation)
12-4-1 (Shade, Density, or Opacity of Emissions)
12-4-2 (Dust Control)
12-4-3 (Processing of Animal or Vegetable Matter)
12-4-4 (Volatile and Odorous Materials)
12-4-5 (Storage and Handling of Petroleum Products)
12-5-1 (Permit Required)
12-5-2 (Performance Tests: Permit Tags)
12-5-3 (Emission Limitations)
12-5-4 (Authority of Other Public Agencies)
12-6-1 (Unlawful Open Burning)
12-6-2 (Exceptions Requiring no Permission)
12-6-3 (Exceptions Requiring Permission)
12-6-4 (Exceptions Under Special Circumstances)
12-7-1 (Misdemeanor: Penalty)
12-7-2 (Order of Abatement)
12-7-3 (Hearings on Orders of Abatement)
12-7-5 (Notice of Hearing; Publication; Service)
12-7-6 (Injunctive Relief)

(ii) Mohave County Air Pollution Control Regulations.

Sec. 1, Reg. 1 (Policy and Legal Authority)
Sec. 1, Reg. 2 (Definitions)
Sec. 1, Reg. 3 (Air Pollution Prohibited)
Sec. 1, Reg. 4 (Enforcement)
Sec. 2, Reg. 1 (Shade, Density or Opacity of Emissions)
Sec. 2, Reg. 2 (Particulate Matter)
Sec. 2, Reg. 3 (Reduction of Animal or Vegetable Matter)
Sec. 2, Reg. 4 (Evaporation and Leakage)
Sec. 2, Reg. 5 (Storage Tanks)
Sec. 3, Reg. 1 (Particulate Matter from Fuel Burning Installations)
Sec. 3, Reg. 2 (Particulate Matter from Other Sources)
Sec. 3, Reg. 4 (Ground Level Concentrations)
Sec. 3, Reg. 5 (Exceptions)
Sec. 3, Reg. 6 (Incinerators)
Sec. 4, Reg. 1 and Reg. 2 (Responsibility and Requirements of Testing)
Sec. 5, Reg. 1 (Open Fires: Prohibition and Exceptions)
Sec. 6, Reg. 1 (Sulfur Dioxide)
Sec. 6, Reg. 2 (Non-Specific Particulate)
Sec. 6, Reg. 3 (Evaluation)
Sec. 7 (Violations)

(iii) Yuma County Air Pollution Control Regulations.

8-1-1.1 (Policy and Legal Authority)
8-1-1.2 (Definitions)
8-1-1.3 (Air Pollution Prohibited)
8-1-1.4 (Recordkeeping and Reporting)
8-1-1.5 (Enforcement)
8-1-1.6 (Exceptions)
8-1-2.1 (Non-Specific Particulate)
8-1-2.2 (Sulfur Dioxide)
8-1-2.3 (Non-Methane Hydrocarbons)
8-1-2.4 (Photochemical Oxidants)
8-1-2.5 (Carbon Monoxide)
8-1-2.6 (Nitrogen Dioxide)
8-1-2.7 (Evaluation)
8-1-2.10 (Emergency Episode Criteria)
8-1-3.1 (Visible Emissions; General)
8-1-3.2 (Fugitive Dust)
8-1-3.3 (Particulates—Incineration)
8-1-3.4 (Particulates—Wood Waste Burners)
8-1-3.5 (Particulates—Fuel Burning Equipment)
8-1-3.6 (Particulates—Process Industries)
8-1-4.2 (Fuel Burning Installations)
8-1-4.3 (Sulfur Emissions—Sulfite Pulp Mills)
8-1-4.4 (Sulfur Emissions—Sulfuric Acid Plants)
8-1-4.5 (Sulfur Emissions—Other Industries)
8-1-5.1 (Storage of Volatile Organic Compounds)
8-1-5.2 (Loading of Volatile Organic Compounds)
8-1-5.3 (Pumps and Compressors)
8-1-5.4 (Organic Solvents; Other Volatile Compounds)
8-1-6.1 (CO_2 Emissions—Industrial)
8-1-7.1 (NO_2 Emissions—Fuel Burning Equipment)
8-1-7.2 (NO_2 Emissions—Nitric Acid Plants)
8-1-8.1 (Open Burning—Prohibition)
8-1-8.2 (Open Burning—Exceptions)

(iv) Pinal-Gila Counties Air Pollution Control Regulations.

7-1-1.1 (Policy and Legal Authority)
7-1-1.2 (Definitions)
7-1-1.3 (Air Pollution Prohibited)
7-1-2.2 (Permit Unit Description and Fees)
7-1-2.4 (Appeals to Hearing Board)
7-1-2.5 (Transfer: Posting: Expirations)
7-1-2.6 (Recordkeeping and Reporting)
7-1-2.7 (Enforcement)
7-1-2.8 (Exceptions)
7-1-4.1 and 7-1-4.2 (Orders of Abatement)
7-1-5.1 (Classification and Reporting: Production of Records: Violation: and Penalty)
7-1-5.2 (Special Inspection Warrant)
7-1-5.3 (Decisions of Hearing Boards: Subpoenas)
7-1-5.4 (Judicial Review: Grounds: Procedures)
7-1-5.5 (Notice of Hearing: Publication: Service)
7-1-5.6 (Injunctive Relief)
7-2-1.1 (Non-Specific Particulate)
7-2-1.2 (Sulfur Dioxide)
7-2-1.3 (Non-Methane Hydrocarbons)
7-2-1.4 (Photochemical Oxidants)
7-2-1.5 (Carbon Monoxide)
7-2-1.6 (Nitrogen Dioxide)
7-2-1.7 (Evalution)
7-3-1.1 (Visible Emissions: General)
7-3-1.2 (Particulate Emissions—Fugitive Dust)
7-3-1.3 (Open Burning)
7-3-1.4 (Particulate Emissions—Incineration)
7-3-1.5 (Particulate Emissions—Wood-Waste Burners)
7-3-1.6 (Reduction of Animal or Vegetable Matter)
7-3-1.7 (Particulate Emissions—Fuel Burning Equipment)
7-3-1.8 (Particulate Emissions—Process Industries)
7-3-2.2 (SO_2 Emissions—Fuel Burning Installations)
7-3-2.3 (SO_2 Emissions—Sulfite Pulp Mills)
7-3-2.4 (SO_2 Emissions—Sulfuric Acid Plants)
7-3-3.1 (Storage of Volatile Organic Compounds)
7-3-3.2 (Loading of Volatile Organic Compounds)
7-3-3.3 (Pumps and Compressors)
7-3-3.4 (Organic Solvents: Other Volatile Compounds)
7-3-4.1 (CO_2 Emissions—Industrial)
7-3-5.1 (NO_2 Emissions—Fuel Burning Equipment)
7-3-5.2 (NO_2 Emissions—Nitric Acid Plants)
7-3-6.1 (Policy and Legal Authority)

2. Section 52.125 is amended by the addition of a new paragraph (e)(3) as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

* * * * *

(e) * * *

(3) Paragraphs B through E of regulation 8-1-4.2 (Sulfur Emissions—Fuel Burning Installations) of the Yuma County Air Pollution Control Regulations are disapproved because they could allow existing facilities to use dispersion dependent techniques alone as a means of attaining and maintaining the National Ambient Air Quality Standards. This regulation does not assure the attainment and maintenance of the national standards in a manner which is consistent with the

intent of sections 110(a)(2)(B) and 123(a)(2) of the Clean Air Act.

3. Section 52.126 is amended by the addition of a new paragraph (c) as follows:

§ 52.126 Control strategy and regulations: Particulate matter.

* * * * *

(c) The requirements of § 51.22 of this chapter are not met since the plan does not contain regulations for Mohave and Yuma Counties in the Clark-Mohave Intrastate Region or Pinal-Gila Counties in the Phoenix-Tucson Intrastate Region which provide enforceable and reproducable test procedures for the determination of compliance with the emission standards. Therefore paragraph C of section 3, regulation 2 (Particulates: Other Sources) of the Mohave County Air Pollution Control Regulations, paragraph B of regulation 8-1-3.6 (Particulates—Process Industries) of the Yuma County Air Pollution Control Regulations, and paragraph C of regulation 7-3-1.4 (Particulate Emissions—Incineration) and paragraph F of regulation 7-3-1.7 (Particulate Emissions—Fuel Burning Equipment) of the Rules and Regulations for Pinal-Gila Counties Air Quality Control District are disapproved.

4. Section 52.133 is amended by the revision of paragraph (a) and the addition of a new paragraph (d) as follows:

§ 52.133 Rules and regulations.

* * * * *

(a) Regulation 7-1-1.4(A) (Exceptions) of the Arizona Rules and Regulations for Air Pollution Control, regulations 12-3-2 (Emission Standards) of the Coconino County Rules and Regulations for Air Pollution Control, Sec. 3, Reg. 5 (Exceptions) of the Mohave County Air Pollution Control Regulations, regulation 8-1-1.6 (Exceptions) of the Yuma County Air Pollution Control Regulations, and regulation 7-1-2.8 (Exceptions) of the Rules and Regulations for Pinal-Gila Counties Air Quality Control District all provide for an exemption from enforcement action if the violation is attributable to certain events. These events are too broad in scope and the source can obtain the exemption merely by reporting the occurrence. Therefore, the above regulations are disapproved since these regulations make all approved emission limiting regulations potentially unenforceable.

* * * * *

(d) Section 3, regulation 4 (Ground Level Concentrations) of the Mohave County Air Pollution Control Regulations, paragraph E of regulation 8-1-1.3 (Air Pollution Prohibited) of the Yuma County Air Pollution Control Regulations, and paragraph C of regulation 7-1-1.3 (Air Pollution Prohibited) of the Rules and Regulations for Pinal-Gila Counties Air Quality Control District prohibits any person from causing ground level concentrations to exceed ambient standards outside the boundaries of his operation. These regulations could allow violations of ambient air quality standards to occur in areas to which the general public has access, contrary to the requirements of section 110(a)(1) of the Clean Air Act. Therefore, these regulations are disapproved.

[FR Doc. 78-32020 Filed 11-14-78; 8:45 am]

[6560-01-M]

[FRL 1006-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Placer County Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the Placer County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

DATES: Final rulemaking actions taken in this notice will be effective on December 15, 1978. Comments on rule 212 should be submitted no later than December 15, 1978. See SUPPLEMENTARY INFORMATION section for details.

ADDRESS: Comments on rule 212 should be sent to: Regional Administrator, Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Wallace A. Woo, telephone 415-556-7288.

SUPPLEMENTARY INFORMATION: On January 20, 1978, EPA published a notice of proposed rulemaking (43 FR 2897) for revisions to the rules of the Placer County APCD submitted to EPA on October 13, 1977, by the California Air Resources Board (CARB) as an amendment to the California SIP.

The changes contained in the October 13, 1977, submittal that are being acted on in this notice include the following:

(a) Some definitions are amended.

(b) The list of exceptions to the visible emission control rule is amended.

(c) New rules are added to control pathological incineration, abrasive blasting, and equipment malfunction conditions.

(d) The emission standards for particulate matter are modified.

(e) Several rules for controlling open outdoor fires, including agricultural burning, are amended.

(f) New rules are adopted to implement the continuous monitoring program, to require source recordkeeping and reporting, and to provide for public availability of emission data.

(g) New rules are adopted to set the permit fees.

(h) Several administrative and procedural changes are made in the procedures before the hearing board.

(i) A new rule is added to authorize the air pollution control officer to issue orders for abatement.

(j) Minor wording changes, that do not affect the degree of control, are made to a number of rules.

(k) The sections of the California Health and Safety Code cited in the rules are renumbered to conform to the recodification of the Code.

(l) The language of the California Health and Safety Code is incorporated into a number of rules.

(m) A number of rules are renumbered.

A list of the rules considered in this notice was published as part of the January 20, 1978, notice of proposed rulemaking. The proposed rulemaking provided 30 days for public comments. No comments have been received.

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted rules as SIP revisions. It is the purpose of this notice to approve all the revisions contained in the October 13, 1977, submittal, and incorporate them into the California SIP, with the exception of those rules not being acted upon and those rules being disapproved as discussed below.

Rule 203(D), Exceptions, exempts the use of experimental devices to research open burning from the visible emission limitations imposed by Rule 202, Visible Emissions. Since there is no control strategy analysis submitted

by the APCD to demonstrate that this relaxation would not interfere with the attainment and maintenance of the national ambient air quality standards (NAAQS), this exemption should not be allowed. Thus rule 203(D) is disapproved.

No action is being taken on Rule 203(G), Exceptions; Rule 601, Permit Fees; and Rule 602, Hearing Board Fees, as these rules will be addressed in a future FEDERAL REGISTER notice.

Also, no action is being taken on Rule 205, Nuisance, and Rule 312, Wind Direction, because these rules are not specifically directed at the attainment and maintenance of the NAAQS, and thus are not appropriate for inclusion in the SIP.

Rule 211, Process Weight, revises the analogous Rule 61, Solid Particulate Matter-Weight, previously approved in the June 30, 1972, submittal, by narrowing the pollutant coverage from the more inclusive "particulate matter" to the less inclusive "dust and condensed fumes". Although the allowable emission rates contained in rule 61 have been made more stringent in rule 211, there is no analysis submitted by the APCD to demonstrate that the replacement of rule 61 by rule 211 would not cause any interference with the attainment and maintenance of the NAAQS. Therefore EPA is disapproving rule 211 in the October 13, 1977, submittal and retaining rule 61 in the June 30, 1972, submittal for Federal enforcement purposes.

No action is being taken on Rule 212, Storage of Petroleum Products, because EPA is now in the process of reevaluating the appropriateness of applying the vapor recovery programs specified in 40 CFR 52.255 and 40 CFR 52.256 to the districts within the area presently known as the Mountain Counties Air Basin. Preliminary information supplied by the Mountain Counties Air Basin Control Council indicates that existing ambient air quality standard excursions for ozone in the Mountain Counties Air Basin are due to transport from the Sacramento Valley and the San Joaquin Valley rather than to the emissions of hydrocarbons within the area. Thus, EPA, by this notice, is inviting public comments on this thesis for the purpose of promulgating final approval or disapproval of rule 212. Comments should be sent to the EPA region IX office at the address given above. Comments received on or before December 15, 1978, will be considered, and made available for public inspection at the EPA region IX office and the EPA Public Information Reference Unit. In addition, copies of the proposed rule and the preliminary analysis are available for public inspection during normal business hours at the EPA region IX office and at the following locations:

Placer County Air Pollution Control District, DeWitt Center, Auburn, Calif. 95603.
California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington D.C. 20460.

Rule 302(C), Regulated Open Burning, allows for the first time open burning of unsalable wood waste from property being developed for commercial or residential use, subject to requirements imposed by Rule 319, Open Burning of Wood Waste on Property Where Grown. Without any showing that this additional category of open burning would not cause any interference with the attainment and maintenance of the NAAQS, this relaxation in control should not be allowed. Thus both rule 302(C) and rule 319 are disapproved.

Rule 302(G), Regulated Open Burning, allows one additional category of open burning to be carried out, namely, open fires for the operation of a solid waste dump under a CARB extension. Without any demonstration of noninterference with the attainment and maintenance of the NAAQS, this relaxation in control should not be allowed. Therefore rule 302(G) is disapproved.

Rule 304 Exceptions to Rule 303, is disapproved because it exempts open burning of agricultural waste at altitudes above 3,000 feet mean sea level (msl) and agricultural burning in areas above 6,000 (msl) from permit requirements without an adequate control strategy analysis demonstrating noninterference with the attainment and maintenance of the NAAQS.

Rule 307, Exceptions to Rule 306, is disapproved because it grants five exceptions to the general rule that specifies no burning on days designated by the CARB as "no-burn days".

The most significant exception is set forth in 307(A)(1) which permits the air pollution control officer (APCO) to grant a special burning permit upon a showing of threatened economic loss. Economic factors are an impermissible basis upon which to condition the granting of an exception from emission limitations absent a showing that all other requirements of section 110 of the Clean Air Act as well as the NAAQS will be met. In addition, 307(A)(2) exempts the burning of empty pesticide sacks and containers; 307(B) exempts range burning between January and May; 307(C) exempts open burning of agricultural waste at altitudes above 3,000 feet (msl); and 307(D) exempts open burning at altitudes over 6,000 feet (msl) from the "no-burn day" requirements. All are disapproved because no analysis has been submitted by the District to demonstrate that these exemptions would not interfere with the attainment and maintenance of the NAAQS. 307(E) is also disapproved because it concerns the procedures for the issuing of burning permits for the above mentioned categories of open burning.

Rule 314, Exceptions to Rule 313, is disapproved because it authorizes the APCO to shorten the required minimum drying time set forth for materials to be burned in rule 313 upon a determination that "economic loss" is threatened by denial of a permit. As discussed in the critique of rule 307 above, economic factors are not a permissible basis for the granting of an exception without any showing that all other requirements of section 110 of the Clean Air Act as well as the NAAQS would be met.

Rule 322, Mechanized Burners, is disapproved because it exempts open outdoor fires in mechanized burners from "no-burn day" requirements. Although a visible emission limitation of Ringlemann No. 1 is set, there is no demonstration that this new exemption would not interfere with the attainment and maintenance of the NAAQS.

Rule 404, Upset Conditions, Breakdown or Scheduled Maintenance, is disapproved because it permits the automatic exemption of sources from the applicable emission limitations during equipment malfunction and scheduled maintenance, and therefore could render such limitations unenforceable. In addition, automatic exemption of sources could interfere with the attainment and maintenance of the NAAQS.

Rule 408, Source Recordkeeping and Reporting, is a new rule adopted to require the owner or operator of any stationary source of air pollution to maintain files and records of the nature and amounts of emissions, and report findings to the APCD. The rule is approved because it meets the requirements of 40 CFR 51.19(a). EPA, hereby, rescinds the disapproval notice in 40 CFR 52.234(a) and the associated substitute rule in 40 CFR 52.234(d) for the District.

Rule 409, Public Records, is a new rule adopted to provide for public availability of emission data furnished by source operators or owners. The rule is approved because it partially satisfies the requirements of 40 CFR 51.10(e). However, since the rule does not provide for the correlation of emission data with applicable emission limitations as required by § 51.10(e), paragraph (b)(4) of the federally promulgated regulation in 40 CFR 52.224, General Requirements, is retained and shall remain in effect for the District.

Rule 507, Provision of Sampling and Testing Facilities, is approved since it requires continuous monitoring for specified sources, and thereby partially fulfills the requirements of 40 CFR

51.19(e). It is noted, however, that rule 507 does not meet all of the requirements of 40 CFR 51.19(e) and appendix P of part 51.

Regulation VII revisions (which include rules 702, 703, 704, 706, 708, 709, 710, and 715) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

Certification has been received from the CARB that the public hearing requirements of 40 CFR 51.4 have been satisfied.

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

Dated: October 31, 1978.

DOUGLAS COSTLE,
Administrator.

Subpart F of part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(41)(x) is added as follows:

§ 52.220 **Identification of plan.**

* * * * *

(c) * * *
(41) * * *
(x) Placer County APCD.
(A) New or amended rules 101, 102, 103, 104, 203 (with the exception of (G)), 206, 207, 208, 210, 211, 213, 214, 301 to 311, 313 to 322, 401, 402, 404, 407, 408, 409, 507, 603 to 605, 702 to 704, 706, 708, 709, 710, 715, 801 to 804.

* * * * *

2. Section 52.224, paragraph (a)(2)(ii)(F) is added as follows:

§ 52.224 **General requirements.**

(a) * * *
(2) * * *
(ii) * * *
(F) Placer County APCD.

* * * * *

3. Section 52.234, paragraphs (a)(3)(v) and (e)(3)(v) are added as follows:

§ 52.234 **Source surveillance.**

(a) * * *
(3) * * *
(v) Placer County APCD.

* * * * *

(e) * * *
(3) * * *
(v) Placer County APCD.

* * * * *

4. Section 52.271, paragraph (a)(2)(vii)(B) is added as follows:

§ 52.271 **Malfunction regulations.**

(a) * * *
(2) * * *
(vii) Placer County APCD.
(B) Rule 404, Upset Conditions, Breakdown or Scheduled Maintenance, submitted on October 13, 1977.

* * * * *

5. Section 52.272, paragraph (a)(1)(iii) is added as follows:

§ 52.272 **Research operations exemptions.**

(a) * * *
(1) * * *
(iii) Placer County APCD.
(A) Rule 203(D), Exceptions, submitted on October 13, 1977.

* * * * *

6. Section 52.273, paragraph (a)(1)(vii) is added as follows:

§ 52.273 **Open burning.**

(a) * * *
(1) * * *
(vii) Placer County APCD.
(A) Rule 302 ((C) and (G)), Exceptions to Rule 301; Rule 304, Exceptions to Rule 303; Rule 307, Exceptions to Rule 306; Rule 314, Exceptions to Rule 313; Rule 319, Open Burning of Wood Waste on Property Where Grown; and Rule 322, Mechanized Burners, submitted on October 13, 1977.

* * * * *

7. Section 52.275, paragraph (b)(2)(v) is added as follows:

§ 52.275 **Particulate matter control.**

(a) * * *
(b) * * *
(2) * * *
(v) Placer County APCD.
(A) Rule 211, Process Weight, submitted on October 13, 1977, is disapproved; and the analogous Rule 61, Solid Particulate Matter—Weight, previously approved in the June 30, 1972, submittal is retained and shall remain in effect for Federal enforcement purposes.

* * * * *

[FR Doc. 78-32021 Filed 11-14-78; 8:45 am]

[FRL 996-2]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for PPG Industries, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of EPA issues a delayed compliance order to PPG Industries, Inc. The order requires the company to bring air emissions from its No. 12 boiler at Barberton, Ohio, into compliance with certain regulations contained in the federally approved State implementation plan (SIP). PPG Industries, Inc. compliance with the order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act for violations of the SIP regulations covered in the order.

DATES: This rule takes effect November 15, 1978.

FOR FURTHER INFORMATION CONTACT:

Linda Buell, Attorney, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, telephone 312-353-2082.

SUPPLEMENTARY INFORMATION: On June, 27, 1978, the Acting Regional Administrator of EPA's Region V Office published in the FEDERAL REGISTER (43 FR 27865) a notice setting out the provisions of a proposed Federal delayed compliance order for PPG Industries, Inc. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a delayed compliance order effective this date is issued to PPG Industries, Inc. by the Administrator of EPA pursuant to the authority of section 113(d)(2) of the Clean Air Act, 42 U.S.C. 7413(d)(2). The order places PPG Industries, Inc., on a schedule to bring its No. 12 boiler at Barberton, Ohio, into compliance as expeditiously as practicable with regulation AP-3-07, a part of the federally approved Ohio State implementation plan. PPG Industries, Inc., is unable to immediately comply with these regulations. The order also imposes interim requirements which meets sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the order are met, it will permit PPG Industries, Inc., to delay compliance with the SIP regulations covered by the order until July 1, 1979.

Compliance with the order by PPG Industries, Inc., will preclude Federal enforcement action under section 113 of the Act for violations of the SIP regulations covered by the order. Citizen suits under section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the order, and for viola-

tions of the regulations covered by the order which occurred before the order was issued by EPA or after the order is terminated. If the Administrator determines that PPG Industries, Inc., is in violation of a requirement contained in the order, one or more of the actions required by section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under section 307(b) of the Act.

EPA has determined that the order shall be effective upon publication of this notice because of the need to immediately place PPG Industries, Inc., on a schedule for compliance with the Ohio State implementation plan.

(42 U.S.C. 7413(d), 7601.)

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

1. In consideration of the foregoing, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

By amending the table in § 65.400 to add the following entry:

§ 65.400 Federal delayed compliance orders issued under section 113(d)(1), (3), and (4) of the Act.

* * * * *

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
PPG Industries No. 12 Boiler.	Barberton, Ohio.	EPA-5-78-A-25...	June 27, 1978	AP-3-07.....	July 1, 1979.

2. The text of the order is as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY

In the matter of PPG Industries, Inc., Barberton, Ohio. Proceeding under section 113(d), Clean Air Act, as amended—Order No. EPA-5-78-A-25.

ORDER

The following order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. section 7413(d), (hereinafter referred to as "the Act"). The order contains a compliance schedule with increments of progress, interim emission reduction requirements, and emission monitoring and reporting conditions. Final compliance is required as expeditiously as practicable, but no later than July 1, 1979. Public notice, opportunity for a public hearing, and notice to the State of Ohio have been provided pursuant to section 113(d)(1) of the Act.

On June 16, 1977, James O. McDonald, Director, Enforcement Division, Region V, U.S. Environmental Protection Agency (hereinafter referred to as "U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of U.S. EPA, issued a notice of violation to PPG Industries, Inc. (hereinafter referred to as "the Company") stating that the Company's chlor-alkali plant, located in Barberton, Ohio, was found to be in violation of the applicable Ohio Implementation Plan, as defined in section 110(d) of the Act. The stack for boiler 12 was cited for violation of Ohio regulation AP-3-07. A copy of said notice was sent to the State of Ohio Environmental Protection Agency.

Pursuant to section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegates was duly given to the Company. On July 27, 1977, a conference was held in Chicago, Ill., to discuss the June 16, 1977, notice of violation mentioned above.

U.S. EPA has determined that said violations have continued beyond the 30th day after the date of the Enforcement Director's notification.

After a review of information submitted at the conference, and a thorough investigation of all relevant facts, including public comment, it has been determined that the Company's boiler 12 is presently unable to comply with Ohio regulation AP-3-07 and that the schedule hereinafter set forth requires compliance as expeditiously as practicable, and that the terms of this order comply with section 113(d) of the Act.

Therefore, it is hereby ordered that:

I. The Company's boiler 12 at the Barberton chlor-alkali plant shall achieve compliance with Ohio regulation AP-3-07 in accordance with the following schedule:

Increment	*Date*
1. Submit Engineering Report to U.S. EPA	June 1, 1978.
2. Issue all necessary purchase orders	Oct. 15, 1978.
3. Begin installation	May 1, 1979.
4. Complete installation	June 15, 1979.
5. Submit test results to U.S. EPA and certify compliance of boiler 12 with AP-3-07	July 1, 1979

II. Nothing herein shall affect the responsibility of the Company to comply with other Federal, State or local regulations.

III. The Company shall notify U.S. EPA as soon as the Company is aware that it may not meet the requirement specified in paragraph I in a timely manner.

IV. The Company shall submit reports to U.S. EPA detailing progress made with respect to each requirement of this order. Such reports shall be submitted within ten (10) days of the completion of such requirement. In addition, no later than July 1, 1979, the Company shall certify to the U.S. EPA that the Barberton facility is in final compliance with AP-3-07.

V. Nothing herein shall be construed to be a waiver by PPG or the Administrator of any rights or remedies under the Clean Air Act.

VI. Pursuant to section 113(d)(7) of the Act, during the period of this order, until completion of the program set out in paragraph I herein, the Company shall use the best practicable system of emission reduction so as to minimize particulate matter emissions and shall further comply with the requirements of the applicable implementation plan insofar as it is able.

VII. The Company shall install and maintain, no later than the final date for compliance set forth in paragraph I above, a continuous opacity monitor on the stack for boiler 12. This continuous monitoring system shall be installed, calibrated, maintained, and operated in accordance with the procedures set forth in appendix B of 40 CFR Part 60. Monitoring data shall be retained by the Company for at least two (2) years subsequent to recording. Quarterly reports of emission excesses shall be sent to U.S. EPA pursuant to section 114.

VIII. PPG Industries, Inc. is hereby notified that its failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under section 120. In the event of such failure, PPG will be formally notified, pursuant to section 120(b)(3) and any regulations promulgated thereunder, of its noncompliance.

IX. All submissions and notifications to U.S. EPA, pursuant to this order, shall be made to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2090. A copy of all submissions and notifications shall be made to Ohio EPA, Northeast District, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Dated: October 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

PPG has reviewed this order, consents to the terms and conditions of this order, and believes it to be a reasonable means by which boiler 12 at the Barberton, Ohio facility can achieve final compliance with Ohio regulation AP-3-07.

Dated: August 24, 1978.

PPG INDUSTRIES, INC.,
G. J. LAMBILLOTTE,
Works Manager.

[FR Doc. 78-32024 Filed 11-14-8:45 am]

[4110-86-M]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER F—QUARANTINE, INSPECTION, LICENSING

Part 71—FOREIGN QUARANTINE

Subpart J—Importation of Certain Things

LATHER BRUSHES

AGENCY: Center for Disease Control, PHS, HEW.

ACTION: Final rule.

SUMMARY: This rule eliminates the requirement for routine testing for the presence of *Bacillus anthracis* in samples from all shipments of lather brushes into the United States. The rule authorizes selective sampling as necessary to prevent the introduction of cutaneous anthrax into the United States.

DATES: Effective date: January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph F. Giordano, Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, PHS, HEW, Atlanta, Ga. 30333, phone 404-329-3674, or FTS: 236-3674.

SUPPLEMENTARY INFORMATION: On June 23, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 27215) to revise 42 CFR Part 71, § 71.151, entitled "Lather Brushes." The proposal invited comments from the public to be considered before issuing the final rule. No comments were received.

Cutaneous anthrax is the disease against which existing regulations are designed to provide protection. The last case of cutaneous anthrax in the United States associated with lather brushes occurred in 1930. Since then, lather brush manufacturers have routinely sterilized the animal hair or bristle components of their products.

Current regulations provide that samples of imported lather brushes made from animal hair or bristles are to be bacteriologically examined for the presence of *Bacillus anthracis*. During the past 47 years of bacteriologic testing, every sample has been negative for *Bacillus anthracis*. From experience and cumulative data, the routine sampling requirement appears to be unnecessary and should be eliminated. This rule provides for selective sampling at the discretion of the Director, Center for Disease Control.

This rule also requires a certification by the manufacturer. The certification will state that the procedures and methods used in the manufacturing of the brushes prevent the contamination or recontamination with viable vegetative forms and spores of *Bacillus anthracis*.

Section 71.151 of part 71 of title 42, Code of Federal Regulations, is revised as set forth below.

Dated: October 11, 1978.

JULIUS B. RICHMOND,
Assistant Secretary for Health and Surgeon General.

Approved: November 8, 1978.

HALE CHAMPION,
Acting Secretary.

Subpart J—Importation of Certain Things

§ 71.151 Lather brushes.

(a) *Conditions for entry.* Shipments of lather brushes made from animal hair or bristles intended for sale, resale or other distribution shall be denied entry into any port or place under the control of the United States unless such shipments conform with the requirements of this section.

(b) *Identifying mark.* The handles of such brushes shall be permanently marked with the name of the country where the brushes were manufactured and the name of the manufacturer or an identifying symbol, word, device, or other mark which is distinctly associated with the manufacturer.

(c) *Certification.* Each shipment of lather brushes shall be accompanied by a certification, to be submitted to the District Director of Customs, that the brushes have been treated and stored during and subsequent to manufacture in accordance with procedures and methods which prevent contamination or recontamination with viable vegetative forms and spores of *Bacillus anthracis*. The certification shall be in English; it shall identify the manufacturer and bear or describe in detail any identifying symbol, word, device, or other mark placed on the handle of the brush in accordance with paragraph (b) of this section; and it shall be signed by the manufacturer or an authorized representative.

(d) *Special requirements.* The Director, Center for Disease Control, may, as he considers necessary to prevent the introduction, transmission, or spread of communicable disease, deny entry of any shipment of lather brushes pending the laboratory examination of samples of the shipment to determine the presence or absence of viable vegetative forms and spores of *Bacillus anthracis*. If such examination indicates that the shipment is free from viable vegetative forms and spores of *Bacillus anthracis*, the Quarantine Officer in Charge shall furnish the District Director of Customs a certificate to that effect. If such examination indicates that the shipment is not free from viable vegetative forms and spores of *Bacillus anthracis*, the Quarantine Officer in Charge shall notify the District Director of Customs that the shipment shall be denied entry.

(e) *Disposal of shipments denied entry.* Shipments of brushes which are denied entry may be returned to the country of origin, within a reasonable period of time, as determined by the Quarantine Officer in Charge, at the expense of the manufacturer or shipper, or be destroyed.

[FR Doc. 78-32117 Filed 11-14-78; 8:45 am]

[1505-01-M]

Title 45—Public Welfare

SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS (PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE)

Conditions for Federal Financial Participation in the Cost of Automatic Data Processing

CORRECTIONS

In FR Doc. 78-27290 appearing at page 44851 in the issue for Friday, September 29, 1978, make the following changes:

1. On page 44851, second column, in the nineteenth line of the third paragraph and the fourth line of the fifth paragraph, the letters "CFT" should read "CFR".

2. On page 44855, second column, second line from the bottom of § 95.613, "gencies" should read "agencies".

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[SS Docket No. 78-27; RM-2957; RM-2698]

PART 91—INDUSTRIAL RADIO SERVICES

Prohibiting the Operation of Base or Control Stations on Certain Frequencies by Noncentral Station Commercial Protection Entities Within 75 Miles of Urbanized Areas of 200,000 or More Population; Correction

AGENCY: Federal Communications Commission.

ACTION: Erratum.

SUMMARY: This erratum corrects footnote 1 in the report and order released October 30, 1978, in SS Docket 78-27, relating to frequencies allocated in the Business Radio Service for use by central station commercial protection facilities published at 43 FR 51018, Nov. 2, 1978.

EFFECTIVE DATE: November 29, 1978.

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

FOR FURTHER INFORMATION CONTACT:

Eugene C. Bowler, Safety and Special Radio Services Bureau, 202-632-6497.

In the matter of amendment of § 91.554 of the Commission's rules to prohibit the operation of base or control stations on the frequencies 460.900/465.900, 460.925/465.925, and 460.950/465.950 MHz by noncentral station commercial protection entities within 75 miles of urbanized areas of 200,000 or more population (1960 U.S. Census), and to permit alarm signaling and other fixed point-to-point operations on a secondary basis for central station commerical protection entities on the frequencies 460.900/465.900, 460.925/465.925, 460.950/465.950, 460.975/465.975, and 461.000/466.000 MHz, SS Docket No. 78-27, RM-2957, RM-2698.

Footnote 1 of the Commission's report and order in the above-captioned matter (FCC 78-741, released October 30, 1978), is corrected to read as follows:

[1] Central station electrical protection companies provide electrical burglar and fire alarms, and protective service to customers from central monitoring stations which have been approved by one of the recognized rating agencies, such as the Underwriters' Laboratories, Inc.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-32027 Filed 11-14-78; 8:45 am]

[3510-22-M]

Title 50—Wildlife and Fisheries

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 651—ATLANTIC GROUNDFISH (COD, HADDOCK, AND YELLOWTAIL FLOUNDER)

Repromulgation of Emergency Regulations Corrections of Notice of Closures and Catch Limit Adjustments

AGENCY: National Oceanic and Atmospheric Administration Commerce.

ACTION: Emergency regulations and correction of notice of closure.

SUMMARY: The emergency regulations implementing the Atlantic Groundfish Fishery Management Plan are continued in effect until December 29, 1978, or until final regulations are promulgated. A recent Notice of closing some fisheries and reducing catch limits under these regulations is corrected.

EFFECTIVE DATES: The emergency regulations are extended until December 29, or the time when final regulations are promulgated, if sooner. The corrections to the November 9 FEDERAL REGISTER notice are effective on November 13.

FOR FURTHER INFORMATION CONTACT:

Mr. William G. Gordon, Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, Mass 01930, telephone 617-281-3600.

SUPPLEMENTARY INFORMATION: On October 4, 1978, emergency regulations were published governing fishing for Atlantic groundfish (43 FR 45872). The regulations were to expire on November 14. Those regulations were also published as a proposed rulemaking to implement the Atlantic Groundfish Fishery Management Plan prepared by the New England Fishery Management Council.

The emergency regulations are hereby extended, effective November 14, in order to provide time to evaluate the public comment on the proposed regulations and prepare final regulations. Although the emergency regulations are continued for the full 45-day period allowed by law (Fishery Conservation and Management Act of 1976, sec. 305(e); 16 U.S.C. 1855(e)), it is anticipated that final regulations will be promulgated within a few weeks.

It has been determined that the emergency in this fishery, as described in 43 FR 45872, continues to exist.

On November 9, 1978, a Notice was published closing some Atlantic groundfish fisheries, and reducing weekly catch limits in others. Portions of this notice were in error. Because of some miscalculations in monitoring catches and landings, the Notice stated that the fixed gear fisheries for cod and haddock in the Gulf of Maine and haddock in Georges Bank and South were to be closed. More accurate information has indicated that the quarterly quota for these fisheries has not been taken. The Notice is therefore amended, and these fisheries remain open in accordance with the Revised Appendix B.

That Notice also indicated that all of the weekly catch limit adjustments, and closures for most vessel classes would be effective on November 12.

In order to provide adequate notice to fishermen, the Assistant Administrator for Fisheries, NOAA, had decided that these limitations and closurers should all be effective on November 19, Therefore, the November 9 Notice is corrected to make all actions therein effective on November 19.

A revised Appendix B to the Atlantic Groundfish Regulations as corrected by this Notice is printed below. This revision is effective on November 19.

Signed at Washington, D.C., this the 13th day of November 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

(16 U.S.C. 1801 et seq.)

APPENDIX B—CATCH LIMITATIONS

(Revised)

Vessel class	Gulf of Maine		Georges Bank and south	
	limits	overruns	limits	overruns
	Cod (pounds/week)			
0-60 GRT	2,500	1,500	2,500	1,500
61-125 GRT	5,000	1,500	9,800	3,500
Over 125 GRT	7,000	1,500	7,000	1,500

APPENDIX B—CATCH LIMITATIONS—Continued

(Revised)

Vessel class	Gulf of Maine		Georges Bank and south	
	limits	overruns	limits	overruns
	Haddock (pounds/week)			
Fixed gear	5,000	0	13,000	0
	Haddock (pounds/week)			
0-60 GRT.....	Closed Nov.19		Closed Nov. 19	
61-125 GRT.....	7,000	2,500	7,000	2,500
Over 125 GRT ...	5,000	1,500	Closed Nov. 19	
Fixed gear	5,000	0	8,000	-

Vessel class	West of 69° west	East of 69° west
	Yellowtail flounder[1]	
0-60 GRT.....	5,000	
61-125 GRT.....	5,000	
Over 125 GRT ...	5,000	

[1] Pounds per week or trip, whichever time period is longer. A vessel may land no more than 5,000 pounds, even if it fished on both sides of the 69° West line. No overruns are allowed.

[FR Doc. 78-32244 Filed 11-14-78; 8:45 am]

proposed rules

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

[6714-01-M]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 302]

DEVELOPMENT AND REVIEW OF FDIC RULES AND REGULATIONS

Proposed Rules

AGENCY: Federal Deposit Insurance Corporation (FDIC.)

ACTION: Proposed amendment of regulation.

SUMMARY: The FDIC proposes to revise and codify its rulemaking procedures. The purpose of the regulation is to describe the general procedures by which the FDIC develops and reviews its rules and regulations. This action is being taken in order to comply with the spirit and intent of Executive Order 12044 ("Improving Government Regulations") and in order to make the FDIC's rulemaking procedures more responsive to those whom it regulates and to the public at large.

DATE: Comments must be received no later than January 5, 1979.

ADDRESS: Interested persons are invited to submit written data, views or arguments regarding the proposed amendment to the Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429. All written comments will be made available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Alan J. Kaplan, Senior Attorney, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, telephone 202-389-4433.

SUPPLEMENTARY INFORMATION: On March 23, 1978, President Carter signed Executive Order 12044 ("Improving Government Regulations"). That order directs executive agencies to adopt procedures to improve existing and future regulations. Although by its own terms the order does not apply to regulations issued by independent regulatory agencies such as the FDIC, the President requested that these agencies initiate voluntary efforts to achieve similar procedural reforms. The FDIC has advised the President of its intention to apply the policy objectives of Executive Order 12044 to the development and review of FDIC regulations. These policy objectives are set out in section 1 of the order as follows:

Policy. Regulations shall be as simple and clear as possible. They shall achieve legislative goals effectively and efficiently. They shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations or on State and local governments. To achieve these objectives, regulations shall be developed through a process which insures that:

(a) The need for and purposes of the regulation are clearly established;

(b) Heads of agencies and policy officials exercise effective oversight;

(c) Opportunity exists for early participation and comments by other Federal agencies, State and local governments, businesses, organizations and individual members of the public;

(d) Meaningful alternatives are considered and analyzed before the regulation is issued; and

(e) Compliance costs, paperwork and other burdens on the public are minimized.

To meet these objectives, and because present part 302 is not adequate to meet these goals, the FDIC proposes to revise and codify its rulemaking procedures. Under the revised procedures, part 302 of the FDIC's rules and regulations, currently captioned "Formulation and Promulgation of Rules and Regulations," would be recaptioned "Development and Review of FDIC Rules and Regulations." The following summary describes the proposed procedures:

1. *Purposes and scope.* Section 302.1 sets forth the purpose and scope of part 302. As stated, the purpose is to describe the general procedures by which the FDIC develops and reviews its rules and regulations. These procedures apply to any FDIC rule or regulation designated as such by the FDIC Board of Directors at the time of its issuance, but not to any general statement of policy.

2. *Development of regulations.* Section 302.2 describes the general procedures by which the FDIC develops its regulations. That section, while incorporating many of the procedures specified in Executive Order 12044, remains consistent with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553).

Under § 302.2, early in the development of a regulation the FDIC staff will submit to the Board of Directors for review a concise statement describing the regulation and pertinent information concerning its development. Although not expressly required, it is contemplated that the statement will be prepared and submitted when initial work on the regulation begins. In most cases, this would occur before substantial resources are devoted to drafting the regulation. However, it is expected that there will be instances in which the statement is not submitted to the Board of Directors until after the regulation has already been drafted. Even in these cases, however, the Board of Directors is usually aware that a regulation is being developed and is generally advised informally as to its substance.

In addition to this initial stage of review, the Board of Directors also reviews and approves all proposed regulations and final regulations before they are published in the FEDERAL REGISTER. In this way, the Board achieves the President's policy objective of effective oversight of regulation development by agency heads.

Typically, proposed regulations are published for comment in the FEDERAL REGISTER. The notice accompanying the published proposal will contain the information required by the Administrative Procedure Act plus, to the extent available, certain additional information specified in § 302.2(h). This information includes: the reasons why the regulation is needed; the effects of the regulation, including its effect on competition; the relationship, if any, of the regulation to other government regulations, programs, and activities; alternative approaches that were considered; an assessment of the reporting or recordkeeping requirements necessary to comply with the regulation; a cost-benefit analysis of the regulation, where feasible; and the name, address, title, and telephone number of a knowledgeable FDIC official who can answer questions about the regulation.

The comment period will be at least 30 days. For its more significant regulations, the FDIC often allows more time for public comment. In addition, the FDIC can, and does, extend the original comment period when it appears that the public response to a proposed regulation so warrants. In other cases where the Board of Directors determines that a comment period shorter than 30 days is necessary, the Board will state its reasons

for this determination in the published notice.

The Board of Directors may also direct that interested persons be permitted to present their views on a proposed regulation orally. The FDIC will determine on an ad hoc basis the manner in which oral presentation will be made. It is the FDIC's intention to hold informal hearings in those cases where a regulation under development is likely to have a major impact on the public.

In addition to soliciting public comment on proposed regulations, the FDIC will endeavor, in appropriate matters, to issue a press release and/or publish in the FEDERAL REGISTER an advance notice of proposed rulemaking, to afford the public an early opportunity to participate in the rulemaking process before a regulation is formally proposed.

After reviewing and analyzing the comments received and views presented on a proposed regulation, the FDIC will put the regulation into final form and will submit it to the Board of Directors for final action. With each regulation submitted to the Board, the staff will submit a report which generally contains all the information specified in § 302.2(h), including an analysis of the public comments received, an assessment of the reporting or recordkeeping requirements necessary to comply with the regulation, a cost-benefit analysis (where feasible), and a statement of the regulation's effects and the reasons why the regulation is needed. This information will also be included in the FEDERAL REGISTER notice when the final regulation is published.

FDIC Board of Directors approves all final regulations before they are published. Each final regulation is published in the FEDERAL REGISTER at least 30 days before its effective date, except in certain cases authorized by the Administrative Procedure Act. For example, the FDIC may dispense with the delayed effective date if the Board of Directors finds good cause to do so; however, even in these cases, the Board will publish its reasons for the finding.

Also, the FDIC will write its regulations in plain English and will include in each final regulation a concise general statement of its basis and purpose.

As indicated by § 302.2(i), a certain degree of flexibility has been retained to deal with certain special categories of regulations. For example, in developing regulations that are mandated by law and whose content is so prescribed, the information supporting or justifying the regulation may be less detailed that it would otherwise be, since the FDIC would have little, if any, discretion over the form or content of the regulation. Also, with respect to regulations developed jointly or in cooperation with other agencies, the FDIC may rely largely on information supplied by the other agencies. Where possible, the FDIC will note the source of the information.

The published FDIC procedures also recognize the provisions of the Administrative Procedure Act stating that an agency may dispense with the general notice and public participation requirements with respect to interpretative rules or rules of agency organization, procedure, or practice, or when it finds that notice and public procedure are impracticable unnecessary or contrary to the public interest. When this happens, the FDIC will include a statement of its reasons when it publishes the regulation.

3. *Regulation not acted upon.* Section 302.3 provides for automatic withdrawal of any proposed regulation on which final action by the Board of Directors has not been taken within 1 year from the date the regulation was last proposed. This provision is not found in Executive Order 12044, but has been included by the FDIC in order to relieve possible public confusion over the status of regulations that have been proposed but not adopted. It is intended that if the FDIC wishes to repropose any proposed regulation which has been automatically withdrawn under this provision, it must begin the regulatory process anew (i.e., republish in the FEDERAL REGISTER, resolicit public comments, etc.).

4. *Semiannual agenda of regulations.* Twice a year the FDIC will publish in the FEDERAL REGISTER an agenda of proposed regulations and existing regulations under review. The agenda will be approved by the Board of Directors before publication and will contain certain specified information about each listed regulation. The purpose of the agenda is to advise the public as to the status of outstanding proposed regulations and regulations under review.

5. *Review of existing regulations.* At least once every 5 years the FDIC will review each of its regulations to determine whether the regulation should be continued, revised, or eliminated. This review will most likely be staggered; that is, regulations will be reviewed at various times during the 5-year period, rather than all at once. The Executive Secretary is responsible for determining when each regulation is to be reviewed and for notifying the appropriate reviewing office.

Although the regulation does not so require, it is expected that the review of an existing regulation will follow procedures similar to those prescribed for the development of new regulations. Section 302.5 lists the factors that are to be considered in evaluating each regulation.

6. *Rulemaking petitions.* Section 302.6 continues the practice of permitting any person or organization to petition the FDIC in writing for the issuance, amendment, or repeal of a regulation. The petition should state the petitioner's interest in the subject matter and the reasons why the petition should be granted.

The subject amendment is being proposed under authority of section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819). It imposes no reporting or recordkeeping requirements on any person or organization. If adopted, it is expected that the amendment would have the effect of substantially achieving the policy goals stated in Executive Order 12044.

In developing this regulation, the following alternative approaches were also considered:

1. Issuing informal guidelines describing in general terms the FDIC's rulemaking procedures; or

2. Retaining the present part 302 substantially in its current form.

The first alternative was rejected because it was felt that a binding, formally promulgated regulation was necessary in order to reflect the FDIC's commitment to meaningful regulatory reform. The second alternative was rejected because it does not go far enough in insuring that the FDIC achieves the policy objectives set by the President.

Accordingly, the FDIC proposes to amend 12 CFR Part 302 by revising it to read as set forth below.

By direction of the Board of Directors dated November 8, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

PART 302—DEVELOPMENT AND REVIEW OF FDIC RULES AND REGULATIONS

Sec.
302.1 Purpose and scope.
302.2 Development of regulations.
302.3 Regulations not acted upon.
302.4 Semiannual agenda of regulations.
302.5 Review of existing regulations.
302.6 Rulemaking petitions.

AUTHORITY: Sec. 9, 64 Stat. 881, 12 U.S.C. 1819.

§ 302.1 Purpose and scope.

(a) *Purpose.* The propose of this part 302 is to describe the general procedures by which the FDIC develops and reviews its rules and regulations.

(b) *Scope.* Part 302 applies to the development and review of FDIC regulations. The term "regulation" includes any FDIC rule or regulation so designated by the FDIC Board of Directors,

but does not include a general statement of policy.

§ 302.2 Development of regulations.

(a) Early in the development of a regulation, the FDIC staff will prepare and submit to the Board of Directors for review a concise statement describing the regulation, its purpose and need, its legal basis, the issues that have been or will be considered, the alternative approaches that have been or will be explored, a tentative plan for obtaining comment from interested persons, and target dates for completion of the various stages of development.

(b) When appropriate, the FDIC will issue a press release and-or publish in the FEDERAL REGISTER an advance notice of proposed rulemaking, affording the public an early opportunity to participate in the rulemaking process before a regulation is formally proposed.

(c) The Board of Directors will review and approve all proposed regulations before publication in the FEDERAL REGISTER.

(d) The proposed regulation will be published for comment in the FEDERAL REGISTER. The published notice will include either the terms or substance of the proposed regulation or a description of the subjects and issues involved, the legal authority under which the regulation is proposed, and, where applicable, a statement of the time, place, and nature of public rulemaking proceedings. It will also include the information specified in § 302.2(h), to the extent known at the time. The comment period will be at least 30 days, unless the Board of Directors has detemined that a shorter period is necessary, in which case the published notice will state the Board's reasons.

(e) The Board of Directors may direct that interested persons be permitted to present their views on the proposed regulation orally.

(f) The FDIC staff will review and analyze the comments received and views presented before putting the regulations into final form.

(g) As provided in the Administrative Procedure Act (5 U.S.C. 553), the FDIC may dispense with the general notice and public participation requirements with respect to interpretative rules or rules of FDIC organization, procedure, or practice, or when it finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. When this happens, the published regulation will include the finding and a brief statement of the reasons for the finding.

(h) With each proposed regulation submitted to the Board for final action, the staff will submit a report which generally will contain the following information:

(1) The reasons why the regulations is needed;

(2) The effects for the regulation, including its effect on competition;

(3) The relationship, if any, of the regulation to other government regulations, programs, and activities;

(4) Alternative approaches that were considered;

(5) Analysis of the public comments received and views presented;

(6) An assessment of the reporting or recordkeeping requirements necessary to comply with the regulation;

(7) A cost-benefit analysis of the regulation (unless the staff advises the Board of the reasons why such an analysis is not feasible and the board agrees with that advice); and

(8) The name, address, title, and telephone number of a knowledgeable FDIC official to be included in the FEDERAL REGISTER notice that will accompany the published regulation.

(i) In developing regulations that are mandated by law and whose content is so prescribed, the items contained in § 302.2(h) may be discussed in summary fashion. In preparing the report called for in § 302.2(h) with respect to regulations developed jointly or in cooperation with other agencies, the FDIC may rely largely on information supplied by the other agencies.

(j) The Board of Directors will approve each final regulation before it is published in the FEDERAL REGISTER. Each final regulation will include a concise general statement of its basis and purpose and will be written in plain English. The published notice will also include the information listed in § 302.2(h).

(k) The final regulation will be published in the FEDERAL REGISTER at least 30 days before its effective date, unless (1) it is a substantive rule which grants or recognizes an exemption or relieves a restriction; (2) it is an interpretative rule; or (3) the Board of Directors finds good cause to dispense with the delayed effective date, in which case the Board will publish its reasons for the finding.

§ 302.3 Regulations not acted upon.

Any proposed regulation with respect to which final action by the Board of Directors has not been taken within 1 year from the date the regulation was last proposed will be deemed to have been automatically withdrawn.

§ 302.4 Semiannual agenda of regulations.

(a) During March and September of each year, the FDIC will publish in the FEDERAL REGISTER an agenda of proposed regulations and existing regulations under review.

(b) The agenda will be approved by the Board of Directors before publication and will contain the following information with respect to each proposed regulation or existing regulation under review:

(1) A description;

(2) Its need and legal basis;

(3) The name, title, and telephone number of a knowledgeable FDIC official; and

(4) The status of all items listed on the last agenda on which final action has not been taken.

§ 302.5 Review of existing regulations.

The FDIC will review each regulation periodically (at least once every 5 years) for the purpose of determining whether the regulation should be continued, revised, or eliminated. The Executive Secretary will establish procedures for determining when each regulation is to be reviewed and will notify either the General Counsel or other appropriate FDIC official that it is time to conduct the review. The factors to be considered in determining whether the regulation should be continued, revised, or eliminated are:

(a) The continued need for the regulation;

(b) Alternative methods of accomplishing the purpose of the regulation;

(c) The type and number of complaints or suggestions received;

(d) The burdens imposed on those affected by the regulation;

(e) Possible simplification or clarification of the regulation;

(f) The need to eliminate overlapping and duplicative regulations or supervisory procedures; and

(g) The length of time since the regulation was last evaluated and the extent to which technology, economic conditions, and other factors have changed in the area affected by the regulation.

§ 302.6 Rulemaking petitions.

Any person or organization may petition the FDIC for the issuance, amendment, or repeal of any regulation by submitting a written petition to the Executive Secretary of the FDIC. The petition should include a complete and concise statement of the petitioner's interest in the subject matter and the reasons why the petition should be granted.

[FR Doc. 78-32118 Filed 11-14-78; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-66-76]

INCOME TAX

Exchanges Under the Final System Plan for ConRail; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to exchanges under the final system plan for the Consolidated Rail Corp.

DATES: The public hearing will be held on December 19, 1978, beginning at 11 a.m. Outlines of oral comments must be delivered or mailed by December 8, 1978.

ADDRESS: The public hearing will be held in the IRS Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, D.C. The outlines should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR-66-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

George Bradley or Charles Hayden of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, 202-566-3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 354, 356, 358, 371, 372, 373, and 374 of the Internal Revenue Code of 1954. The proposed regulations appeared in the FEDERAL REGISTER for Wednesday, August 30, 1978, at page 38727 (43 FR 38727).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and also desire to present oral comments at the hearing on the proposed regulations should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by December 8, 1978. Each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers to these questions.

Because of controlled access restriction, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 10:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978.

By direction of the Commissioner of Internal Revenue.

ROBERT A. BLEY,
Director,
Legislation and Regulations Division.

[FR Doc. 78-32155 Filed 11-14-78; 8:45 am]

[6820-12-M]

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

[29 CFR Part 2700]

PROCEDURAL RULES

Hearing on Proposed Rulemaking

AGENCY: Federal Mine Safety and Health Review Commission.

ACTION: Notice of hearing on proposed rules of procedure.

SUMMARY: The Federal Mine Safety and Health Review Commission will hold a hearing on its proposal, published on October 31, 1978 (43 FR 50712), to replace its interim rules of procedure and adopt new rules of procedure.

DATES: A public hearing will be held on Tuesday, December 5, 1978, at 10 a.m. Persons who desire to speak at the hearing must notify the Commission by letter no later than November 24, 1978. The notice must include an estimate of the amount of time needed for the speaker's remarks, as well as the speaker's business telephone number.

ADDRESS: The hearing will be held at the Commission's offices, Room 600, 1730 K Street NW., Washington, D.C. All communications should be addressed to: Donald F. Terry, Executive Director, Federal Mine Safety and Health Review Commission, 1730 K Street NW., 6th Floor, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Donald Terry, Executive Director, 202-653-5644.

SUPPLEMENTARY INFORMATION: On October 31, 1978, the Federal Mine Safety and Health Review Commission proposed the adoption of new rules of procedure to replace its interim rules of procedure. 43 FR 50712. The proposed rules are intended to reduce both paperwork and expense to the parties, as well as make Commission adjudications less complex and time consuming. The Commission has provided an opportunity to submit written comments on the rulemaking proposal.

The Commission has, therefore, decided to hold a hearing at the end of the written comment period at which interested persons and the general public are invited to present their views orally. Any person who wishes to speak at the hearing must notify the Executive Director by letter no later than November 24, 1978. This letter must state the speaker's telephone number in addition to the amount of time his or her remarks are expected to consume. If the request to appear can be accommodated, the Commission will notify the speaker of the time scheduled for his or her appearance. Because the Commission wishes to hear as many presentations as possible, presentations should be planned to not exceed 30 minutes.

Signed at Washington, D.C., this 9th day of November 1978.

JEROME R. WALDIE
Chairman, Federal Mine Safety and Health Review Commission.

[FR Doc. 78-32165 Filed 11-14-78; 8:45 am]

[3710-92-N]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR PART 207]

RESTRICTED AREA, ST. JOHNS RIVER, FLA.

Navigation Regulations

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Corps of Engineers proposes to establish a restricted area in the waters adjacent to the U.S. Navy Fuel Depot Pier in the St. Johns River, Jacksonville, Fla. The restricted area is necessary to provide adequate safety and security for the fuel depot.

DATE: Comments must be received on or before December 19, 1978.

ADDRESS: Send comments to: Office of the Chief of Engineers Attn: DAEN-CWO-N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT:

Mr. Ralph T. Eppard at 202-693-5070.

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the River and Harbor Act of August 8, 1917 (40 Stat. 266, 33 U.S.C. 1) the Corps of Engineers proposes to establish an area in the waters adjacent to the U.S. Navy Fuel Depot Pier that would be closed to all commercial or private vessels unless otherwise authorized by the officer in charge of the depot. The proposed regulation, 33 CFR part 207.167, is set forth below:

§ 207.167 U.S. Navy Fuel Depot Pier, St. Johns River, Jacksonville, Fla.; restricted area.

(a) *The area is described as:* (1) A line running at 238.5° true and paralleling the pier at 100 feet is extended from the eastern edge of the mooring platform No. 59 to the western edge of platform No. 65. From these points the boundaries are extended to the shoreline along lines running at 328.5°.

(2) The easterly waterward coordinate being: 30°23'58.0" N; 81°37'15.0" W.

(3) The westerly waterward coordinate being: 30°23'53.0" N; 81°37'24.4" W.

(b) *The regulations.* (1) The use of waters as previously described by private and/or commercial floating craft is prohibited with the exception of vessels that have been specifically authorized to do so by the officer in charge of the Navy Fuel Depot.

(2) This regulation shall be enforced by the officer in charge, U.S. Navy Fuel Depot, Jacksonville, Fla.

Dated: November 2, 1978.

THORWALD R. PETERSON,
Colonel, Corps of Engineers,
Executive Director, Engineer Staff.

[FR Doc. 78-32046 Filed 11-14-78; 8:45 am]

[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 161j]

CORRECTION EDUCATION PROGRAM

Decision to Develop Regulations

AGENCY: Office of Education, HEW.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Commissioner of Education proposes rules for the "Correction Education Demonstration Project Act of 1978." The Act authorized demonstration projects. The proposed regulations will:

(1) Define the eligible applicants and beneficiaries under the Act;

(2) Establish the focus of the program; and

(3) Establish specific funding criteria, and allowable costs. These regulations will provide improved educational services to the client offender populations. These regulations are policy significant.

FOR FURTHER INFORMATION CONTACT:

Dr. James M. Spillane, Room 2047, FOB No. 6, 400 Maryland Avenue SW., Washington, D.C. 20202. Telephone 202-245-7292.

Dated: November 3, 1978.

ERNEST L. BOYER,
Commissioner of Education.

[FR Doc. 78-32051 Filed 11-14-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[46 CFR Chapter IV]

[Docket 78-46]

AMENDMENT TO FINANCIAL REPORTS BY COMMON CARRIERS BY WATER IN THE DOMESTIC OFFSHORE TRADES

Advance Notice of Proposed Rulemaking

AGENCY: Federal Maritime Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Federal Maritime Commission intends to publish substantive guidelines for determining what constitutes a just and reasonable rate of return or profit for common carriers by water in intercoastal commerce. The purpose of this advance notice is to solicit comments and information from the public on the issues which should be addressed by the proposed rules.

DATES: Comments must be submitted on or before December 15, 1978. Informal hearings will be held at the times and locations listed below.

ADDRESSES: Comments to: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, telephone 202-523-5725.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Federal Maritime Commission regulates the activities of common carriers by water in domestic offshore commerce. The regulation of the rates charged by these carriers is an important aspect of the Commission's responsibility.

The Commission's authority to regulate rates in the domestic offshore trades has been altered by Pub. L. 95-475, an amendment to the Intercoastal Shipping Act of 1933. Pub. L. 95-475 has a twofold purpose. First, although it removes the Commission's authority to suspend general revenue rate increases of less than 5 percent, it provides that the Commission may investigate all general revenue rate increases, regardless of size, and order refunds to shippers if an increase should prove unwarranted. General revenue increases of more than 5 percent may be suspended by the Commission for a period of 180 days. Second, Pub. L. 95-475 expedites the decisionmaking process of the Commission as it relates to the regulation of rates in the domestic offshore trades. The following deadlines have been imposed on the Commission: Hearings must be completed within 60 days after the proposed effective date of the rates. The initial decision must be submitted to the Commission within 120 days and the Commission must reach a final decision within 180 days of the effective date. Under extraordinary circumstances, the Commission is authorized to extend the time period (and suspension period) by an additional 60 days. In order to properly implement Pub. L. 95-475, the Commission is directed to prescribe by regulation the guidelines for determining the justness and reasonableness of rates of return or profits for common carriers by water in intercoastal commerce.

The Commission's general order 11 is at present a reporting requirement and not a substantive guideline for the determination of just and reasonable rates of return or profits, and thus must be modified in order to serve as a substantive guideline.

The Commission's rules of practice and procedure also require modification, since they are presently clearly incompatible with the time constraints imposed by Pub. L. 95-475. Accordingly, the Commission will promulgate both substantive and procedural rules governing future general rate increases in the domestic offshore trades. However, modifications to the Commission's rules of practice and procedure will be the subject of a separate rulemaking proceeding.

Prior to publishing specific substantive rules, the Commission seeks, by this advance notice of proposed rulemaking, to solicit the views of governmental bodies, shippers and carriers regarding the nature, scope and feasibility of these regulations. Specific

comments are sought on the following issues, as well as on any other matters thought to be relevant.

ISSUES UPON WHICH COMMENTS ARE REQUESTED

1. Should the present method of allocating assets and expenses to the trade be retained?
2. Are there any assets that should be considered in the rate base other than those designated in General Order 11?
3. What value should be assigned to the assets included in the rate base?
4. Should the Commission use the rate of return on rate base, rate of return on equity, or some other standard for evaluating the revenue need in rate cases?
5. What is the proper tax to assess against the trade operation?
6. How should deferred taxes and capital construction funds be treated for rate base purposes?
7. What operational data (sailing schedules, utilization of factors, etc.) should be considered in order to determine the carrier's need for revenue?
8. What uniform rules and standards of quality are needed in order to develop adequate revenue and expense projections?
9. Should there be different standards for evaluating the revenue needs of vessel operators and NVOCCs? If so, what should they be?
10. Can General Order 11 be adopted unchanged?
11. If a return on equity standard is adopted, whose equity ratio should be used where related company issues are involved?
12. If a return on equity standard is adopted, how should intercompany debts be treated? Should the time these debts have been outstanding affect the treatment?
13. What is the proper standard for evaluating the revenue needs of a carrier having little or no equity and/or assets?
14. Should carriers of small size or minor significance in the trade be exempted from the reporting requirements of any proposed rule?

The above issues are clearly not exhaustive nor are they meant to limit the subjects which may be commented upon. All responding parties are encouraged to fully discuss all issues which they believe to be relevant to the proposed rulemaking. All parties are urged to be as specific as possible in their comments.

In addition to this request for written comments, the Commission intends to solicit the comments of governmental bodies, shippers, and carriers at a series of informal hearings to be held in various cities throughout the country. These comments will become part of the rulemaking record in this proceeding. Commissioner Leslie Kanuk will act as the Presiding Officer during the informal hearing phase of this proceeding. The informal public discussions will be held in the following cities on the dates listed below:

Date, Location, and Contact Number

December 5, 1978; Los Angeles, Calif.; 415-556-5272.
December 6, 1978; San Francisco, Calif.; 415-556-5272.
December 11, 1978; Honolulu, Hawaii; 415-556-5272.
December 14, 1978; Washington, D.C.; 202-523-5725.
December 15, 1978; New York, N.Y.; 212-264-1430.
December 18, 1978; San Juan, P.R.; 809-753-4198.
December 19, 1978; St. Thomas, V.I.; 809-753-4198.

NOTE: the exact addresses of the hearings can be obtained by calling the appropriate number listed above.

All persons who wish to attend should register at least 1 week in advance by calling the appropriate telephone number listed above.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-32285 Filed 11-14-78; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 260]

STANDARDIZATION OF FISHERY PRODUCTS

Request for Information and Comments

AGENCY: National Marine Fisheries Service, National Oceanic and Atomospheric Administration, U.S. Department of Commerce.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: This advance notice of proposed rulemaking describes guidelines, standards, and procedures the National Marine Fisheries Service (NMFS) is considering for fishery products inspected by its programs. Since these guidelines, standards, and procedures will have an impact on voluntary fishery products inspection and certification, the comments of all concerned parties are invited.

DATE: Comments by February 13, 1979.

ADDRESS: Written comments should be directed to; Mr. Thomas J. Billy, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

Mr. James R. Brooker, Seafood Quality and Inspection Division, U.S. Department of Commerce, NOAA, National Marine Fisheries Service, Washington, D.C. 20235, 202-634-7458.

SUPPLEMENTARY INFORMATION: The National Marine Fisheries Service (NMFS) provides voluntary, fee-for-service fishery products inspection and grading programs to help the fishing industry maintain the quality of its products and to increase consumer confidence in seafoods.

Inspection is the examination and testing of fishery products to provide assurances that a product meet Federal requirements for quality, identity, wholesomeness, and labeling. Products which have been processed under certain requiste conditions and which meet specified requirements may bear the Federal inspection mark, "Packed Under Federal Inspection" (PUFI) on the label.

Grading is the inspection of those seafood products for which voluntary U.S. Standards for Grades have been promulgated in Title 50, Code of Federal Regulations, Parts 261 through 267. The level of quality of the product is determined and certified. Only products which have met Federal safety, wholesomeness, and identity requirements and have been processed under certain requisite conditions are eligible for grading. Products which meet these requirements and the designated quality provisions established in the standards may bear a U.S. Grade mark on the brand label. The variety of fishery products that may bear a U.S. Grade mark is limited to those for which U.S Standards for Grades are available.

All other nonstandardized fishery products that are inspected may bear the "Packed Under Federal Inspection" mark. Inspection of these nonstandardized fishery products may be performed on the basis of Federal, military, Veterans' Administration or other Government agency specifications, written contract specifications, or any written specification, instruction or guideline which is approved by NMFS.

U.S. STANDARDS FOR GRADES OF FISHERY PRODUCTS

The following guidelines are used in the development of U.S. Grade Standards:

1. Quality grade designations will follow a uniform nomenclature in descending order of quality of the product:

U.S. Grade A; U.S. Grade B; U.S. Grade C; and Substandard.

The entire quality range of products being produced will be reflected by the various grades.

U.S. Grade A will represent those products which are in the "high quality" part of the total quality range. U.S. Grade B will represent the largest percentage of products which are in the middle part of the total quality range. U.S. Grade C will represent products that are in the low part of the total range of acceptable quality. "Substandard" will represent products that fall below acceptable standards of minimum quality but which remain safe and wholesome in accordance with the provisions of the Food, Drug, and Cosmetic Act as amended.

2. Standards for seafood products for retail sale will promote consumer confidence in the quality designations, be easily understood, and enable consumers to make value judgments.

3. Standards will take into consideration the significant attributes such as color, size, texture, flavor, workmanship defects, and consistency which affect the merchantability of the seafood product.

4. Standards will be as scientifically sound as possible, and will accommodate the major product forms, styles, types, and species.

5. Objective test methods will be developed and incorporated into grade standards as much as possible.

6. Procedures for applying grade standards will be as uniform as possible.

7. To the extent possible, standards will be designed for in-process application as well as for end-product evaluation.

8. Guidelines for applying quality standards will be prepared for use by both industry and government inspectors and should include drawings, models, illustrations of defects and other visual aids where possible.

9. There will be adequate testing of draft standards, including testing under commercial production conditions.

10. Comments on draft quality standards will be sought from both consumer and trade interests.

Comments and suggestions on these guidelines are invited. Suggestions of additional guidelines are also invited.

Inspection Specifications

Several fishery products may be inspected for which Federal quality standards or specifications have not been developed. Such "specialty products" are typically not appropriate for development of voluntary U.S. Standards for Grades, although similar products may be produced by several firms. However, inspectors often need information about quality criteria for these products to provide a uniform basis for inspection and certification.

NMFS is proposing to develop specifications for these specialty seafood products which:

1. Are not described by voluntary standards for grades, standards of identify, or federal specifications;

2. Do not warrant voluntary U.S. Standards for Grades;

3. Are produced by several firms and marketed under the same or similar product designations, creating the likelihood that the products will not be consistent between firms;

4. Are inspected on a contract or lot basis as a final product when a producer specification is not available.

An Inspection Specification will be used as the basis for inspection and certification of specialty seafood products and such products will be eligible to bear the "PUFI" mark on a product. Only one level of quality will be described in the specification and this level should reflect an average commercial product, and the quality should be above minimum suitability for human consumption.

When an Inspection Specification has been developed, it will be published in the Federal Register and given broad distribution.

NMFS is interested in the class of seafoods for which inspection specificatins are needed or desired. Suggestions are invited relating to the types and kinds of provisions that could be included in such specification.

Date Labeling for Perishable Fresh Fish and Fresh Fish Fillets

In comparing the qualities of competing products, freshness is important. This is especially true for perishable (shelf life of 30 days or less) fishery products. Some products have a shelf-life of only a few days before they begin to lose their color, taste, texture, and other inherent properties. Consumer knowledge of how long such products have been on the retail shelf and how well they have been stored (proper temperature, humdity, etc.) is important if they are to protect themselves from purchasing stale, low quality or spoiled fishery products.

Fresh fish and fresh fish fillets are examples of products with a potential problem. Whole and dressed fish, as well as fresh fish fillets of major species such as cod, haddock, sole, and ocean perch, are now eligible for voluntary inspection and grading when produced under NMFS inspection services. Those products meetng the requirements for specified grade levels are eligible to bear appropriate U.S. Grade and/or "Packed Under Federal Inspection" marks on the product label.

Based on various reports, NMFS believes the experience to date indicates that, for open-dating to be an effective tool for consumers buying perishable fishery products, it must be uniformly presented and easily understood. We believe an open-dating system for USDC inspected and/or graded fresh fish and fillets will benefit consumers and the fishing industry.

There are several types of date labeling as follows:

1. *Full date*—This is the last day the retail stores may sell the item as fresh. The date is designed to allow consumers a reasonable amount of time to store and use the product at home even if it is purchased on the pull date. How long the product should be offered for sale and how much home storage time is allowed are based on the knowledge of the product and its shelf life.

2. *Pack date*—This is the date of final packaging or processing. Although it is sometimes used, it may not be very helpful to shoppers who do not have the technical expertise to judge the shelf life of fish fillets.

3. *Quality date*—This shows how long the product should remain at peak quality. Some time after the "quality date" (and there will always be a cushion of time allowed), the fish or fillets will no longer be of optimum or stated quality. This does not mean that the product will be unacceptable for use; it means that consumers should use the product while it is at its peak.

Studies have shown that open dating which shows only one date, either the pack date or the pull date for products would not benefit consumers. Time alone is not the controlling factor in determining the quality and fresh fish and fish fillets, and the use of both dates would tend to confuse consumers.

A pack date is misleading to consumers because it does not indicate the expected shelf life of the fillets when stored properly. In addition, the date only describes the age of the product but does not indicate freshness because there is no assurance the product was stored properly. A pull date can also present problems for consumers. An accurate pull date depends on the handling and storage of the fillets.

NMFS believes that a quality date (date of quality duration) may be the most useful type of open date labeling for USDC inspected and graded fresh fish and fillets.

Interested persons are invited to express their views and comments on the following:

1. Should open date labeling be advocated and supported?

2. What type of date marking should be used?

3. What fishery products should be considered for date marking?

Comments and suggestions received relative to guidelines, standards, and

procedures will be reviewed, and consideration given to making changes in existing regulations. Any changes relative to guidelines, standards, and procedures that are considered to be beneficial and favorable will be published as a notice of proposed rulemaking in the FEDERAL REGISTER.

Dated: November 9, 1978.

WINFRED H. MIEBOHM,
Acting Executive Director,
National Marine Fisheries Service.

[FR Doc. 78-32064 Filed 11-14-78; 8:45 am]

notices

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.

[3410-05-M]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ADVISORY COMMITTEE ON EXPORT SALES REPORTING

Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the following Committee meetings:

Name: Advisory Committee on Export Sales Reporting.

Dates, times, and places: November 28, 1978—9 a.m. to 4 p.m., Sears Tower, 233 South Wacker Drive, Room 4600, Chicago, Ill.; November 29, 1978—9 a.m. to 4 p.m., The New Federal Building, 601 East 12th Street, Room 140, Kansas City, Mo.; November 30, 1978—9 a.m. to 4 p.m., The Federal Building, 1220 Southwest Third Avenue, Room 223, Portland, Oreg.; December 5, 1978—9 a.m. to 4 p.m., Sheraton Inn, Memphis Airport, Room Apollo 4, Memphis, Tenn.; December 6 1978—9 a.m. to 4 p.m., The New Federal Building, 1100 Commerce Street, Room 5B8, Dallas, Tex.; December 13, 1978—9 a.m. to 4 p.m., 26 Federal Plaza, Room 3105, New York, N.Y.

Type of meeting: Open.

Purpose: To obtain public comment concerning the mandatory export sales reporting requirements.

Contact person: Kelly Harrison, General Sales Manager, USDA, Washington, D.C. 20250, telephone 202-447-5173. Persons wishing to make comments at any of the above meetings should contact Dr. Harrison prior to the meeting. Written comments should also be submitted to Dr. Harrison. Copies of summary minutes of committee meetings may be obtained from the address shown above.

Dated: November 7, 1978.

KELLY HARRISON,
General Sales Manager and Executive Secretary, Advisory Committee on Export Sales Reporting.

[FR Doc. 78-32058 Filed 11-14-78; 8:45 am]

[3410-16-M]

Soil Conservation Service

BAYOU MALLET WATERSHED, LOUISIANA

Notice of Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Bayou Mallet Watershed, Acadia, and St. Landry Parishes, La.

The environmental assessment 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. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include the installation of 161 miles of channels and appurtenances, and eight water control structures (weirs).

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, La. 71301, 318-448-3421.

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

Dated: November 7, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-32033 Filed 11-14-78; 8:45 am]

[3410-16-M]

WEST FRANKLIN WATERSHED, LOUISIANA

Intent To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the West Franklin Watershed, Franklin Parish, La.

The environmental assessment 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. Alton Mangum, State conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include the installation of 350 miles of channels and appurtenances, 10 grade stabilization structures, and 12 water control structures (weirs).

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, La. 71301, 318-448-3421.

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

Dated: November 7, 1978.

JOSEPH W. HAAS,
Assistant Administrator for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-32034 Filed 11-14-78; 8:45 am]

[3410-16-M]

NECK RIVER, CONN.

Authorization of Federal Assistance in the Installation of Works of Improvement

Federal assistance in the installation of works of improvement under the authority of the Watershed Protection and Flood Prevention Act (16 U.S.C.

1001-1008) has been authorized for the following watershed:

Neck River, Conn.

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

Dated: November 7, 1978.

JOSEPH W. HAAS,
Assistant Administrator, for Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-32032 Filed 11-14-78; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket No. 28366; Order No. 78-11-32]

DENVER-ALASKA SERVICE INVESTIGATION

Order on Motions To Consolidate

Issued under delegated authority[1] November 7, 1978.

By Order 78-5-125, May 19, 1978, the Board instituted this investigation to consider nonstop authority in the Denver-Seattle / Fairbanks / Juneau / Ketchikan markets. The Board set 20 days for the filing of any additional applications and motions to consolidate. During that time applications, or amended applications, and motions to consolidate were filed by Alaska Airlines, Braniff Airways, Delta Air Lines, Frontier Air Lines, Western Air Lines, and Wien Air Alaska. Additionally, within the month of July, applications and motions to consolidate were filed late by Northwest Airlines, Ozark Air Lines, and Texas International Airlines. Finally, in the month of September there were two more late filings, by Continental Air Lines, Inc. (Docket 33378) and Aeroamerica, Inc. (Docket 33345).

By Order 78-10-102, served October 26, 1978, the Board expanded the scope of the issues to be considered in this proceeding.[1a] Under the Order on Reconsideration the scope of this investigation is now defined as "whether the public convenience and necessity require the certification of an air carrier or air carriers to engage in air transportation between (i) Denver and the coterminal points Seattle and Portland, and (ii) Denver, on the one hand, and Anchorage, Fairbanks, Juneau, or Ketchikan on the other hand, either nonstop or via intermediate points at issue in this case: *Provided, however,* That all flights shall serve Denver." In this same order the Board then consolidated the applications of all the above-mentioned carriers, except Continental Air Lines and Aeroamerica. The Board took no action as to the applications and motions of the latter two air carriers, so their motions are still pending. The Board did direct, however, that "applications within the expanded scope of the case, and motions to consolidate, shall be filed within 20 days of the service date of this order, answers to those applications and motions shall be filed 7 days later." Thus, the original time period for filing applications and motions to consolidate was reopened.

Had the Board not reconsidered its instituting order herein and reopened the period for filings, the motions of Continental and Aeroamerica would surely have to be dismissed, since they were filed extremely late and good cause was not shown, in the undersigned's opinion. Rule 12(b) of the Board's Rules of Practice (14 CFR 302.12(b)). But, under Order 78-10-102 it would now appear that the applications and motions to consolidate of these carriers are timely. Since they request authority within the scope of the investigations, those motions will therefore be granted.

Accordingly, *It is ordered,* That:

The motions to consolidate the applications of Continental Air Lines, Inc. (Docket 33378) and Aeroamerica, Inc. (Docket 33345) into the investigation in Docket 28366 are granted, to the extent that they conform to the scope of the issues in this proceeding as expanded by Order 78-10-102.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless before that date a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By John J. Mathias, Administrative Law Judge.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32153 Filed 11-14-78; 8:45 am]

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[1] Under the instituting order in this matter, Order 78-5-125, authority was delegated to the presiding administrative law judge to consolidate by order any applications which conform to the scope of this proceeding.

[1a] Petitions for reconsideration had been filed by several air carriers, including Continental.

[6320-01-M]

[Dockets 33477, 28337, 28999, 32746; Order 78-9-90]

TEXAS/GREAT LAKES-EASTERN CANADA SERVICE CASE

Order Instituting Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of September 1978.

In the matter of applications of Braniff Airways, Inc. (Docket 28337), Allegheny Airlines, Inc. (Docket 28999), American Airlines, Inc. (Docket 32746).

On page 45422 in the issue of October 2, 1978, third column, the first full paragraph, a line was inadvertently dropped from the second sentence. The sentence should read as follows:

Allegheny (Docket 28999) seeks Cleveland-Montreal authority, while Braniff (Docket 28337 and American (Docket 32746) have applied for authority to serve Houston/Dallas/Ft. worth-Tronto/Montreal.

Dated. November 7, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-32152 Filed 11-14-78; 8:45 am]

[3510-07-M]

DEPARTMENT OF COMMERCE

Bureau of the Census

ANNUAL WHOLESALE TRADE

Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct in 1979 the Annual Wholesale Trade Survey. This survey will be conducted under title 13, United States Code, sections 182, 224, and 225. This survey will be conducted to collect data covering year-end inventories and annual sales of firms engaged in wholesale trade. This survey, which would provide data for 1978, is the only source available on a comparable classificaiton basis for use as a benchmark for statistical estimates of wholesale trade.

Information and recommedations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and that the data are not publicly available from nongovernmental or other governmental sources.

Such a survey, if conducted, shall begin not earlier than December 31, 1978.

Reports will be required only from a selected sample of merchant wholesale firms operating in the United States with probability of selection based on

sales size. The sample will provide, with measurable reliability, statistics on the subject specified above.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey will receive consideration if submitted in writing to the Director, Bureau of the Census on or before December 31, 1978.

Dated: November 9, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-32109 Filed 11-14-78; 8:45 am]

[3510-07-M]

SURVEY OF DISTRIBUTORS STOCKS OF CANNED FOODS

Determination

In conformity with title 13, United States Code, sections 182, 224, and 225, and due Notice of Consideration having been published October 10, 1978 (43 FR 46562), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential government functions, that the data have signficant application to the needs of the public and industry, and that they are not publicly available from non-governmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1978 inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all forms, but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods in order to provide, with measurable reliability, year-end inventories of the specified canned food items. These stocks will be maesured in terms of actual cases, with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Report forms will be furnished to firms covered by the survey. Copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated: November 9, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

[FR Doc. 78-32110 Filed 11-14-78; 8:45 am]

[3510-26-M]

Office of the Secretary

METROPOLITAN STATISTICAL AREAS

Second Proposal for Changes in Criteria for Designation and Definition of Metropolitan Statistical Areas

Notice is hereby given of a public hearing on the second proposal for revising the criteria for establishing the metropolitan statistical areas (formerly known as Standard Metropolitan Statistical Areas). This revised proposal has been prepared by the Federal Committee on Standard Metropolitan Statistical Areas following the period of public review and comment on the first proposal which was published in the FEDERAL REGISTER for June 22, 1978. The criteria will be published for public comment in a later issue of the FEDERAL REGISTER and in the November 1978 issue of Statistical Reporter. Copies are also available from the Office of Federal Statistical Policy and Standards.

The hearing will be held at 9:30 a.m. on Friday, December 15, 1978, in Room B841, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. Persons wishing to be on the agenda should contact the Office of Federal Statistical Policy and Standards, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-673-7965, by December 13, 1978. Written statements may be presented in lieu of attendance at the hearing. Oral summaries of statements should be limited to 10 minutes.

JUANITA M. KREPS,
Secretary of Commerce.

[FR Doc. 78-32160 Filed 11-14-78; 8:45 am]

[3510-04-M]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,998,050: Reverse Flow Aft Inlet Ramjet System; filed Mar. 11, 1975; patented Dec 21, 1976

Patent 3,998,386: Oscillating Liquid Nozzle; filed Feb. 23, 1976; patented Dec. 21, 1976.

Patent 3,999,281: Method for Fabricating a Gridded Schottky Barrier Field Effect Transistor; filed Jan. 16, 1976; patented Dec. 28, 1976.

Patent 4,000,024: Burning Rate Modifiers for Solid Propellants; filed Oct. 17, 1975; patented Dec. 28, 1976.

Patent 4,000,366: Adaptive Gray Scale Control Circuit for Television Video Signals; filed Mar 25, 1975; patented Dec. 28, 1976.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,953,556: Method for Preparing Uranium Nitride of Uranium Carbonitride Bodies; filed May 17, 1974; patented Apr. 27, 1976.

Patent 3,955,753: Gas Centrifuge with Driving Motor; filed Apr. 13, 1961; patented May 11, 1976.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent 3,985,555: Decomposition of Chalcopyrite; filed Jan. 23, 1975; patented Oct. 12, 1976.

Patent 3,985,556 : Reduction of Laterite Ores; filed Mar. 22, 1976; patented Oct. 12, 1976.

Patent 3,985,855: Recovering Copper Values From Oxidized Ores; filed May 9, 1975; patented Oct. 12, 1976.

Patent 3,986,401: Composite Sampling Method and System; filed Oct. 14, 1975; patented Oct. 19, 1976.

Patent 3,987,667: Self-Contained Instrument for Measuring Subterranean Tunnel Wall Deflection; filed June 9, 1975; patented Oct. 26 1976.

Patent 3,998,240: Alternating Field Magnetic Separator; filed Apr. 5, 1973; patented Oct. 26 1976.

Patent 3,993,455: Removal of Mineral Matter including Pyrite from Coal; filed June 25, 1973; patented Nov. 23, 1976.

Patent 3,996,332: Synthesis of Rutile from Titaniferous Slags; filed Dec. 2 1975; patented Dec. 7, 1976.

Patent 3,997,332: Steelmaking by the Electroslag Process using Prereduced Iron or Pellets; filed Jan. 8, 1976; patented Dec. 14, 1976.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, VA. 22217.

Patent 3,906,496: Signal Processor System; filed Jan. 10, 1974; patented Sept. 16, 1975.

Patent 3,929,508: Reserve Battery; filed Mar. 15 1974; patented Dec. 30, 1975.

Patent 3,944,117: Rollonet Assembly; filed Apr. 18 1975; patented Mar. 16 1976.
Patent 3,965,417: Coherent Component Magnitude Detector; filed June 26, 1975; patented June 22, 1976.
Patent 3,981,449: Exhaust Cooling System; filed Jan. 29, 1968; patented Sept. 21, 1976.
Patent 3,983,892: Explosive Valve; filed Dec. 6, 1974; patented Oct. 5, 1976.
Patent 3,986,910: Composite Propellants Containing Critical Pressure Increasing Additives; filed Apr. 12, 1974; patented Oct. 19, 1976.
Patent 3,990,034: Towable VLF Sonar Projector; filed Apr. 23 1975; patented Nov. 2, 1976.
Patent 3,992,123: Pipe End Machining Apparatus; filed Oct. 1, 1975; patented Nov. 16, 1976.
Patent 3,996,422: Multiple Channel Decommutator Accumulator; filed Oct. 22, 1975; patented Dec. 7, 1976.
Patent 4,000,025: Incorporating Ballistic Modifiers in Slurry Cast Double Base Containing Compositions; filed May 28, 1974; patented Dec. 28, 1976.
Patent 4,005,424: Simulator for Doppler Radar Returns from Precipitation; filed Oct. 24, 1975; patented Jan. 25, 1977.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 3,995,324: Actuator Device for Artificial Leg; patented Dec. 7, 1976.
Patent 3,995,552: Precision Alinement Apparatus for Cutting a Workpiece; patented Dec. 7, 1976.
Patent 3,995,621: Liquid Cooled Brassiere and Method of Diagnosing Malignant Tumors Therewith; patented Dec. 7, 1976.
Patent 3,995,960: Method and Apparatus for Background Signal Reduction in Opto-Acuoustic Absorption Measurement; patented Dec. 7, 1976.
Patent 3,996,067: Silicon Nitride Coated Plastic Covered Solar Cell; patented Dec. 7, 1976.
Patent 3,996,070: Thermocouple Installation; patented Dec. 7, 1976.
Patent 3,996,455: Two-Dimensional Radiant Energy Array Computers and Computing Devices; patented Dec. 7, 1976.
Patent 3,996,462: Solid-State Current Transformer; patented Dec. 7, 1976.
Patent 3,996,464: Mass Spectrometer with Magnetic Pole Pieces Providing the Magnetic Fields for Both the Magnetic Sector and an Ion-Type Vacuum Pump; patented Dec. 7, 1976.
Patent 3,996,468: Electron Microscope Aperture System; patented Dec. 7, 1976.
Patent 3,996,471: Method and System for In Vivo Measurement of Bone Tissue Using a Two Level Energy Source; patented Dec. 7, 1976.
Patent 3,996,506: Inrush Current Limiter; patented Dec. 7, 1976.
Patent 3,996,532: Phase Modulating with Odd and Even Finite Power Series of a Modulating Signal; patented Dec. 7, 1976.
Patent 3,997,848: Linear Phase Demodulator Including a Phase Locked Loop with Auxilliary Feedback Loop; patented Dec. 14, 1976.

[FR Doc. 78-32035 Filed 11-14-78; 8:45 am]

[3510-04-M]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,999,433: Mechanically Tuned Buffer Rod for Ultrasonic Temperature Sensor; filed Oct. 23, 1974; patented Dec. 28, 1976.
Patent 3,999,482: High Explosive Launcher System; filed July 9, 1975; patented Dec. 28, 1976.

U.S. DEPARTMENT OF AGRICULTURAL, Research Agreements and Patent Branch, General Service Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent 3,993,794: Method for Texturizing Proteins; filed Jan. 15, 1976; patented Nov. 23, 1976.
Patent 3,998,620: Method for Controlled Release on Fluoroketones; filed Apr. 9, 1970; patented Dec. 21, 1976.
Patent 4,002,774: Method for Removing Seeds from Papayas; filed Aug. 20, 1975; patented Jan. 11, 1977.
Patent 4,007,006: Modification of Wool; filed Sept. 4, 1975; patented Feb. 8, 1977.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 Seventh Street SW., Washington, D.C. 20590.

Patent 3,969,725: Distance Measuring Equipment; filed June 12, 1974; patented July 13, 1976.
Patent 3,969,730: Cross Slot Omnidirectional Antenna; filed Feb. 12, 1975; patented July 13, 1976.
Patent 4,006,078: Preparation of Soluble Edible Protein from Leafy Green Crops; filed Apr. 11, 1975; patented Feb. 1, 1977.
Patent 4,006,932: Inflatable Drag Reducer for Land Vehicles; filed July 21, 1975; patented Feb. 8, 1977.
Patent 4,010,357: Analog Visibility Computer; filed Dec. 8, 1975; patented Mar. 1, 1977.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,951,739: Positioning and Locking Device for Fuel Pin to Grid Attachment; filed July 15, 1974; patented Apr. 20, 1976.
Patent 3,956,063: Emergency Core Cooling System for a Fast Reactor; filed May 24, 1973; patented May 11, 1976.
Patent 3,957,575: Mechanical Design of a Light Water Breeder Reactor; filed April 16, 1974; patented May 18, 1976.
Patent 3,960,655: Nuclear Reactor for Breeding U exp 233; filed July 9, 1974; patented June 1, 1976.
Patent 3,960,994: Preparation of High Temperature Gas-Cooled Reactor Fuel Element; filed Nov. 26, 1974; patented June 1, 1976.
Patent 3,964,964: Identification of Failed Fuel Element; filed Oct. 15, 1974; patented June 22, 1976.
Patent 3,964,966: Molten Core Retention Assembly; filed Aug. 25, 1975; patented June 22, 1976.
Patent 3,964,969: Internal Core Tightener; filed June 20, 1974; patented June 22, 1976.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,904,871: Target Locating Circuit Using a Lateral Photoelectric Diode; filed July 5, 1974; patented Sept. 9, 1975.
Patent 3,913,060: Thermooptic Sonar System; filed Mar. 4, 1974; patented Oct. 14, 1975.
Patent 3,915,219: Metal Forming Apparatus for Producing Metal Ribbon Fibers; filed May 1, 1974; patented Oct. 28, 1975.
Patent 3,922,034: Armored Headrest; filed Apr. 9, 1975; patented Nov. 25, 1975.
Patent 3,934,234: Photodichroic Readout Device Using Circularly Polarized Light; filed July 5, 1974; patented Jan. 20, 1976.
Patent 3,970,669: Low Power Driver; filed Mar. 3, 1975; patented July 20, 1976.
Patent 3,979,089: Vertical Sensing and Control System; filed Sept. 22, 1975; patented Sept. 7, 1976.
Patent 3,981,239: Fluidic Link Master/Slave Fuze System; filed Sept. 4, 1975; patented Sept. 21, 1976.
Patent 3,987,280: Digital-to-Bandpass Converter; filed May 21, 1975; patented Oct. 19, 1976.
Patent 3,987,292: Discrete Fourier Transform via Cross Correction Charge Transfer Device; filed June 2, 1975; patented Oct. 19, 1976.
Patent 3,990,035: Housing Configuration for High Resolution Sonar; filed Sept. 5, 1975; patented Nov. 2, 1976.
Patent 3,990,401: Marine Mammal Vaccum Recovery System; filed Mar. 31, 1975; patented Nov. 9, 1976.
Patent 3,991,486: Aircraft Landing Signal Officer Trainee; filed Nov. 7, 1975; patented Nov. 16, 1976.
Patent 3,992,573: Stereoscopic Viewer Power Supply; filed Nov. 19, 1975; patented Nov. 16, 1976.
Patent 3,999,174: Discontinuous Chromium Film for Memory Element; filed Sept. 19, 1975; patented Dec. 21, 1976.
Patent 4,000,471: TWT Grid Circuit Utilizing Feedback; filed Oct. 14, 1975; patented Dec. 28, 1976.
Patent 4,000,525: Ceramic Prosthetic Implant Suitable for a Knee Joint Plateau; filed Aug. 21, 1975; patented Jan. 4, 1977.
Patent 4,001,861: Double-Layer, Polysilicon, Two-Phase, Charge Coupled Device; filed Oct. 12, 1973; patented Jan. 4, 1977.

[FR Doc. 78-32036 Filed 11-14-78; 8:45 am]

[3510-04-M]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20321, for $0.50 each. Requests for copies of patents must include the patent number.

Requests for licensing information on a particular invention should be directed to the address cited for the agency sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,968,748: Target Discrimating Bomblet; filed Jan. 15, 1973; patented July 13, 1976.

Patent 3,998,088: Testing Apparatus for Incremental Shaft Encoder; filed Nov. 12, 1975, patented Dec. 21, 1976.

Patent 3,998,393: Supersonic Diffuser; filed Jan. 20, 1976; patented Dec. 21, 1976.

Patent 3,999,865: Method and Apparatus for Determining the Mechanism Responsible for Laser-Induced Damage; filed Dec. 9, 1974; patented Dec. 28, 1976.

Patent 4,000,477: Recirculation or Stirred Reactor Flow Laser; filed Feb. 13, 1974; patented Dec. 28, 1976.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent 4,001,032: Method of Making Nongelling Aqueous Cationic Dialcehyde Starch Compositions; filed Aug. 13, 1975; patented Jan. 4, 1977.

Patent 4,003,135: Specimen Holder and Technique Employed to Effect a Continuous Maximum Concentration Gracient in Critical Point Drying; filed June 13, 1975; patented Jan. 18, 1977.

Patent 4,005,040: Foamed and Solid Rubber-Starch Graft Coplоymer Compositions and Method of Preparation; filed Nov. 10, 1975; patented Jan. 25, 1977.

Patent 4,005,556: Lightweight Truss-Framed House; filed Sept. 19, 1975; patented Feb. 1, 1977.

Patent 4,009,324: Photodegradable Polyolefin Composition Containing an N-Halo Lactam; filed Apr. 2, 1976; patented Feb. 22, 1977.

Patent 4,011,726: Delta Culvert; filed Nov. 5, 1975; patented Mar. 15, 1977.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 Seventh Street, SW., Washington, D.C. 20590.

Patent 4,000,564: Programmable Anthropomorphic Ariticulation; filed Jan. 7, 1976; patented Jan. 4, 1977.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,953,617: Method of Producing Encapsulated Thermonuclear Fuel Particles; filed Jan. 28, 1974; patented Apr. 27, 1976.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent 3,990,434: Reversible Intravasal Occulusive Device; filed Feb. 18, 1975; patented Nov. 9, 1976.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent 3,891,960: Doppler Sonar System; filed Feb. 24, 1970; patented June 24, 1975.

Patent 3,901,075: Acoustic Velocimeter for Ocean Bottom Coring Apparatus; filed Jan. 10, 1974; patented Aug. 26, 1975.

Patent 3,933,042: Water Level Gauge; filed Apr. 5, 1974; patented Jan. 20, 1976.

Patent 3,962,485: Method for Forming Uniform Stress-Free Thin Films; filed Oct. 20, 1975; patented June 8, 1976.

Patent 3,976,369: Alpha Meter Attachment for Underwater Optical Systems; filed Sept. 27, 1975; patented Aug. 24, 1976.

Patent 3,978,334: Precision Laser Beam Deflection Detector; filed Sept. 24, 1975; patented Aug. 31, 1976.

Patent 3,978,813: Propeller-Driven Hydrophone Array Tensioning Device; filed Jan. 9, 1976; patented Sept. 7, 1976.

Patent 3,981,258: Waterski Sailboat; filed July 15, 1975; patented Sept. 21, 1976.

Patent 3,982,222: Deep Hydrophone String; filed Oct. 22, 1965; patented Sept. 21, 1976.

Patent 3,985,080: Two Selector Gate for Active-Passive Radio Proximity Fuzes; filed Oct. 30, 1967; patented Oct. 12, 1976.

Patent 3,986,115: Transient Direction Detector; filed Jan. 20, 1975; patented Oct. 12, 1976.

Patent 3,986,159: Air Dropped Sonobuoy; filed Sept. 2, 1975; patented Oct. 12, 1976.

Patent 3,987,708: Depth Insensitive Accumulator for Undersea Hydraulic Systems; filed Mar. 10, 1975; patented Oct. 26, 1976.

Patent 3,990,123: Inflatable Sonar Array; filed Sept. 22, 1975; patented Nov. 9, 1976.

Patent 3,990,386: Faired Multi-Strength Member Towcable and Associated Sequential Load Distribution System; filed May, 23, 1975; patented Nov. 9, 1976.

Patent 3,992,628: Countermeasure System for Laser Radiation; filed July 17, 1972; patented Nov. 16, 1976.

Patent 3,996,794: Differential Depth Indicator; filed Oct. 17, 1966; patented Dec. 14, 1976.

Patent 4,000,022: Fast-Burning Compositions of Fluorinated Polymers and Metal Powders; filed Oct. 17, 1974; patented Dec. 28, 1976.

Patent 4,001,291: 2, 2, 2-Fluorodinitroetanethiol and Method of Preparation; filed Mar. 11, 1976; patented Jan. 4, 1977.

Patent 4,003,083: Digital Data Recoding and Decoding; filed Apr. 15, 1975; patented Jan. 11, 1977.

Patent 4,003,291: Missile Launching Mine; filed May 20, 1964; patented Jan. 18, 1977.

Patent 4,003,641: Low Distortion High Energy Laser Mirror; filed July 25, 1975; patented Jan. 18, 1977.

Patent 4,003,876: Super Cooled M-Phenylene Diamine as a Curing Agent for Epoxy Resins; filed July 25, 1975; patented Jan. 18, 1977.

[FR Doc. 78-32037 Filed 11-14-78; 8:45 am]

[3510-04-M]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possible foreign licensing in accordance with the licensing policies of the agency sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Requests for licensing information on a particular invention should be directed to the address cited for the agency sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324.

Patent 4,000,697: Mechanical Retention System for Use with Caseless Ammunition; filed Aug. 10, 1972; patented Jan. Jan. 4, 1977.

Patent 4,000,776: Heat Pipe System; filed Dec. 3, 1974; patented Jan. 4, 1977.

Patent 4,000,855: Bellcrank Assembly, Nozzle Actuator; filed Apr. 14, 1975; patented Jan. 4, 1977.

Patent 4,001,135: Fluorine Generating Solid Formulation for Use in Chemical Lasers; filed July 1, 1975; patented Jan. 4, 1977.

Patent 4,001,136: Fluorine Generating Formulation for Use in Chemical Lasers; filed July 1, 1975; patented Jan. 4, 1977.

Patent 4,001,821: High Power Microwave Radar Pulse Shaping System; filed June 16, 1975; patented Jan. 4, 1977.

Patent 4,003,658: Triangular Interferometric Light-Source Tracker; filed July 26, 1974; patented Jan. 18, 1977.

Patent 4,004,465; Optical Window Protective Shutter Mechanism; filed Jan. 20, 1976; patented Jan. 25, 1977.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Records Service, General Service Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent 4,009,325: Photodegradable Polyolefin Composition Containing an N-Halo Urethane; filed Apr. 2, 1976; patented Feb. 22, 1977.

Patent 4,011,752: Adaptive Speed and Direction Analyzer; filed Feb. 6, 1976; patented Mar. 15, 1977.

Patent 4,012,529: Control of Marine Borer Attack on Wood; filed Mar. 15, 1976; patented Mar. 15, 1977.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,952,246: Plasma Digital Density Determining Device; filed May 29, 1975; patented Apr. 20, 1976.
Patent 3,958,079: Real Time, TV Based, Point-Image Quantizer and Sorter; filed Apr. 25, 1975; patented May 18, 1976.
Patent 3,959,710: Method for Exciting Inductive-Resistive Loads with High and Controllable Direct Current; filed Dec. 31, 1974; patented May 25, 1976.

[FR Doc. 78-32038 filed 11-14-78; 8:45 am]

[3510-04-M]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of ther patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

INTELLECTUAL PROPERTY DIVISION, OTJAG, DEPARTMENT OF THE ARMY, PENTAGON ROOM 2D 444, WASHINGTON, D.C. 20314.

Patent 3,293,158: Anocic Spark Reaction Processes and Articles; filed Sept. 17, 1963, patented Dec. 20, 1966.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 HALF STREET SW., WASHINGTON, D.C. 20324

Patent 4,001,034: High Temperature Coatings Based on Poly (Zinc Phosphinated); filed Oct. 31, 1975, patented Jan. 4, 1977.
Patent 4,001,268: Substituted Phenyl-Benzimidazo Compounds; filed July 18, 1975; patented Jan. 4, 1977.
Patent 4,001,475: Ablative Surface Insulator; filed May 9, 1974; patented Jan. 4, 1977.
Patent 4,001,681: Vector Voltmeter; filed Jan. 28, 1976; patented Jan. 4, 1977.
Patent 4,001,767: Low Diffraction Loss-Low Spurious Response LiTa03 Substrate for Surface Acoustic Wave Devices; filed Nov. 18, 1975, patented Jan. 4, 1977.
Patent 4,001,829: High Average Power Millimeter Duplexer; filed Aug. 18, 1975; patented Jan. 4, 1977.
Patent 4,002,679: Preparation of Polybenzimidazoles; filed Mar. 27, 1975, patented Jan. 11, 1977.
Patent 4,004,342: Fabrication of Ion Implanted P-N Junction Devices; filed Feb. 23, 1976; patented Jan. 25, 1977.
Patent 4,004,667: Overload Clutch with Zerp Parasitic Torque; filed Sept. 24, 1974; patented Jan. 25, 1977.
Patent 4,005,142: Fluorocarbon Ether Bis(O-Aminophenol) Compounds; filed Sept. 4, 1975, patented Jan. 25, 1977.

U.S. DEPARTMENT OF ENERGY, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545.

Patent 3,952,246: Plasma Digital Density Determining Device; filed May 29, 1975, patented Apr. 20, 1976.

[FR Doc. 78-32039 Filed 11-14-78; 8:45 am]

[3510-04-M]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The Inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

INTELLECTUAL PROPERTY DIVISION, OTJAG, DEPARTMENT OF THE ARMY, Room 2D 444, Pentagon, Washington, D.C. 20314.

Patent 3,573,755: Electrical Tablet for Graphic Input System; filed February 16, 1968, patented April 6, 1971.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent 3,999,886: Hingeless Helicopter Rotor with Improved Stability; patented December 28, 1976.
Patent 4,000,682: Solid Propellant Rocket Motor and Method of Making Same; patented January 4, 1977.
Patent 4,001,552: Method and Apparatus for Measuring Web Material Wound on a Reel; patented January 4, 1977.
Patent 4,001,602: Electronic Analog Divider; patented January 4, 1977.
Patent 4,003,004: Frequency Modulated Oscillator; patented January 11, 1977.
Patent 4,003,084: Method of and Means for Testing a Tape Record/Player System; patented January 11, 1977.
Patent 4,005,574: Reverse Pitch Fan with Divided Splitter; patented February 1, 1977.

[FR Doc. 78-32040 Filed 11-14-78; 8:45 am]

[3510-04-M]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161, for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Steet SW., Washington, D.C. 20314.

Patent 4,079,594: Fusible Heat Sink for a Cryogenic Refrigerator; filed January 12, 1977; patented March 21, 1978; not available NTIS.
Patent application 875,664: Partial Swirl Augmentor for a Turbofan Engine: filed February 6, 1978.
Patent application 882,526: Centrifugal Aerosol Dispenser Assembly; filed March 1, 1978.
Patent application 898,067: Digital Hysteresis Circuit; filed April 20, 1978.
Patent application 900,949: Obturating Split Disc; filed April 28, 1978.
Patent application 900,950: Ribbed Flange Modified Seal; filed April 28, 1978.
Patent application 902,130: Frequency Selective Ferrimagnetic Power Limiter; filed May 2, 1978.
Patent application 902,131: Canted Spar with Intermediate Intercostal Stiffeners; filed May 2, 1978.
Patent application 902,132: Window Protection from Electron Magnetic Pulse Energy; filed May 2, 1948,

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 911,080: Method and Apparatus for Watering Bees; filed May 31, 1978.
Patent application 918,892: Alkyd Resins Modified with Tetrafluoroethylene Adduct of Conjugated Triglycerides; filed June 26, 1978.
Patent 4,089,746: Method for Insolubilizing Enzymes on Chitosan; filed July 19, 1976; patented May 16, 1978; not available NTIS.

U.S. DEPARTMENT OF COMMERCE, National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161.

Patent application 848,176: Scanning Electron Microscope for Fabricating Same; filed November 3, 1977.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 760,303: Temperature Sensing Device; filed January 18, 1977.
Patent 4,001,683: Automatic Range Selector; filed April 25, 1975; patented January 4, 1977; not available NTIS.
Patent 4,008,399: Gamma Compensated, Self Powered Neutron Detector; filed June 13, 1975; patented February 15, 1977; not available NTIS.
Patent 4,052,999: Bumper Wall for Plasma Device; filed July 15, 1975; patented October 11, 1977; not available NTIS.
Patent 4,053,355: Nuclear Reactor Remote Disconnect Control Rod Coupling Indicator; filed October 14, 1975; patented October 11, 1977; not available NTIS.
Patent 4,053,358: Modular Assembly for Supporting, Straining, and Directing Flow to a Core in a Nuclear Reactor; filed December 30, 1974; patented October 11, 1977; not available NTIS.
Patent 4,053,359: Nuclear Reactor; filed March 17, 1976; patented October 11, 1977; not available NTIS.
Patent 4,056,052: Method for Shearing Spent Nuclear Fuel Assemblies; filed April 29, 1976; patented November 1, 1977; not available NTIS.
Patent 4,061,921: Infrared Laser System; Filed May 2, 1974; patented December 6, 1977; not available NTIS.
Patent 4,062,515: Compact Gate Valve; filed May 13, 1976; patented December 13, 1977; not available NTIS.
Patent 4,063,190: CO Sub 2 Laser; filed December 13, 1977; not available NTIS.
Patent 4,064,029: Method of Making an Improved Superconducting Quantum Interference Device; filed February 8, 1977; patented December 20, 1977; not available NTIS.
Patent 4,065,217: Nose Tip Locking Device; filed November 24, 1976; patented December 27, 1977; not available NTIS.
Patent 4,065,351: Particle Beam Injection System; filed March 25, 1976; patented December 27, 1977; not available NTIS.
Patent 4,065,400: Nuclear Waste Solidification; filed April 8, 1976; patented December 27, 1977; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent 4,080,325: Synthesis of Methotrexate; filed November 17, 1976; patented March 21, 1978; not available NTIS.
Patent 4,081,356: Fecalator, an Apparatus and Method for Concentration of Parasite Eggs and Larvae; filed September 24, 1976; patented March 28, 1978; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 875,831: Radar Signal Simulator; filed February 7, 1978.
Patent application 877,545: Mine Simulator Planting Rack and Release Mechanism; filed February 13, 1978.
Patent application 877,546: Underwater Search Coil; filed February 13, 1978.
Patent application 877,547: Flare Release System; filed February 13, 1978.
Patent application 890,872: Iron-Doped Indium Phosphide Semiconductor Laser; filed March 27, 1978.
Patent application 890,873: Explosively Actuated Opening Switch; filed March 27, 1978.
Patent application 892,580: Charge-Coupled Multiplying Digital-to-Analog Converter; filed April 3, 1978.
Patent application 896,075: Tapered Velocity Electro-Optical Waveguide Switch; filed April 13, 1978.
Patent application 896,946: Method and Apparatus for Injecting Gas into a Laser Cavity; filed April 17, 1978.
Patent application 897,995: High Precision Optical Alignment System; filed April 20, 1978.
Patent application 901,163: Degraining, a Three Step Process to Obtain Propellant Samples from Case Bonded Motors; filed April 28, 1978.
Patent 4,084,172: Highly Electronegative (SN) sub x Contacts to Semiconductors; filed June 10, 1977; patented April 11, 1978; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

N78 27984 1: NASA Patent Abstracts Bibliography: A Continuing Bibliography. Supplement 12 Section 2: Indexes. January 1978.

[FR Doc. 78-32041 Filed 11-14-78; 8:45 am]

[3510-04-M]

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for $0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for $4 ($8 outside North American Continent). Requests for copies of patent applications must include the patent application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. DEPARTMENT OF ENERGY, Assistant General Counsel for Patent, Washington, D.C. 20545.

Patent 4,062,404: Method for in situ Combustion; filed Sept. 30, 1976; patented Dec. 13, 1977; not available NTIS.
Patent 4,063,090: Method for Isotope Separation by Photodeflection; filed Oct. 30, 1974; patented Dec. 13, 1977; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 885,340: Improved Procedure for the Preparation of 9-beta-D-Arabinofuranosyl-2-Fluoroadenine; Mar. 10, 1978.
Patent application 886,119: A Cobalt-Catalyzed One-Step Synthesis of Annulated Pyridines and Novel Products; filed Mar. 13, 1978.
Patent application 900,641: Scanning Flow Indicator for Rotameters; filed Apr. 25, 1978.
Patent application 916,209: Portable Instrument for Measuring Neutron Energy Spectra and Neutron Dose in a Mixed n-gama Field; filed June 16, 1978.
Patent application 928,155: Mutifinger Photocell Plethysmography System; filed July 26, 1978.
Patent 4,078,628: Double-Wheel Automotive Hand Control System; filed Aug. 16, 1976; patented Mar. 14, 1978; not available NTIS.
Patent 4,084,266: Artifical Implant with Fiber-Flocked Blood-Contacting Surface; filed Nov. 1, 1976; patented Apr. 18, 1978; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 804,193: Method of Inhibiting Fungal Growth with Obtusastyrene; filed June 6, 1977.
Patent application 884,075: Automatic Electrical Load Matching Device for Wind Generators; filed Mar. 6, 1978.
Patent application 888,122: A Method of Lasing with 7-Hydroxy-Coumarin-8-Methyleneiminobisacetic Acid and Metal complexes Thereof; filed Mar. 20, 1978.
Patent application 903,464: Coal Liquefaction; filed May 8, 1978.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 916,654: Supercritical Fuel Injection System; filed June 19, 1978.
Patent application 918,534: Apparatus for Measuring Semiconductor Device Resistance; filed June 23, 1978.
Patent application 928,133: Method of Fabricating a Photovoltaic of a Substantially Transparent Construction; filed July 26, 1978.
Patent application 928,137: A Signal Attenuator; filed July 26, 1978.

Patent application 929,084: Method of Cold Welding Using Ion Beam Technology; filed July 28, 1978.

Patent application 929,086: Structural Wood Panels with Improved Fire Resistance; filed July 28, 1978.

Patent application 931,217: Redundant Motor Drive System; filed Aug. 4, 1978.

Patent 4,085,004: Control for Nuclear Thermionic Power Source; filed Nov. 21, 1975; patented Apr. 18, 1978; not available NTIS.

Patent 4,088,291: Rotary Leveling Base Platform; filed Nov. 2, 1976; patented May 9, 1978; not available NTIS.

Patent 4,088,951: Microcomputerized Electric Field Meter Diagnostic and Calibration System; filed Mar. 24, 1977; patented May 9, 1978; not available NTIS.

Patent 4,088,999: Rf Beam Center Location Method and Apparatus for Power transmission System; filed May 21, 1976; patented Mar. 9, 1978; not available NTIS.

Patent application 928,128: Driver for Solar Cell I-V Characteristic Plots; filed July 26, 1978.

[FR Doc. 78-32042 Filed 11-14-78; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1006.3]

SAFE DRINKING WATER ACT

Review of Variances and Exemptions

Notice is hereby given that pursuant to sections 1415(a)(1)(F) and 1416(d)(1) of the Safe Drinking Water Act, the Environmental Protection Agency has completed a comprehensive review of all variances and exemptions issued (and schedules prescribed pursuant thereto) during the period of January 24, 1977 through June 23, 1978, by the Arkansas Department of Health, the Louisiana Department of Health and Human Resources, the New Mexico Environmental Improvement Division, the Oklahoma Department of Public Health and the Texas Department of Health.

EPA found no instances of states abusing their discretion in the issuance of variances and exemptions during the stated review period, and received no comments concerning variances and or exemptions during the 30-day comment period.

ADLENE HARRISON,
Regional Administrator.

NOVEMBER 1, 1978.

[FR Doc. 78-32017 Filed 11-14-78; 8:45 am]

[6560-01-M]

[FRL 1006-6]

SCIENCE ADVISORY BOARD; ENVIRONMENTAL HEALTH ADVISORY COMMITTEE; STUDY GROUP ON PESTICIDE TOLERANCES

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a 2-day meeting of the Study Group on Pesticide Tolerances of the Science Advisory Board's Environmental Health Advisory Committee will be held on December 4 and 5, 1978 in Conference Room A (room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va. The meeting will start at 9 a.m. on December 4, 1978. Adjournment will be about 4 p.m. on December 5, 1978, possibly earlier.

The principal purpose of the meeting will be (1) to identify and discuss, scientific issues relating to EPA's tolerance setting system and (2) to develop a first draft of an overall critique of EPA's tolerance setting system. The agenda will also include followup presentations and briefings, items of current interest, and statements by members of the public. Followup presentations and briefings are to include such topics as (a) the applicability and implications of quantitative risk assessment to tolerance setting; (b) criteria and data bases for pesticide tolerance grouping; (c) EPA monitoring needs as regards tolerances; and (d) food consumption patterns.

Pertinent background information follows. In response to an Agency request to the Science Advisory Board, the Board's Environmental Health Advisory Committee established a Study Group on Pesticide Tolerances and charged it with assisting the Committee in an evaluation of the scientific basis of the Agency's system for establishing tolerances for pesticides residues in agricultural crops. This is the fifth meeting of the Study Group. At a meeting on April 5, 1978, the Study Group was briefed on and discussed various aspects of the legislative authority and mandate directly or indirectly relating to the Agency's tolerance setting system. At a meeting on May 11 and 12, 1978, the Study Group was briefed on and discussed scientific issues relating to estimates of exposure. At a meeting on June 27-28, 1978, the Study Group was briefed on and discussed scientific issues relating to toxicology data and hazard evaluation. At a subsequent meeting on October 23 and 24, 1978, the Study Group heard statements from members of the public, identified and discussed issues to be addressed in the Study Group's report to the Environmental Health Advisory Committee, and began to develop positions with regard to these issues. Further meeting of the Study Group will be scheduled as needed.

The meeting will be open to the public. Any member of the public wishing to attend or present or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. November 28, 1978. Please ask for Ms. Barbara Robinson or Mrs. Ilene Stein. The telephone number is 703-557-7720.

Dated: November 8, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

[FR Doc. 78-32018 Filed 11-14-78; 8:45 am]

[6560-01-M]

[(FRL 1006-2); PFT-32]

PESTICIDE PROGRAMS

Filing of Food Additive Petition

Rohm & Haas Co., Independence Mall West, Philadelphia, Pa. 19105, has submitted a petition (FAP 9H5199) to the Environmental Protection Agency (EPA) which proposes that 21 CFR 193 be amended by establishing a regulation permitting residues of the herbicide 2-cholor-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl) benzene and its metabolites containing the diphenyl ether linkage in connection with an experimental program involving the application of said herbicide to growing cotton with a tolerance limitation of 0.2 part per million (ppm) in cottonseed oil. Notice of this submission is given pursuant to the provisions of section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington D.C. 20460. Inquiries concerning this petition may be directed to Product Manager (PM) 25, Registration Division (TS-767) Office of Pesticide Programs, at the above address, or by telephone at 202-755-2196. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: November 7, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-32019 Filed 11-14-78; 8:45 am]

[6730-01-M]

FEDERAL MARITIME COMMISSION

[Docket No. 78-44]

PIERPOINT MANAGEMENT CO. AND RETLA STEAMSHIP CO. V. HOLT HAULING & WAREHOUSING SYSTEM, INC.

Filing of Complaint

Notice is hereby given that a complaint filed by Pierpoint Management Co. and Retla Steamship Co. against Holt Hauling & Warehousing System, Inc., was served November 8, 1978. The complaint alleges violation of sections 15, 16, and 17 of the Shipping Act, 1916, by virtue of an unapproved assignment of agreement No. T-3323 and by virtue of continuing in force of agreement No. T-3323 without modification.

Hearing in this matter, if any is held, shall commence on or before May 8, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-32080 Filed 11-14-78; 8:45 am]

[4110-08-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

BLADDER AND PROSTATIC CANCER REVIEW COMMITTEE (BLADDER SUBCOMMITTEE)

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Bladder Subcommittee of the Bladder and Prostatic Cancer Review Committee, National Cancer Institute, December 16, 1978, Sarasota Hyatt House, Sarasota, Fla. The meeting will be open to the public on December 16, 1978 from 8:30 to 9:00 a.m., to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 16, 1978, from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information about individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Buiding 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will provide summaries of the meeting and rosters of committee members, upon request.

Dr. William Straile, Executive Secretary, National Cancer Institute, Westwood Building, Room 853, National Institutes of Health, Bethesda, Md. 20014 301-496-7194, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.393, 13.394, 13.395, National Institutes of Health.)

Dated: November 8, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-32056 Filed 11-14-78; 8:45 am]

[4110-08-M]

GENERAL RESEARCH SUPPORT REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Research Support Review Committee, Division of Research Resources, December 6, 7, and 8, 1978. The meeting will be held on December 6, 1978, in the Pennsylvania Room at the Holiday Inn, 8130 Wisconsin Avenue, Bethesda, Md. 20014, and on December 7 and 8, 1978, in Conference Room 6, Building 31-C, National Institutes of Health, Bethesda, Md. 20014.

The meeting will be open to the public from 8 to 11 p.m., on December 6, and from 9 to 10 a.m., on December 7, to discuss administrative matters relating to the biomedical research support program and the biomedical research development program.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 7, 1978, from 10 a.m. to 5 p.m., and on December 8, from 9 a.m. to adjournment, for the review, discussion, and evaluation of individual grant applications submitted to the biomedical research development program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, Building 31, Room 5B-13, National Institutes of Health, Bethesda, Md. 20014, 301-496-5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Sidney A. McNairy, Jr., Executive Secretary of the General Research Support Review Committee, Building 31, Room 5B-31, National Institutes of Health, Bethesda, Md. 20014, 301-496-6743, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.337, National Institutes of Health.)

Dated: November 8, 1978.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-32055 Filed 11-14-78; 8:45 am]

[4110-08-M]

RESEARCH MANPOWER REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, on December 7 and 8, 1978, Lobby Room, Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, Md.

This meeting will be open to the public on December 7 and 8, 1978, from 8 a.m. to approximately 9 a.m., to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 7 and 8, 1978, from 9 a.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553,

Westwood Building, Bethesda, Md. 20014, phone 301-496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: November 8, 1978.

SUZANNE L. FREMEAU
Committee Management Officer, National Institutes of Health.

[FR Doc. 78-35057 Filed 11-14-78; 8:45 am]

[4110-89-M]

Assistant Secretary for Education

COMMENTS ON COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed a collection of information and data acquisition activity which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

This data acquisition activity is subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Description of the proposed collection of information and data acquisition activity follow below.

Written comments on the proposed activity are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before December 15, 1978, and should be addressed to Administrator, National Center for Education Statistics, Attention: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: November 8, 1978.

MARIE D. ELDRIDGE,
Administrator, National Center for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. TITLE OF PROPOSED ACTIVITY

Financial and Performance Reporting for BEH Discretionary Grant Programs.

2. AGENCY/BUREAU/OFFICE

U.S. Office of Education/Bureau of Education for the Handicapped.

3. AGENCY FORM NUMBER

OE Form 9037-1.

4. LEGISLATIVE AUTHORITY FOR THIS ACTIVITY

a. "The Commissioner is authorized to arrange by contract, grant, or otherwise * * * for the development and carrying out * * * of experimental preschool and early education programs for handicapped children * * *." (Pub. L. 91-230, Part C, Section 623; 20 U.S.C. 1423; 45 CFR Part 121d.)

b. "The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining * * * programs for training personnel * * * as teachers of handicapped children or as supervisors of such teachers." (Pub. L. 91-230, Part D, Section 632; 20 U.S.C. 1432; 45 CFR Part 121f.)

c. "The Commissioner is authorized to make grants * * * for research and related purposes and to conduct research, surveys, or demonstrations, relating to education of handicapped children." (Pub. L. 91-230, Part E, Section 641; U.S.C. 1441; 45 CFR Part 121h.)

d. "The Commissioner is authorized to * * * provide by grant and contract for the conduct of research in the use of educational and traning films and other educational media for the handicapped * * * (Pub. L. 91-230, Part F, Sections 651 and 652 as amended by Pub. L. 93-380; U.S.C. 1451, 1452; 45 CFR Part 121i.)

e. "The Commissioner is authorized to make grants * * * for the development and operation of specially designed or modified programs of vocational, technical, postsecondary, or adult education for deaf or other handicapped persons." (Pub. L. 93-380, Part C, Section 625; U.S.C. 1424a.)

f. "The Commissioner is authorized to make grants * * * for projects for (1) encouraging * * * work in various fields of education of handicapped children and youth * * * or (2) disseminating information * * *." (Pub. L. 91-230, Part D, Section 633; 20 U.S.C. 1433; 45 CFR 121g.)

g. "Each Federal agency shall require grantees to report the status of funds for all nonconstruction projects or programs * * *." (ONB Circular A-102, Attachment H.)

h. Grantees shall submit a performance report for each grant * * *." (OMB Circular A-102, Attachment I.)

5. VOLUNTARY/OBLIGATORY NATURE OF RESPONSE

Required to obtain or maintain benefits.

6. HOW INFORMATION WILL BE USED

Program Management

Information received shall be used to monitor grantee fiscal and technical performance, as prescribed by OMB Circular A-102. Performance shall be monitored to assure that time schedules are being met and other perfomance goals are being achieved. The Federal agency shall compare actual accomplishments to expected goals and examine any discrepancies found. Financial information submitted shall be used to determine whether grantees have maintained an acceptable financial management system and to compare actual outlays with budgeted amounts.

7. DATA ACQUISITION PLAN

a. Method of Collection: Mail.

b. Time of Collection: At the end of the grant award period.

c. Frequency: Annual.

8. RESPONDENTS

a. State Education Agency grantees:
1. Number: Universe, 133.
2. Burden: 12.5 hours per grantee.
b. Local Education Agency grantees:
1. Number: Universe, 122.
2. Burden: 12.5 hours per grantee.
c. College and University grantees:
1. Number: 759.
2. Burden: 12.5 hours per grantee.
d. Nonprofit Organization grantees:
1. Number: Universe, 152.
2. Burden: 12.5 hours per grantee.
e. Profit Organization grantees:
1. Number: Universe, 7.
2. Burden: 12.5 hours per grantee.

9. INFORMATION TO BE COLLECTED

The information/data to be submitted is similar across all respondent categories; any differences in the type-quantity of information reported are due to the type of handicapped program. Where requirements are not applicable to all grant programs, a special note will be placed beside that requirement.

a. Financial Status Report:

1. Net outlays to date (CFDA 13.444 only).

2. Non-Federal share of outlays (CFDA 13.444 only).
3. Total Federal share of outlays.
4. Federal share of unliquidated obligations.
5. Total Federal share of outlays and unliquidated obligations.
6. Cumulative amount of Federal funds authorized.
7. Unobligated balance of Federal funds.

b. Performance Report:

1. Accomplishments and milestones met.
2. Slippages in attainment and reasons for the slippages.
3. Unanticipated or anticipated spin-off developments (optional).
4. Relation of quantifiable output data to cost data (optional).
5. Persons served in demonstration/service activities.
6. Project Staff count.
7. Ancillary services provided.
8. Inservice/Preservice training data.
9. Placements of children (CFDA 13.444 only).

[FR Doc. 78-32065 Filed 11-14-78; 8:45 am]

[4110-92-M]

Office of Human Development Services

FEDERAL ALLOTMENT TO STATES FOR SOCIAL SERVICES EXPENDITURES PURSUANT TO TITLE XX OF THE SOCIAL SECURITY ACT

Promulgation for Fiscal Year 1980

Promulgation is made of the Federal allotment for Fiscal Year 1980 for purposes of grants to States under Title XX of the Social Security Act pursuant to section 2002(a)(2) of the act which provides that the Federal allotment shall be determined and promulgated in accordance with said section.

For fiscal year 1980, the allotment limits are based on the Bureau of the Census population statistics contained in its publication, "Current Population Reports" (Series P-25, No. 727, July 1978) which is the most recent satisfactory data, available from the Department of Commerce at this time as to the population of each State and of all States.

It is hereby promulgated, for purposes of grants to States for social services under title XX, that the Federal allotment to each of the 50 States and the District of Columbia for the fiscal year ending September 30, 1980, as determined pursuant to the act and on the basis of said population data, shall be as set forth below:

State	Federal allotment
Alabama	42,700,000
Alaska	4,450,000
Arizona	26,425,000
Arkansas	24,850,000
California	251,750,000
Colorado	29,975,000
Connecticut	36,025,000
Delaware	6,725,000
District of Columbia	7,950,000
Florida	97,325,000
Georgia	58,075,000
Hawaii	9,750,000
Idaho	9,925,000
Illinois	130,475,000
Indiana	61,975,000
Iowa	33,525,000
Kansas	26,775,000
Kentucky	39,850,000
Louisiana	45,325,000
Maine	12,525,000
Maryland	47,675,000
Massachusetts	67,200,000
Michigan	106,150,000
Minnesota	46,250,000
Mississippi	27,575,000
Missouri	55,625,000
Montana	8,675,000
Nebraska	18,050,000
Nevada	7,250,000
New Hampshire	9,850,000
New Jersey	85,025,000
New Mexico	13,675,000
New York	208,450,000
North Carolina	63,225,000
North Dakota	7,475,000
Ohio	124,500,000
Oklahoma	32,375,000
Oregon	27,625,000
Pennsylvania	137,150,000
Rhode Island	10,825,000
South Carolina	32,675,000
South Dakota	7,950,000
Tennessee	49,800,000
Texas	147,700,000
Utah	14,700,000
Vermont	5,625,000
Virginia	58,075,000
Washington	42,000,000
West Virginia	21,650,000
Wisconsin	54,150,000
Wyoming	4,675,000
Total	2,500,000,000

Dated: November 1, 1978.

ERNEST L. OSBORNE,
Commissioner,
Administration for Public Services.

Approved: November 3, 1978.

ARABELLA MARTINEZ,
Assistant Secretary
for Human Development Services.

[FR Doc. 78-32060 Filed 11-14-78; 8:45 am]

[4110-85-M]

Public Health Service

ESTABLISHMENT OF A NATIONAL TOXICOLOGY PROGRAM

The Department of Health, Education, and Welfare announces the establishment of a National Toxicology Program within the Public Health Service (PHS). The broad goal of this Program is to strengthen the Department's activities in the testing of chemicals of public health concern, as well as in the development and validation of new and better integrated test methods.

To accomplish this goal, the Program is established as a Department-wide effort to provide needed information to regulatory and research agencies and to strengthen the science base. The Program is at present comprised of the relevant PHS activities within the Food and Drug Administration (FDA), the National Cancer Institute (NCI), the Center for Disease Control/National Institute for Occupational Safety and Health (CDC/NIOSH), and the National Institute of Environmental Health Sciences (NIEHS). It will be planned, programmed, and carried out as a coordinated whole under the direction of Dr. David P. Rall who will continue to serve as Director, National Institute of Environmental Health Sciences, and for the purpose of this Program will report to the Assistant Secretary for Health and Surgeon General.

KEY FEATURES OF THE PROGRAM

1. An Annual Plan, which will include:

(a) Specification of the Program activities and resources to be managed by the Program Director:

1. Current toxicology testing capacity (i.e., dollars, positions, and space) and how that capacity is being utilized.
2. Amount of test capacity which may be available in the coming year.
3. Plans for test development and validation of test systems which take into account research opportunities and needs of the field.

(b) The compounds to be tested, the test procedures to be followed, and a schedule for the tests.

(c) The regulatory and scientific opportunities which were considered in the development of the plan.

The Plan will be approved by the Secretary.

2. An executive Committee which reviews and recommends approval of the Annual Plan; it also monitors the Annual Plan. The Executive Committee is composed of:

Commissioner of Food and Drugs, Food and Drug Administration;
Assistant Secretary for Occupational Safety and Health, Department of Labor;
Chairman, Consumer Product Safety Commission;
Administrator, Environmental Protection Agency;
Director, National Institute for Occupational Safety and Health;
Director, National Institutes of Health;
Director, National Cancer Institute;
Director, National Institute of Environmental Health Sciences;
Assistant Secretary for Health and Surgeon General (nonvoting).

3. A Toxicology Program Board of Scientific Counselors (a public advisory group), which is responsible for reviewing the scientific merit of the Program. The Board is composed of eight nongovernmental scientists selected by the Secretary.

4. A Program Director, who will develop the Annual Plan and manage the Program.

OPERATION OF THE PROGRAM

NCI, NIEHS, CDC/NIOSH, and FDA will dedicate Program resources to this Program. When agency resources are identified, memoranda of understanding will be prepared and signed by the head of each agency and the National Toxicology Program (NTP) Director. These memoranda will:

1. Specify those resources to be devoted to the Program.

2. Identify Program components by organizational title.

3. Identify supporting elements of participant agencies, and their responsibilities (e.g., technical services).

These memoranda will be updated upon approval of the Annual Plan to reflect shifts of dedicated resources into and out of the Program.

These memoranda will provide that the identified organizational elements in each agency shall be under the immediate direction of the NTP Director, subject to the concurrence of the agency head.

Additional information, including the implementation plan, may be obtained from Dr. David P. Rall, Director, National Toxicology Program, P.O. Box 12233, Research Triangle Park, N.C. 27709, 919-541-3201 (FTS: 629-3201).

Effective date. The establishment of this Program shall become effective ———.

Dated: November 6, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-32048 Filed 11-14-78; 8:45 am]

[4110-85-M]

PUBLIC HEALTH SERVICE (PHS) REGIONAL OFFICES

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HD [Public Health Service (PHS) Regional Offices] of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (39 FR 1468, January 9, 1974, as amended most recently at 42 FR 61326, December 2, 1977) is amended to delete all references to centralized procurement services being performed in the PHS Regional Offices.

Section HD-20 Functions is amended as follows:

1. *Under the Office of Regional Health Planning (HD*H),* delete the "and" before item (18); in item (18), delete the words "and contracts"; after item (18), change the period to a semicolon and add "and (19) in cooperation with the Regional Administrative Support Center, develops scopes of work and evaluation criteria for contracts to support program requirements, evaluates technical proposals submitted by prospective contractors and makes recommendations as to their technical acceptability, monitors contractor' technical performance and their compliance with laws, regulations and policies, accepts deliverables and assists in contract closeout."

2. Delete the statement for the *Office of Grants Management (HD*J)* and substitute the following:

*Office of Grants Management (HD*J).* The Office of Grants Management: (1) Serves as the focus for grants and loan management activities in the PHS Regional Office; (2) receives and refers grant and loan applications to the appropriate program; (3) maintains a control record of review process; (4) reviews grant and loan applications from a management point of view for conformity to laws, regulations, and policies; (5) identifies problem areas and collaborates with other staff in their resolution; (6) maintains central grant and loan files for the PHS Regional Office; (7) serves as loan authority for the PHS Regional Office; (8) issues grant awards; negotiates, computes, prepares, and signs award notices; (9) secures necessary clearances and distributes grant award statements; (10) provides continuing surveillance of financial and administrative aspects of grant supported activities through site visits to assure compliance with appropriate DHEW and PHS policies; (11) gives technical assistance, where indicated, to improve the management of grant and loan supported activities; (12) develops, implements, and manages regional grants and loan management procedures and policies; (13) provides for the collection and reporting of business management and programmatic data, and analyzes and monitors business management data on grants and loans; (14) provides for development, implementation, and monitoring of the annual Regional Health Administrator's regional work program including setting objectives responsive to national and regional priorities and assignment of office resources required to attain these objectives; (15) conducts studies and provides assistance to improve the operation of grantee management systems and grant review procedures; (16) responds to requests for grants and loan management information from headquarters and regional staffs and from the public; (17) develops business management methods to improve cost effectiveness and financial systems of PHS regional project grants; (18) implements business management aspects of Health Services Funding regulations and financial plans in all appropriate projects; and (19) performs regional loan management officer functions as specified in the PHS Loan Administration Manual.

3. *Under the Division of Health Care Systems (HD*N),* item (9) should read "analyzes programmatic data, reviews and recommends action on grant and loan applications, and provides continuous programmatic monitoring of division grants for compliance with applicable laws, regulations, policies, and performance standards;" delete "and" before item 10; after item 10, change the period to a semicolon and add "and (11) in cooperation with the Regional Administrative Support Center, develops scopes of work and evaluation criteria for contracts to support program requirements, evaluates technical proposals submitted by prospective contractors and makes recommendations as to their technical acceptability, monitors contractors' technical performance and their compliance with laws, regulations and policies, accepts deliverables, and assists in contract closeout."

4. Under the *Division of Alcoholism, Drug Abuse, and Mental Health (HD*T),* item (8) should read "analyzes programmatic data, reviews and recommends action on grant applications, and provides continuous programmatic montioring of division grants for compliance with applicable laws, regulations, policies, and performance standards; delete "and" before item (10); after item (10), change the period to a semicolon and add "and (11) in cooperation with the Regional Administrative Support Center, develops scopes of work and evaluation criteria for contracts to support program requirements, evaluates technical proposals submitted by prospective contractors and makes recommendations as to their technical acceptability, monitors contractors' technical performance and their compliance with laws, regulations and policies, accepts deliverables, and assists in contract closeout."

5. *Under Division of Preventive Health Services (HD*U),* item (5) should read "analyzes programmatic data, reviews and recommends action on grant and loan applications, and provides continuous programmatic monitoring of division grants for compliance with applicable laws, regulations, policies, and performance standards; delete "and" before item (9); after item (9) change the period to a semicolon and add "and (10) in cooperation with the Regional Administrative Support Center, develops scopes of work and evaluation criteria for contracts to support program requirements, evaluates technical proposals submitted by prospective contractors and makes recommendations as to their technical acceptability, monitors contractors' technical performance and their compliance with laws, regua-

tions and policies, accepts deliverables, and assists in contract closeout."

6. Under *Division of Health Services Delivery (HD*V)*, item (7) should read "analyzes programmatic data, reviews and recommends action on grant and loan applications, and provides continuous programmatic monitoring of division grants for compliance with applicable laws, regulations, policies, and performance standards; delete "and" before item (8); after item (8), change the period to a semicolon and add "and (9) in cooperation with the Regional Administrative Support Center, develops scope of work and evaluation criteria for contracts to support program requirements, evaluates technical proposals submitted by prospective contractors and makes recommendations as to their technical acceptability, monitors contractors' technical performance and their compliance with laws, regulations and policies, accepts deliverables, and assists in contract closeout."

Dated: October 31, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

[FR Doc. 78-32168 Filed 11-14-78; 8:45 am]

[4310-02-M]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ALASKA NATIVE CLAIMS SETTLEMENT

Determination of Population Figures for Various Land Selections and Allocations

Dated: October 31, 1978.

This decision is pursuant to authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 230 DM 2. It amends a decision dated January 19, 1977, entitled "Determined of Population Figures for Various Land Allocations Pursuant to the Alaska Native Claims Settlement Act," which was published in the FEDERAL REGISTER on February 2, 1977 (vol. 42, No. 22 at pp. 6419-6432). The amendments are to correct certain errors therein which were the subject of the following appeals to the Alaska Native Claims Appeal Board (ANCAB):

LS 77-2—Calista Corp. (Paimiut and Ohogamiut villages).
LS 77-30—Bristol Bay Native Corp. (Togiak Natives, Ltd.).
LS 77-31—Bristol Bay Natives Corp. (Togiak Natives, Ltd.).
LS 77-32—Cook Inlet Region, Inc.

By order of ANCAB dated May 23, 1978, the matter has been remanded to the BIA for appropriate action. Accordingly, the decision of January 19, 1977, is modified as follows:

Corrected Determination of Population Figures for Various Land Allocations Pursuant to the Alaska Native Claims Settlement Act

Village corporation and address	Corrected Native population	Corrected entitlement pursuant to sec. 14(a) (acres)	Serial No.
Ohog, Inc., Ohogamiut via Russian Mission, Alaska 99567.	29	69,120	F-14915
Paimiut Corp., Paimiut via Hooper Bay, Alaska 99690.	25	69,120	AA-9014
Togiak Natives, Ltd., Togiak, Alaska 99678	400	138,240	AA-6705

Regional corporation and address	Corrected Native population	Corrected sec. 12(b) percentile	Corrected initial 12(b) share (acres)	Corrected sec. 14(h) percentile
Ahtna, Inc., Drawer G, Copper Center, Alaska 99573.	1,090	1.811082495	33,324	1.415382218
Aleut Corp., 833 Gambell St., Anchorage, Alaska 99501.	3,361	5.584447952	102,754	4.364311591
Arctic Slope Region Corp., P.O. Box 129, Barrow, Alaska 99723.	3,911	6.498296917	119,569	5.078495279
Bering Straits Regional Corp., P.O. Box 1008, Nome, Alaska 99762.	6,919	11.496219988	211,530	8.984430795
Bristol Bay Native Corp., P.O. Box 198, Dillingham, Alaska 99576.	5,525	9.180028246	168,912	7.174299775
Calista Corp., 516 Denali St., Anchorage, Alaska 99501.	13,444	22.337791808	411,015	17.457246367
Chugach Natives, Inc., 912 East 15th Ave., Anchorage, Alaska 99501.	2,106	3.499210766	64,385	2.734674267
Cook Inlet Region, Inc., 1211 West 27th Ave., Anchorage, Alaska 99503.	6,277	10.429509013	191,903	8.150783654
Doyon, Ltd., Doyon Bldg., 1st and Hall Sts., Fairbanks, Alaska 99701.	9,244	15.359308797	282,611	12.003480022
Koniag, Inc., P.O. Box 746, Kodiak, Alaska 99615.	3,394	5.639278890	103,763	4.407162613
NANA Regional Corp., P.O. Box 49, Kotzebue, Alaska 99752.	4,914	8.164825122	150,233	6.380906623
Subtotal	60,185			
Sealaska Corp., 811 West 12th St., Juneau, Alaska 99801.	16,826	NA	NA	21.848826790
Total	77,011			

This decision is published in the FEDERAL REGISTER pursuant to 43 CFR 2650.8 to provide notice to interested parties of the population figures which pursuant to the Alaska Native Claims Settlement Act govern land selection entitlements. The figures contained in the decision are hereby declared final for purposes of the land selection entitlements described subject only to the appeal rights provided below. Any interested party, as defined in 43 CFR 4.902, may, on or before (30 days from date of publication in FEDERAL REGISTER) file an appeal in accordance with the provisions of 43 CFR part 4, subpart J, with the:

Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510.

Failure to respond on or before December 15, 1978, will constitute acceptance of the determination(s). Should an appeal be filed, the procedures found in 43 CFR part 4, subpart J, shall apply. A copy of an appeal must be served on Area Director, Bureau of Indian Affairs, P.O. Box 3-8000, Juneau, Alaska 99801, the Regional Solicitor's Office, 510 L Street, Suite 408, Anchorage, Alaska 99501, and each of the regional corporations listed in the decision. If an appeal is directed at a determination(s) for a village corporation, a copy of the appeal must be served on that village corporation.

CLARENCE ANTIOQUIA,
Area Director, Bureau of Indian Affairs, Juneau.

[FR Doc. 78-31917 Filed 11-14-78; 8:45 am]

[1505-01-M]

Bureau of Land Management

OUTER CONTINENTAL SHELF WESTERN AND CENTRAL GULF OF MEXICO

Oil and Gas Lease Sale No. 51

In FR Doc. 78-31780 appearing at page 52534 in the issue for Monday, November 13, 1978, the following corrections should be made:

1. In the first column on page 52548, the fourth paragraph should have the paranthetical phrase "(United States vs. Louisiana, 422 U.S. 13)" added before the final period.

2. In the middle column of page 52549 the next to the last line of Stipulation No. 3 should read "SW¼NE¼SW¼; NE¼SW¼SW¼."

[4310-84-M]

[NM 35375]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 7, 1978.

The U.S. Department of Energy filed an application, NM 35375 on October 13, 1978, for the withdrawal of approximately 17,200 acres of public lands from settlement, sale, location or entry under the General Land Laws, including the mining and mineral leasing laws and the Geothermal Steam Act of 1970.

The U.S. Department of Energy desires these lands for a waste isolation pilot plant. The applicant also requests that rights-of-way for road, railroad, powerline and water pipelines totaling approximately 51 miles be included in the subject withdrawal.

For the period of 30 days from the date of publication of this notice all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, at the address shown below, on or before December 17, 1978. Notice of the public hearing will be published in the FEDERAL REGISTER giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, sec. 2351.16B.

The Department of the Interior's regulations provide that the authorized officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency. The determination of the Secretary on the application will be published in the FEDERAL REGISTER. The Secretary's determination shall, in a proper case, be subject to the provisions of section 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

The below described lands are temporarily segregated from the operation of the public land laws, the mining laws, the mineral leasing laws and including leasing under the Geothermal Steam Act of 1970, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. The segregative effect of the application shall terminate upon (1) rejection of the application by the Secretary; (2) withdrawal of the lands by the Secretary; or, (3) expiration of two years from the date of publication of this notice.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 30 E.,
Sec. 12, SE¼Se¼;
Sec. 13, E½, SE¼NW¼ and E½SW¼;
Sec. 24, E½, E½NW¼ and SW¼;
Sec. 25.
T. 23 S., R. 30 E.,
Sec. 1, lot 1.
T. 22 S., R. 31 E.,
Sec. 7, lots 3, 4, NE¼NE¼, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Secs. 8 and 9;
Sec. 10, SW¼NE¼, W½NW¼, SE¼NW¼ and S½;
Sec. 11, SW¼SW¼;
Sec. 14, SW¼NE¼, W½, NW¼SE¼ and S½SE¼;
Secs. 15 and 17 to 23, inclusive;
Secs. 26 to 31, inclusive;
Secs. 33 and 34;
Sec. 35, N½NE¼, SW¼NE¼, W½ and NW¼SE¼.
T. 23 S., R. 31 E.,
Sec. 3, lots 1, 2, 3, 4, S½N½, N½SW¼, SW¼SW¼ and NW¼SE¼;
Secs. 4 and 5;
Sec. 6, lots 1, 2, 3, 4, SE¼NE¼ and NE¼SE¼.

The areas described aggregate approximately 17,200 acres in Eddy County, New Mexico.

All communications in connection with this proposed withdrawal, except public hearing requests, should be addressed to the undersigned, Bureau of Land Management, Department of the Interior, P.O. Box 1449, Santa Fe, N. Mex. 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 78-32251 Filed 11-14-78; 8:45 am]

[4310-84-M]

[U-29248]

UTAH

Proposed Withdrawal and Reservation of Lands

NOVEMBER 6, 1978.

The Bureau of Land Management has filed application No. U-29248 to withdraw from all forms of appropriation under the nondiscretionary public land laws, including mining under the general mining laws, subject to prior valid existing rights, the following described land:

SALT LAKE MERIDIAN, UTAH

T. 41 S., R. 14 W.,
Sec. 14, W½NW¼, NW¼SW¼;
Sec. 15, Lots 1-6, inclusive, W½E½, W½ (All);
Sec. 22, W½NE¼, NW¼, N½SW¼, NW¼SE¼.

The area segregates 1,125.60 acres in Washington County, Utah. The withdrawal of the land is necessary to preserve the land for The Red Cliffs Recreation Site.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of Interior, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will un-

dertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the land will be withdrawn as requested by the applicant agency.

Pursuant to section 204(b) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is offered in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the undersigned. Notice of the public hearing will be published in the FEDERAL REGISTER, giving the time and place of said hearing.

For a period of 2 years from date of publication of this notice in the FEDERAL REGISTER, the land will be segregated from entry as specified above, unless the application is rejected or the withdrawal is approved prior to that date. If the withdrawal is approved by the Secretary, it will be for a 20-year period and the land will remain segregated for the duration of the withdrawal.

All communications in connection with this proposed withdrawal should be addressed to the undersigned.

WILLIAM G. LEAVELL,
Associate State Director.

[FR Doc. 78-32043 Filed 11-14-78; 8:45 am]

[4310-55-M]

Fish and Wildlife Service

AVAILABILITY OF DRAFT MIGRATORY BIRD DISEASE CONTINGENCY PLAN

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service has prepared a Migratory Bird Disease Contingency Plan. The plan primarily provides guidance to Service personnel in preventing migratory bird disease problems, and establishes guidelines for responding to disease outbreaks. The plan supersedes the Service's duck virus Enteritis Contingency Plan which dealt only with response to disease outbreaks caused by that virus. Public comment on the draft plan is invited.

DATE: Comments should be submitted on or before January 12, 1979.

ADDRESSES: Copies of the draft may be obtained from the Division of Wildlife Research, U.S. fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-7557. comments should be sent to the Associate Director—Wildlife Resources, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-5333.

FOR FURTHER INFORMATION CONTACT:

Dr. Charles W. Dane, Division of Wildlife Research, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, telephone 202-343-7557.

SUPPLEMENTARY INFORMATION: The U.S. Fish and Wildlife Service has the responsibility for protecting and managing migratory birds as authorized in the Migratory Bird Treaty Act, and other legislation and Executive orders. Prevention and control of migratory bird diseases is one aspect of this responsibility. Some disease loss is natural and inevitable; however, management can reduce the size of this loss and avoid the creation of habitat conditions that subject birds to a high risk of disease. While prevention is preferable, actions can be taken to minimize losses and to reduce spread of disease when outbreaks do occur.

Response to serious disease problems has demonstrated that migratory bird losses can be greatly reduced by timely, aggressive, well-planned, and coordinated control efforts. The key factors for reducing these losses are adequate preparation, early detection, rapid and accurate diagnosis, and rapid initiation of appropriate control activities.

The purpose of this plan is to provide guidance in preventing disease problems, and to establish guidelines for responding to disease outbreaks. the plan assigns specific responsibilities and establishes notification procedures for Service personnel. The procedures and information provided are designed for use in combating major migratory bird disease problems. Since disease outbreaks may also occur on non-Service lands, the plan provides guidelines for cooperation by Service personnel with other Federal agencies, the State and the private sector in responding to disease outbreaks. the Service will cooperate in the development of plans to deal with potential disease problem areas.

The following objectives will guide the Service's activities in preparing for and responding to migratory bird disease problems, to the degree possible and feasible:

1. Prevent the establishment of new or exotic diseases in native migratory bird populations.

2. Prevent excessive losses of migratory birds to diseases.

3. Avoid disease outbreaks where endangered or threatened species may be affected.

4. Reduce the potential for contagious diseases to spread from one population to others.

5. eliminate habitat conditions on Service-owned and controlled lands that are particularly conducive to large scale disease outbreaks.

6. Avoid creating habitat conditions on Service lands that will be conducive to the development of major disease problems.

This plan supersedes the Service's Duck Virus Enteritis Contingency Plan issued July 19, 1973, which dealt only with DVE. The present plan covers all disease problems of migratory birds, and accommodates the administrative reorganizations of the service that have occurred since 1973, including the development of the National Wildlife Health Laboratory at Madison, Wis. Additionally, this plan requires that a disease plan be prepared for each Fish and Wildlife Service Region and for designated National Wildlife Refuges.

AUTHORSHIP

The plan was prepared by U.S. Fish and Wildlife Service personnel assigned to the Migratory Bird Disease Contingency Plan Development Team.

The primary author of this notice is Charles W. Dane, Division of Wildlife Research.

Dated: November 9, 1978.

LYNN A. GREENWALT,
Director.

[FR Doc. 78-32161 Filed 11-14-78; 8:45 am]

[4310-31-M]

Geological Survey

CHIEF, CONSERVATION DIVISION

Delegation of Authority

The following material is a portion of the Geological Survey Manual and the numbering system is that of the Manual:

PART 220 SPECIAL REDELEGATIONS

220.2.4 Appeals to the Director.

The Chief, Conservation Division, is authorized, as hereinafter specified, to exercise the authority delegated by the Secretary of the Interior to the Director, Geological Survey, as set forth in 30 CFR 221.66, 30 CFR 250.81, and 30 CFR Part 290. The subject delegation to the Chief, Conservation Division, is limited to the following:

1. The issuance of rulings on motions for oral argument under 30 CFR 290.4.

2. The issuance of rulings on motions for extensions of time under 30 CFR 290.5.

3. The issuance of rulings on requests under 30 CFR 221.66 or 30 CFR 250.81 for suspension of compliance with an order or decision pending a decision by the Director on the appeal.

4. The issuance of orders affording appellants an opportunity to file additional documents in support of their appeals.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-32083 Filed 11-14-78; 8:45 am]

[4310-31-M]

EARTHQUAKE STUDIES ADVISORY PANEL

Public Meeting

Pursuant to Pub. L. 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Friday, December 1, 1978, and continuing through Saturday, December 2, 1978. The Advisory Panel will meet in Topographic Building 3, Conference Room B, U.S. Geological Survey, Menlo Park, Calif. 94025.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is chaired by Professor Nathan M. Newmark and is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socioeconomics, primarily from the academic community.

(3) *Agenda.* Review of the program activities for fiscal year 1979, and plans for fiscal year 1980.

For more detailed information about the meeting, please call Dr. Robert L. Wesson, Chief, Office of Earthquake Studies, Reston, Va. 22092, 703-860-6472.

J. R. BALSLEY,
Acting Director,
U.S. Geological Survey.

[FR Doc. 78-32084 Filed 11-14-78; 8:45 am]

[4310-17-M]

Office of the Secretary

FEDERAL RESERVE WATER RIGHTS WATER POLICY IMPLEMENTATION TASK FORCE

Public Participation

AGENCY: U.S. Department of the Interior, Office of the Secretary.

ACTION: Notice of opportunity for the public to participate in work of Task Force on Federal Reserved Water Rights to implement President's water policy.

SUPPLEMENTARY INFORMATION: A task force has been created to begin implementing that portion of the President's national water policy which instructs Federal agencies to work promptly and expeditiously to inventory and quantify non-Indian Federal reserved water rights; i.e., reserved water rights attendant to non-Indian Federal reservations administered by the Forest Service, National Park Service, Fish and Wildlife Service, Bureau of Land Management, the Department of Energy, and Department of Defense. This task force has as its goals: (1) Formulating a comprehensive and reasonable definition of Federal reserved water rights; (2) inventorying those rights; and (3) developing a methodology for quantifying those rights.

The President has asked this task force to place a high priority on the identification, establishment, and quantification of non-Indian Federal reserved water rights in areas "where water planning and management will be improved, where the protection of Federal water uses is of highest importance, and where it is essential to reduce uncertainty over future Federal assertions of right."

Mr. Leo M. Krulitz, Solicitor, Department of the Interior, has been designated chairman of this task force and he has, in turn, designated his Associate Solicitor for Energy and Resources to chair an interagency working group to coordinate the work of the Federal agencies involved.

It is intended that the above goals be met by having the task force work in close consultation and participation with the States and all other parties having an interest in this subject. In order to facilitate this public participation, all interested parties are asked to submit for the consideration and use of the task force their views and position regarding Federal reserved water rights with particular emphasis on the following issues:

1. What are the purposes for which reserved water rights may be claimed under Federal common law for the Federal reservations administered by the Federal agencies mentioned?

2. How can the Federal Government avail itself of the various State water law systems in both recognizing Federal reserved rights (including instream flows) and inventorying and quantifying those rights?

3. Is the procedure provided by the McCarran Act, 43 U.S.C. § 666, an adequate method for adjudicating and recognizing Federal reserved water rights, or is some legislative modification of that statute desirable?

4. What administrative or legislative proposals would expeditiously achieve the goals of this task force in greatest harmony with the various State water law systems and the competing water use interests involved in this process?

Any comments should be sent to: Mr. John Leshy, Associate Solicitor, Energy and Resources, Room 6312, U.S. Department of the Interior, Washington, D.C. 20240. Any questions should be directed to: Mr. Gary Fisher, Special Assistant to the Associate Solicitor for Energy and Resources, at 202-343-5757.

Meetings of the task force are open to the public. Meeting schedules are available from Mr. Leshy or Mr. Fisher at the above number.

Dated: November 8, 1978.

CECIL D. ANDRUS,
Secretary.

[FR Doc. 78-32078 Filed 11-14-78; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[603-TA-4]

CERTAIN REPLICA BLACK POWDER FIREARMS

Preliminary Investigation

Notice is hereby given that the U.S. International Trade Commission, pursuant to the provisions of section 603 of the Trade act of 1974 (19 U.S.C. 3483) on November 9, 1978, ordered a preliminary investigation to investigate the possible existence of unfair methods of competition and unfair acts with respect to the importation into the United States and sale of certain replica black powder firearms by Connecticut Valley Arms, Inc., Saybrook Road, Haddam, Conn., 06438 manufactured, in whole or in part, in Spain, and, the effects, if any, of such methods and acts.

KENNETH R. MASON,
Secretary.

CERTAIN REPLICA BLACK POWDER FIREARMS

PROVISIONAL ACCEPTANCE OF CONSENT DECREE BY U.S. INTERNATIONAL TRADE COMMISSION AND SOLICITATION OF PUBLIC COMMENTS

On November 9, 1978, the U.S. International Trade Commission decided in open session to provisionally accept and publish for public comment a proposed consent order agreement submitted by Connecticut Valley Arms, Inc. The authority for issuance of this proposed consent order is contained in section 337 of the Tarriff Act of 1930, as amended (19 U.S.C. 1337), and section 603 of the Trade Act of 1974 (19 U.S.C. 2482). A notice of preliminary investigation under section 603 is published above.

The order directs Connecticut Valley Arms, Inc., to cease and desist from labelling and advertising its "Mountain Rifle" and "Mountain Pistol" as "Made in USA" until such time that these articles are substantially manufactured in the United States. In determining final acceptance of this proposed consent order or in reviewing compliance therewith, the Commission shall consider all relevant factors in determining whether the subject articles are in fact "substantially manufactured in the United States." Compliance with this order is required after December 31, 1978, and a notarized affidavit which describes the extent and manner of compliance, must be filed with the Commission by Connecticut Valley Arms, Inc. by January 10, 1979. The affidavit will be reviewed by the Commission in order to determine whether further reporting is necessary. Failure to comply with the order may result in proceedings before the Commisison to determine what, if any, sanctions may issue, including a possible order of exclusion from entry pursuant to 19 U.S.C. 1337(d).

The consent order agreement defines and describes the parties which are signatories to, and have agreed to be bound by, the agreement, as well as the imported articles which are the subject matter of the preliminary investigation. Connecticut Valley Arms, Inc. has acceded to the Commission's jurisdiction, and has waived all procedural requirements under section 337, the right to judicial review of the consent order, or to otherwise challenge or contest the validity of the consent order.

Any interested member of the public is invited to submit written comments regarding the proposed consent order agreement which is set forth below. Such comments should be addressed to the Secretary of the U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and should be received no later than December 11, 1978.

Dated: November 9, 1978.

KENNETH R. MASON,
Secretary.

CERTAIN REPLICA BLACK POWDER FIREARMS

CONSENT ORDER AGREEMENT

The U.S. International Trade Commission having instituted, on its own initiative and not upon complaint, a preliminary investigation, pursuant to its November 9, 1978, Notice of Preliminary Investigation, of certain acts and practices of Connecticut Valley Arms in the importation of Spanish firearm components, and it now appearing that Connecticut Valley Arms is willing to enter into an agreement containing an order to cease and desist from the acts and practices specified in the Consent Order incorporated herein.

It is hereby agreed by and between Connecticut Valley Arms, by its duly appointed officers; and the Commission investigative attorney, Louis S. Mastriani, that:

I. For the purpose of this Consent Order Agreement the following definitions apply:

1. "CVA" refers to Connecticut Valley Arms as well as its successors, assigns, and its officers and directors, as well as those agents, representatives, and employees acting pursuant to its directions.

2. "Commission" refers to the U.S. International Trade Commission.

3. "Replica firearms" refers to any black powder, muzzle-loading firearms, including, but not limited to, the "Mountain Rifle" and "Mountain Pistol," whether assembled or in kit form.

4. "Advertisement" refers to all media promotions and communications for the subject product to the public, whether achieved by television, radio, public and/or trade periodicals, and sales or promotional brochures. Oral representations by CVA pertaining to the product are also deemed to be included in the above definition.

5. "Made in U.S.A." refers to an article which is substantially manufactured in the United States.

6. "United States" includes the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and its territories and possessions.

7. "Manufacturer" refers to companies which produce replica firearms or components thereof.

8. "Exporter" refers to any company which sells replica firearms, or components thereof, for export to customers located in the United States.

9. "Importers" refers to any company which imports replica firearms, or components thereof, into the United States.

II. For the purpose of this Consent Order Agreement and the enforcement hereof, CVA, having appeared and voluntarily submitted to the personal jurisdiction of the Commission by agreeing to this Consent Order Agreement, admits that the Commission has jurisdiction over the subject included in the November 9, 1978, Notice of Preliminary Investigation.

III. This Consent Order Agreement is for settlement purposes only and does not constitute a finding by the Commission or an admission by CVA that section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) or any other statute of regulation, has been violated.

IV. CVA, in agreeing to the entry of this Consent Order, waives (1) further procedural requirements, including the requirement that the Commission make a determination under section 337(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1337(c)), (2) judicial review of this Consent Order, (3) the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, and (4) any other challenge or contest to the validity of this Consent Order.

V. This Consent Order Agreement contemplates that, if it is finally accepted by the Commission, the Commission may, without further notice to CVA, (1) issue its decision containing the following order to cease and desist in disposition of this investigation, and (2) make public information which is not "business confidential" as that term is defined in § 201.6 of the Commission's rules of practice and procedure.

VI. CVA has read the Order contemplated hereby, and it understands that once the Order has been issued, it will be required to file one or more compliance reports as therein specified, and the violation of the Order may result in proceedings before the Commission to determine what, if any, sanction should be applied to such violation including a possible order of exclusion from entry pursuant to 19 U.S.C. 1337(d).

ORDER

It is ordered, That—

I

Subsequent to December 31, 1978, Connecticut Valley Arms shall not advertise, nor otherwise affirmatively represent, its "Mountain Rifle," "Mountain Pistol," or any other replica firearm as "Made in U.S.A.," unless and until such time that each such article is substantially manufactured within the United States. Nor shall Connecticut Valley Arms induce, whether directly or indirectly, any manufacturer, importer, or exporter to engage in the foregoing proscribed activities.

II

Connecticut Valley Arms, by its chief executive officer, shall file a properly notarized affidavit covering the period from the date this order becomes final through December 31, 1978, containing therein a detailed statement describing the extent of compliance with this Consent Order Agreement. This affidavit and report shall be filed with the Commission by January 10, 1979. If Connecticut Valley Arms fails to file its report as required or if the Commission has sufficient reason to believe, on the basis of the foregoing report, that the terms of this Order have been violated, the Commission reserves the right to require such additional reports as are deemed necessary.

III

The reporting requirement of Paragraph II of this Order will be reviewed by the Commission after the report due in 1979 is received in order to ascertain whether further reporting by Connecticut Valley Arms is necessary, as provided in paragraph II.

IV

For the purpose of securing compliance with this Order and during the period ending December 31, 1979, or any further period of reporting resulting from a determination by the Commission that it has sufficient reason to believe that Connecticut Valley Arms is in violation of this Order or has failed to file its report as provided in paragraph II of this Order, duly authorized representatives of the Commission shall, upon written request and on reasonable notice to Connecticut Valley Arms mailed to its principal office, be permitted reasonable access, during the office hours of the company, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of the company solely for the purpose of verifying any matter contained in the reports required under paragraph II of the Order. Duly authorized representatives of the Commission shall also be permitted to interview appropriate officers and employees of Connecticut Valley Arms, who may have counsel present, regarding any such matters. Such verification and interviews are subject to any recognized privilege

under the laws of the United States and are also subject to the reasonable convenience of the company.

V

Confidential informaiton obtained by the means provided in paragraphs II, III, and IV, above, shall only be made available to the Commission or its representatives and shall not be divulged by any representative of the Commission, to any person other than a duly authorized representative of the Commission, except as required in the course of legal proceedings to which the Commission is a party for the purpose of securing compliance with this Order or as otherwise required by law, upon ten (10) days written notice to Connecticut Valley Arms.

This Order shall become effective November 15, 1978.

Signed this 31st day of August 1978.

CONNECTICUT VALLEY ARMS,
By DAVID L. SILK, *President,*
Saybrook Road, Haddam, Conn.

LOUIS S. MASTRIANI,
Commission Investigative Attorney.

[FR Doc. 78-32162 Filed 11-14-78; 8:45 am]

[4810-25-M]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

ADVISORY COMMITTEE ON JOINT BOARD ACTUARIAL EXAMINATIONS

Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in Room 4125, U.S. Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C. on December 11, 1978, beginning at 9:30 a.m. This meeting is subject to either cancellation or a change of date. A notice will appear in the FEDERAL REGISTER regarding any change which may occur.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion in the joint board's examinations in actuarial mathematics and methodology referred to in Title 29, United States Code, Section 1242(a)(1)(B)(C). In addition, administrative matters relative to the advisory committee will be handled.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that the portion of the meeting dealing with the questions which may appear on the joint board's examinations falls within the exceptions to the open meeting requirement set forth in Title 5, United States Code, Section 552b(c)(9)(B), and that the public interest requires that such portion be closed to public participation.

The remainder of the meeting, i.e., those agenda items not pertaining to possible questions to be used on the Joint Board's examinations, will commence at approximately 9:30 a.m. and will be open to the public as space is available until the conclusion of those agenda items.

Dated: November 9, 1978.

LESLIE S. SHAPIRO,
Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 78-32075 Filed 11-14-78; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

[AAG/A Order No. 18-78]

PRIVACY ACT OF 1974

Notice of Amended System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) notice is hereby given that the Criminal Division, Department of Justice, proposes to amend an existing system of records entitled the Weekly Statistical Report (JUSTICE/CRM-023).

The Weekly Statistical Report is a system of records for which public notice was published in 42 FR 53349 on September 30, 1977, consistent with the provisions of 5 U.S.C. 552a(e)(4). However the system will be amended to include the Criminal Division paralegal in the "categories of individuals covered by the system" and in the "categories of records in the system." The system notice has been revised to reflect these changes as well as corresponding changes to the "retrievability," "record source categories" and "access and contest" sections of the notice.

Title 5 U.S.C. 552a(e) (4) (11) provides that the public be provided a 30-day period in which to comment; the Office of Management and Budget (OMB), which has oversight responsibility under the provisions of the Act, requires a 60-day period in which to review the system before it is implemented. Therefore, the public, OMB, and the Congress are invited to submit written comments on this system. Comments should be addressed to the Administrative Counsel, Office of Management and Finance, Room 1118, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530. If no comments are received from either the public, OMB, or the Congress within 60 days from the date of publication of this notice (December 15, 1978), the system will be implemented without further notice in the FEDERAL REGISTER. No oral hearings are contemplated.

Appropriate reports have been filed with the Congress and OMB.

Dated: November 3, 1978.

KEVIN D. ROONEY
Assistant Attorney General for Administration.

JUSTICE/CRM-023

System name:

Weekly Statistical Report.

System location:

U.S. Department of Justice, Criminal Division, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Categories of individuals covered by the system:

Past or present attorneys and paralegals of the Criminal Division.

Categories of records in the system:

The system consists of weekly statistical reports submitted by each attorney and paralegal of the Criminal Division detailing the time expended on case and matter oriented activities and on noncase and nonmatter oriented activities. The system also includes periodic computer printout summaries.

Authority for maintenance of the system:

This system is established and maintained pursuant to 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Statistical compilations arranged by section and by division are submitted to the Congress and the Office of Management and Budget in connection with annual appropriations. There are no other uses of the records in this system outside of the Department of Justice.

Release of information to the news media: Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available from systems of records maintained by the Department of Justice unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

Release of information to Members of Congress: Information contained in systems of records maintained by the Department of Justice, not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

Release of information to the National Archives and Records Service: A record from a system of records may be disclosed as a routine use to the Na-

tional Archives and Records Service (NARS) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Original Weekly Statistical Reports are retained and the information contained therein is also stored in the Department's computer center. Summaries are also retained on computer printout paper. Records not at the computer center are stored in file cabinets in the Criminal Division.

Retrievability:

The record is retrieved by date, section, unit, and name of attorney or paralegal.

Safeguards:

The computer center is maintained by the Office of Management and Finance which has designated security procedures consistent with the sensitivity of the data. Materials related to the system maintained at locations other than the location of the computer center are protected and safeguarded in accordance with applicable departmental rules.

Retention and disposal:

Information as to individuals is destroyed at the computer center annually. Original weekly reports are destroyed approximately every 2 years. Statistical data and compilations are maintained indefinitely.

System manager(s) and address:

Assistant Attorney General, Criminal Division, U.S. Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

Notification procedure:

Same as above.

Record access procedures:

A request for access to a record from this system shall be made in writing with the envelope and the letter clearly marked "Privacy Act Request." Include in the request the name of the past or present attorney or paralegal employed by the Criminal Division. The requester shall also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

Contesting record procedures:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories:

Attorneys and paralegals of the Criminal Division.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-32061 Filed 11-14-78; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Meeting

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) will meet Thursday, Friday, and Saturday, November 30, December 1 and 2, 1978, at the Quality Inn, Pentagon City, Arlington, Va. The meeting will be open to the public.

On Thursday, November 30, the full Committee is scheduled to convene 9 a.m. At this time, a new member will be sworn in and the Executive Committee report will be heard. This session will also include a report by the Administrator of the Office of Juvenile Justice and Delinquency Prevention. The four subcommittees: Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention; Advisory Committee on Standards for Juvenile Justice; Special Advisory Committee to the Administrator of the Office; Advisory Committee on the Concentration of Federal Effort, will meet at 11:30 a.m. Following a 12:30 p.m. luncheon recess, the subcommittees will reconvene at 1:30 p.m. in meetings for the remainder of the day.

On Friday, December 1, the full committee will reconvene at 10 a.m. At this session, the subcommittee reports will be heard. Following the luncheon recess, the full Committee will meet to continue presentation of these reports; included will be reconsideration of NAC positions taken on the Jurisdiction of Juvenile Courts over Status Offenders and on the Restriction of Waiver.

The full Committee will reconvene on Saturday, December 2, at 9 a.m. to consider the following items: Report of the Executive Committee on the Annual Report and the Work Plan; the Ad Hoc Committee Reports; and plans for the upcoming February meeting. The Committee is scheduled to adjourn at 12:30 p.m.

For further information, contact Mr. John Rector, Administrator, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

JOHN M. RECTOR,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 78-32059 Filed 11-14-78; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-58]

NASA ADVISORY COUNCIL (NAC) SPACE AND TERRESTRIAL APPLICATIONS ADVISORY COMMITTEE (STAAC)

Meeting

The Ad Hoc Informal Advisory Subcommittee on Weather, Climate and Oceans of the NAC-STAAC will meet on November 29, 1978, from 8:30 a.m. to 5 p.m. and on November 30, 1978, from 8 a.m. to 4:30 p.m. at the NASA Goddard Space Flight Center, Room 205, Building 26, Greenbelt, Md. Members of the public will be admitted to the meeting on both days at the times noted above on a first-come, first-served basis and will be required to sign a visitor's register. The seating capacity of the meeting room is for about 40 persons.

This subcommittee, comprised of 16 members of the NAC-STAAC including the chairman, Dr. John Firor, will review the 5-Year Plan in Environmental Observations.

The approved agenda for the meeting is as follows:

NOVEMBER 29, 1978

Time and Topic

8:30 a.m.—Chairman's remarks
9 a.m.—Program overview—5-year plan
10 a.m.—Climate program
11 a.m.—Global weather program
11:30 a.m.—Severe storm program
12 p.m.—Environmental quality program
1:30 p.m.—Ocean processes program (NOTE.—A discussion session will follow each of the presentations above.)
2:45 p.m.—Discipline working group sessions
5 p.m.—Adjourn

NOVEMBER 30, 1978

8 a.m.—Discipline working group sessions continued; reports by working group leaders on conclusions and recommendations
9:30 a.m.—Climate program
10 a.m.—Global weather program
10:30 a.m.—Severe storms program
11 a.m.—Environmental quality program
11:30 a.m.—Ocean processes program
1:30 p.m.—Summary and conclusions
2:30 p.m.—Special topics

4:30 p.m.—Adjourn

For further information regarding the meeting, please contact Louis B. C. Fong, Executive Secretary of the Subcommittee, Washington, D.C. 202-755-8601.

ARNOLD W. FRUTKIN,
Acting Associate Administrator for External Relations.

NOVEMBER 7, 1978

[FR Doc. 78-32053 Filed 11-14-78; 8:45 am]

[7510-01-M]

[Notice (78-59)]

NASA ADVISORY COUNCIL (NAC), SPACE SYSTEMS AND TECHNOLOGY ADVISORY COMMITTEE

Meeting

The Informal Ad Hoc Advisory Subcommittee on Shuttle Launched Entry Research Vehicles of the NAC Space Systems and Technology Advisory Committee will meet December 5-7, 1978, in Room 225, Building 1219, NASA Langley Research Center, Hampton, Va. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Subcommittee members and participants).

The Subcommittee was established to assist the NASA in identifying specific technologies which might be advanced through utilization of shuttle launched entry research vehicles, and to advise the NASA on the merits of proceeding with a study program to establish the need, feasibility, and cost of developing such vehicles and experiments. The Chairman is Prof. Robert M. Howe, and there are five members of the Subcommittee.

For further information contact Mr. William C. Hayes, Jr., Executive Secretary of the Informal Ad Hoc Subcommittee on Shuttle-Launched Entry Research Vehicles, Code RS-7, NASA Headquarters, Washington, D.C. 20546, 202-755-2243.

AGENDA

DECEMBER 5, 1978

9 a.m. Introductory remarks.
10 a.m. NASA field center assessments of future technology requirements.
3 p.m. Governmental agency (non-NASA) assessments of future technology requirements.

DECEMBER 6, 1978

9 a.m. Governmental agency (non-NASA) assessments of future technology requirements (continued).
12:30 p.m. Aerospace industry assessments of future technology requirements.

DECEMBER 7, 1978

9 a.m. Committee discussion and formulation of recommendations.
3 p.m. Adjourn.

ARNOLD W. FRUTKIN,
Acting Associate Administrator for External Relations.

NOVEMBER 7, 1978.

[FR Doc. 78-32029 Filed 11-14-78; 8:45 am]

[7537-01-M]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES, ARTS AND ARTIFACTS INDEMNITY PANEL

Meeting

NOVEMBER 7, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 2401 E Street NW., Washington, D.C. 20506, in Room 1426, from 9:30 a.m. to 5:30 p.m. on November 28, 1978.

The purpose of the meeting is to review applications for certificates of indemnity submitted to the Federal Council on the Arts and the Humanities for exhibits beginning after February 1, 1979.

Because the proposed meeting will consider commercial and financial data and because it is important to keep values of objects, methods of transportation, and security measures confidential, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated April 16, 1978, I have determined that the meeting would fall within exemptions (4) and (9) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 78-32079 Filed 11-14-78; 8:45 am]

[7537-01-M]

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on December 1, 1978, from 9 a.m. to 5:30 p.m., December 2, 1978, from 9 a.m. to 5:30 p.m., and December 3, 1978, from 9 a.m. to 1 p.m., at the Organization of American States Building, 17th Street and Constitution Avenue NW., Washington, D.C.

A portion of this meeting will be open to the public on Friday, December 1, 1978, from 9 a.m. to 5:30 p.m.; and Saturday, December 2, 1978, from 9 a.m. to 5:30 p.m. Topics for discussion will be program policy and guidelines for the Visual Arts, Media Arts, and Expansion Arts programs; Community Arts Agency developments; reports from the Policy/Planning Committee and the Task Force on the Education, Training, and Development of Professional Artists and Arts Educators; Implementation of section 504 of the 1973 Rehabilitation Act, and other general reports.

The remaining sessions of this meeting on Sunday, December 3, 1978, from 9 a.m. to 1 p.m. are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsections (c) (4), (6), and (9) (B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

NOVEMBER 9, 1978.

[FR Doc. 78-32076 Filed 11-14-78; 8:45 am]

[7537-01-M]

VISUAL ARTS (WORKSHOPS/ALTERNATIVE SPACES) ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts (Workshops/Alternative Spaces) Advisory Panel to the National Council on the Arts will be held on December 4, 1978, from 9:30 a.m. to 5:30 p.m., and on December 5, 1978, from 9:30 a.m. to 5:30 p.m., in Room 1426, Columbia Plaza, 2401 E Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6), and (9)(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

NOVEMBER 9, 1978.

[FR Doc. 78-32077 Filed 11-14-78; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket Nos.: 50-237, 50-249, 50-254, 50-265; Amendments to Facility Operating License Nos. DPR-19, DPR-25, DPR-29, DPR-30]

COMMONWEALTH EDISION CO. (DRESDEN STATION, UNITS 2 AND 3, AND QUAD CITIES STATION, UNITS 1 AND 2)

Order

Before the Atomic Safety and Licensing Board:

Notice is hereby given that, pursuant to 10 CFR, 2.751a, a Special Prehearing Conference in the above-captioned proceeding will be held on Friday, December 15, 1978 at 10 a.m. in the courtroom of the U.S. District Court and Federal Post Office, 211 19th Street, Rock Island, Ill.

All parties to this proceeding and all persons who are petitioning to intervene as parties to this proceeding (petitioners) shall attend this prehearing conference. The purpose of the conference is to permit identification of the issue in the proceeding, consider petitions for leave to intervene in the proceeding, determine (as appropriate) who shall be parties to the proceeding, and establish a schedule for further action in the proceeding. Under the provisions of 10 CFR 2.714, each petitioner shall, no later than fifteen (15) days prior to the conference, file a list of the contentions which the petitioner seeks to have litigated in the proceeding, together with a statement setting forth with reasonable specificity the basis for each contention proposed. Parties and petitioners shall be prepared to discuss at the conference all issues raised by all the petitions and contentions which shall have been filed. Parties and petitioners are hereby directed to confer among themselves before the conference in order: (a) To agree, if possible, upon contentions which are mutually acceptable, and (b) to agree, if possible, upon an arrangement for making known the particular interest or affected members of petitoners Natural Resources Defense Council and Citizens for a Better Environment while implementing, if possible, the desire of these petitioners to prevent the identity of their members from becoming publicly known, and (c) to agree upon a schedule for future action in this proceeding.

Dated at Madison, Wis., November 9, 1978.

For the Atomic Safety and Licensing Board designated to rule on petitions for leave to intervene.

GARY L. MILHOLLIN,
Chairman.

[FR Doc. 70-32085 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-26, issued to Consolidated Edison Co. of New York, Inc. (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility) located in Buchanan, Westchester County, N.Y. The amendment is effective as of the date of issuance.

The amendment changes the license to provide generalized provisions for sealed radioactive sources and changes the Technical Specifications to provide for standard surveillance requirements for these sources.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. [Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.]

The Commission had determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 21, 1978, (2) Amendment No. 42 to License No. DPR-26, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of October 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-32086 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-250 and 50-251]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 41 and 33 to Facility Operating License Nos. DPR-31 and DPR-41, issued to the Florida Power & Light Co., which revise the Appendix B Environmental Technical Specifications for operation of the Turkey Point Plant, Units 3 and 4 (the facilities) located in Dade County, Fla. These amendments are effective as of the date of issuance.

The amendments permit reductions in the environmental monitoring program based on data collected during 5 years of plant operation, deletion of seven generic or one-time special stud-

ies that have been completed, deletion of monitoring programs and limiting conditions for open-cycle operation, and several administrative changes.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Environmental Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated July 1972.

For further details with respect to this action, see (1) the application for amendment dated September 7, 1976 as supplemented by letters dated October 5, 1976 and February 28, 1978, (2) Amendment Nos. 41 and 33 to DPR-31 and DPR-41, and (3) the Commission's environmental impact appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla. 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 6th day of November, 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-32087 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-275 OL, 50-323 OL]

PACIFIC GAS & ELECTRIC CO. (DIABLO CANYON NUCLEAR POWER PLANT, UNITS 1 AND 2)

Order Relative to an Evidentiary Hearing

Before the Atomic Safety and Licensing Board:

The Board's Order of August 7, 1978, stated that an evidentiary hearing will commence at 9 a.m. (local time), Monday, December 4, 1978, but the location would be announced in a subsequent order.

The time and date remain the same, however, a change may be made if the NRC Staff does not issue Supplement 8 of the Safety Evaluation Report on November 15, 1978, as expected. The hearing will be held in the Cavalier Room, San Luis Bay Inn, Marre Ranch, Avila Beach, Calif.

In the three segments of the evidentiary hearing to date, there have been 193 limited appearance statements. All parties joined in requesting the Board to set a time certain for limited appearance statements so they can schedule their witnesses. The first 2 days of the hearing will be set aside for limited appearance statements of no longer than 5 minutes each. Written statements without limitation on length may also be submitted.

It is so ordered.

Dated at Bethesda, MD., this 7th day of November 1978.

For the Atomic Safety and Licensing Board.

ELIZABETH S. BOWERS,
Chairman.

[FR Doc. 78-32088 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has, pursuant to the Initial Decisions of its Atomic Safety and Licensing Board dated October 5, 1978, issued amendment No. 34 to Facility Operating License No. NPF-1, issued to Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power and Light Co., which revised the license and appended Technical Specifications for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

The amendment permits modifications of the spent fuel storage pool which will increase the storage capacity from 280 fuel elements to a capacity of 651 fuel elements.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of the Amendment was published in the FEDERAL REGISTER on February 14, 1977 (42 FR 9068). A hearing was requested by David B. McCoy; the State of Oregon, acting by and through its Department of Energy and its Energy Facility Siting Council; Susan M. Garrett, acting on her own behalf and as the representative of the Coalition for Safe Power; and Sharon S. McKeel. The hearing was held January 4-20, January 30-February 10, and April 17-26, 1978, and subsequently the above-referenced Initial Decision was issued October 5, 1978.

The Commission has prepared an Environmental Impact Appraisal dated November 11, 1977, and has concluded that an environmental impact statement for this particular action is not warranted because the actions authorized by this license amendment will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated January 6, 1977, as supplemented and amended April 26, August 29, September 27, October 4 and 10, November 8 and 10, December 15 and 21, 1977, and January 18, 1978; (2) Amendment No. 34 to License No. NPF-1; (3) the Commission's related Safety Evaluation and Environmental Impact Appraisal, both dated November 11, 1977; and (4) the Initial Decision of the Atomic Safety and Licensing Board dated October 5, 1978.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. A single copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3rd day of November, 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[FR Doc. 78-32089 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket No. 50-286]

POWER AUTHORITY OF THE STATE OF NEW YORK

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 18 to Facility Operating License No. DPR-64, issued to Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, N.Y. The amendment is effective as of the date of issuance.

The amendment changes the Technical Specifications concerning the pressurizer heatup and cooldown rates to maintain thermal stresses in the pressurizer to allowable levels. Clarifying changes with respect to the procedure for reporting the results of steam generator tube inservice inspections, the definition of quadrant power tilt ratio, and the Technical Specification on out of service time for boric acid transfer pumps and storage system, are included in this amendment. The amendment also deletes a repetitive section of the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 2, 1977 (2) Amendment No. 18 to License No. DPR-64, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of November 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-32090 Filed 11-14-78; 8:45 am]

[7590-01-M]

REGIONAL LICENSING PROGRAM

The U.S. Nuclear Regulatory Commission published on February 6, 1978 (43 FR 4891), a description of its regional licensing program at Region III Office in Glen Ellyn, Ill.

The pilot program includes: (1) All licenses for medical use of radioisotopes, except teletherapy sources and nuclear powered pacemakers, and (2) licenses for industrial uses of gages and sources contained in gas chromatographs and x-ray fluorescence analyzers from the States of Illinois, Indiana, Iowa, Michigan, Ohio, and Wisconsin.

Effective December 1, 1978, the pilot program will include the States of Minnesota and Missouri. At that time, licensing actions will be facilitated if all inquiries or applications for new licenses, amendments, or renewals are sent to:

U.S. Nuclear Regulatory Commission, Region III, Radioisotopes Licensing Section, 799 Roosevelt Road, Glen Ellyn, Ill. 60137. Telephone 312-858-2660.

Dated at Silver Spring, Md., this 2d day of November 1978.

For the Nuclear Regulatory Commission.

NATHAN BASSIN,
Acting Chief, License Management Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-32116 Filed 11-14-78; 8:45 am]

[7590-01-M]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.125, Revision 1, "Physical Models for Design and Operation of Hydraulic Structures and Systems for Nuclear Power Plants," describes the detail and documentation of data and studies that an applicant should include in the Preliminary Safety Analysis Report to support the use of physical hydraulic model testing for predicting performance of safety-related hydraulic structures and systems for nuclear power plants. It also describes the coordination desired between an applicant and the NRC staff in the planning stage for a physical model. This guide was revised as a result of public comment and additional staff review.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the latest revision of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 7th day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-32115 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket No. 50-206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS & ELECTRIC CO.

Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 37 to Provisional Op-

erating License No. DPR-13, issued to Southern California Edison Co. and San Diego Gas & Electric Co. (the licensees), which amended the license and revised its appended Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1 (SO-1) located in San Diego County, Calif. The amendment is effective as of its date of issuance.

The amendment deletes License Conditions 3.E, 3.F(1) and 3.F(2) which relate to the steam generator inspection requirements and primary to the secondary leakage limit. In addition, the amendment incorporates provisions in the Technical Specifications required for operation of SO-1 with the refueled Cycle 7 core.

The application for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated September 30, 1977, March 31, 1978, July 31, 1978, and August 18, 1978, and supplements thereto dated September 22, 1978 and October 24, 25, and 30, 1978. (2) Amendment No. 37 to License No. DPR-13, including the Commission's letter of transmittal, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Mission Viejo Branch Library, 24851 Chrisanta Drive, Mission Viejo, Calif. 92676. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 31st day of October 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-32091 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-445A, 50-446A, 50-498A, and 50-499A]

TEXAS UTILITIES GENERATING CO., ET AL. (COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2) AND HOUSTON LIGHTING & POWER CO., ET AL. (SOUTH TEXAS PROJECT, UNITS 1 AND 2)

Notice of Joint Conference With Counsel

NOVEMBER 8, 1978.

I

Please take notice that a joint conference with counsel in both of the above-entitled proceedings will be held at 2:30 p.m., local time, in the Nuclear Regulatory Commission Hearing Room, 5th floor, located at 4350 East-West Highway, Bethesda, Md. 20014, on December 5, 1978. The purpose of this joint conference is to hear counsel regarding any pending motions or requests to consolidate, in whole or in part, the above-entitled proceedings. Any briefs or memoranda of law shall be in the hands of the Board by November 27, 1978.

II

By an order dated July 13, 1978, a prehearing conference to consider the progress of discovery and trial preparations in the *South Texas* proceeding was scheduled for November 16, 1978. All counsel in that proceeding were reminded of this prehearing conference by the Board's letter of October 18, 1978.

By a letter to the Board dated October 20, 1978, counsel for Houston Lighting & Power Co. indicated that he and his associates were required to appear in the U.S. Court of Appeals for the District of Columbia Circuit on that date, and that other counsel were involved in trial in the U.S. District Court in Dallas, Tex. in related proceedings.

Good cause having been shown, the previously scheduled prehearing conference in *South Texas* will be rescheduled to 3 p.m. on December 5, 1978, immediately following the joint conference with counsel described in section I of this Order.

It is so ordered.

Dated at Bethesda, Md., this 8th day of November 1978.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc. 78-32113 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket No. 50-112]

UNIVERSITY OF OKLAHOMA

Proposed Renewal of Facility License

The U.S. Nuclear Regulatory Commission (the Commission) is considering renewal of Facility License No. R-53, issued to The University of Oklahoma (the licensee), for operation of the AGN-211 Reactor located on the licensee's campus in Norman, Okla.

The renewal would extend the expiration date of Facility License No. R-53 to December 29, 1998, in accordance with the licensee's timely application for renewal dated October 6, 1978.

Prior to renewal of Facility License No. R-53, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By December 15, 1978, the licensee may file a request for a hearing with respect to renewal of the subject facility license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the

petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must safisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for renewal dated October 6, 1978, as supplemented by future submittals, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 2d day of November 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-31901 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 45 and 45 to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric & Power Co. (the licensee), which revised Environmental Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) located in Surry County, Va. The amendments are effective as of the date of issuance.

The amendments revise the Non-Radiological Environmental Monitoring Program Technical Specifications, §4.13 of Appendix A by (1) Deleting the biological monitoring program except for a low-intensity fish sampling program, and (2) reducing the programs for temperature, salinity, and impingement monitoring.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility dated May 1972.

For further details with respect to this action, see (1) the application for amendment dated May 16, 1977, as supplemented February 6, April 17, May 18, and August 18, 1978; (2) Amendment Nos. 45 and 45 to License Nos. DPR-32 and DPR-37; and (3) the Commission's Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Swem College Library, College of William and Mary, Williamsburg, VA. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Md., this 6th day of November 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-32114 Filed 11-14-78; 8:45 am]

[7590-01-M]

[Docket Nos. 50-338A, 50-339A, 50-404A and 50-405A]

VIRGINIA ELECTRIC AND POWER CO., OLD DOMINION ELECTRIC COOPERATIVE AND NORTH CAROLINA ELECTRIC MEMBERSHIP CORP.

Receipt of Additional Antitrust Information: Time For Submission of Views on Antitrust Matters

Virginia Electric and Power Co., pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed on September 1, 1978, information requested by the Attorney General for antitrust review as required by 10 CFR, Part 50, Appendix L. The information concerns two additional ownership participants, Old Dominion Electic Cooperative and North Carolina Electric Membership Corp. for the North Anna Power Station, units 1, 2, 3, and 4 located on the south shore of Lake Anna in Louisa County, Va.

The information was filed in connection with the Virginia Electric and Power Co's applications for construction permits and operating licenses for the North Anna Power Station, units 1, 2, 3, and 4. Unit 1 of the station is operating and units 2, 3, and 4 are under construction. The information submitted be Virginia Electric and Power Co. is the first part of the application for amendments to the North Anna Power Station, unit 1 operating license and construction permits for Units 2, 3, and 4.

The original "Notice of Application for Construction Permit and Operating License," for the North Anna Power Station, units 1 and 2 included the antitrust aspects of the application and was published in the FEDERAL REGISTER on December 30, 1970 (35 FR 19805). The original antitrust portion

of the application for units 3 and 4, "Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters," was published in the FEDERAL REGISTER on October 28, 1971 (36 FR 20709).

A copy of the Virginia Electric and Power Co. letter, dated September 1, 1978, and above stated documents are available for public examination and copying for a fee at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Va. 22901 and Office of the Board of Supervisors, Lousia County Courthouse, Main Street (P.O. Box 27), Louisa, Va. 23093.

Information in connection with the antitrust review of this application can be obtained by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attn.: Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation.

Any person who wishes to have his views on the antitrust matters with respect to Old Dominion Electric Cooperative and North Carolina Electric Membership Corp. presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission: Washington, D.C. 20555, Attn: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation on or before January 2, 1979.

Dated at Bethesda, Md., this 23rd day of October 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR, *Chief,*
Light Water Reactors Branch No. 3,
Division of Project Management.

[FR Doc. 78-30679 Filed 11-14-78; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

LIST OF STAFF PHONE NUMBERS

Correction

In FR Doc. 78-30831, appearing on page 50977, in issue of November 1, 1978, the telephone numbers for the staff of the Office of Federal Procurement Policy, Office of Management and Budget, listed in the document, should all be Area Code 202 rather than 212.

Dated: November 3, 1978.

LESTER A. FETTIG,
Administrator.

[FR Doc. 78-32044 Filed 11-14-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10469, 812-4358]

AMERICAN NATIONAL BOND FUND, INC., ET AL.

Filing of Application for Order To Permit Certain Exchange Offers and for Exemption

NOVEMBER 6, 1978.

In the matter of American National Bond Fund, Inc., American National Growth Fund, Inc., American National Income Fund, Inc., and Securities Management & Research, Inc., Two Moody Plaza, Galveston, Tex. 77550 (812-4358).

Notice is hereby given that American National Bond Fund, Inc. ("Bond Fund"), American National Growth Fund, Inc. ("Growth Fund"), American National Income Fund, Inc. ("Income Fund"), (collectively referred to hereafter as "Funds"), open-end, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Securities Management & Research, Inc. ("SM&R"), each Fund's investment adviser and principal underwriter (SM&R and the Funds are collectively referred to hereafter as "Applicants") filed an application on August 28, 1978, and an amendment thereto on September 20, 1978, for an order of the Commission, pursuant to section 11(a) of the Act, permitting certain share transfers among the Funds on a basis other than their respective net asset value per share at the time of transfer and, pursuant to section 6(c) of the Act, exempting such transfers from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein, which are summarized below.

SM&R, as principal underwriter for the Funds, maintains a continuous public offering of shares of each of the Funds at their respective net asset value plus a sales charge. Shares of Growth Fund and Income Fund are sold at their respective net asset value plus a sales charge of 8½ percent on purchases of less than $10,000, such sales charge being reduced for larger purchases. Bond Fund offered its shares at net asset value without any sales charge during an initial no-load offering period expiring September 29, 1978. Currently, Bond Fund shares are being offered for sale at net asset value plus a sales charge of 5 percent on purchases of less than $25,000, with reductions in the sales charge for larger purchases.

Currently, Growth Fund and Income fund each offer the shareholders of the other Fund the privilege of exchanging shares of one Fund for shares of the other on the basis of their respective net asset value without payment of an additional sales charge. Applicants now propose to include the shareholders of Bond Fund in such exchange privilege on the following basis:

(1) Shareholders of either Growth Fund or Income Fund will be permitted to exchange their shares for Bond Fund on the basis of their respective net asset value, without paying an additional sales charge; and

(2) Shareholders of Bond Fund will be permitted to exchange their shares of either Growth Fund or Income Fund, or both, on the basis of their respective net asset value plus a sales charge equal to the difference between the sale charge paid upon the purchase of Bond Fund shares and the sales charge which would have been paid with respect to the value of such shares at the time of the exchange as if that amount had been invested in Growth Fund or Income Fund shares originally. With respect to Bond Fund shareholders, the terms of the initial no-load offering period which expired on September 29, 1978, prohibit Bond Fund shareholders who purchased their shares during the initial no-load offering period from exchanging their shares for Growth Fund or Incomes Fund shares for a period of 180 days after purchase. It is proposed that after the expiration of such 180-day period, such Bond Fund shareholders will be permitted to exchange Bond Fund shares for either Growth Fund or Income Fund shares, or both, on the basis described above (i.e., Bond Fund shareholders who purchased their shares during the initial no-load offering period will be given credit for the sales charge which otherwise would have been applicable to such purchase).

Applicants state that the initial Bond Fund no-load offering period was designed to introduce a new fund, and that the no-load privilege encouraged investors to purchase shares in a new fund with no prior investment history. They also argue that the no-load privilege was itself justified because little or no sales effort was involved. Applicants contend that the shareholder who purchased his shares during the initial no-load offering period should be treated equally with shareholders who purchase Bond Fund shares after such period for purposes of the exchange privileges, at least after the expiration of the required 180-day holding period, because the holding period itself is sufficient to equalize the rights of Bond Fund shareholders as much as possible. Ap-

plicants state that the 180-day holding period should not unduly penalize Bond Fund shareholders who purchased their shares during the initial no-load offering period, and, therefore, such shareholders should be given credit after the expiration of that 180-day period as if they had paid the applicable sales charge at the time of the initial purchase.

Applicants state that Fund shares purchased by the reinvestment of dividends and/or capital gains distributions will be entitled to identical exchange privileges as purchased shares. No sales or other commission will be paid by SM&R with respect to any exchange.

Applicants assert that the exchange privileges outlined above are in the best interests of the shareholders of each of the Funds because the imposition of no sales charge on the exchange of Growth Fund and Income Fund shares and the imposition of the differential sales charge on the exchange of Bond Fund shares for Growth Fund and/or Income Fund shares facilitates the exchange of shares to permit an investor to invest in shares of Funds having different investment objectives in order to meet the investor's changing needs. Applicants argue that applying either no sales charge or the differential sales charge, including the application of a sales charge credit on Bond Fund shares purchased at no-load, as the case may be, is warranted in light of the cost savings to SM&R because of the reduced sales effort involved and because no sales commission is paid by SM&R to brokers or registered representatives on any exchange. Finally, applicants contend that the imposition of the differential sales charge on exchanges of Bond Fund shares for shares of Growth Fund and/or Income Fund will discourage attempts to circumvent the higher sales charges which would have been applicable on the shares of either the Growth Fund or the Income Fund had those shares been purchased initially.

Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end investment company or any principal underwriter for such a company to make, or cause to be made, an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective security to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Rule 22d-1 permits certain variations in sales load, but Applicants state that none of such variations are applicable to the exchange privileges outlined above.

Seciton 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any Rule or Regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 30, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32139 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 15300; SR-Amex-78-17]

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

NOVEMBER 6, 1978.

In the matter of American Stock Exchange, Inc., 86 Trinity Place, New York, N.Y., 10006 (SR-Amex-78-17).

On August 21, 1978, the American Stock Exchange, Inc. (the "Amex") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which amends Amex Rule 6 to allow members to execute off-board agency transactions in listed bonds, other than in-house agency cross transactions.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-15126, September 1, 1978) and by publication in the FEDERAL REGISTER (43 FR 44945, September 29, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, the requirements of section 6, and the rules and regulations thereunder. The proposed rule change limits application of the off-board trading restrictions in listed bonds of Amex Rule 6 and thus removes an impediment to a free and open market for the trading of bonds listed on the Amex.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32140 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 10473; 812-4383]

CAPITOL LIFE INSURANCE CO. AND CAPITOL LIFE SEPARATE ACCOUNT A

Application for Order Approving Offer of Exchange and for Exemptions

NOVEMBER 7, 1978.

In the matter of The Capitol Life Insurance Co., and Capitol Life Separate Account A, 1600 Sherman Street, Denver, Colo. 80203 (812-4383).

Notice is hereby given that the Capitol Life Insurance Co. ("Capitol Life"), a Colorado Stock life insurer, and Capitol Life Separate Account A ("Separate Account"), a separate account of Capitol Life, which is registered as a unit investment trust under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants") filed an application on October 27, 1978, pursuant to section 11 of the Act for an order approving offer of exchange and pursuant to section 6(c) of the Act for exemption from the provisions of sections 26(a) and 27(c)(2) of the Act, to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Capitol Life is a wholly owned subsidiary of Providence Capitol Corp. and an indirect subsidiary of Gulf & Western Industries, Inc.

The Separate Account was established by Capitol Life pursuant to Colorado law in connection with the proposed issuance of certain group and individual combination fixed and variable annuity contracts (hereinafter, collectively "Contracts"). Assets of the Separate Account will be allocated among three series, invested, respectively in shares of Security First Legal Reserve Fund, Inc., Security First Variable Life Fund, Inc., or T. Rowe Price Growth Stock Fund, Inc. ("Funds"), each of which is a diversified open-end management investment company registered under the Act.

The principal investment objective of Security First Legal Reserve Fund, Inc. is to achieve the highest possible investment income consistent with preservation of principal. Its assets are invested exclusively in investments permitted to be held in the general account of an insurance company domiciled in Colorado. The investment objective of Security First Variable Life Fund, Inc. is growth of principal and a reasonable level of current income to be achieved through flexible and aggressive portfolio management to take advantage of opportunities for both growth of principal and income. The principal investment objective of T. Rowe Price Growth Stock Fund, Inc. is long-term growth of capital. Security First Legal Reserve Fund, Inc. and Security First Variable Life Fund, Inc. have contracted with Security First Investment Management Corporation ("Security Management") for administrative services. However, all investment advice is provided with respect to each of these two Funds by T. Rowe Price Associates, Inc. ("T. Rowe Price"), except advice and decisions provided by Security Management relating to investments in first lien real estate mortgages by Security First Legal Reserve Fund, Inc. In addition, T. Rowe Price also provides administrative services and investment advice and makes all investment decisions for T. Rowe Price Growth Stock Fund, Inc.

Security Management is affiliated with Security First Financial, Inc., principal underwriter for the Contracts, and both are affiliated with Providence Capitol Corp.

Four types of Contracts will be offered: Group Flexible Payment Contracts; Group Single Payment Contracts; Group Stipulated Payment Contracts; and Individual Single Payment Contracts. Under the Contracts, all purchase payments are initially allocated in their entirety to the general account of Capitol Life ("General Account") and, if so elected, a portion of the resulting General Account values may thereafter be systematically transferred to the Separate Account. There are no deductions for sales expenses from purchase payments when received in the General Account. However, transfers from the General Account to the Separate Account are treated as surrenders in the General Account, resulting in all cases in a 7 percent charge against General Account values under the Contracts. Specifically, upon transfer, General Account Accumulation Units are canceled, and 93 percent of the value of those Units is transferred to the Separate Account. However, Capitol Life will restore the difference, the 7 percent charge, with interest, in the General Account if all amounts transferred to the Separate Account are ultimately applied to provide annuity benefits. Applicants recognize that this 7 percent transfer charge may be deemed to be a sales charge because it represents a reduction of the amount paid by the purchaser prior to investment in the Separate Account.

Under Group and Individual Single Payment Contracts, only one transfer will be permitted with respect to any single purchase payment. The maximum amount of such transfer is 48 percent of the General Account value attributable to that purchase payment. The amount to be transferred must be paid into the Separate Account in equal monthly installments over a period of at least 48 months. Under Group Flexible Payment Contracts and Group Stipulated Payment Contracts, up to 50 percent of each periodic purchase payment may be transferred (after deduction of the 7 percent transfer charge) to the Separate Account. If no immediate transfer has been elected with respect to any purchase payment, a later transfer with respect to that purchase payment may be made in installments as described above with respect to Single Payment Contracts. Under all Contracts, amounts may also be transferred back from the Separate Account to the General Account, but only in connection with an election to apply both the resulting General Account values and any remaining Separate Account values to provide annuity benefits.

In the event that an individual has never made a partial termination in the Separate Account and elects to apply his entire Separate Account value to provide either fixed annuity payments or variable annuity payments under any available annuity option, Capitol Life will recompute the General Account value of his interest in the Contract. The recomputation will restore to him the General Account values which would have been credited (including interest which would have accumulated at rates which are used to determine the General Account annuity values) had the amounts previously transferred to the Separate Account not initially been treated as surrenders in the General Account.

A $10 conversion charge is imposed upon each election under the Contracts to make a transfer from the General Account to the Separate Account, or from the Separate Account to the General Account. Also, upon a transfer from the General Account to the Separate Account, Capitol Life reserves the right to deduct from the remaining General Account values an amount sufficient to pay any premium taxes relating to the transferred amount.

All amounts transferred to the Separate Account are allocated to one or more of the Separate Account Series in a proportion selected by the individual. The election by an individual to transfer to the Separate Account an amount of each periodic Purchase Payment under a Group Flexible Payment Contract or Group Stipulated Payment Contract, and the allocation of such payments among the Separate Account Series, may be changed or revoked at any time with respect to any future Purchase Payments by written notice to Capitol Life. Such changes are subject to a $10 charge, except under Group Flexible Payment Contracts.

At the end of each Contract or Certificate year, and on the date an individual's account is canceled as a result of a complete redemption, Capitol Life will deduct an administrative charge equal to $17.50 plus $2.50 for each Series for which there are Accumulation Units included in the value of an individual's account. This annual charge will thus range from a minimum of $20 to a maximum of $27.50.

Section 11

Section 11(a) of the Act, as here pertinent, provides that it is unlawful for any registered open-end investment company (or its principal underwriter) to make an offer to the holders of its securities (or of the securities of any other open-end investment company), to exchange his shares for the shares of the same or another such company on any basis other than the relative net asset values of the respective securities, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that section 11(a) is applicable, in any event, to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any other investment company.

Applicants request an order pursuant to section 11 of the Act to permit Contract owners or participants under Group Contracts to convert Accumulation Units from one Separate Account Series to another, as provided in the Contracts. Upon receipt of an election to effect a conversion between Series under a Contract, Capitol Life will transfer the total amount to be converted at the close of business on the day such election is received, provided that no such conversion may take place later than the second valuation date preceding the date on which annuity payments are to begin. Each transfer will be based upon the value of the affected Series at the close of business on the day such transfer occurs. The amount converted must total at least $2,000. A $10 charge will be made against a Contact account or participant's individual account under a Group Contract each time a conversion is made.

Applicants allege that the right to change Series prior to the time annuity payments are to commence will afford Contract owners and participants under Group Contracts the opportunity to choose between shares of underlying mutual funds having different investment objectives. Applicants also allege that the $10 charge for effecting a conversion between Series will be uniformly applied only to those individuals electing a change in order to provide for the administrative costs involved, and therefore will not be discriminatory against those Contract owners or participants not making the election.

Sections 26(a) and 27(c)(2)

Section 26(a) of the Act, as here pertinent, provides, in substance, that a registered unit investment trust, and any depositor and underwriter for the trust, are prohibited from selling trust certificates unless the proceeds of all payments other than sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specific provisions. Such agreement must provide, in part, that: (i) The custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and, if necessary, from the corpus of the trust for services performed and for reimbursement for expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian. Although the assets of the Separate Account are held under a safekeeping agreement with the State Street Bank and Trust Company of Boston, Massachusetts ("Bank"), a bank having the qualifications described in section 26(a) of the Act, the agreement does not create a trust with respect to the assets of Separate Account because Capitol Life, as a life insurance company, must retain ownership of and control of the disposition of its property under Colorado law. Accordingly, an exemption is requested to the extent necessary, from the requirements that the assets be held in a trust.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that, under the custodian agreement, Capitol Life will pay the expenses for the safekeeping of Separate Account assets. Applicants also state that the ownership of Fund shares by Separate Account will be held in an open account so that the ownership of Fund shares by Separate Account will be indicated only on the books of the Fund and Separate Account and not evidenced by transferable stock certificates; and that, under the agreement, the assets of the Separate Account will be kept physically segregated by the Bank and held separate from the assets of any other firm, person or corporation. The Bank will maintain a record of all purchases and redemptions of Fund shares and will assist in the preparation of reports to the Commission.

Applicants further state that Capitol Life is subject to the extensive supervision and control by the Colorado Insurance Commissioner and the comparable official of each State in which it does business. Such supervision requires Capitol Life to file complete and detailed periodic reports. Applicants also state that the activities of Capitol Life are subject to review by the Colorado Insurance Department and its representatives at all times and are subject to comprehensive examinations periodically. Applicants allege that any substitution of an underlying Fund of the Separate Account can only take place by a majority vote of those having an interest in the Fund and with the prior approval of the Commission. Applicants finally state that Capitol Life maintains fidelity bonds covering its employees in the amount of $2,000,000.

Applicants contend that the foregoing laws, regulations and arrangements will provide substantial assurance that all obligations under the Contracts issued by Separate Account will be performed.

Applicants have consented that the foregoing requested exemption may be made subject to the following conditions: (1) That the charge under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c)

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intend-

ed by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 29, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 29, 1978, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing, if ordered, and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32141 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 20761; 70-6223]

CONNECTICUT LIGHT & POWER CO., ET AL.

Proposal To Continue Current Authorizations To Incur Short-Term Unsecured Indebtedness; Order Authorizing Solicitation of Stockholders' Consent

NOVEMBER 3, 1978.

In the matter of The Connecticut Light & Power Co., Selden Street, Berlin, Conn. 06037, The Hartford Electric Light Co., Selden Street, Berlin, Conn. 06037, and Western Massachusetts Electric Co., 174 Brush Hill Avenue, West Springfield, Mass. 01089 (70-6223).

Notice is hereby given that The Connecticut Light & Power Co. ("CL&P"), The Hartford Electric Light Co. ("HELCO"), and Western Massachusetts Electric Co. ("WMECO"), electric utility subsidiaries of Northeast Utilities ("Northeast"), a registered holding company, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(e) of the Act and Rules 62 and 65 thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

The charters of CL&P and HELCO each provide for a class of preferred stock which may be issued from time to time in series, at such times and on such terms as their respective boards of directors determine. As of November 1, 1978, CL&P's charter authorizes 6 million shares of such preferred stock with a par value of $50 per share of which 3,900,00 shares are outstanding, HELCO's charter authorizes 3 million shares at a par value of $50 per share, of which 1,824,000 shares are outstanding, and WMECO's bylaws authorize 350,000 shares at a par value of $100 per share, of which 350,000 shares are outstanding.

The terms of the preferred stock of CL&P, HELCO, and WMECO provide that the amount of unsecured indebtedness of each company having maturities of less than 10 years which may be issued or assumed shall not exceed 10 percent of the sum of the principal amount of all bonds and other secured indebtedness and the capital stock, premium and surplus of the companies, and that all unsecured indebtedness issued or assumed shall not exceed 20 percent of such sum. Nevertheless, in 1971, and 1973, the companies each obtained the consent of a majority of their respective preferred stockholders to exceed the aforementioned 10 percent limitation, but not the aforementioned 20 percent limitation, provided that such excess short-term indebtedness be issued or assumed prior to February 10, 1979, and mature by February 10, 1980, in the case of WMECO, and be issued or assumed prior to March 31, 1979, and mature by March 31, 1980, in the case of CL&P and HELCO. (HCAR Nos. 16993 and 18213 (WMECO), 17077, and 18213 (CL&P), and 17073 and 18213 (HELCO)).

CL&P, HELCO, and WMECO now propose to continue their current authorization for a further 5 year period, subject to approval of their respective preferred stockholders, to issue or assume short-term unsecured indebtedness in excess of the 10 percent limitations provided: (i) Such indebtedness is issued or assumed on or prior to March 31, 1984, in the case of CL&P and HELCO, and February 10, 1984, in the case of WMECO; (ii) such indebtedness shall have a maturity not later than March 31, 1985, in the case of CL&P and HELCO, and February 10, 1985, in the case of WMECO; and, (iii) the 20 percent limitation on all unsecured indebtedness of each company shall remain in effect. The declaration states that the principal reason underlying the request to continue such authorization is to assist the three companies in the timing and planning of long-term financing, and that greater availability of short-term financing will permit the declarants more time and flexibility in meeting the coverage requirements of their respective mortgage indentures and preferred stock provisions.

CL&P, HELCO, and WMECO further propose to solicit the proxies from their respective preferred stockholders to be used at special meetings to be held on December 15, 1978, for the purpose of obtaining shareholder approval for the foregoing proposals. No proxies will be solicited from Northeast, the sole common stockholder of each of the companies. Approval of the proposals with respect to the short-term unsecured debt limitation requires the affirmative vote of a majority of the total number of outstanding shares of each company's respective preferred stocks voting as a class. The Certificates of Incorporation of CL&P and HELCO each further provide that if one third of the outstanding preferred stock of the company votes against such proposal, it will not be adopted. In connection with the solicitation of shareholder consent, CL&P, HELCO, and WMECO have filed the relevant proxy materials with the Commission and request accelerated Commission action thereon pursuant to Rule 62.

The fees, commissions and expenses incurred or to be incurred in connection with the proposed transactions are estimated at $11,167, $8,667, and $7,666 for CL&P, HELCO and WMECO, respectively. It is stated that no state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given, that any interested person may, not later than December 1, 1978, request in writing that a hearing be held on such matter stating the nature of this interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be

granted effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the declaration, insofar as it proposes the solicitation of the consents of the CL&P, HELCO, and WMECO preferred stockholders, should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered that the declaration regarding the proposed solicitation of the consents of CL&P, HELCO, and WMECO preferred stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

FR Doc. 78-32143 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 10467; 812-4384]

DREYFUS LIQUID ASSETS, INC.

Filing of Application for an Order of Exemption

NOVEMBER 3, 1978.

In the matter of Dreyfus Liquid Assets, Inc., 767 Fifth Avenue, New York, N.Y. 10022, 812-4384.

Notice is hereby given, That Dreyfus Liquid Assets, Inc. ("Applicant"), a no-load, open end diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 19, 1978, and amendments thereto on October 31, 1978, and November 3, 1978, pursuant to section 6(c) of the Act for an order of the Commission exempting Applicant from the provisions of Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit Applicant to compute its price per share for the purposes of sales and redemptions of its shares, to the nearest one cent on a share value of one dollar. In all other respects, portfolio securities held by the Applicant will be valued in accordance with the views set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC-9786"). All interested persons are referred to the application on file with the Commission for a statement of representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund whose investment policy is to maximize current income consistent with preservation of capital. The application states that its portfolio may be invested in a variety of money market instruments, including U.S. Government Securities, domestic bank certificates of deposit, and other money market instruments maturing in 1 year or less. Applicant asserts that since its inception in 1974, its portfolio has been invested largely in certificates of deposit of banks which are among the 100 largest commercial banks in the United States.

Applicant states that it has a fundamental investment policy limiting investments to instruments having a remaining maturity of 1 year or less. Applicant states that it values its portfolio at market and asserts that because of the short maturities of its portfolio, its net asset value per share has varied between $9.94 and $10.04 per share from its inception on February 28, 1974. Applicant states that it is proposed that Applicant split its common stock on a basis of approximately 10 new shares for each old share outstanding, so that after the split, each new share will have a net asset value of exactly $1. Applicant asserts that it expects that as a result of rounding the net asset value per share to the nearest $.01 on a $1 price, Applicant's price per share for the purpose of sales and redemptions should remain at $1.

Applicant states that its Board of Directors believes that this proposal will benefit Applicant and its shareholders. Applicant, designed as an investment vehicle for institutional and individual investors who seek liquidity for their investment, has as its investment objective the maximization of current income consistent with the preservation of capital. These investors, Applicant asserts, want the daily income dividends declared by Applicant to reflect income as earned, and the sales and redemption price not to change. Applicant represents that its Board of Directors has therefore reached the conclusion that stability of capital and a steady flow of investment income would be of benefit to existing shareholders and a helpful tool in attracting potential investors to Applicant. Applicant asserts that investors would have the convenience of being able to determine the value of their holdings simply by knowing the number of shares they own. Also, the task of maintaining an investment record would be made easier for Applicant's shareholders. Applicant also states that this proposal is expected to avoid the periodic $.01 changes in Applicant's net asset value per share as a result of which investors have realized nominal capital gains and losses upon redemption.

Rule 22c-1 adopted under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a-4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to current market value for portfolio securities with respect to which market quotations are readily available and for other securities and assets fair value as determined in good faith by the board of directors of the registered company. In IC-9786 the Commission issued an interpretation of Rule 2a-4 expressing its view that it was inconsistent with Rule 2a-4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1, because such a calculation might have that effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" its portfolio valuation as required by Rule 2a-4.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant asserts that a substantial number of money market funds now offer the public a $1 price for their shares. Applicant represents that, to the extent necessary, the Applicant's Board of Directors will consider the advisability of temporarily suspending payment of dividends, or making a capital gains distribution, to maintain a $1 price per share, if the net asset value per share declines to a value below $.997 or rises to a value of above $1.003, respectively. Applicant states that in order to at-

tempt to assure the stability of Applicant's price it will also adhere to the following conditions:

1. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertakes—as a particular responsibility within its overall duty of care owed to the shareholders of Applicant—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of sales and redemptions, rounded to the nearest cent, will not deviate from one dollar.

2. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share. Applicant will not purchase a portfolio security with a remaining maturity of greater than 1 year, nor will it maintain a dollar-weighted average portfolio maturity in excess of 120 days.

3. Applicant will invest in a portfolio of money market instruments consisting exclusively of marketable securities issued or guaranteed by the Government of the United States or its agencies or instrumentalities (whether or not subject to repurchase agreements), domestic bank certificates of deposit, bankers' acceptances and high grade commercial paper. Investments in bank certificates of deposit and bankers' acceptances are limited to domestic banks having total assets in excess of one billion dollars. Applicant will enter into repurchase agreements only with banks which are subject to regulation by the U.S. Government and with respect to securities of the U.S. Government or its agencies. The commercial paper purchased by Applicant will consist only of direct obligations (i) rated Prime-1 by Moody's Investors Service, Inc. or A-1 by Standard & Poor's Corporation, or (ii) issued by companies having an outstanding unsecured debt issue currently rated Aa or better by Moody's Investors Service, Inc. or AA or better by Standard & Poor's Corporation.

Notice is further given, That any interest person may, not later than November 28, 1978, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any potponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32142 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Release No. 34-15315; File No. SR-MSRB-78-5]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 2, 1978 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Municipal Securities Rulemaking Board (the "Board") is filing a proposed amendment (hereafter referred to as the "proposed rule change") to proposed rule G-34 on product advertising. The text of the proposed rule change is as follows:

RULE G-34. PRODUCT ADVERTISING [1]

(a) *Product Advertising.* No broker, dealer, or municipal securities dealer shall publish or cause to be published any advertisement or similar communication concerning municipal securities *which such* [that is, to the knowledge of such] borker, dealer, or municipal securities dealer *knows or has reason to know is* materially false or misleading.

(b) No change.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is an follows:

[1] Italics indicate new language; [brackets] indicate deletions.

PURPOSE OF PROPOSED RULE CHANGE

Under proposed rule G-34, as filed with the Commission, a municipal securities professional in prohibited from publishing an advertisement concerning municipal securities that is, "to the knowledge" of the municipal securities professional, materially false or misleading. The proposed rule change substitutes a different standard of responsibility, "knows or has reason to know," for the actural "knowledge" standard currently contained in the proposed rule.

On reconsideration, the Board has determined that a "Knowledge" standard is inappropriate because a municipal securities professional would not have any responsibility under this standard for the accuracy or validity of an advertisement unless the professional has actual knowledge that the advertisement is misleading or false. The Board believes that a municipal securities professional should be required to exercise a reasonable degree of care and competence in preparing advertisements. The Board has therefore adopted the "knows or has reason to know" standard which is intended to impose such responsibility on municipal securities professionals. For example, this standard would require a municipal securities professional to vertify the accuracy and validity of a proposed advertisement if any facts come to the professional's attention which indicate that the advertisement may be misleading. Under this standard, a municipal securities professional would also be in violation of the rule if the municipal securities professional circulates an advertisement which a professional of reasonable competence could be expected to know is misleading.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board has adopted the proposed rule change pursuant to section 15(b)(2)(c) of the Securities Exchange Act of 1934, as amended (the "Act"), which provides that the Board's rules shall be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade * * * and, in general, to protect investors and the public interest * * * .

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

Proposed rule G-34 was originally issued as an exposure draft on October 18, 1977. In response to the exposure draft, the National Association of Securities Dealers, Inc. (the "NASD") recommended that the Board adopt a different standard of responsibility for the rule because in its view a "knowl-

edge" standard would be inadequate in view of the subject matter of the rule. After the Board filed the proposed rule, the Commission staff expressed a similar concern. The proposed rule change reflects the Board's reconsideration of this point in light of the comments of the NASD and Commission staff.

BURDEN ON COMPETITION

The Board does not believe that the proposed rule change will impose any burden on competition.

By December 20, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and published its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by December 6, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1978.

[FR Doc. 78-32149 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Release No. 34-15316; File No. SR-MSRB-78-8]

MUNICIPAL SECURITIES RULEMAKING BOARD

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on November 1, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Municipal Securities Rulemaking Board (the "Board") is filing a proposed amendment (hereafter referred to as the "proposed amendment") to proposed rule G-35 on arbitration. The text of the proposed amendment is as follows:

Rule G-35. Arbitration [1]

Sections 1-26. No change.

Section 27. Determination of Arbitrators.

All decisions and awards must be made by at least a majority of the arbitrators of a panel. [Notwithstanding the foregoing, a decision by an arbitration panel to refer a matter to an appropriate regulatory authority or organization for review must be made by the unanimous vote of the arbitrators of the panel.]

Sections 28-35. No change.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

Section 27 of proposed rule G-35 currently requires the unanimous vote of an arbitration panel before a matter may be referred to an appropriate regulatory agency for review. The Commission staff has raised an objection to the requirement for unanimity on the grounds that it may limit the power of an arbitration panel to act by majority vote in this area. In adopting this provision, the Board did not intend to impose a more stringent voting requirement than would otherwise govern under applicable law. The Board has therefore determined to delete this provision in order to avoid the possibility of the provision having such a result.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The Board adopted the proposed amendment pursuant to sections 15B(b)(2)(C) and 15B(b)(2)(D) of the Act. Section 15B(b)(2)(C) provides in pertinent part that the Board's rules must—

> be designed * * * to promote just and equitable principles of trade * * * to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

Section 15B(b)(2)(D) states that the Board shall—

> if the Board deems appropriate, provide for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities: Provided, however, That no person other than a municipal securities broker, municipal securities dealer, or person associated with such a municipal securities broker or municipal securities dealer may be compelled to submit to such arbitration except at his instance and in accordance with section 29 of this title.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Comments were not solicited or received on the proposed amendment. However, as noted above, the Commission staff raised an objection to the requirement for unanimity with respect to a decision by an arbitration panel to refer a matter to an appropriate regulatory authority or organization for review. Upon reconsideration in light of the concern expressed by the Commission staff, the Board determined to modify section 27 as set forth in this filing.

BURDEN ON COMPETITION

The Board does not believe that the proposed amendment will impose any burden on competition.

By December 20, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by November 30, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1978.

[FR Doc. 78-32150 Filed 11-14-78; 8:45 am]

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[1] Brackets indicate deleted language.

[8010-01-M]

[Rel; No. 20766; 70-5750]

NEW ENGLAND ELECTRIC SYSTEM

Proposed Extension of Bank Borrowing by Holding Company

NOVEMBER 7, 1978.

In the matter of New England Electric System, 20 Turnpike Road, Westborough, Mass., 01581 (70-5750).

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, has filed with this Commission a post-effective amendment to its declaration previously filed and amended in this matter, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration as further amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated December 1, 1975 (HCAR No. 19272), issued in this proceeding, NEES was authorized to issue or renew notes of a maturity less than 1 year evidencing short-term bank borrowings provided that the aggregate principal amount of such notes outstanding at any one time would not exceed $25,000,000.

By supplemental order dated May 23, 1977 (HCAR No. 20047), issued in this proceeding, NEES's borrowing authority was extended until December 31, 1978 and the authorized amount of borrowing was inceased from $25,000,000 to $52,500,000 subject to certain conditions stated in the order.

By post-effective amendment filed in this proceeding it is now proposed that the borrowing authority of NEES be extended until December 31, 1979, and that it be permitted to issue short-term notes to banks up to a maximum aggregate amount outstanding at any time not to exceed $25,000,000.

Although no formal commitments have made, NEES expects such borrowings will be effected from among the following banks:

Bank of America, North America Division, New York, N.Y	$500,000
Brown Brothers, Harriman & Co. Boston, Mass	500,000
Continental Illinois National Bank & Trust Co., Chicago, Ill	4,500,000
Chase Manhattan Bank, N.A., New York, N.Y	4,500,000
Chemical Bank, New York, N.Y	500,000
Citibank, N.A., New York, N.Y	4,500,000
Irving Trust Co., New York, N.Y	4,500,000
Manfacturers Hanover Trust, New York, N.Y	500,000
Morgan Guaranty Trust Company, New York, N.Y	4,5000,000
The First National Bank of Chicago, Chicago, Ill	500,000
	$25,000,000

** The amounts that NEES may borrow from a particular bank may be increased or decreased, but at no time will the aggregate amount of short-term borrowings from all banks exceed the authorization requested.

NEES expects to make a capital contribution to its subsidiary, New England Power Co. (NEP), in December 1978 in the amount of $30 Million. This transaction is the subject of a separate filing with the Commission. Another subsidiary, New England Energy Inc. (NEEI), is completing arrangements for a bank credit agreement under which it proposes to borrow approximately $25 million in the fourth quarter of 1978, and use the proceeds to pay subordinated notes outstanding to NEES. This transaction by NEEI will likewise be the subject of a further filing with the Commission. The extension of NEE's authority to borrow from banks is requested in order to assure that NEES will be in a position (1) to make the capital contribution to NEP; and (2) to continue to make loans to NEEI in furtherance of its exploration for and development and production of fuel for use in System companies, on a timely basis in the event that consummation of NEEI's bank financing should be delayed.

Notice is further given that any interested person may, not later than December 4, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration, as further amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as further amended by said post-effective amendment, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority,

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.78-32138 Filed 11-14-78; 8:45am]

[8010-01-M]

[Rel. No. 20765; 70-6218]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

Proposed Capital Contribution by Holding Company to Subsidiary

NOVEMBER 7, 1978.

In the matter of New England Power Co. and New England Electric System, 20 Turnpike Road, Westborough, Mass., 05181 (70-6218).

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its electric utility subsidiary company, New England Power Co. ("NEPCO"), have filed with this Commission an application—declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10, and 12 of the Act and Rules 42(a) and 45 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

NEES proposes to make a capital contribution to NEPCO of $30,000,000. NEPCO will use such contribution to repay $30,000,000 of short-term indebtedness held by NEES. As of August 31, 1978, NEPCO has $9,200,000 of short-term indebtedness outstanding and it is anticipated that such indebtedness will aggregate $40,000,000 at the time of the proposed capital contribution.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,500, including $500 of incidental services to be performed at cost, by New England Power Service Co., an affiliate of NEES. It is stated that no state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than December 4, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Com-

mission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32137 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 15298; SR-NYSE-78-48]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

NOVEMBER 3, 1978.

In the matter of New York Stock Exchange, Inc., 11 Wall Street, New York, N.Y., 10005 (SR-NYSE-78-48).

On August 21, 1978, the New York Stock Exchange, Inc. ("NYSE") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which (1) rescinds rules requiring minimum time of maturity for subordinated loan agreements for the purchase of a membership at maturity of the loan; (2) adopts specific rule provisions for inclusion in a-b-c agreements; and (3) rescinds holders respective financial interests in any membership financed by the member organization. Any dispute arising in connection with such an a-b-c agreement or such a subordinated loan agreement shall be arbitrated pursuant to Article VIII of the Constitution of the NYSE.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 15175, Sept. 19, 1978) and by publication in the FEDERAL REGISTER (43 FR 15175, Sept. 29, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements and communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32144 Filed 11-014-78; 8:45 am]

[8010-01-M]

[Rel. No. 10472; 812-4373]

NUVEEN TAX-EXEMPT BOND FUND—MULTI-STATE AND JOHN NUVEEN & CO., INC.

Filing of Application for Order of the Commission

NOVEMBER 7, 1978.

In the matter of Nuveen Tax-Exempt Bond Fund-Multi-State (Series 1 and Subsequent Series) and John Nuveen & Co., Inc., 209 South LaSalle Street, Chicago, Ill. 60604 (812-4373).

Notice is hereby given that Nuveen Tax-Exempt Bond Fund-Multi-State (Series 1 and Subsequent Series) ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and the Fund's Sponsor, John Nuveen & Co., Inc. ("Sponsor") (hereinafter the Sponsor and the Fund are collectively referred to as "Applicants"), filed an application on October 10, 1978, and an amendment thereto on October 30, 1978, pursuant to section 6(c) of the Act for an order of the Commission exempting the Applicants from the provisions of section 14(a) of the Act and exempting the frequency of capital gains distributions by the Fund from the provisions of Rule 19b-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Each series of the Fund will be governed by the provisions of a trust indenture and agreement ("Indenture") to be entered into by the Sponsor and a corporation organized and doing business under the laws of the United States or a State thereof, which is authorized under such laws to exercise corporate trust powers and having at all times an aggregate capital, surplus and undivided profits of not less than $5,000,000 ("Trustee"). It is contemplated that the United States Trust Company of New York will serve as Trustee for Series 1. A separate Indenture will be entered into each time a series is created and activated, and the Bonds which comprise the portfolio of each trust of such series (or delivery statements relating to contracts for the purchase of such Bonds, together with funds represented by an irrevocable letter of credit issued by a major commercial bank in the amount required for their purchase) are deposited with the trustee. Each series will be substantially identical except as to size, number of units, number of trusts and the individual bonds in the portfolio of each trust. The distinction among the separate trusts which will comprise each series of the Fund will be that each trust will have a portfolio consisting entirely of bonds which will be located in the same State.

Pursuant to the Indenture, the Sponsor will deposit with the trustee bonds which the Sponsor shall have accumulated for such purpose (or delivery statements relating thereto and funds for the purchase thereof as set forth above) in an amount at least equal to the aggregate principal amount of the units to be offered. Substantially concurrently, the Trustee will issue in the name of the Sponsor, or such other name or names as the Sponsor may direct, one or more certificates evidencing ownership of all of the undivided interests in the trust or trusts making up such series of the Fund. These units will be separately offered for sale to the public at prices based upon their then respective current net asset values, after the registration statement filed in regard thereto under the Securities Act of 1933 ("Securities Act") has become effective.

On the date of deposit, the maximum number of units in each trust of a series of the Fund and the Bonds which will comprise the respective portfolios are determined. No additional units can be issued; however, since the units are redeemable, the number of units outstanding may be reduced by redemptions. No additional Bonds can be deposited in any of the trusts except that under certain circumstances, refunding bonds issued in exchange and substituted for outstanding Bonds may be deposited with the Trustee. The Trustee may dispose of Bonds when events occur which

may affect their investment stability or when they are the subject of an advanced refunding and distribute the proceeds thereof in partial liquidation to certificate holders, and must sell Bonds if necessary for the payment of the redemption price of units tendered for redemption. The proceeds of Bonds which mature or are redeemed in accordance with their terms are distributed by the Trustee to certificateholders. Each trust is separate and the units therein are not interchangeable nor do such units represent an interest in any other trust of the series. Units representing an interest in one series of the Fund are not interchangeable with and do not represent any interest in any other series of the Fund.

The Fund's evaluator at the date of deposit of any particular series will be Standard & Poor's Corp. and thereafter will be John Nuveen & Co., Inc. Applicants represent that the objective of each of the Fund's series (Series 1 and Subsequent Series) will be to seek tax-exempt income and conservation of capital through an investment in tax-exempt bonds. All of such bonds will be obligations issued by or on behalf of States, counties, territories, or municipalities of the United States and authorities or political subdivisions thereof, the interest on which, in the opinion of counsel to the various issuers of such bonds, is exempt from all Federal income taxes under existing law.

Section 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made that a net worth of $100,000 will be obtained from not more than 25 responsible persons within 90 days, or the entire proceeds received, including sales charge, will be refunded.

Applicants represent that the Bonds for a portfolio of each trust of a series of the Fund (or delivery statements relating thereto and funds for the purchase thereof as set forth above) are delivered to the Trustee on the date of a deposit, and from that time on, except for the payment of limited amounts of expenses specified in the Indenture, such Bonds are held in the custody of the Trustee subject to the Indenture which, in substance, provides that the Trustee may dispose of the Bonds when, among other things, events occur which may affect their investment stability and distribute the proceeds thereof in partial liquidation to certificateholders. However, there is no provision permitting the Bonds to be pledged or subjected to any debt by Applicants.

The Sponsor has represented that no series of the Fund will be created which will contain in the portfolio of any trust thereof on the date of deposit, Bonds (or delivery statements relating thereto and funds for the purchase thereof) having a principal amount of less than $3,000,000. In the event the value of such trust should decrease to the greater of $1,000,000 or 20 percent of the amount of the Bonds initially deposited, for any reason, the Trustee may, and when so directed by the sponsor shall, terminate and liquidate such trust. Thus, Applicants represent that it is highly unlikely that, except during the course of liquidation, the net worth of any trust will ever decline to $100,000 or less.

As a further basis for the requested exemption, the Sponsor also represents that, in the event that the net worth of any trust of any series of the Fund should be reduced to less than $100,000 within 90 days after the registration statement under the Scurities Act becomes effective in respect of that series, the Sponsor will repurchase all units of such trust which have been sold prior to such date at the same price paid by the original purchaser, including sales charge.

In addition, on the day of the deposit of the Bonds comprising the portfolio of any trust of any series of the Fund (or delivery statements relating thereto and funds for the purchase thereof), the Sponsor will instruct the Trustee that, in the event the Sponsor as the owner of units of any such trust, which have not previously been sold to the public, shall tender such unsold units to the Trustee for redemption in an amount that will reduce the net worth of such trust to less than 40 percent of the principal amount of Bonds originally deposited therein, the Trustee shall terminate such trust in the manner provided in the Indenture relating thereto and the Sponsor will refund, on demand, to each purchaser of units of any such trust, the entire sales charge paid by such purchaser without any deduction whatsoever.

In light of these representations and undertakings, Applicants request that the Commission issue an order exempting all trusts of all series of the Fund from the provisions of section 14(a) of the Act subject to future trusts of future series being substantially identical in all mterial respects to Series 1 except as to size, number of units, number of trusts and identity of portfolio bonds.

Rule 19b-1

Rule 19b-1 provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Each trust of each series of the Fund will be a registered investment company which is not a regulated investment company under the Code. From time to time, bonds in a portfolio of a trust of a series of the Fund may be redeemed by the issuer thereof or may be sold by the Trustee for the purpose of providing either investment stability, as described below, or funds for the redemption of units, or if such Bonds are the subject of advanced refunding. These transactions may give rise to a problem under Rule 19b-1 when the funds distributed from a Principal Account involve a long-term capital gain since in order to comply with the literal requirements of the Rule, a trust of a series of the Fund would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. Applicants contend that such a practice would clearly be to the detriment of the certificateholders.

The Indenture establishes record and distribution dates for the distribution to certificateholders of their pro rata share of the cash balance of the Interest and Principal Accounts computed as of such record dates. Since the Trustee has no authority to reinvest funds received upon the disposition of Bonds, Applicants contend that it is in the best interests of certificateholders that it be permitted to distribute such funds as provided by the Indenture. Initially, it is contemplated that distributions will be made semiannually from the Principal Account and monthly, quarterly or semiannually from the Interest Account, depending upon the plan of distribution chosen by certificateholders.

Applicants state that distributions of principal constituting capital gains to certificateholders may arise in the following circumstances: (1) early retirement and advanced refunding of Bonds (as well as the sale of Bonds which are the subject of advanced refunding); and (2) sale of Bonds in order to provide funds necessary to meet redemptions by certificateholders. Applicants state that capital gains in most cases are not anticipated to arise from sales of Bonds made by the Trustee at the request of the Sponsor to provide stability, i.e., after default in payments of principal or in-

terest on such Bonds or the occurrence of other market or credit factors which, in the opinion of the Sponsor, would make retention of such Bonds in the Fund detrimental to the interests of the certificateholders.

Since the primary objective of the Fund is tax-exempt income through an investment in tax-exempt bonds, in the case of normal distributions it is expected that virtually the entire amount will represent interest received on portfolio Bonds. Applicants state that when sums are distributed from the Principal Account, the amount thereof which represents long-term capital gains will be minimal in comparison to the total amount of the distribution, and will have been realized almost entirely as a result of activities of persons other than the Fund, the Sponsor or the Trustee. Accordingly, Applicants request that the Commission grant an exemption from the provisions of Rule 19b-1 to permit distributions to be made as proposed under the Indenture for trusts of Series 1 and for trusts of such additional series as may be created in the future, even though on occasion the distributions may include a long-term capital gain to the certificateholder since the dangers against which Rule 19b-1 is intended to guard do not exist in the situation at hand.

Section 6(c) of the Act provides, in pertinent part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule or regulation under the Act, if and to the extend such exemption is necessasry or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 30, 1978 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32145 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 15304; SR-PSE-78-15]

PACIFIC STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

NOVEMBER 6, 1978.

In the matter of Pacific Stock Exchange Inc., 618 South Spring Street, Los Angeles, Calif. 90014 (SR-PSE-78-15).

On August 23, 1978, the Pacific Stock Exchange Inc. ("PSE") filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change which amends Rule VI, Section 11 to provide additional exceptions to the restrictions on trading out-of-the-money options. The rule change provides an exception from such restriction for spread orders in which both sides of the spread are not executed simultaneously, provided that any subsequent liquidation includes both sides. Further, the rule change permits investors to purchase out-of-the-money puts provided such transaction is offset by a long stock or convertible security position.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 15117, Aug. 31, 1978), and by publication in the FEDERAL REGISTER (43 FR 40092, Sept. 8, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32146 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 15299; SR-PHLX-78-17]

PHILADELPHIA STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

NOVEMBER 3, 1978.

In the matter of Philadelphia Stock Exchange, Inc., 17th Street and Stock Exchange Place, Philadelphia, Pa. 19103 (SR-PHLX-78-17).

On August 21, 1978, the Philadelphia Stock Exchange, Inc. (PHLX) filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the Act) and rule 19b-4 thereunder, copies of proposed rule change which amended rule 1014 to provide for an additional commentary. The commentary provides that the week preceding the expiration date, the bid/ask differential for expiring options which are in-the-money may be no more than the lesser of (1) the bid/ask differential of the underlying security, or (2) one-quarter of $1 where the premium is less than $1, three-eights of $1 where the premium is less than $3, and one-half of $1 where the premium is less than $6.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-15114, Aug. 31, 1978) and by publication in the FEDERAL REGISTER (43 FR 40093, Sept. 8, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32147 Filed 11-14-78; 8:45 am]

[8010-01-M]

[Rel. No. 10470; 811-1775]

PUTNAM MARINER FUND, INC.

Filing of Application for Order Declaring That Applicant Has Ceased To Be an Investment Company

NOVEMBER 6, 1978.

In the matter of Putnam Mariner Fund, Inc., 265 Franklin Street, Boston, Mass., 02110, (811-1775).

Notice is hereby given that Putnam Mariner Fund, Inc. (Applicant), an open-end, diversified management company registered under the Investment Company Act of 1940 (Act), filed an application on September 28, 1978, pursuant to section 8(f) of the Act and rule 8f-1 thereunder, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On November 29, 1968, Applicant (then named Putnam Mayflower Fund, Inc.), a Massachusetts corporation, registered under the Act and filed a registration statement under the Securities Act of 1933 with respect to 2,500,000 shares of its common stock. Such registration statement never became effective and was subsequently withdrawn by order of the Commission on October 31, 1972. Applicant never offered its securities to the public. Applicant represents that on September 25, 1978, it was liquidated by statutory merger into Putnam Management Co., Inc., Applicant's investment adviser and sole security holder, and that as a result of the statutory merger it no longer exists under the State laws pursuant to which it was created.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 1, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-32148 Filed 11-14-78; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 241; Rule 19; 52d Revised Exemption No. 90]

ABERDEEN & ROCKFISH RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, That certain of the railroads named below own numerous 50-foot plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; 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 these cars, resulting in unnecessary loss of utilization of such cars; and

It further appearing, That there are substantial shortages of 50-foot plain boxcars throughout the country; that the carriers identified in this exemption by the symbol (%) have 150% or more of their ownership of these cars on their lines; and that such a disproportionate use of the total supply of such cars causes shippers served by other lines to be deprived of their proper share of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, 50-foot plain boxcars described in the Official Railway Equipment Register, ICC-RER No. 409, issued by W. J. Trezise, or successive issues therof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Aberdeen & Rockfish Railroad Co.
Reporting Marks: AR
Atlanta & Saint Andrews Bay Railway Co.
Reporting Marks: ASAB
% The Baltimore & Ohio Railroad Co.
Reporting Marks: BO
% Bessemer & Lake Erie Railroad Co.
Reporting Marks: BLE
Camino, Placerville & Lake Tahoe Railroad Co.
Reporting Marks: CPLT
% The Chesapeape & Ohio Railway Co.
Reporting Marks: CO-PM
City of Prineville
Reporting Marks: COP
The Clarendon & Pittsford Railroad Co.
Reporting Marks: CLP
% Consolidated Rail Corp.
Reporting Marks: CR-DLW-EL-ERIE-LV-NH-NYC-P&E-PAE-PC-PCA-PRR-RDG-TOC
% Delaware & Hudson Railway Co.
Reporting Marks: DH
Duluth, Missabe & Iron Range Railway Co.
Reporting Marks: DMIR
East Camden & Highland Railroad Co.
Reporting Marks: EACH
% Florida East Coast Railway Co.
Reporting Marks: FEC
Genessee & Wyoming Railroad Co.
Reporting Marks: GNWR
% Grand Trunk Western Railroad Co.
Reporting Marks: GTW
Greenville & Northern Railway Co.
Reporting Marks: GRN
XX
*Lake Superior & Ishpeming Railroad Co.
Reporting Marks: LSI
Lenawee County Railroad Co., Inc.
Reporting Marks: LCRC
Louisiana Midland Railway Co.
Reporting Marks: LOAM
Louisville & Wadley Railway Co.
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC
*Manufacturers Railway Co.
Reporting Marks: MRS
XXX

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*Addition.
XX Lake Erie, Franklin & Clarion Railroad Co. eliminated.
XXX McCloud River Railroad Co. eliminated.

Middletown & New Jersey Railway Co., Inc.
Reporting Marks: MNJ
Missouri-Kansas-Texas Railroad Co.
Reporting Marks: BKTY-MKT
New Orleans Public Belt Railroad
Reporting Marks: NOPB
% Norfolk & Western Railway Co.
Reporting Marks: ACY-N&W-NKP-WAB
* Oregon & Northwestern Railroad Co.
Reporting Marks: ONW
* Oregon, Pacific & Eastern Railway Co.
Reporting Marks: OPE
Pearl River Valley Railroad Co.
Reporting Marks: PRV
Peninsula Terminal Co.
Reporting Marks: PT
Providence & Worcester Co.
Reporting Marks: PW
Raritan River Rail Road Co.
Reporting Marks: RR
Sacramento Northern Railway
Reporting Marks: SN
St. Lawrence Railroad
Reporting Marks: NSL
Sierra Railroad Co.
Reporting Marks: SERA
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
* The Texas Mexican Railway Co.
Reporting Marks: TM
Tidewater Southern Railway Co.
Reporting Marks: TS
Toledo, Peoria & Western Railroad Co.
Reporting Marks: TPW
Vermont Railway Inc.
Reporting Marks: VTR
WCTU Railway Co.
Reporting Marks: WCTR
% Western Railway of Alabama
Reporting Marks: WA
Youngstown & Southern Railway Co.
Reporting Marks: YS
Yreka Western Railroad Co.
Reporting Marks: YW

Effective November 1, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., October 27, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32100 Filed 11-14-78; 8:45 am]

[7035-01-M]

[Notice No. 741]

ASSIGNMENT OF HEARINGS

NOVEMBER 19, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 103051 (Sub-429F), Fleet Transport, Co., Inc., reassigned for oral hearing November 28, 1978 (1 day), at Nashville, TN, and will be held in Room 651, U.S. Court House, 810 Broadway. Modified procedure order is vacated.
MC 112223 (Sub-109F), Quickie Transport Co., MC 118569 (Sub-7F), Halberg Construction & Supply, Inc., d.b.a., Kirsher Transport Co., now being assigned for hearing on December 11, 1978 (5 days), at St. Paul, MN, in a hearing room to be later designated.
MC 130484 World Travel Service, Ltd., d.b.a., World Travel Service, now being assigned for hearing on February 7, 1979 (3 days), at Oklahoma City, OK, in a hearing room to be later designated.
MC 42405 (Sub-36F), Mistletoe Express Service, d.b.a., Mistletoe Express, now being assigned for hearing on February 12, 1979 (1 week), at Oklahoma City, OK, in a hearing room to be later designated.
MC 139482 (Sub-35F), New Ulm Freight Lines, Inc., now being assigned for hearing on January 23, 1979 (1 day), at Chicago, IL, in a hearing room to be later designated.
MC 12090 (Sub-3), Island Cartage Co., Inc., now being assigned for hearing on January 24, 1979 (3 days), at Chicago, IL, in a hearing room to be later designated.
MC 108859 (Sub-65F), Clairmont Transfer Co., now being assigned for hearing on January 29, 1979 (5 days), at Chicago, IL, in a hearing room to be later designated.
MC 144469F, Ole South Dixieland Tours, Ltd., now being assigned for hearing on February 7, 1979 (3 days), at Natchez, MS, in a hearing room to be later designated.
MC 114457 (Sub-399F), Dart Transit Co., a corporation, now being assigned for hearing on February 12, 1979 (1 day), at New Orleans, LA, in a hearing room to be later designated.
MC 139193 (Sub-74F), Roberts, & Oake, Inc., now being assigned for hearing on February 13, 1979 (1 day), at New Orleans, LA, in a hearing room to be later designated.
MC 116077 (Sub-395F), DSI Transports, Inc., now being assigned for hearing on February 14, 1979 (3 days), at New Orleans, LA, in a hearing room to be later designated.
MC 96324 (Sub-25F), General Delivery, Inc., now being assigned for hearing on January 10, 1979 at Washington, DC, is postponed indefintely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-32095 Filed 11-14-78; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 75-A Under Revised Service Order No. 1252]

ASSOCIATION OF AMERICAN RAILROADS

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 75, and good cause appearing therefor:

It is ordered:

I.C.C. Order No. 75, is vacated.

This order shall become effective October 27, 1978, and shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 27, 1978.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc. 78-32101 Filed 11-14-78; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 2 Under Service Order No. 1344]

THE BALTIMORE & OHIO RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, The Baltimore & Ohio Railroad Co. is unable to transport certain traffic over its line between Weverton, Md., and Hagerstown, Md., because of track conditions.

It is ordered:

(a) *Rerouting traffic.* The Baltimore & Ohio Railroad Co., being unable to transport certain traffic over its line between Weverton, Md., and Hagerstown, Md., because of track conditions, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 15, 1978, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Replaces I.C.C. Order No. 6 issued under Service Order No. 1252.

Issued at Washington, D.C., October 31, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32106 Filed 11-14-78; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 8 Under Service Order No. 1344]

THE CHESAPEAKE & OHIO RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, The Chesapeake & Ohio Railway Co. is unable to transport traffic over its line between Ashland, Ky., and Lexington, Ky., because of congestion and accumulation of cars.

It is ordered:

(a) *Rerouting traffic.* The Chesapeake & Ohio Railway Co., being unable to transport traffic over its line between Ashland, Ky., and Louisville, Ky., because of congestion and accumulation of cars, is authorized to divert or reroute such traffic over any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commissions and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Replaces ICC Order No. 69 issued under Revised Service Order No. 1252.

Issued at Washington, D.C., October 31, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32098 Filed 11-14-78; 8:45 am]

[7035-01-M]

[Finance Docket No. 28892]

CHICAGO & NORTH WESTERN TRANSPORTATION CO.

Construction and Operation of a Line of Railroad Near Fremont, Dodge County, Nebr.

Chicago & North Western Transportation Co., 400 West Madison Street, Chicago, IL 60606, represented by Christopher A. Mills, General Attorney, Chicago & North Western Transportation Co., 400 West Madison Street, Chicago, IL 60606, hereby gives notice that on the 30th day of October 1978, it filed with the Interstate Commerce Commission at Washington, DC, an application under section 1(18) of the Interstate Commerce Act for a decision approving and authorizing the construction and operation of a line of railroad and appurtenant trackage totaling 8.4 miles in length to enable it to operate through trains, including unit coal trains, around rather than through the city of Fremont, NE, extending from milepost 31.9 on the Boone Subdivision, approximately 5.1 miles to the east of Fremont, and will terminate at milepost 6.7 on the West Point Subdivision, approximately 4.5 miles to the north of Fremont in Dodge County, NE, which application is assigned Finance Docket No. 28892. The line proposed to be constructed and operated is hereinafter referred to as the Fremont bypass. The Fremont bypass will connect with two existing lines of North Western's Iowa Division.

Applicant proposes to construct the Fremont bypass in order to enable through freight trains, particularly unit coal trains, to bypass the city of Fremont, NE (population: 26,000 according to recent estimates). Substantial numbers of unit coal trains of 100 or more cars each originating in the Powder River Basin of Wyoming are expected to pass through Fremont commencing in 1980: by 1985 a minimum of 10 unit coal trains in each direction will pass through Fremont daily. Construction of the Fremont bypass will shorten North Western's existing route between Wyoming and points east of Fremont by approximately 4.6 miles, will eliminate several heavy curves, will enable through trains to avoid a residential area of Fremont through which North Western's existing line passes, will reduce congestion in the area of an important interchange point between North Western and the Union Pacific Railroad, and will enable through trains to avoid traversing 12 busy public highway grade crossings in the Fremont area.

In the opinion of the applicant, the granting of the authority sought will constitute a major Federal action sig-

nificantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-4), *Implementation—National Environmental Policy Act, 1969*, 352 I.C.C. 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. *See Implementation—National Environmental Policy Act, 1969, supra*, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-32096 Filed 11-14-78; 8:45 am]

[7035-01-M]

[I.C.C. Order No. 7-A Under Service Order No. 1344]

FORT WORTH & DENVER RAILWAY CO.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 7 (Fort Worth & Denver Railway Co.), and good cause appearing therefor:

It is ordered:

I.C.C. Order No. 7 is vacated.

This order shall become effective November 5, 1978, and this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 3, 1978.

INTERSTATE COMMERCE COMMISSION.
JOEL E. BURNS,
Agent.

[FR Doc. 78-32102 Filed 11-14-78; 8:45 am]

[7035-01-M]

[ICC Order No. 7 Under Service Order No. 1344]

FORT WORTH & DENVER RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Fort Worth & Denver Railway Co. is unable to transport promptly all traffic offered for movement over its lines between Seymour, Tex., and Haskell, Tex, because of track damage from flooding.

It is ordered,

(a) *Rerouting traffic.* The Fort Worth & Denver Railway Co. being unable to transport promptly all traffic offered for movement over its lines between Seymour, Tex., and Haskell, Tex., because of track damage from flooding, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1978, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 31, 1978.

Replaces ICC Order No. 68 issued under Revised Service Order No. 1252.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32104 Filed 11-14-78; 8:45 am],

[7035-01-M]

[ICC Order No. 9 Under Service Order No. 1344]

GRAND TRUNK WESTERN RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Robert S. Turkington, Agent, the Grand Trunk Western Railroad Co. is unable to transport traffic over its line between Muskegon, Mich., and Milwaukee, Wis., because of abandonment of operations.

It is ordered:

(a) *Rerouting traffic.* The Grand Trunk Western Railroad Co., being unable to transport traffic over its line between Muskegon, Mich., and Milwaukee, Wis., because of abandonment of operations, is authorized to divert or reroute such traffic over any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each shipment is rer-

outed or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective November 1, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 30, 1978, unless otherwise modified, changed, or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 1, 1978.

INTERSTATE COMMERCE COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-32097 Filed 11-14-78; 8:45 am]

[7035-01-M]

[ICC Order No. 3 Under Service Order No. 1344]

MIDDLETOWN & HUMMELSTOWN RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Middletown & Hummelstown Railroad Co. is unable to transport traffic over its line, formerly operated by the Reading Co., because of track damage caused by flooding.

It is ordered,

(a) The Middletown & Hummelstown Railroad Co. being unable to transport traffic over its line because of track damage, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Replaces ICC Order No. 9 issued under Service Order No. 1252.

Issued at Washington, D.C., October 31, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32094 Filed 11-14-78; 8:45 am]

[7035-01-M]

[Second Rev. S.O. No. 1332; Rev. Exception No. 2]

ST. LOUIS SOUTHWESTERN RAILWAY CO. AND SOUTHERN PACIFIC TRANSPRTATION CO.

Decided October 31, 1978.

By the Board.

Because of recent work stoppages on the St. Louis Southwestern Railway Co. (SSW) and on other connections of the Southern Pacific Transportation Co. (SP), and because of a major freight train derailment on the SSW in the vicinity of Gilmer, Tex., on October 20, 1978, the SP and the SSW are temporarily unable to forward all cars within 60 hours as required by section (a)(4)(i) of Second Revised Service Order No. 1332.

It is ordered, Pursuant to the authority vested in the Railroad Service Board by section (a)(1)(v) of Second Revised Service Order No. 1332, the SSW and the SP are required to forward loaded cars or empty foreign or private cars from the points named below within 72 hours.

SSW—Pine Bluff, Ark., XXX.

SP—Eugene, Oreg., Roseville, Calif., Los Angeles, Calif., West Colton, Calif.; XXX; San Antonio, Tex.; XXX; Houston, Tex.; XXX; XXX.

Effective October 31, 1978.

Expires 11:59 p.m., November 10, 1978.

JOEL E. BURNS,
Chairman,
Railroad Service Board.

[FR Doc. 78-32105 Filed 11-14-78; 8:45 am]

[7035-01-M]

[ICC Order No. 4 Under Service Order No. 1344]

SAN DIEGO & ARIZONA EASTERN RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the San Diego & Arizona Eastern Railway Co. is unable to transport traffic over its line between El Centro, Calif., and San Diego, Calif., because of slides and washouts between milepost 94.4 and milepost 118.0.

It is ordered,

(a) The San Diego & Arizona Eastern Railway Co., being unable to transport traffic over its line between

XXX Shreveport, La., El Paso, Tex., Hearne, Tex., Beaumont, Tex., and Lafayette, La., eliminated.

El Centro, Calif., and San Diego, Calif., because of slides and washouts between milepost 94.4 and milepost 118.0, that carrier and its parent company, the Southern Pacific Transportation Co., are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1979, unless otherwise modified, changed, or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Replaces ICC Order No. 10, issued under Service Order No. 1252.

Issued at Washington, D.C., October 31, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32103 Filed 11-14-78; 8:45 am]

[7035-01-M]

[ICC Order No. 6 Under Service Order No. 1344]

SOUTHERN PACIFIC TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Southern Pacific Transportation Co. is unable to transport traffic over its line between Jacksonville, Tex., and Lufkin, Tex., because of track conditions.

It is ordered.

(a) *Rerouting traffic.* The Southern Pacific Transportation Co. being unable to transport traffic over its line between Jacksonville, Tex., and Lufkin, Tex., because of track conditions, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., January 31, 1979, unless otherwise modified, changed or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Replaces ICC Order No. 59 issued under Revised Service Order No. 1252.

Issued at Washington, D.C., October 31, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32107 Filed 11-14-78; 8:45 am]

[7035-01-M]

[ICC Order No. 5 Under Service Order No. 1344]

WESTERN MARYLAND RAILWAY CO.

Rerouting or Diversion of Traffic

In the opinion of Joel E. Burns, Agent, the Western Maryland Railway Co. (WM), is unable to transport traffic over its lines east of Hagerstown, Md., because of bridge damage.

It is ordered,

(a) *Rerouting traffic.* The WM being unable to transport traffic over its lines east of Hagerstown, Md., because of bridge damage, that line is hereby authorized to reroute or divert such traffic via any available route. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to

such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangments now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers, or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1979, unless otherwise modified, changed, or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of the order shall be filed with the Director, Office of the Federal Register.

Replaces ICC Order No. 31, issued under Service Order No. 1252.

Issued at Washington, D.C., October 31, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-32099 Filed 11-14-78; 8:45 am]

[3128-01-M]

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

CASES FILED

Week of October 20 Through October 27, 1978

Notice is hereby given that during the week of October 20, 1978, through October 27, 1978, the appeals and applications for exception or other relief listed in the appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Hearings, and Appeals.

NOVEMBER 7, 1978.

List of Cases Received by the Office of Hearings and Appeals

[Week of October 20 through 27, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 20, 1978	San Joaquin Refining Co., Newport Beach, Calif.	DXE-1977	Exception to the entitlements program. If granted: San Joaquin Refining Co. would receive an exception from its obligation to purchase entitlements under the provisions of 10 CFR 211.67.
Do	TOSCO Corp., Los Angles, Calif	DEX-0118	Supplemental order. If granted: The DOE would review the entitlements exception relief granted to TOSCO Corp. for a portion of its 1978 fiscal year in order to determine whether the level of relief accorded the firm was appropriate and whether additional exception relief should be granted.
Do	Young Refining Co., Washington, D.C	DXE-1978	Exception to the entitlements program. If granted: Young Refining Co. would receive an exception from its obligation to purchase entitlements under the provisions of the 10 CFR 211.67.
Oct. 23, 1978	Chevron, U.S.A., San Francisco, Calif.	DEE-1968	Price exception (section 212.73). If granted: Chevron, U.S.A. would be permitted to sell the crude oil produced from the Murphy Non-Unit, East Main Zone, located in Orange County, Calif., at upper tier ceiling prices.
Do	City of Long Beach, Long Beach, Calif	DMR-0034	Request for modification. If granted: The DOE's June 30, 1976, decision and order (Case No. FEE-2701) would be modified to permit the City of Long Beach to sell the crude oil produced from the Micellar-Polymer Project located in the Wilmington Oil Field at market prices rather than upper tier ceiling prices.
Do	Continental Oil Co., Houston, Tex	DEE-1979 and DST-1979.	Allocation exception (section 211.9). Request for temporary stay. If granted: Continental Oil Co. would be relieved of its gasoline supply obligations to inter-refinery customers of Continental's Denver, Colo., and Billings, Mont., refineries and would receive a temporary stay of its supply obligations pending a determination on its application for exception.
Do	D & R Service, Inc., Arlington, Mass	DEE-1972	Exception to reporting requirements. If granted: D & R Service, Inc. would not be required to file EIA form 79.
Do	Paul Davidson, New Brunswick, N.J	DFA-0236	Appeal of an information request denial. If granted: The DOE's September 26, 1978, information request denial would be rescinded and Paul Davidson would be granted access to certain data submitted to the DOE by the Gulf Oil Corp.
Do	Gulf Oil Corp., Houston, Tex	DXE-1973	Extension of relief granted in *Gulf Oil Corporation*, 2 DOE Par.——(June 16, 1978). If granted: Gulf Oil Corp. would be permitted to sell the crude oil produced from the Sidney A. Smith Lease, located in Liberty County, Tex., at upper tier ceiling prices.
Do	South Hampton Co	DED-0011	Motion for discovery. If granted: Discovery would be granted to South Hampton Co. with respect to the statement of objections which it filed in Case No. FEE-4778.
Do	Sydney Mark Taper, Beverly Hills, Calif	DEE-1980	Price exception (section 212.73). If granted: Sydney Mark Taper would be permitted to sell the crude oil produced from the Upper Terminal VI Reservoir, located in Long Beach, Calif., at upper tier ceiling prices.
Do	Unionville Tire & Supply, Baltimore, Md	DEE-1971	Exception to change supplier. If granted: Exxon Co., U.S.A. would be assigned as the base period supplier of motor gasoling to Unionville Tire & Supply instead of the Flippo Oil Co.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of October 20 through 27, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Oct. 24, 1978	Atlantic Richfield Co., Los Angeles, Calif.	DEE-1981	Exception to terminate supply relationship. If granted: Atlantic Richfield Co. would receive an exception from the provisions of 10 CFR 211.9 which would relieve it of its obligation to supply motor gasoline to other refiners.
Do	Cooper & Brain, Inc., Washington, D.C	DRH-0104 and DRD-0104.	Request for evidentiary hearing and motion for discovery. If granted: An evidentiary hearing would be convened in connection with a statement of objections submitted by Cooper & Brain, Inc. regarding a proposed remedial order which was issued to the firm by DOE region IX on August 28, 1978 (Case No. DRO-0104). In addition, Cooper & Brain, Inc. would be granted discovery with respect to the objections it has raised.
Do	Texaco, Inc., White Plains, N.Y	DPI-0024	Exception from base fee requirements. If granted: Texaco, Inc. would be permitted to import residual fuel oil into Petroleum allocation district I on a fee-exempt basis from May 1, 1978, through April 30, 1979.
Do	Wallace B. Jayred, Houston, Tex	DEE-1974	Price exception (section 212.54). If granted: Wallace B. Jayred would be permitted to sell the crude oil produced from the Stella Field Operations located in Plaquemines Parish, La. at market prices.
Oct. 25, 1978	Gary Operating Co., Englewood, Colo	DEE-1975	Price exception (section 212.73). If granted: Gary Operating Co. would be permitted to sell the crude oil produced from the Ranch Creek Unit, located in Powder River County, Mont., at upper tier ceiling prices.
Do	Giant Refining Co., Farmington, N. Mex	DEE-1976	Exception to increase base period use. If granted: Giant Refining Co. would be granted an exception to increase its base period use of natural gasoline.

Notices of Objection Received

Date	Name and location of applicant	Case No.
Oct. 23, 1978	Hunt Industries, Dallas, Tex	DXE-1679.
Do	Standard Oil Co. (Indiana) Chicago, Ill	DXE-1524 through DXE-1529; DXE-1597 through DXE-1603; DXE-1655 through DXE-1663.
Oct. 24, 1978	Custer Gas Service, Custer, S. Dak	DEE-1077.
Do	Getty Oil Co., Los Angeles, Calif	DXE-1707 through DXE-1728. DXE-1776.
Do	O. B. Mobley, Jr., Shreveport, La	DEE-1021.
Oct. 23, 1978	John Galt, Inc., Hyattsville, Md	DEE-1033.
Oct. 25, 1978	Champion Petroleum Co., Santa Fe, N. Mex	DEE-1309.
Oct. 24, 1978	M.J. Mitchell, Dallas, Tex	DEE-1666
Oct. 26, 1978	Puerto Rico Olefins Co., Washington, D.C	DEE-1303.
Oct. 24, 1978	O. B. Mobley, Jr., Shreveport, La	DEE-1021.
Do	Gas Garden, Cucamonga, Calif	DEO-0139.

Proposed Remedial Order

Oct. 23, 1978	Zenith Oil Co., Inc., Minneapolis, Minn	DRO-0136.
Oct. 24, 1978	CNG Petroleum Co., Clarksburg, W. Va	DRO-0137.
Oct. 16, 1978	Meeker & Co., Washington, D.C	DRO-0138.

[FR Doc. 78-32011 Filed 11-14-78; 8:45 am]

[3128-01-M]

PUBLIC MEETINGS ON NATIONAL ENERGY PLAN

AGENCY: Department of Energy.

ACTION: Notice of public meetings on National Energy Plan.

SUMMARY: In accordance with section 801 of the Department of Energy (DOE) Organization Act (Pub. L. 95-91), The Department of Energy (DOE) is beginning to prepare a National Energy Plan (NEP-II), which will be submitted to the Congress not later than April 1, 1979. DOE desires to have the benefit of a broad range of public viewpoints in the development of NEP-II, and will hold a series of public meetings throughout the Nation to provide for the active participation by regional, State, and local agencies and instrumentalities, private organizations and groups, and citizens. For the purpose of stimulating and focusing discussion at these meetings, DOE has prepared and appends an outline for NEP-II.

A series of six public hearings will be held, in San Francisco, Calif., on December 5; Dallas, Tex., on December 6; Denver, Colo., on December 7; Omaha, Nebr., on December 12; Boston, Mass., on December 14; and Washington, D.C., on December 18, and, if necessary, 19.

In addition, during the week of November 27 through December 1, 1978, DOE will conduct six seminars in Washington D.C., each with representatives of a major constituency group concerned with energy policy—energy producers, consumers, regional, State, and local government agencies and instrumentalities, business (including small business) and large industrial users, environmental groups, and labor. Each of these meetings will be open to the public; participation on the panel will be by invitation.

FOR FURTHER INFORMATION CONTACT:

Washington meetings: Karl Conrad, 202-252-5877, Office of Consumer Affairs, Department of Energy, Washington, D.C. 20585.

Regional meetings: Liz Overstreet, 202-252-6090, Office of Consumer Affairs, Department of Energy, Washington, D.C. 20585.

SUPPLEMENTARY INFORMATION: *NEP-II.* The plan, which is required to be submitted to Congress by April 1, 1979, under the provisions of section 801 of the DOE Organization Act (Pub. L. 95-91), will address the broad range of the Nation's energy problems and may recommend legislative, budgetary, regulatory, or administrative initiatives designed to ameliorate those problems. The plan is to:

- Consider and establish energy production, utilization, and conservation objectives necessary to satisfy projected energy needs of the United States, paying particular attention to such needs as full employment, price stability, energy security, economic growth, environmental protection, nuclear nonproliferation, special regional needs, and the efficient use of public and private resources;
- Identify the strategies that should be followed and the resources that should be committed to achieve such objectives; and
- Recommend any appropriate Federal legislative and administrative actions.

In developing NEP-II, the DOE Organization Act further requires that the President shall:

> seek the active participation by regional, State, and local agencies and instrumentalities and the private sector through public hearings in cities and rural communities and other appropriate means to insure that the views and proposals of all segments of the economy are taken into account in the formulation and review of such proposed Plan.
>
> (Section 801(a)(2)); and shall
>
> insure that consumers, small business, and a wide range of other interests, including those of individual citizens who have no financial interest in the energy industry, are consulted in the development of the Plan.
>
> (Section 801(d)).

DOE has therefore determined to hold two sets of public meetings, pursuant to the requirements of the Act. First, during the week of November 27–December 1, 1978, DOE will conduct a series of six seminars in Washington, D.C. Each of these seminars will provide an opportunity for substantive policy discussions between DOE staff and invited representatives of one of the major constituency groups concerned with energy policy.

All of the seminars will be held in the Department of Energy Headquarters, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C.

Date, Time, Room, and Constituency

November 27; 3 p.m.; 7E069; Energy producers.
November 28; 9 a.m.; 7E069; Consumers.
November 29; 9 a.m.; 8E069; State and local government agencies and instrumentalities.
November 30; 9 a.m.; 8E069; Business (including small business) and large industrial users.
November 30; 3 p.m.; 7E069; Environmental groups.
December 1; 9 a.m.; 8E069; Labor.

DOE will then follow the seminars with a series of six public hearings on NEP-II in cities and rural communities throughout the United States. At each of these hearings, a half-day morning session on the goals of U.S. energy policy will include an overview of NEP-II, and a discussion by a panel of participants from the region, followed by comments from the floor. Selected topics of particular interest to the region will be addressed in the afternoon session with a similar panel-and-floor-discussion format. The balance of the afternoon and evening sessions will be reserved for formal presentations by individual citizens. At the Washington, D.C., hearing, an oral summary will be presented of public comment and discussion to date from the regional meetings, and the balance of the meeting devoted to individual formal presentations. Verbatim transcripts will be made of all sessions.

The topics being considered for the afternoon sessions are:

San Francisco, Calif.: (1) Opportunities for Conservation and Solar Energy; (2) Production and Transportation of Domestic Crude Heavy Oils.
Dallas, Tex.: (1) Crude Oil Pricing and Refinery Policies; (2) Key Regional Energy Issues.
Denver, Colo.: (1) Impacts of Energy Development; (2) Key Regional Energy Issues.
Omaha, Nebr.: (1) Agricultural and Rural Energy Issues; (2) Key Regional Energy Issues.
Boston, Mass.: (1) Alternatives for Oil Import Reduction; (2) Financial Needs and Energy Development.
Washington, D.C.: (1) Individual Citizen Presentations.

Listed below are the dates, location of the regional meetings, and regional contacts.

Date, Location, and *Regional Contact*

Dec. 5, 1978; Ballroom East, Hyatt on Union Square, 345 Stockton, San Francisco, Calif.; Bob Laffel, Department of Energy, 111 Pine Street, San Francisco, Calif. 94111, 415-556-7157.
Dec. 6, 1978; Adolphus Hotel, French Room, 1321 Commerce Street, Dallas, Tex.; Grace Morrison, Department of Energy, P.O. Box 35228, 2626 West Mockingbird Lane, Dallas, Tex. 75235, 214-749-7621.
Dec. 7, 1978; Main Auditorium, University of Denver, College of Law, 200 West 14th Avenue, Denver, Colo.; C. Dale Eriksen, Department of Energy, P.O. Box 26247, Belmar Branch, 1075 South Yukon Street, Lakewood, Colo. 80226, 303-234-2420.
Dec. 12, 1978; The Holiday Inn, Colony Room A & B, 3321 South 72d Street, Omaha, Nebr.; June Heard, Department of Energy, 324 East 11th Street, Kansas City, Mo. 64106, 816-374-5533.
Dec. 14, 1978; Room 208, John W. McCormack, P.O. and Courthouse, Post Office Square, Boston, Mass.; Roberta Walsh, Department of Energy, 150 Causeway Street, Boston, Mass. 02114, 617-223-5257.
Dec. 18, 1978; General Services, Administration Auditorium, 18th and F Streets, NW., Washington, D.C.; Karl Conrad, Department of Energy, Office of Consumer Affairs, Forrestal Building, Washington, D.C. 20585, 202-252-5877.

Procedures for written comment. Interested persons are invited to submit data, views or arguments by January 2, 1979, with respect to the next National Energy Plan in this notice to the address below:

William P. White, Department of Energy, Office of Policy and Evaluation, Forrestal Building, Washington, D.C. 20585.

"NEP-II" should be written on the outside of the envelope and on documents submitted.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat that information or data according to its determination.

Public hearings. Any person or representative of a group of persons may make a written or oral request for an opportunity to make an oral presentation. Such a request should be directed to the address given above for the appropriate Regional contact and in accordance with the request procedures set forth below. Requests must be received not later than three days before the appropriate Regional hearing. Written requests should be labeled "NEP-II" both on the document and on the envelope.

The person making the request should describe briefly the interest concerned; if applicable, state why she or he is a proper representative of the group having such an interest; and give a phone number where she or he may be contacted during working hours.

DOE reserves the right to select the persons to be heard at these meetings, to schedule their respective presentations, and to establish the procedures governing the conduct of the meetings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A presiding officer will be designated to conduct the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, except during those periods when comments are requested from the floor. At the conclusion of all initial oral statements, and if time permits, each person who has made an oral statement will be given the opportunity, if he or she desires, to make a supplemental statement, to be given in the order in which the initial statements were made and subject to time limitations.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the hearings will be made and the entire record of the meetings, including the transcript, will be retained by DOE and made available for inspection at the Freedom of Information Office, Room GA-152 Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:40 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., on November 13, 1978.

ALVIN L. ALM,
Assistant Secretary, Policy and Evaluation.

PRELIMINARY OUTLINE AND APPROACH: NATIONAL ENERGY PLAN II

OCTOBER 16, 1978.

CHAPTER 1. THE CONTINUING NATIONAL ENERGY DILEMMA

This chapter will define the energy problem which the strategy and plan will have to address.

A. *The emerging domestic energy problem.* A description of past trends in energy production and consumption would highlight the historical growth in energy demand and focus on the peaking and decline of domestic production of oil and gas. It would describe trends from a retrospective point of view, but would not at this point go into projections.

B. *Forecasting the future.* new forecasts will be developed for this report. The forecasts will reflect congressional action on the National Energy Act and the profound uncertainties which characterize both the domestic and international energy situation.

The energy situation in the United States cannot be viewed in isolation from developments in the rest of the world; indeed, worldwide developments through the end of the century will exert profound influences on our domestic energy markets and on the choices which we can make. Thus, our forecasting must begin with an assessment of the worldwide energy picture.

After a long period of self-sufficiency, the United States is now, with many others, subject to the behavior of world oil markets. Imports carry with them prices which can rise or fluctuate, potential for disruption, and the certainty of balance of payments outflows. Many analyses of the domestic problem have made relatively simple or even naive assumptions concerning the future world oil situation. A central focus of the NEP II analysis will be an attempt to understand the range of future possibilities, and to understand both the forces which might shape those possibilities and the uncertainties which characterize them.

The future sources and uses of energy worldwide will be driven principally by three factors:

a. *Worldwide economic growth.* World economic growth rates since the 1973-74 embargo are not well understood. There are disputes whether structural changes have occurred and whether new demographic estimates foresee lower growth rates. We will employ a range to bound the current estimates.

b. *The availability and cost of resources.* This section will deal with availability and costs of resources throughout the world. A number of areas are of interest: The United States, the Organization of Petroleum Exporting Countries (OPEC), the North Sea, the Communist bloc, recent developments in less developed countries. For the longer term, there is also the question of the ultimate availability of resources.

c. *Government policy.* This section will address the success of both international conservation efforts and development policies.

The effects of these factors on the sources and uses of energy are often summarized in projections of world energy prices. The price of oil not only dominates international energy trade but also symbolizes a vast array of complex causes and effects.

Most analyses of the domestic energy situation have taken a single set of world oil prices as given. The NEP II analyses will derive several oil price trajectories based on the factors cited above.

This, then, will be the range of possible outcomes which form the context for forecasting the domestic market and with which domestic energy policy must cope. That policy must recognize the fundamental uncertainties which these ranges reflect.

Like the worldwide energy situation of which it is a part, the domestic energy situation is driven by three major forces in addition to the availability and cost of worldwide resources:

a. *Domestic economic growth.* The state of the U.S. economy will be influenced by its trading position with other economies and especially by the volume and price of energy imports, as well as by internal factors.

b. *The availability and cost of domestic resources.* The extent of domestic resources—and the cost of their development using existing technologies or those that might be developed by the end of the century—are highly uncertain.

c. *U.S. Government policy.* The base case projections will assume current policy as a point of departure for assessment of the Nation's energy future and development of a plan to deal with the remaining problems.

C. *Implications for U.S. energy futures.* The results of this work would be a final set of forecasts of the Nation's energy future, set in varied would contexts, and tied to new assumptions about the passage of the National Energy Act (NEA). The implications for economic growth, supply-demand balances, imports, balance of payments, and the like would be examined. More detail would be provided in subsequent chapters which address the sources and uses of energy in specific time frames.

Much will depend, of course, on factors that cannot be predicted with certainty; these uncertainties must be recognized in describing the future, and in proposing measures to deal with that future.

D. *The objectives of energy policy and the need for action.* The future, as seen through these projections, will seem unsatisfactory to different people for different reasons. Regardless of disagreements on specific policy instruments or on tradeoffs among policy objectives, there is general agreement on those objectives in broad terms. Those objectives are:

a. *Economic growth.* The United States has traditionally viewed real economic growth as a way of meeting higher national goals. We wish at a minimum to maintain and preferrably to enhance the material standard of living of each of our citizens. But, beyond that, we also want to use the dividends of economic growth to advance other national goals, including social equity Recently, growth has also been called on as a means of financing environmental goals and, in fact, energy policy goals.

Preliminary results suggest that under all world energy assumptions, there would be positive benefits to the Nation from reducing imports beyond the levels likely to result from the NEA as it emerges from Congress. The basic issue, which we address later, is the relationship of the benefits of the reduction to the costs of attaining it by

various means. Hence we observe that the objective of economic growth becomes equivalent in certain instances of a goal of reducing the expected level of imports, so long as the costs of the measures employed to do so do not exceed their benefits.

b. *Economic stability.* Large balance of payments outflows, the possibility of interruption of supplies, and the possibility of precipitate price rises, pose threats to the stability as well as the vigor of economic growth and hence, imperil our flexibility for international political action. Substantial costs to the economy are associated with the suddeness of any change in energy prices or flows; those costs may be in addition to the costs implicit in the levels of prices and quantities, because of the long lead times in adjusting capital stock and operating practices to the new price/quantity regimes.

c. *Protection, preservation, and enhancement of the environment.* This goal needs no explanation.

d. *Social equity.* The notion that energy policy should not discriminate on grounds of economic class, race, region, or whatever.

e. *Political objectives.* Energy policy should support the Nation's foreign policy objectives.

The forecasts which we develop are unlikely to portray a world which meets these objectives. The greatest violence is done to the objectives of stable and vigorous economic growth, and that violence is done by the level of imports and their likely prices and price fluctuations, which are likely to result, in turn, from worldwide resource uncertainties and imbalances. The effects for economic objectives are reflected in gross national product (GNP) and balance of payments (BOP).

These observations suggest the need for new energy policy directions.

E. *A National Strategy for Energy.* One of the reasons that a national energy policy has proved so elusive is the lack of consensus on the nature of the problem. Because the use of energy is so pervasive in our society, swings in quantities available and prices will reverbrate throughout the economy. Hence the uncertainties about energy demand, supply and prices are reflected in uncertainties over the overall health of the economy. Because the more abundant and less expensive resources have been depleted, the choices are hard and many policies painful. It is important, however, to establish two principles: Not to avoid taking those steps which are in the Nation's long-term interest merely because there may be costs in the short run; and to design the energy policy which is most efficient and effective in achieving the objectives.

The timing of choices

The structure of the next three chapters is based on the observation that problems—and in particular the potential solutions in the form of alternative policy instruments—differ for the different time periods.

NEP II will seek to predict, understand, and if necessary influence the investment and operating decisions of consumers and entrepreneurs in the different periods:

Short-term (1978-1985), chapter 2. Midterm (1985-2000), chapter 3. Long-term (2000 and beyond), chapter 4.

Each of the next three chapters will be of a similar format.

CHAPTER 2. THE NEAR-TERM ENERGY CHOICES (1978-1985)

A. *The near-term outlook.* These sections provide "snapshots" of the state of the energy systems in the relevant timeframe under each of the forecasted outcomes described earlier: Fuel balances and prices, and their implications for balance of payments and economic growth, give an appraisal of the extent of the problem to be addressed in this timeframe.

Analysis of energy sources: Liquid fuels; gaseous fuels; coal; nuclear power; electricity; and renewable supplies (solar—thermal, electric, wind, biomass, hydro, etc.) (geothermal).

Analysis of energy use sectors: Residential; commercial; industrial; transportation; and electricity.

In the period between now and 1985, the nation's energy supplies and uses will depend primarily on existing technologies and on capital investments which have already been made. The most important effects during this period will probably be the production levels of oil (and perhaps at the very end of the period, gas) from the North Slope of Alaska, but this will not be enough to reverse the overall decline in domestic hydrocarbon production. On the lower 48 States, the extent of tertiary recovery will be the most important determinant.

B. *Candidate options for the near-term.* These sections will inventory the policy instruments that might be employed to influence investment and operating decisions in these periods.

There are many policy tools which the government might, in principle, employ to influence energy supplies and uses. But there are important limitations on the potential scope of Federal action. These constraints must be considered both in choosing policy instruments and in evaluating their effectiveness.

Several perspectives must be considered in identifying the potential actions and in choosing which avenue to pursue:

The first will be based on the problem areas identified in the first section of the chapter, coupled with an assessment of the technologies and resources available to address those problems.

The second set of perspectives will be derived from an examination of the policy tools which government might adopt. These include: Legislative and regulatory measures relating to pricing and allocation.

Mandatory measures: Energy conservation; and Supply characteristics.

Financial incentives; Tax expenditures (credits) to encourage production or saving; Taxes to discourage consumption; Price supports; Guaranteed purchase; Loan guarantees; Grants; Cost-sharing and Buy-back guarantees.

Development of technologies and information: Support of research, development and demonstration and Collection and dissemination of information.

Management of resources and technologies under Federal ownership.

Import policies.

Measures to cope with a supply interruption should one occur: Stockpiles and Emergency powers to allocate and ration supplies.

A third set of perspectives will come from the evaluation of a variety of considerations which may be viewed limiting the flexibility of energy futures as well as policy choices. These constraints include: Existing capital stock; Existing laws and regulations and Policy objectives other than those related directly to energy.

Some of the constraints, traditionally viewed as impacts, contain public policy objectives themselves: Environment; Finance; Budget; Energy and the economy; Institutional factors and Competition.

A fourth set of perspectives will be derived from a distillation of the work of the several policy reviews currently underway in and outside the Department.

A final and extremely important set of perspectives will come from the outreach program, which should give rise to a number of suggestions. Formal mechanisms will be established to provide orderly input.

The choices useful for the near-term will be severely limited by existing technology and infrastructure. Accordingly, the policy instruments and technologies considered in this chapter will have potential for effect in the near term, and will not, for example, contain much R. & D. Some significant shifts in supply and use patterns are possible through pricing, regulatory, and tax changes involving economics, environmental standards, and transportation systems.

CHAPTER 3. THE MIDTERM ENERGY CHOICES (1985-2000)

The format of the midterm chapter will be much like the format of the short-term chapter. However, both the outlook for the period and the options will differ importantly.

Sometime during the period between 1985 and 2000, the world's conventional oil resources are likely to reach a production peak and begin to decline, as the Nation's did in 1970. We cannot predict with any degree of certainty when this will occur or what the specific characteristics of that transition will be, but the range of possibilities implied by our projections will suggest the nature of the problem and the extent of the requirements for further policy action. The restriction due to the character of the existing capital stock will be decreasingly important during this period. However, breakthroughs on a massive scale are unlikely, and the technologies and resources applicable to this period are likely to be those, which have already reached, or at least closely approached, the demonstration stage.

Important technical and economic questions remain with respect to a number of these technologies. Thus, commercialization programs will become more important. There is still some time to generate additional information to influence investment decisions made late in the period.

CHAPTER 4. THE LONG-TERM ENERGY CHOICES (2000 AND BEYOND)

Although this chapter shares the format of its predecessors, the nature of the projections, and the nature of the policies which we consider for shaping energy markets in that era, will be markedly different.

The period beyond 2000 will be characterized by the continued decline of conventional oil and gas production. Alternative fossil fuel resources, inexhaustibles and renewables will provide the energy for the period. The capital stock now in place will be of limited relevance after the turn of the century, but that added during the midterm will be important. And, recalling that capital stock added in the midterm will use much of today's technology, there are limits to the

flexibility in energy sources and uses even by the turn of the century. Much emphasis will necessarily be placed on technologies and resources not now developed, but we must not be beguiled by technological developments which cannot possibly be implemented on a massive scale at a reasonable cost.

We neither can nor should determine precisely the shape of the future we desire; we do not know enough to prejudge. Yet the policies we develop now should build the base of information on resources and technologies which will be required to make investment decisions after the turn of the century.

The overall product of these three chapters, then, will be a list of potential actions tailored to technologies and time frames.

CHAPTER 5. DESIGNING A NATIONAL ENERGY STRATEGY

This chapter steps back from individual actions policy tools, and the like, and attempts to develop some ways of putting actions together in coherent policy packages.

A. *Criteria for designing an energy strategy.* An energy strategy should be formed in furtherance of the objectives set forth in the final chapter. The strategy should address the specific problems identified for each energy source and use sector in each time frame.

A. *Criteria for designing an energy strategy.* An energy strategy should be formed in furtherance of the objectives set forth in the final chapter. The strategy should address the specific problems identified for each energy source and use sector in each time frame.

New analyses will be developed for NEP II. There will be explicit analyses of: Cost effectiveness; environmental impact and impact on competition in energy markets.

Other factors which must be considered include impacts on the ability to finance energy projects, on the budget, and on the economy.

B. *NEP II: An agenda for national action.* This section would describe in detail the Department's administrative, regulatory, legislative and budgetary actions to deal with the problems identified.

This is the essence of the legislative mandate for a plan which shall: "* * * (2) Identify the strategies that should be followed and the resources that should be committed to achieve such objectives, forecasting the level of production and investment necessary in each of the significant energy supply sectors and the level of conservation and investment necessary in each consuming sector, and outlining the appropriate policies and actions of the Federal Government that will maximize the private production and investment necessary in each of the significant energy supply sectors consistent with applicable Federal, State, and local environmental laws, standards, and requirements; and

(3) Recommend legislative and administrative actions necessary and desirable to achieve the objectives of such proposed plan, including legislative recommendations with respect to taxes or tax incentives, Federal funding, regulatory actions, antitrust policy, foreign policy, and international trade." (Sec. 801(b), Pub. L. 95-91).

A major feature of the chapter would be summary supply/demand balances and price trajectories assuming implementation of the recommended plan, and a comparison of those results with the base case forecasts. This assessment will provide a measure of how well the proposals meet the objectives set forth in chapter 1.

Appendices

The basic document is intended to be relatively short and readable. But the topics to be addressed are extremely broad in scope, and many readers will be interested in much more detail on specific analyses and issues. Such detail will be provided in a series of appendices, which will be closely tied to companion volumes.

Much of the work in the five chapters necessarily focused on the traditional energy market measures: supply, demand, imports and price. Chapter 5 would have summarized those impacts of the plan. The first appendices provide an important place for addressing in depth other major dimensions of the energy problem. In each case, the dimension is both constraint and impact. The analyses summarized here will have shaped those discussed in the main body of the report.

A. *Environment.* Appendix A would provide a brief capsule summary of the environmental impacts set forth in greater detail in the Environmental Impact Statement, discuss environment as a constraint on energy development and on the selection of policies, and describe those environmental monitoring and control actions which we propose to be part of NEP II.

B. *Finance.* A major issue in development of energy policy is the prospective ability to finance energy projects deemed to be in the national interest. This appendix will address capital requirements and availability with and without the plan.

C. *Competition.* This appendix will discuss the most significant impacts upon competition and the constraints imposed upon various strategies as a result of the impact on particular industries, or particular groups of firms within or across industry boundaries. The proposed actions will influence competitive behavior and to the extent possible, the actions ought to exert a positive influence on the market place. The impact of individual policies on the competitive environment will be addressed in the earlier chapters (see discussion under chapter 2); this appendix provides a place to summarize and focus on those impacts.

D. *Institutional factors.* A number of institutional considerations affect energy development. A host of regulations at Federal, State, and local levels profoundly influence the production and use of energy. Factors as diverse as energy facility siting, building codes, health and safety regulations, and freight rates for alternative transportation modes are important. This appendix will summarize these constraints; NEP II will also look carefully at the opportunities for actions to overcome those constraints.

E. *Budget.* This appendix will summarize the budget impacts of the proposed plan. Development of the plan will be closely coordinated with the development of the fiscal year 1980 budget.

F. *Energy and the economy.* This appendix will address the impact of the plan on inflation, economic growth, employment, regions, and income groups.

G. *Summary of public participation.* Solicitation of public views is a Departmental commitment as well as a legislative requirement.

"The President shall * * * seek the active participation by regional, State and local agencies and instrumentalities and the private sector through public hearings in cities and rural communities and other appropriate means to insure that the views and proposals of all segments of the economy are taken into account in the formulation and review of such proposed plan." (Pub. L. 95-91, sec. 801(a)(2).)

"The President shall insure that consumers, small business, and a wide range of other interests, including those of individual citizens who have no financial interest in the energy industry, are consulted in the development of the plan." (Pub. L. 95-91, sec. 801(d).)

This appendix will report what was done in soliciting public views and will summarize those inputs. The details of outreach planning will be set forth in a separate outline and plan.

H. *Analysis of energy futures.* The analyses in chapters 1 and 5 will have to be explained in far greater detail than would be possible in the basic report text. In addition, the DOE Organization Act requires that: "The President shall submit to the Congress with the proposed plan a report which shall include—(1) Whatever data and analysis are necessary to support the objectives, resource needs, and policy recommendations contained in such proposed plan;

(2) An estimate of the domestic and foreign energy supplies on which the United States will be expected to rely to meet projected energy needs in an economic manner consistent with the need to protect the environment, conserve natural resources, and implement foreign policy objectives;

(3) "An evaluation of current and foreseeable trends in the price, quality, management, and utilization of energy resources and the effects of those trends on the social, environmental, economic, and other requirements of the Nation * * *" (Pub. L. 95-91, sec. 804(c).)

I. *Analyses of policy options.* The analysis required for chapters 2, 3 and 4 will require far more detail than can be presented in the text.

Companion volumes

Some material will be bound separately.

Volume III. *Data and analysis.* In addition to the data and analysis required to support the basic thrust of the arguments provided in the text, we are required to provide additional data and analyses which should inform and guide the selection of policy initiatives.

Much of this material should be implicit—or even explicit—in the text and appendices. However, special detailed analyses may be required in several areas.

A. *Nonurban energy use.* "The President shall * * * include within the proposed Plan a comprehensive summary of data pertaining to all fuel and energy needs of persons residing in—(A) Areas outside standard metropolitan statistical areas; and

(B) "Areas within standard metropolitan statistical areas which are unincorporated or are specified by the Bureau of the Census, Department of Commerce, as rural areas." (Pub. L. 95-91, sec. 801(a)(3).)

B. *Review of existing programs.* The Act requires the President to submit with the proposed Plan a report which would include: " * * * a review and appraisal of the adequacy and appropriateness of technologies, procedures, and practices (including

competitive and regulatory practices) employed by Federal, State, and local governments and nongovernmental entities to achieve the purposes of the plan." (Pub. L. 95-91, sec. 801(c)(5).)

Arguably, this is the burden of the whole report; an issue is to what extent this might require separate treatment.

Volume IV. *Federal R. & D. program inventory.* "The President shall * * * include * * * a summary of research and development efforts funded by the Federal Government to forestall energy shortages, to reduce waste, to foster recycling, to encourage conservation practices, and to otherwise protect environmental quality, including recommendations for developing technologies to accomplish such purposes." (Sec. 801(c)(4).)

Volume V. *Environmental impact statement.* An EIS will be prepared to accompany NEP II. It will follow the traditional outline, and its preparation will be thoroughly integrated with the NEP II process.

Volume VI. *Report on outreach activities.*

Additional materials. As appropriate, additional materials, such as draft legislation and budget justification documents, will be prepared in the traditional formats.

[FR Doc. 78-32289 Filed 11-14-78; 9:02 am]

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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[6351-01-M]

1

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 52601, Monday, November 13, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m. November 14, 1978.

CHANGES IN THE MEETING: Delete proliferation of interest-rate futures contract.

[S-2306-78 Filed 11-13-78; 11:44 am]

[6355-01-M]

2

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: November 1, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 456 Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Partly open to the public/ closed to the public.

MATTERS TO BE CONSIDERED:

AGENDA

A. Open to the public

1. Briefing on chain saw standards development. The staff will present a status report on the Chain Saw Manufacturers Association's development of a voluntary safety standard for chain saws. CPSC has been participating in this proceeding.

B. Closed to the public

2. Briefing on PPPA enforcement strategy. The staff and Commission will discuss enforcement policy issues under the Poison Prevention Packaging Act. (Meeting closed under exemption 9: Possible significant frustration of agency action.)
3. Recommendation to issue complaint under CPSA section 15 (OS No. 605). The Commission will consider a staff recommendation to initiate a substantial product hazard adjudicative proceeding under section 15 of the Consumer Product Safety Act, and simultaneously seek an injunction under section 15(g). (Meeting closed under exemption 9: Possible substantial frustration of agency action; and exemption 10: Civil action.)
4. Possible civil penalty matter (OS No. 604). The Commission will consider actions to be taken in a case involving possible violation of section 19(a)(4) of the Consumer Product Safety Act: Knowing violation of reporting requirements involving a substantial product hazard. (Meeting closed under exemption 10: Civil action.)

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-2301-78 Filed 11-13-78; 11:44 am]

[6355-01-M]

3

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: November 8, 1978, 10 a.m.

LOCATION: Third floor hearing room, Room 456, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Open.

MATTERS TO BE CONSIDERED:

AGENDA

Open to the public

1. Briefing on unvented gas-fire space heaters. The staff will brief the Commission on regulatory options available to the Commission for further action concerning unvented gas-fired heaters. The staff is recommending that the Commission initiate the process to propose a standard addressing the hazard of CO poisoning and withdraw its February 14, 1978, proposal to ban unvented gas-fired space heaters.
2. Briefing on temporary program for financial compensation. The staff will brief the Commission on the temporary program for financial compensation of selected participants in CPSC Proceedings.
3. Preliminary briefing on upholstered furniture. The staff will show the Commission a film of mockup preparation and burn tests procedures using different fabrics.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Office of the Secretary, 1111 18th Street NW., Suite 300, Washington, D.C. 20207, telephone 202-634-7700.

[S-2302-78 Filed 11-13-78; 11:44 am]

[6355-01-M]

4

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: November 9, 1978, 9:30 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Partly open to the public/ closed to the public.

MATTERS TO BE CONSIDERED:

A. Open to the public

1. Petition on hot water scald burns, CP 78-15. The Commission will consider a petition from Gordon Vickery, Superintendent of Your Seattle City Light, requesting that the Commission issue a consumer product safety rule requiring that new residential water heaters have a maximum thermostat setting of 130° as well as a warning label describing the hazards of hot water and instructions for setting water heater temperatures. The petition was also signed by Seattle city officials, physicians, engineers and others.
2. Proposed revisions to guidelines for Federal Hazardous Substances Act labeling statements. The Commission will consider revisions to 16 CFR 1500121. which contains a number of general guidelines which manufacuturers must meet to satisfy the labeling requirements of section 2(p)(2) of the Federal Hazardous Substances Act. The revisions concern the type size, placement and conspicuousness of labeling statements.
3. Draft PPPA statement of policy concerning hazardous substances packages in large containers. The Commission will consider a draft FEDERAL REGISTER notice which states that the PPPA requirements for child-resistant packaging do not apply

to hazardous substances packaged in containers with a capacity of 5 gallons or more since these substances in these large containers are not "household substances" as defined in the Act.

4. Request for enforcement releif: Kamco/Kayandess. The Commission will consider a request for enforcement relief from the lead-in-paint requirements for certain nursery lamps manufactured by Kamco/Kayandess.

B. Closed to the public

5. PPPA enforment case (OS No. 608). The Commission will consider possible enforcement action in a PPPA case.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, 1111 18th Street NW., Suite 300, Washington, D.C. 20207, telephone 202-634-7700.

[S-2303-78 Filed 11-13-78; 11:44 am]

[6355-01-M]

5

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: November 15, 1978, 10 a.m.

LOCATION: Room 456, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Md.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Briefing on asbestos in consumer products. The staff will brief the Commission on staff activities relating to asbestos in consumer products and will also report on the activities of other Federal agencies with regard to asbestos exposure from building surfaces. Staff will also discuss recommendations on Commission strategy for products formulated with asbestos. The briefing will focus on asbestos containing consumer products other than the already banned patching compounds and artificial emberizing materials.
2. Briefing on Christmas tree lights. On March 31, 1977, the Commission published a notice of proceeding to develop a consumer product safety standard for miniature Christmas tree lights. The staff will brief the Commission on various options available to the Commission at this time. Staff will also discuss recent developments on the voluntary standards for miniature Christmas tree lights.
3. Briefing on decorated glassware. The staff will brief the Commission on an Interagency Task Force Report on Lead and Cadmium in Decorated Glass Tumblers.
4. Briefing on definition of "glazed panels." The staff will brief the Commission on the glazed panel" definition of the Safety Standard for Architectural Glazing Materials. The briefing will include a discussion of two pending petitions requesting amendment to the "glazed panel" provisions of the standard (Elwood Buck-CP 78-10, National Glass Dealers Association, CP 78-18). Participating in the staff briefing will be representatives of the three model building code organizations.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, telephone 202-634-7700.

[S-2304-78 Filed 11-13-78; 11:44 a.m.]

[6355-01-M]

6

CONSUMER PRODUCT SAFETY COMMISSION.

DATE AND TIME: November 16, 1978, 9 a.m.

LOCATION: Third floor hearing room, 1111 18th Street NW., Washington, D.C.

STATUS: Partly open to the public/closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public

Unvented gas-fired space heaters. The Commission will consider regulatory options for further action on unvented gas-fired heaters. On February 14, 1978, the Commission proposed to ban certain unvented gas-fired space heaters. The staff is now recommending that the Commission initiate a process to propose a standard addressing the hazard of CO poisoning and withdraw its ban. A briefing on this matter is scheduled for November 8, 1978.

Closed to the public

4(g)(2) Post employment matter. The Commission will consider a request from a former Commission employee for an interpretation or waiver of section 4(g)(2) of the CPSA.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Sheldon D. Butts, Assistant Secretary, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, Telephone 202-634-7700.

[S-2305-78 Filed 11-13-78; 11:44 am]

[6712-01-M]

7

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, November 14, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Temporary authorizations for ship stations in the Maritime Services.

General—2—Applications for review of a ruling of the Chief, Broadcast Bureau partially granting the Freedom of Information Act request filed jointly by Classical Radio for Connecticut, Inc., and the WTIC-FM Listeners Guild (FOIA Control No. 8-74).

General—3—Petitions for special relief filed by Citizens Communications Center requesting approval of reimbursement provisions contained in certain licensee-citizens group agreements.

General—4—Petition for partial reconsideration of the Commission's decision in Mid-Continent Telecasting, Inc. et al., filed by Gilmore Broadcasting Corp.

Safety and special radio services—1—Consolidation of Parts 89, 91, and 93 of the rules governing the private land mobile radio services into a new Part 90.

Safety and special radio services—2—Extension of waiting period for filing applications in the Safety and Special Radio Services after a denial, dismissal with prejudice or after a revocation.

Common carrier—1—American Telephone & Telegraph Co., Hawaiian Telephone Co., and all America Cables & Radio, Inc., revisions to tariffs to implement flow-through of Comsat rate reductions.

Common carrier—2—Application by A.T. & T. for authority to construct a domestic satellite earth station at the Goddard Space Flight Center, Greenbelt, Md. (file no. 652-DSE-P-77).

Common carrier—3—Western Union International, Inc., application for authority to lease and operate 14 56 kilobit circuits in the Westar and Intelsat satellite systems; construct and operate a domestic satellite earth station at each Andover, Maine, and Etam, W. Va.; designate the Goddard Space Flight Center (GSFC), Greenbelt, Md., as a limited purpose gateway; and use the requested facilities to provide leased 56 Kilobit leased channel service to the National Aeronautics and Space Administration (NASA) between GSFC and the Ascension Islands, Bermuda, Chile, Ecuador, and Spain et al. Communications Satellite Corp. applications requesting authority to construct and operate an 11 meter antenna and associated facilities at each Andover, Maine, and Etam, W. Va., and to use said facilities in conjunction with the Westar domestic satellites; to construct two Intelsat standard B antennas and associated facilities at the GSFC, Greenbelt, Md.

Renewal—1—Petition to deny renewal of KOIT Broadcasting, San Francisco, Calif., filed by Community coalition for Media Change.

Aural—1—Application for WOOZ(AM), Whiteville, N.C., filed by Waccamaw Broadcasting Co. et al.

Broadcast—1—Amendment of §§ 1.571(c) and 1.573(d) eliminating the publication of "cut-off" lists in the FEDERAL REGISTER.

Complaints and compliance—1—Request for a declaratory ruling concerning the meaning of the phrase "program or any part thereof" in section 325(a) of the Act.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from

the FCC Public Information Office, telephone 202-632-7260.

Issued: November 8, 1978.

[S-2299-78 Filed 11-13-78; 11:44 am]

[6714-01-M]

8

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:30 a.m., November 17, 1978.

PLACE: Board room, Sixth floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Applications for Federal deposit insurance:

First Security Bank & Trust Co., a proposed new bank to be located on the north side of U.S. Highway 80, immediately west of the entrance to Country Place Subdivision, Haughton, La., for Federal deposit insurance.

People's Bank & Trust Co. of Pickett County, a proposed new bank to be located on North Main Street on the northwest side of the Public Square in the Old Post Office Building, Byrdstown, Tenn., for Federal deposit insurance.

Application for consent to establish a branch:

The Western Saving Fund Society of Philadelphia, Haverford, Pa., for consent to establish a branch at 2601-05 South Broad Street, Philadelphia, Pa.

Applications for consent to merge and to establish branches:

Pan American Bank of Inverrary, Lauderhill, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Pan American Bank of Broward," with Pan American Bank of Broward County, National Association, Oakland Park, Fla., and for consent to establish the sole office of Pan American Bank of Broward County, National Association, as a branch of the resultant bank.

The West Pensacola Bank, Pensacola, Fla., an insured State nonmember bank, for consent to merge under its charter, and with the title of "the West Florida Bank," with the Bank of West Florida, Pensacola, Fla., and for consent to establish the main office and only branch of the Bank of West Florida as branches of the resultant bank.

Applications for consent to merge, to redesignate the main office location, to establish a branch (facility), and to issue and retire capital notes:

Peoples Bank of Hawk Point, Hawk Point, Mo., an insured State nonmember bank, for consent to merge under its charter, and with the title of "Peoples Bank of Lincoln County," with Citizens Bank of Troy, Troy, Mo.; for consent to redesignate its main office location to the present site of the existing main office of Citizens Bank of Troy; for consent to establish the sole office of Peoples Bank of Hawk Point as a branch (facility) of the resultant bank; for consent to issue capital notes as an addition to capital; and for advance consent to retire capital notes.

Application for consent to purchase assets and assume liabilities, to establish branches, and to issue and retire capital notes:

Farmers and Merchants Bank & Trust of Watertown, Watertown, S. Dak., an insured State nonmember bank, for consent to purchase the assets of and assume the liability to pay deposits made in First Security Bank, Morristown, S. Dak.; for consent to establish the two offices of First Security Bank as branches of Farmers & Merchants Bank & Trust of Watertown; for consent to issue capital notes as an addition to capital; and for advance consent to retire capital notes.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator or liquidating agent of those assets:

Case No. 43,708-L—Franklin National Bank, New York, N.Y.

Memorandum re: Northern Ohio Bank, Cleveland, Ohio.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation.

TIME AND DATE: 10 a.m., November 17, 1978.

PLACE: Board room, Sixth floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings.

Memorandum and resolution proposing amendments to the current delegations of authority relating to the manning table and to the budget of administrative expenses.

Memorandum and resolution proposing the adoption of a "Federal Deposit Insurance Corporation Investment Program."

Memorandum proposing the adoption of a Corporation policy for the acquisition of supplies and services.

Memorandum and resolution proposing the adoption of a liquidation graded salary plan.

Memorandum proposing the granting of a limited power of attorney in connection with a claim for refund of minimum tax assessments on tax preference items filed by the Corporation as Receiver of American Bank & Trust, Orangeburg, S.C.

Memorandum proposing the continuation of the Corporation's lease for Division of Bank Supervision Training Center lodging facilities and the related cleaning services contract.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Acting Chairman.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at 202-389-4446.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-2296-78 Filed 11-13-78; 11:44 am]

[6210-01-M]

9

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Friday, November 17, 1978. The closed portion of the meeting will commence at the conclusion of the open discussion.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Part of the meeting will be open; part will be closed.

MATTERS TO BE CONSIDERED:

Open portion:

1. Information on pricing of Federal Reserve services to be submitted to the Congress for consideration in connection with pending legislation dealing with fair competition among financial institutions and soundness of the commercial banking system.

2. Proposal by the Board's staff that consideration of further amendments to Regulation Z (Truth in Lending) be deferred until the Congress deals with pending simplification legislation.

3. Any agenda items carried forward from a previously announced meeting.

NOTE.—The open portion of this meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling 202-452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Closed portion:

1. Proposed Systemwide facsimile network, including competitive procurement alternatives.
2. Proposed salary structure adjustments at Federal Reserve Banks.
3. Proposals relating to internal personnel procedures governing mandatory retirement for Federal Reserve System employees.
4. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
5. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: November 9, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[S-2297-78 Filed 11-13-78; 11:44 am]

[7020-02-M]

10

[USITC SE-78-57]

UNITED STATES INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, November 21, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): (a) Wire nails (Docket No. 539).
5. Investigation 337-TA-48 (alternating pressure pads)—Suspension of hearing (see action jacket GC-78-112 (previously circulated).
6. Presentation of awards to certain staff mambers.
8. Any items left over from previous agenda.

Portions closed to the public:

7. Status report on Investigation 332-101 (MTN study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-2308-78 Filed 11-13-78; 3:33 pm]

[7590-01-M]

11

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of November 13, 1978.

PLACE: Commissioners Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

THURSDAY, NOVEMBER 16

9:30 a.m.—1. Discussion of Memorandum of Understanding with EPA (approximately one-half hour, public meeting). 2. Discussion and vote on amendment to 10 CFR Part 9—Waiver or Reduction of Fees Under the Freedom of Information Act (approximately one-half hour, public meeting). 3. Discussion of personnel matter (approximately 1 hour, closed—exemption 6).

1:30 p.m.—1. Discussion of Export-Import licensing Review Procedures/General Administration Meeting (approximately 1 hour, rescheduled from November 8, 1978), public meeting). 2. Briefing on safeguards technical assistance and research contractual projects (approximately 1 hour, public meeting).

FRIDAY, NOVEMBER 17

9 a.m.—1. Briefing by executive branch on nonproliferation matters (approximately 1½ hours, closed—exemption 1). 2. Discussion of cross-examination of consultants to the ACRS at a licensing proceeding (approximately 1 hour, public meeting).

1:30 p.m.—1. Discussion of waste management program requirements (including IRG follow-up items; Hart Study; SECY-78-276A revision) (approximeately 1 hour, public meeting). 2. Briefing on policy concerning differing professional opinions (see Shearon Harris Order) (approximately 1 hour, public meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

NOVEMBER 9, 1978.

[S-2298-78 Filed 11-14-78; 11:44 am]

[7715-01-M]

12

POSTAL RATE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 51750, November 6, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., November 9, 1978.

CHANGES IN THE MEETING: Re<scheduled for Tuesday, November 21, 1978, 10:30 a.m.

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone 202-254-5614.

[S-2307-78 Filed 11-13-78; 11:44 am]

[8010-01-M]

13

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 51897, November 7, 1978.

STATUS: Closed meetings.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

CHANGES IN THE MEETINGS: Additional items to be considered.

The following additional items were considered by the Commission at a closed meeting held on Wednesday, November 8, 1978, at 10 a.m.:

Access to investigative files by Federal, State, or self-regulatory authorities.
Chapter X proceeding.

The following item was considered by the Commission at a closed meeting held on Thursday, November 9, 1978, at 11:55 a.m.:

Formal order of investigation.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items considered at the closed meetings may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Chairman Williams and Commissioners Evans and Pollack determined that Commission business required the above changes and that no earlier notice thereof was possible.

NOVEMBER 9, 1978.

[S-2300-78 Filed 11-13-78; 11:44 am]

[8240-01-M]

14

UNITED STATES RAILWAY ASSOCIATION.

TIME AND DATE: November 15, 1978, 9 a.m.

PLACE: Board Room, Room 2-500, fifth floor, 955 L'Enfant Plaza North SW., Washington, D.C. 20595.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED BY THE EXECUTIVE COMMITTEE OF THE BOARD OF DIRECTORS:

Portion open to the public (9 a.m.):

1. Consideration of D&H loan request.

CONTACT PERSON FOR MORE INFORMATION:

Alex Bilanow, 202-426-4250.

[S-2309-78 Filed 11-13-78; 3:33 pm]

federal register

WEDNESDAY, NOVEMBER 15, 1978
PART II



DEPARTMENT OF STATE

■

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits to Fish off the Coasts of the United States

[4710-09-M]

DEPARTMENT OF STATE

[Public Notice 640]

FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976

Applications for Permits To Fish Off the Coasts of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) as amended (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that a notice of receipt of all applications for such permits, a summary of the contents of such applications, and the names of the Regional Fishery Management Councils that receive copies of these applications, be published in the FEDERAL REGISTER.

Applications have been received from the Governments of Cuba, the Republic of China, the German Democratic Republic, Italy, Japan, the Polish People's Republic, Spain, and the Union of Soviet Socialist Republics for fishing during 1978 and 1979, and are reproduced herewith. Individual vessel applications for fishing during 1978 and 1979 have been received from these foreign nations and are summarized herein.

If additional information regarding any applications is desired, it may be obtained from: Permits and Regulations Division (F37), National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20535, telephone 202-634-7265.

Dated: November 3, 1978.

JAMES A. STORER,
Director, Office of Fisheries Affairs.

FISHERY CODES AND DESIGNATION OF REGIONAL COUNCILS WHICH REVIEW APPLICATIONS FOR INDIVIDUAL FISHERIES ARE AS FOLLOWS:

CODE	FISHERY	REGIONAL COUNCIL
ABS	Atlantic Billfishes and Sharks	New England Mid-Atlantic South Atlantic Gulf of Mexico Caribbean
BSA	Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet	North Pacific
CRB	Crab (Bering Sea)	North Pacific
GOA	Gulf of Alaska	North Pacific
NWA	Northwest Atlantic	New England Mid-Atlantic
SMT	Seamount Groundfish (Pacific Ocean)	Western Pacific
SNL	Snails (Bering Sea)	North Pacific
WOC	Washington, Oregon, California Trawl	Pacific

ACTIVITY CODES SPECIFY CATEGORIES OF FISHING OPERATIONS APPLIED FOR AS FOLLOWS:

ACTIVITY CODE	FISHING OPERATIONS
1	Catching, processing, and other support.
2	Processing and other support only.
3	Other support only.

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
CUBA			
RIO SALADO LARGE STERN TRAWLER	CU-79-0104	NWA	1
OCEANO ANTARTICO CARGO/TRANSPORT VESSEL	CU-79-0107	NWA	3
OCEANO INDICO CARGO/TRANSPORT VESSEL	CU-79-0108	NWA	3
OCEANO PACIFICO CARGO/TRANSPORT VESSEL	CU-79-0109	NWA	3
OCEANO ATLANTICO CARGO/TRANSPORT VESSEL	CU-79-0110	NWA	3
LAS GUASIMAS TANKER FUEL/WATER	CU-79-0111	NWA	3
PLAYA COLORADA LARGE STERN TRAWLER	CU-79-0112	NWA	1
PLAYA GIRON LARGE STERN TRAWLER	CU-79-0114	NWA	1
PLAYA VARADERO LARGE STERN TRAWLER	CU-79-0115	NWA	1
RIO SAGUA LARGE STERN TRAWLER	CU-79-0117	NWA	1
RIO TOA LARGE STERN TRAWLER	CU-79-0120	NWA	1
RIO MAYARI LARGE STERN TRAWLER	CU-79-0127	NWA	1
GOLFO DE GUANAHCABIBES CARGO/TRANSPORT VESSEL	CU-79-0128	NWA	3
GOLFO DE GUACANAYABO CARGO/TRANSPORT VESSEL	CU-79-0133	NWA	3
RIO ZAZA LARGE STERN TRAWLER	CU-79-0134	NWA	1
RIO YATERAS LARGE STERN TRAWLER	CU-79-0135	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
CUBA			
RIO CONTRAMAESTRE LARGE STERN TRAWLER	CU-79-0136	NWA	1
RIO JIBACOA LARGE STERN TRAWLER	CU-79-0137	NWA	1
RIO MAYABEQUE LARGE STERN TRAWLER	CU-79-0138	NWA	1
GOLFO DE BATABANO CARGO/TRANSPORT VESSEL	CU-79-0139	NWA	3
OCEANO ARTICO CARGO/TRANSPORT VESSEL	CU-79-0140	NWA	3
CAMARON PATROL VESSEL (CARGO)	CU-79-0141	NWA	3
CAIBARIEN PATROL VESSEL (CARGO)	CU-79-0142	NWA	3
GERMAN DEM REP			
BREITLING CARGO/TRANSPORT VESSEL	GC-79-0012	NWA	3
WALTER DEHMEL LARGE STERN TRAWLER	GC-79-0023	NWA	1
EVERSHAGEN CARGO/TRANSPORT VESSEL	GC-79-0027	NWA	3
F. C. WEISKOPF LARGE STERN TRAWLER	GC-79-0030	NWA	1
ITALY			
ASSUNTA TONTINI MADRE LARGE STERN TRAWLER	IT-79-0001	NWA	1
TONTINI PESCA TERZO MEDIUM STERN TRAWLER	IT-79-0002	NWA	1
TONTINI PESCA QUARTO LARGE STERN TRAWLER	IT-79-0003	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
ITALY			
DE GIOSA T. MEDIUM STERN TRAWLER	IT-79-0004	NWA	1
AMORUSO SETTIMO MEDIUM STERN TRAWLER	IT-79-0005	NWA	1
MASCARETTI PRIMO MEDIUM STERN TRAWLER	IT-79-0006	NWA	1
AIRONE MEDIUM STERN TRAWLER	IT-79-0008	NWA	1
AMORUSO SESTO MEDIUM STERN TRAWLER	IT-79-0009	NWA	1
GABRIELLA C. MEDIUM STERN TRAWLER	IT-79-0010	NWA	1
CORRADO SECONDO LARGE STERN TRAWLER	IT-79-0012	NWA	1
ANTONIETTA MADRE MEDIUM STERN TRAWLER	IT-79-0013	NWA	1
AMORUSO QUARTO MEDIUM STERN TRAWLER	IT-79-0014	NWA	1
CARLO DI FAZIO MEDIUM STERN TRAWLER	IT-79-0015	NWA	1
DE GIOSA GIUSEPPE MEDIUM STERN TRAWLER	IT-79-0016	NWA	1
STANISLAVA LARGE STERN TRAWLER	IT-79-0019	NWA	1
MARIA C. MEDIUM STERN TRAWLER	IT-79-0021	NWA	1
JAPAN			
KAIYO MARU NO. 7 MEDIUM STERN TRAWLER	JA-79-0431	BSA	1
DAIKICHI MARU NO. 32 MEDIUM STERN TRAWLER	JA-79-0554	BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
YOSHI MARU NO. 81 MEDIUM STERN TRAWLER	JA-79-0555	BSA	1
EIKYU MARU NO. 26 LONGLINE FISHING VESSEL	JA-79-0822	GOA,BSA,CRB	1
TAISEI MARU NO. 1 LONGLINE FISHING VESSEL	JA-79-1200	ABS	1
ZENKO MARU NO. 38 LONGLINE FISHING VESSEL	JA-79-1201	ABS	1
TAIYO MARU NO. 1 LONGLINE FISHING VESSEL	JA-79-1204	ABS	1
KYOKA MARU NO. 27 LONGLINE FISHING VESSEL	JA-79-1206	ABS	1
CHOSHO MARU NO. 21 LONGLINE FISHING VESSEL	JA-79-1207	ABS	1
CHOSHO MARU NO. 17 LONGLINE FISHING VESSEL	JA-79-1208	ABS	1
OTOSHIRO MARU NO. 15 LONGLINE FISHING VESSEL	JA-79-1209	ABS	1
OTORI MARU NO. 38 LONGLINE FISHING VESSEL	JA-79-1210	ABS	1
KOKEI MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1211	ABS	1
SHINYO MARU NO. 11 LONGLINE FISHING VESSEL	JA-79-1213	ABS	1
MATSUEI MARU NO. 11 LONGLINE FISHING VESSEL	JA-79-1214	ABS	1
MATSUEI MARU NO. 38 LONGLINE FISHING VESSEL	JA-79-1215	ABS	1
NASA MARU NO. 28 LONGLINE FISHING VESSEL	JA-79-1216	ABS	1
KUSHIN MARU NO. 28 LONGLINE FISHING VESSEL	JA-79-1217	ABS	1
KUSHIN MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1218	ABS	1
DAI MARU NO. 35 LONGLINE FISHING VESSEL	JA-79-1219	ABS	1
DAI MARU NO. 37 LONGLINE FISHING VESSEL	JA-79-1220	ABS	1
FUKU MARU NO. 5 LONGLINE FISHING VESSEL	JA-79-1222	ABS	1
NANKAI MARU NO. 116 LONGLINE FISHING VESSEL	JA-79-1225	ABS	1
DAITO MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1227	ABS	1
DAITO MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1228	ABS	1
DAITO MARU NO. 5 LONGLINE FISHING VESSEL	JA-79-1229	ABS	1
DAITO MARU NO. 3 LONGLINE FISHING VESSEL	JA-79-1230	ABS	1
DAITO MARU NO. 2 LONGLINE FISHING VESSEL	JA-79-1231	ABS	1
AZUMA MARU NO. 37 LONGLINE FISHING VESSEL	JA-79-1232	ABS	1
KORYO MARU NO. 5 LONGLINE FISHING VESSEL	JA-79-1234	ABS	1
KORYO MARU NO. 51 LONGLINE FISHING VESSEL	JA-79-1235	ABS	1
SUMIYOSHI MARU NO. 86 LONGLINE FISHING VESSEL	JA-79-1236	ABS	1
SUMIYOSHI MARU NO. 52 LONGLINE FISHING VESSEL	JA-79-1237	ABS	1
SUMIYOSHI MARU NO. 73 LONGLINE FISHING VESSEL	JA-79-1238	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
SUMIYOSHI MARU NO. 68 LONGLINE FISHING VESSEL	JA-79-1239	ABS	1
SUMIYOSHI MARU NO. 55 LONGLINE FISHING VESSEL	JA-79-1240	ABS	1
SUMIYOSHI MARU NO. 71 LONGLINE FISHING VESSEL	JA-79-1242	ABS	1
SUMIYOSHI MARU NO. 75 LONGLINE FISHING VESSEL	JA-79-1243	ABS	1
SUMIYOSHI MARU NO. 16 LONGLINE FISHING VESSEL	JA-79-1244	ABS	1
SUMIYOSHI MARU NO. 81 LONGLINE FISHING VESSEL	JA-79-1245	ABS	1
SUMIYOSHI MARU NO. 65 LONGLINE FISHING VESSEL	JA-79-1246	ABS	1
SUMIYOSHI MARU NO. 3 LONGLINE FISHING VESSEL	JA-79-1248	ABS	1
SUMIYOSHI MARU NO. 58 LONGLINE FISHING VESSEL	JA-79-1249	ABS	1
KOYO MARU NO. 65 LONGLINE FISHING VESSEL	JA-79-1250	ABS	1
KOYO MARU NO. 6 LONGLINE FISHING VESSEL	JA-79-1251	ABS	1
MARUKYOHOSHI MARU NO. 58 LONGLINE FISHING VESSEL	JA-79-1252	ABS	1
DAIEI MARU NO. 12 LONGLINE FISHING VESSEL	JA-79-1254	ABS	1
KORYO MARU NO. 11 LONGLINE FISHING VESSEL	JA-79-1255	ABS	1
KOYO MARU NO. 15 LONGLINE FISHING VESSEL	JA-79-1256	ABS	1
CHOKO MARU NO. 68 LONGLINE FISHING VESSEL	JA-79-1261	ABS	1
JAPAN			
TAIKO MARU NO. 66 LONGLINE FISHING VESSEL	JA-79-1263	ABS	1
SHINMEI MARU NO. 58 LONGLINE FISHING VESSEL	JA-79-1264	ABS	1
ZENSEI MARU NO. 11 LONGLINE FISHING VESSEL	JA-79-1265	ABS	1
ZENSEI MARU NO. 23 LONGLINE FISHING VESSEL	JA-79-1266	ABS	1
JUNKO MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1267	ABS	1
DAIEI MARU NO. 32 LONGLINE FISHING VESSEL	JA-79-1268	ABS	1
KAISEI MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1269	ABS	1
OJU MARU NO. 1 LONGLINE FISHING VESSEL	JA-79-1271	ABS	1
TAISEI MARU NO. 2 LONGLINE FISHING VESSEL	JA-79-1272	ABS	1
OTORI MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1274	ABS	1
NADAYOSHI MARU NO. 20 LONGLINE FISHING VESSEL	JA-79-1275	ABS	1
KYOEI MARU NO. 3 LONGLINE FISHING VESSEL	JA-79-1276	ABS	1
YASU MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1277	ABS	1
TAKE MARU NO. 31 LONGLINE FISHING VESSEL	JA-79-1278	ABS	1
MASA MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1279	ABS	1
NAKA MARU NO. 38 LONGLINE FISHING VESSEL	JA-79-1280	ABS	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
JAPAN			
SEISYU MARU NO. 17 LONGLINE FISHING VESSEL	JA-79-1281	ABS	1
DAITO MARU NO. 28 LONGLINE FISHING VESSEL	JA-79-1283	ABS	1
KATSUEI MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1284	ABS	1
AZUMA MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1291	ABS	1
AZUMA MARU NO. 82 LONGLINE FISHING VESSEL	JA-79-1292	ABS	1
CHOKYU MARU NO. 2 LONGLINE FISHING VESSEL	JA-79-1293	ABS	1
CHOKYU MARU NO. 25 LONGLINE FISHING VESSEL	JA-79-1294	ABS	1
FUJIURA MARU NO. 17 LONGLINE FISHING VESSEL	JA-79-1295	ABS	1
FUKUKYU MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1296	ABS	1
FUKUKYU MARU NO. 25 LONGLINE FISHING VESSEL	JA-79-1297	ABS	1
IIJIMA MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1298	ABS	1
ISOMAE MARU NO. 11 LONGLINE FISHING VESSEL	JA-79-1299	ABS	1
KOSHIN MARU NO. 2 LONGLINE FISHING VESSEL	JA-79-1300	ABS	1
KOCHI MARU NO. 66 LONGLINE FISHING VESSEL	JA-79-1301	ABS	1
KOTOSHIRO-MARU NO. 7 LONELINE FISHING VESSEL	JA-79-1302	ABS	1
KOTOSHIRO-MARU NO. 15 LONGLINE FISHING VESSEL	JA-79-1303	ABS	1
JAPAN			
KOTOSHIRO-MARU NO. 38 LONGLINE FISHING VESSEL	JA-79-1304	ABS	1
KOYO MARU NO. 31 LONGLINE FISHING VESSEL	JA-79-1305	ABS	1
MARUKYOSHI MARU NO. 38 LONGLINE FISHING VESSEL	JA-79-1306	ABS	1
OTORI MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1307	ABS	1
SHOSHIN MARU NO. 82 LONGLINE FISHING VESSEL	JA-79-1308	ABS	1
TAISEI MARU NO. 3 LONGLINE FISHING VESSEL	JA-79-1309	ABS	1
TAIYO MARU NO. 32 LONGLINE FISHING VESSEL	JA-79-1310	ABS	1
TOEI MARU NO. 6 LONGLINE FISHING VESSEL	JA-79-1311	ABS	1
TOEI MARU NO. 8 LONGLINE FISHING VESSEL	JA-79-1312	ABS	1
TOEI MARU NO. 31 LONGLINE FISHING VESSEL	JA-79-1313	ABS	1
YUKO MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1314	ABS	1
ZENKO MARU NO. 83 LONGLINE FISHING VESSEL	JA-79-1315	ABS	1
ZENSEI MARU NO. 18 LONGLINE FISHING VESSEL	JA-79-1316	ABS	1
POLAND			
LEPUS LARGE STERN TRAWLER	PL-79-0001	WOC,GOA,BSA	1
LYRA LARGE STERN TRAWLER	PL-79-0002	WOC,GOA,BSA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
POLAND			
TUCANA LARGE STERN TRAWLER	PL-79-0003	WOC,GOA,BSA	1
PERSEUS LARGE STERN TRAWLER	PL-79-0004	WOC,GOA,BSA	1
DENEBOLA LARGE STERN TRAWLER	PL-79-0005	WOC,GOA,BSA	1
POLLUX LARGE STERN TRAWLER	PL-79-0006	WOC,GOA,BSA	1
GRINWAL LARGE STERN TRAWLER	PL-79-0007	NWA,WOC,GOA,BSA	1
GARNELA LARGE STERN TRAWLER	PL-79-0008	NWA,WOC,GOA,BSA	1
WALEN LARGE STERN TRAWLER	PL-79-0009	NWA,WOC,GOA,BSA	1
WLOCZNIK LARGE STERN TRAWLER	PL-79-0010	NWA,WOC,GOA,BSA	1
15 LARGE STERN TRAWLER	PL-79-0011	NWA,WOC,GOA,BSA	1
MUSTEL LARGE STERN TRAWLER	PL-79-0012	NWA,WOC,GOA,BSA	1
FOKA LARGE STERN TRAWLER	PL-79-0013	NWA,WOC,GOA,BSA	1
PLETWAL LARGE STERN TRAWLER	PL-79-0014	NWA,WOC,GOA,BSA	1
LANGUSTA LARGE STERN TRAWLER	PL-79-0015	NWA,WOC,GOA,BSA	1
SEJWAL LARGE STERN TRAWLER	PL-79-0016	NWA,WOC,GOA,BSA	1
KASZALOT LARGE STERN TRAWLER	PL-79-0017	NWA,WOC,GOA,BSA	1
HUMBAK LARGE STERN TRAWLER	PL-79-0019	NWA,WOC,GOA,BSA	1
POLAND			
KABRYL LARGE STERN TRAWLER	PL-79-0022	NWA,WOC,GOA,BSA	1
LODOWIK LARGE STERN TRAWLER	PL-79-0023	NWA	1
LASKARA LARGE STERN TRAWLER	PL-79-0024	NWA	1
LIKODYN LARGE STERN TRAWLER	PL-79-0025	NWA	1
KORWIN LARGE STERN TRAWLER	PL-79-0026	NWA	1
KASZUBY 2 CARGO/TRANSPORT VESSEL	PL-79-0027	WOC,GOA,BSA,NWA	3
HALNIAK CARGO/TRANSPORT VESSEL	PL-79-0029	WOC,GOA,BSA,NWA	3
LEWANTER CARGO/TRANSPORT VESSEL	PL-79-0030	WOC,GOA,BSA,NWA	3
POMORZE CARGO/TRANSPORT VESSEL	PL-79-0031	WOC,GOA,BSA,NWA	3
BURAN CARGO/TRANSPORT VESSEL	PL-79-0033	WOC,GOA,BSA,NWA	3
MARLIN LARGE STERN TRAWLER	PL-79-0034	NWA,WOC,GOA,BSA	1
ANTARES LARGE STERN TRAWLER	PL-79-0037	WOC,GOA,BSA	1
ARCTURUS LARGE STERN TRAWLER	PL-79-0038	WOC,GOA,BSA	1
KALMAR LARGE STERN TRAWLER	PL-79-0039	NWA,WOC,GOA,BSA	1
SAGITTA LARGE STERN TRAWLER	PL-79-0040	WOC,GOA,BSA	1
ZULAWY CARGO/TRANSPORT VESSEL	PL-79-0041	WOC,GOA,BSA,NWA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
POLAND			
COLUMBIA LARGE STERN TRAWLER	PL-79-0042	WOC,GOA,BSA	1
CENTAURUS LARGE STERN TRAWLER	PL-79-0043	WOC,GOA,BSA	1
CRATER LARGE STERN TRAWLER	PL-79-0044	WOC,GOA,BSA	1
TUNEK LARGE STERN TRAWLER	PL-79-0045	NWA,WOC,GOA,BSA	1
AMAREL LARGE STERN TRAWLER	PL-79-0046	NWA	1
FINWAL LARGE STERN TRAWLER	PL-79-0047	NWA,WOC,GOA,BSA	1
GEMINI LARGE STERN TRAWLER	PL-79-0048	WOC,GOA,BSA	1
GRYF POMORSKI CARGO/TRANSPORT VESSEL	PL-79-0049	WOC,GOA,BSA,NWA	1
KOLIAS LARGE STERN TRAWLER	PL-79-0050	NWA,WOC,GOA,BSA	1
LIKOWAL LARGE STERN TRAWLER	PL-79-0051	NWA	1
MANTA LARGE STERN TRAWLER	PL-79-0052	NWA,WOC,GOA,BSA	1
NARWAL LARGE STERN TRAWLER	PL-79-0053	NWA,WOC,GOA,BSA	1
TAZAR LARGE STERN TRAWLER	PL-79-0054	NWA,WOC,GOA,BSA	1
VEGA LARGE STERN TRAWLER	PL-79-0055	WOC,GOA,BSA	1
SPAIN			
CARVISO UNO SMALL STERN TRAWLER	SP-79-0004	NWA	1
SPAIN			
PEIXE DO MAR SIDE TRAWLER	SP-79-0005	NWA	1
RIBERA DEL ORBIGO SIDE TRAWLER	SP-79-0006	NWA	1
CAMPA DE TORRES MEDIUM STERN TRAWLER	SP-79-0008	NWA	1
ANUSKA SIDE TRAWLER	SP-79-0012	NWA	1
AREA COVA SIDE TRAWLER	SP-79-0013	NWA	1
CONBAROYA II MEDIUM STERN TRAWLER	SP-79-0015	NWA	1
TORALLA MEDIUM STERN TRAWLER	SP-79-0016	NWA	1
PESCAPUERTA PRIMERO SIDE TRAWLER	SP-79-0019	NWA	1
PESCAPUERTA TERCERO MEDIUM STERN TRAWLER	SP-79-0020	NWA	1
PLAYA DE MOGOR MEDIUM STERN TRAWLER	SP-79-0021	NWA	1
XEITOSINO MEDIUM STERN TRAWLER	SP-79-0022	NWA	1
FUENTE MINOR MEDIUM STERN TRAWLER	SP-79-0023	NWA	1
MADROA SMALL STERN TRAWLER	SP-79-0024	NWA	1
CHICHA IOUZA MEDIUM STERN TRAWLER	SP-79-0025	NWA	1
PUXEIROS SIDE TRAWLER	SP-79-0028	NWA	1
PONTE FURADO MEDIUM STERN TRAWLER	SP-79-0029	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
CANTON DE CORA MEDIUM STERN TRAWLER	SP-79-0030	NWA	1
COPBA MEDIUM STERN TRAWLER	SP-79-0031	NWA	1
PESCAMARO UNO MEDIUM STERN TRAWLER	SP-79-0034	NWA	1
LAXE DOS FICOS MEDIUM STERN TRAWLER	SP-79-0035	NWA	1
CREALLO MEDIUM STERN TRAWLER	SP-79-0036	NWA	1
COSTA DE NORUEGA MEDIUM STERN TRAWLER	SP-79-0037	NWA	1
TITO MARQUEZ MEDIUM STERN TRAWLER	SP-79-0038	NWA	1
VIXIADOR MEDIUM STERN TRAWLER	SP-79-0039	NWA	1
MOUTA MEDIUM STERN TRAWLER	SP-79-0040	NWA	1
ALTAMAR SIDE TRAWLER	SP-79-0042	NWA	1
NUSKA MEDIUM STERN TRAWLER	SP-79-0043	NWA	1
PERCA MEDIUM STERN TRAWLER	SP-79-0045	NWA	1
FRAGANA MEDIUM STERN TRAWLER	SP-79-0046	NWA	1
CONBARCYA III MEDIUM STERN TRAWLER	SP-79-0047	NWA	1
NOGUERCSA SIDE TRAWLER	SP-79-0048	NWA	1
NUEVO MUNDO MEDIUM STERN TRAWLER	SP-79-0050	NWA	1
VILLA DE MARIN MEDIUM STERN TRAWLER	SP-79-0051	NWA	1
FUENTE TORALLA SMALL STERN TRAWLER	SP-79-0052	NWA	1
ZAMANES SIDE TRAWLER	SP-79-0053	NWA	1
COSTA DE NORMANDIA MEDIUM STERN TRAWLER	SP-79-0054	NWA	1
MAR DE GALILEA SMALL STERN TRAWLER	SP-79-0055	NWA	1
KANTXOPE MEDIUM STERN TRAWLER	SP-79-0056	NWA	1
ANA MARIA GANDON MEDIUM STERN TRAWLER	SP-79-0057	NWA	1
SUEMAR UNO MEDIUM STERN TRAWLER	SP-79-0059	NWA	1
MARU MEDIUM STERN TRAWLER	SP-79-0060	NWA	1
EGUNSENTIA MEDIUM STERN TRAWLER	SP-79-0062	NWA	1
IZARRA MEDIUM STERN TRAWLER	SP-79-0064	NWA	1
RIO VERDUGO MEDIUM STERN TRAWLER	SP-79-0065	NWA	1
PINEIRO CORREA MEDIUM STERN TRAWLER	SP-79-0066	NWA	1
ALTEAMAR UNO MEDIUM STERN TRAWLER	SP-79-0067	NWA	1
MANAMO SMALL STERN TRAWLER	SP-79-0068	NWA	1
CAPITAN JORGE SEGUNDO SIDE TRAWLER	SP-79-0069	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
PEGAGO TERCERO MEDIUM STERN TRAWLER	SP-79-0070	NWA	1
M. GALLARDO MONTESINOS MEDIUM STERN TRAWLER	SP-79-0071	NWA	1
MAPOSA QUINTO MEDIUM STERN TRAWLER	SP-79-0072	NWA	1
MAYI CUATRO MEDIUM STERN TRAWLER	SP-79-0073	NWA	1
PUENTE DE GONDOMAR MEDIUM STERN TRAWLER	SP-79-0077	NWA	1
VILACHAN SMALL STERN TRAWLER	SP-79-0078	NWA	1
PENALBA SIDE TRAWLER	SP-79-0079	NWA	1
FLIPPER MEDIUM STERN TRAWLER	SP-79-0080	NWA	1
PUERTO DE ARRECIFE SIDE TRAWLER	SP-79-0081	NWA	1
ITXAS TXORI SIDE TRAWLER	SP-79-0082	NWA	1
PEVEGASA SEGUNDO MEDIUM STERN TRAWLER	SP-79-0083	NWA	1
VIEIRASA DOS SIDE TRAWLER	SP-79-0084	NWA	1
MAPOSA SEXTO SIDE TRAWLER	SP-79-0085	NWA	1
PORLAMAR SMALL STERN TRAWLER	SP-79-0086	NWA	1
MARUMA SMALL STERN TRAWLER	SP-79-0088	NWA	1
JUANCHO SIDE TRAWLER	SP-79-0089	NWA	1
ANCORA D'OURO MEDIUM STERN TRAWLER	SP-79-0090	NWA	1
CIUDAD DE CRISTAL SIDE TRAWLER	SP-79-0092	NWA	1
PARPESCA CUARTO MEDIUM STERN TRAWLER	SP-79-0093	NWA	1
JOSE PUERTA PRADO SIDE TRAWLER	SP-79-0094	NWA	1
LA FLOR DE ABRIL SIDE TRAWLER	SP-79-0095	NWA	1
MAR DE ALTEA 1 SIDE TRAWLER	SP-79-0096	NWA	1
MASSO 34 SIDE TRAWLER	SP-79-0097	NWA	1
PEGAGO SEGUNDO SIDE TRAWLER	SP-79-0098	NWA	1
PUENTE DE LA RAMALLOSA SIDE TRAWLER	SP-79-0100	NWA	1
VALLE DE ASUA SIDE TRAWLER	SP-79-0102	NWA	1
VIEIRASA IV SIDE TRAWLER	SP-79-0103	NWA	1
ARABAL SIDE TRAWLER	SP-79-0104	NWA	1
FREIRE LOPEZ MEDIUM STERN TRAWLER	SP-79-0106	NWA	1
MANUEL NORES MEDIUM STERN TRAWLER	SP-79-0107	NWA	1
PEIXINC MEDIUM STERN TRAWLER	SP-79-0108	NWA	1
PUENTE LOURIDO MEDIUM STERN TRAWLER	SP-79-0109	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
UR ERTZA MEDIUM STERN TRAWLER	SP-79-0110	NWA	1
CUDILLERO MEDIUM STERN TRAWLER	SP-79-0111	NWA	1
PESCAPLERTA SEGUNDO MEDIUM STERN TRAWLER	SP-79-0112	NWA	1
PLAYA DE FESMAR MEDIUM STERN TRAWLER	SP-79-0113	NWA	1
TASARTE MEDIUM STERN TRAWLER	SP-79-0114	NWA	1
ADISKIDE SIDE TRAWLER	SP-79-0115	NWA	1
ALVEDRO SIDE TRAWLER	SP-79-0116	NWA	1
ANDES MEDIUM STERN TRAWLER	SP-79-0117	NWA	1
ANGUIACHO MEDIUM STERN TRAWLER	SP-79-0118	NWA	1
SRIEDER SIDE TRAWLER	SP-79-0119	NWA	1
ARAOYA MEDIUM STERN TRAWLER	SP-79-0120	NWA	1
AVIOR MEDIUM STERN TRAWLER	SP-79-0121	NWA	1
BIBEY MEDIUM STERN TRAWLER	SP-79-0122	NWA	1
CAPITAN EMILIO SIDE TRAWLER	SP-79-0123	NWA	1
CRUNA MEDIUM STERN TRAWLER	SP-79-0124	NWA	1
DANTZARI MEDIUM STERN TRAWLER	SP-79-0125	NWA	1
ISLA ALEGRANZA MEDIUM STERN TRAWLER	SP-79-0126	NWA	1
ISLA GRACIOSA MEDIUM STERN TRAWLER	SP-79-0127	NWA	1
ISLA MONTANA CLARA MEDIUM STERN TRAWLER	SP-79-0128	NWA	1
JOLUMA SIDE TRAWLER	SP-79-0129	NWA	1
MACURO SMALL STERN TRAWLER	SP-79-0130	NWA	1
MARIA TERESA RODRIGUEZ MEDIUM STERN TRAWLER	SP-79-0131	NWA	1
MARRECA UNO SIDE TRAWLER	SP-79-0132	NWA	1
NACHE SIDE TRAWLER	SP-79-0133	NWA	1
OTZARI SIDE TRAWLER	SP-79-0134	NWA	1
PEVEGASA SIDE TRAWLER	SP-79-0135	NWA	1
PLAYA DE CADIZ MEDIUM STERN TRAWLER	SP-79-0136	NWA	1
PLAYA DE MENDUINA SMALL STERN TRAWLER	SP-79-0137	NWA	1
FUENTE PEDRINA SIDE TRAWLER	SP-79-0138	NWA	1
FUENTE SAN TELMO MEDIUM STERN TRAWLER	SP-79-0139	NWA	1
RIAZOR SIDE TRAWLER	SP-79-0140	NWA	1
RIO DAS PEDRAS SMALL STERN TRAWLER	SP-79-0141	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
SPAIN			
RIO NEIRA SMALL STERN TRAWLER	SP-79-0142	NWA	1
SUEMAR DOS MEDIUM STERN TRAWLER	SP-79-0143	NWA	1
TARPON SMALL STERN TRAWLER	SP-79-0144	NWA	1
VILLA ANA SIDE TRAWLER	SP-79-0145	NWA	1
CARVISO DOS SMALL STERN TRAWLER	SP-79-0146	NWA	1
TOULA LARGE STERN TRAWLER	SP-79-0147	NWA	1
TAIWAN			
TAI CHANG NO. 1 MEDIUM STERN TRAWLER	TW-79-0001	BSA/GOA	1
HIGHLY NO. 301 MEDIUM STERN TRAWLER	TW-79-0002	BSA/GOA	1
HIGHLY NO. 302 MEDIUM STERN TRAWLER	TW-79-0003	BSA/GOA	1
GOLDEN DRAGON NO. 1 LARGE STERN TRAWLER	TW-79-0004	BSA/GOA	1
SHEN FAO NO. 36 LONGLINE FISHING VESSEL	TW-79-0006	GOA	1
SHEN FAO NO. 27 LONGLINE FISHING VESSEL	TW-79-0007	GOA	1
CHIEN HSIN NO. 121 POT FISHING VESSEL	TW-79-0008	BSA/GOA	1
SHANG MOU NO. 12 POT FISHING VESSEL	TW-79-0010	GOA	1
FENG BANG NO. 62 LONGLINE FISHING VESSEL	TW-79-0011	GOA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
TAIWAN			
FENG BANG NO. 61 LONGLINE FISHING VESSEL	TW-79-0012	GOA	1
TONG HONG NO. 3 POT FISHING VESSEL	TW-79-0013	GOA	1
TONG HONG NO. 2 POT FISHING VESSEL	TW-79-0014	GOA	1
KAO CHENG NO. 31 PAIR TRAWLER	TW-79-0015	BSA/GOA/SMT	1
SHANG MOU NO. 11 POT FISHING VESSEL	TW-79-0017	GOA	1
KAO CHENG NO. 21 LONGLINER/GILLNET	TW-79-0019	SMT/GOA/BSA	1
TONG HONG NO. 6 POT FISHING VESSEL	TW-79-0020	GOA	1
KAO CHENG NO. 22 LONGLINER/GILLNET	TW-79-0022	SMT/GOA/BSA	1
KAO CHENG NO. 32 PAIR TRAWLER	TW-79-0023	BSA/GOA/SMT	1
SHIN CHIEH CHUNG NO. 361 PAIR TRAWLER	TW-79-0046	BSA/GOA	1
SHIN CHIEH CHUNG NO. 362 PAIR TRAWLER	TW-79-0047	BSA/GOA	1
CHIEH CHUNG NO. 122 POT FISHING VESSEL	TW-79-0052	BSA/GOA	1
HIGHLY NO. 303 CARGO/TRANSPORT VESSEL	TW-79-0054	BSA/GOA	3
U.S.S.R.			
NADEZHDINSK LARGE STERN TRAWLER	UR-79-0002	BSA/GOA/WOC	1
ALEKSANDR KRAVEV LARGE STERN TRAWLER	UR-79-0003	BSA/GOA/WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
IVAN PANOV LARGE STERN TRAWLER	UR-79-0006	BSA,GOA,WOC	1
AKADEMIK BERG LARGE STERN TRAWLER	UR-79-0008	BSA,GOA,WOC	1
VOSKHOD LARGE STERN TRAWLER	UR-79-0009	BSA,GOA,WOC	1
SHTURMAN ELAGIN LARGE STERN TRAWLER	UR-79-0011	BSA,GOA,WOC	1
ARKOVO LARGE STERN TRAWLER	UR-79-0012	BSA,GOA,WOC	1
MYS LAZAREVA LARGE STERN TRAWLER	UR-79-0013	BSA,GOA,WOC	1
KATANGLY LARGE STERN TRAWLER	UR-79-0018	BSA,GOA,WOC	1
MYS YUDINA LARGE STERN TRAWLER	UR-79-0025	BSA,GOA,WOC	1
SURAZH MEDIUM STERN TRAWLER	UR-79-0029	BSA,GOA,WOC	1
BARABASH LARGE STERN TRAWLER	UR-79-0032	BSA,GOA,WOC	1
SEBEZH MEDIUM STERN TRAWLER	UR-79-0033	BSA,GOA,WOC	1
PRICZERSK LARGE STERN TRAWLER	UR-79-0038	BSA,GOA,WOC	1
NADEZHDA LARGE STERN TRAWLER	UR-79-0061	BSA,GOA,WOC	1
MATEMATIK LARGE STERN TRAWLER	UR-79-0068	BSA,GOA,WOC	1
TIRASPOL LARGE STERN TRAWLER	UR-79-0070	BSA,GOA,WOC	1
KONTAJKA LARGE STERN TRAWLER	UR-79-0076	BSA,GOA,WOC	1
U.S.S.R.			
UZBEKISTAN LARGE STERN TRAWLER	UR-79-0077	BSA,GOA,WOC	1
KLYUCHEVSKOY LARGE STERN TRAWLER	UR-79-0082	BSA,GOA,WOC	1
MYS GROTOVYI LARGE STERN TRAWLER	UR-79-0092	BSA,GOA,WOC	1
KULUNDA LARGE STERN TRAWLER	UR-79-0093	BSA,GOA,WOC	1
KOLUVAN LARGE STERN TRAWLER	UR-79-0095	BSA,GOA,WOC	1
MYS EGOROVA LARGE STERN TRAWLER	UR-79-0097	BSA,GOA,WOC	1
POSEYDON LARGE STERN TRAWLER	UR-79-0101	BSA,GOA,WOC	1
TAISHET LARGE STERN TRAWLER	UR-79-0102	BSA,GOA,WOC	1
PRIAMURIE LARGE STERN TRAWLER	UR-79-0108	BSA,GOA,WOC	1
MYS ERMAK LARGE STERN TRAWLER	UR-79-0109	BSA,GOA,WOC	1
SOYUZ-4 LARGE STERN TRAWLER	UR-79-0110	BSA,GOA,WOC	1
TRETJAKOVO LARGE STERN TRAWLER	UR-79-0111	BSA,GOA,WOC	1
ARALSK LARGE STERN TRAWLER	UR-79-0112	BSA,GOA,WOC	1
KALITVA LARGE STERN TRAWLER	UR-79-0113	BSA,GOA,WOC	1
KHAIRYUZOVO LARGE STERN TRAWLER	UR-79-0114	BSA,GOA,WOC	1
IVAN CHERNOPYATKO LARGE STERN TRAWLER	UR-79-0115	BSA,GOA,WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
KAZATIN LARGE STERN TRAWLER	UR-79-0116	BSA,GOA,WOC,WOC	1
SELETS MEDIUM STERN TRAWLER	UR-79-0134	BSA,GOA	1
SOKOLOVKA MEDIUM STERN TRAWLER	UR-79-0135	BSA,GOA,WOC	1
STOLIN MEDIUM STERN TRAWLER	UR-79-0136	BSA,GOA,WOC	1
SAKHALIN LARGE STERN TRAWLER	UR-79-0163	BSA,GOA,WOC	1
NICOLAI OSTROVSKY LARGE STERN TRAWLER	UR-79-0164	BSA,GOA,WOC	1
MYS SKALISTY LARGE STERN TRAWLER	UR-79-0168	BSA,GOA,WOC	1
MYS GRINA LARGE STERN TRAWLER	UR-79-0169	BSA,GOA,WOC	1
KAZALINSK LARGE STERN TRAWLER	UR-79-0171	BSA,GOA,WOC	1
TURKUL LARGE STERN TRAWLER	UR-79-0172	BSA,GOA,WOC	1
MYS GAMOVA LARGE STERN TRAWLER	UR-79-0173	BSA,GOA,WOC	1
MYS LOPATKA LARGE STERN TRAWLER	UR-79-0174	BSA,GOA,WOC	1
MYS BARANOVA LARGE STERN TRAWLER	UR-79-0177	BSA,GOA,WOC	1
MALKI LARGE STERN TRAWLER	UR-79-0179	BSA,GOA,WOC	1
LUCHEGORSK LARGE STERN TRAWLER	UR-79-0181	BSA,GOA,WOC	1
MYS GROZNY LARGE STERN TRAWLER	UR-79-0185	BSA,GOA,WOC	1
U.S.S.R.			
MYS PROKOFJEVA LARGE STERN TRAWLER	UR-79-0186	BSA,GOA,WOC	1
REVOLYUTSIONER LARGE STERN TRAWLER	UR-79-0187	BSA,GOA,WOC	1
TAMAN LARGE STERN TRAWLER	UR-79-0188	BSA,GOA,WOC	1
KALAR LARGE STERN TRAWLER	UR-79-0191	BSA,GOA,WOC	1
MYS VAIGACH LARGE STERN TRAWLER	UR-79-0196	BSA,GOA,WOC	1
UGOLNY LARGE STERN TRAWLER	UR-79-0197	BSA,GOA,WOC	1
LOTOS LARGE STERN TRAWLER	UR-79-0200	BSA,GOA,WOC	1
POLNA LARGE STERN TRAWLER	UR-79-0201	BSA,GOA,WOC	1
MYS ILMOVY LARGE STERN TRAWLER	UR-79-0204	BSA,GOA,WOC	1
ITELMEN LARGE STERN TRAWLER	UR-79-0205	BSA,GOA,WOC	1
FYODOR KRAINOV LARGE STERN TRAWLER	UR-79-0206	BSA,GOA,WOC	1
ALEKSANDROVSK LARGE STERN TRAWLER	UR-79-0207	BSA,GOA,WOC	1
TIKHVIN LARGE STERN TRAWLER	UR-79-0213	BSA,GOA,WOC	1
MYS BELKINA LARGE STERN TRAWLER	UR-79-0214	BSA,GOA,WOC	1
KORENGA LARGE STERN TRAWLER	UR-79-0215	BSA,GOA,WOC	1
KUSHKA LARGE STERN TRAWLER	UR-79-0217	BSA,GOA,WOC	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
MYS SINJAVINA LARGE STERN TRAWLER	UR-79-0227	BSA,GOA,WOC	1
OPALA LARGE STERN TRAWLER	UR-79-0228	BSA,GOA,WOC	1
MYS CHAIKOVSKOGO LARGE STERN TRAWLER	UR-79-0229	BSA,GOA,WOC	1
LESOGORSK LARGE STERN TRAWLER	UR-79-0230	BSA,GOA,WOC	1
KAMYSHIN LARGE STERN TRAWLER	UR-79-0231	BSA,GOA,WOC	1
ALEXEI MAKHALIN LARGE STERN TRAWLER	UR-79-0232	BSA,GOA,WOC	1
MARK RESHETNIKOV LARGE STERN TRAWLER	UR-79-0236	BSA,GOA,WOC	1
SULAK FACTORY SHIP	UR-79-0238	BSA,GOA,WOC	3
ESENTUKI TANKER FUEL/WATER	UR-79-0244	NWA	3
LIEPAYA TANKER FUEL/WATER	UR-79-0245	NWA	3
KARSKOE MORE CARGO/TRANSPORT VESSEL	UR-79-0246	BSA,GOA,WOC	3
OKHOTSKOE MORE CARGO/TRANSPORT VESSEL	UR-79-0252	BSA,GOA,WOC	3
PROLIV LAPERUSA CARGO/TRANSPORT VESSEL	UR-79-0253	BSA,GOA,WOC	3
OSTROV LISYANSKOGO CARGO/TRANSPORT VESSEL	UR-79-0254	BSA,GOA,WOC	3
OSTROV KARAGINSKIY CARGO/TRANSPORT VESSEL	UR-79-0255	BSA,GOA,WOC	3
OSTROV SHMIDTA CARGO/TRANSPORT VESSEL	UR-79-0256	BSA,GOA,WOC	3
U.S.S.R.			
OSTROV SHOKALSKOGO CARGO/TRANSPORT VESSEL	UR-79-0257	BSA,GOA,WOC	3
OSTROV USHAKOVA CARGO/TRANSPORT VESSEL	UR-79-0258	BSA,GOA,WOC	3
ALTAJSKIE GORY CARGO/TRANSPORT VESSEL	UR-79-0259	BSA,GOA,WOC	3
KAMCHATSKIE GORY CARGO/TRANSPORT VESSEL	UR-79-0260	BSA,GOA,WOC	3
SAKHALINSKIE GORY CARGO/TRANSPORT VESSEL	UR-79-0261	BSA,GOA,WOC	3
SAJANSKIE GORY CARGO/TRANSPORT VESSEL	UR-79-0262	BSA,GOA,WOC	3
ARKHIP KUINDGI CARGO/TRANSPORT VESSEL	UR-79-0263	BSA,GOA,WOC	3
ALMAZNY CARGO/TRANSPORT VESSEL	UR-79-0264	BSA,GOA,WOC	3
VASILIY VERESHCHAGIN CARGO/TRANSPORT VESSEL	UR-79-0265	BSA,GOA,WOC	3
VASILIY PEROV CARGO/TRANSPORT VESSEL	UR-79-0266	BSA,GOA,WOC	3
VIKTOR VASNETSOV CARGO/TRANSPORT VESSEL	UR-79-0267	BSA,GOA,WOC	3
GRANITNYY CARGO/TRANSPORT VESSEL	UR-79-0268	BSA,GOA,WOC	3
GORETS CARGO/TRANSPORT VESSEL	UR-79-0269	BSA,GOA,WOC	3
ZOLOTOY ROG CARGO/TRANSPORT VESSEL	UR-79-0270	BSA,GOA,WOC	3
IVAN KRAMSKOY CARGO/TRANSPORT VESSEL	UR-79-0271	BSA,GOA,WOC	3
MARSHAL MALINOVSKIY CARGO/TRANSPORT VESSEL	UR-79-0273	BSA,GOA,WOC	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
MARSHAL ROKOSSOVSKY CARGO/TRANSPORT VESSEL	UR-79-0274	BSA,GOA,WOC	3
SIBIR CARGO/TRANSPORT VESSEL	UR-79-0275	BSA,GOA,WOC	3
KHUDOZNIK S. GERASIMOV CARGO/TRANSPORT VESSEL	UR-79-0277	BSA,GOA,WOC	3
VOLGOHAEVSK CARGO/TRANSPORT VESSEL	UR-79-0279	BSA,GOA,WOC	3
VOLCHANSK CARGO/TRANSPORT VESSEL	UR-79-0286	BSA,GOA,WOC	3
OMSK TANKER FUEL/WATER	UR-79-0296	BSA,GOA,WOC	3
SURGUTNEFT TANKER FUEL/WATER	UR-79-0297	BSA,GOA,WOC	3
SIBIRNEFT TANKER FUEL/WATER	UR-79-0298	BSA,GOA,WOC	3
RADUZHNIY CARGO/TRANSPORT VESSEL	UR-79-0302	BSA,GOA,WOC	3
RECHITSA CARGO/TRANSPORT VESSEL	UR-79-0303	BSA,GOA,WOC	3
KOMSOMOLETS UKRAINY TANKER FUEL/WATER	UR-79-0304	BSA,BSA,GOA,WOC	3
SLAVGOROD TANKER FUEL/WATER	UR-79-0306	BSA,GOA,WOC	3
EGORJEVSK TANKER FUEL/WATER	UR-79-0307	BSA,GOA,WOC	3
MOSKALVO TANKER FUEL/WATER	UR-79-0308	BSA,GOA,WOC	3
KIVACH LARGE STERN TRAWLER	UR-79-0316	NWA	1
ZAKAVKAZJE LARGE STERN TRAWLER	UR-79-0318	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
KOTELNICH LARGE STERN TRAWLER	UR-79-0321	NWA	1
AMBARCHIK LARGE STERN TRAWLER	UR-79-0326	NWA	1
KILDIN LARGE STERN TRAWLER	UR-79-0333	NWA	1
VALDAY LARGE STERN TRAWLER	UR-79-0343	NWA	1
VOLGOBALT LARGE STERN TRAWLER	UR-79-0344	NWA	1
PRIONEZJE LARGE STERN TRAWLER	UR-79-0346	NWA	1
BORIS SAFONOV CARGO/TRANSPORT VESSEL	UR-79-0350	NWA	3
VICTOR LYAGIN CARGO/TRANSPORT VESSEL	UR-79-0352	NWA	3
NEFTEKAMSK TANKER FUEL/WATER	UR-79-0354	NWA	3
POLYARNY KRUG CARGO/TRANSPORT VESSEL	UR-79-0355	NWA	3
KAPITAN NOKHRIN CARGO/TRANSPORT VESSEL	UR-79-0356	NWA	3
BESSTRASHNYI CARGO/TRANSPORT VESSEL	UR-79-0357	NWA	3
GIGANT CARGO/TRANSPORT VESSEL	UR-79-0358	NWA	3
KOSMONAVT GAGARIN CARGO/TRANSPORT VESSEL	UR-79-0359	NWA	3
ALEKSEY VENETSIANOV CARGO/TRANSPORT VESSEL	UR-79-0363	NWA	3
KONSTANTIN OLSHANSKIY CARGO/TRANSPORT VESSEL	UR-79-0364	NWA	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
SEVERNIY VETER CARGO/TRANSPORT VESSEL	UR-79-0365	NWA	3
NEFTEGORSK TANKER FUEL/WATER	UR-79-0366	NWA	3
VALENTIN SEROV CARGO/TRANSPORT VESSEL	UR-79-0367	NWA	3
DARNITSA TANKER FUEL/WATER	UR-79-0368	NWA	3
BORIS GORINSKY LARGE STERN TRAWLER	UR-79-0551	BSA,GOA,WOC	1
BASARGIN LARGE STERN TRAWLER	UR-79-0552	BSA,GOA,WOC	1
URGAL LARGE STERN TRAWLER	UR-79-0555	BSA,GOA,WOC	1
TAJIKISTAN LARGE STERN TRAWLER	UR-79-0557	BSA,GOA,WOC	1
SOVGAVANSKY KOMSOMOLETS LARGE STERN TRAWLER	UR-79-0560	BSA,GOA,WOC	1
PYOTR OVCHINNIKOV LARGE STERN TRAWLER	UR-79-0562	BSA,GOA,WOC	1
KAVALEROVO MEDIUM STERN TRAWLER	UR-79-0614	BSA,GOA,WOC	1
SARAPUL MEDIUM STERN TRAWLER	UR-79-0615	BSA,GOA,WOC	1
SANGAR MEDIUM STERN TRAWLER	UR-79-0616	BSA,GOA,WOC	1
18 SIEZD VLKSM LARGE STERN TRAWLER	UR-79-0617	BSA,GOA,WOC	1
YELSK TANKER FUEL/WATER	UR-79-0618	NWA	3
FLOTINSPEKTSIJA - 01 PATROL VESSEL (CARGO)	UR-79-0619	BSA,GOA,WOC	3
U.S.S.R.			
ARIANAS LARGE STERN TRAWLER	UR-79-0620	BSA,GOA,WOC	1
ILYA VOLYNKIN LARGE STERN TRAWLER	UR-79-0621	BSA,GOA,WOC	1
ILLARION RYABIKOV LARGE STERN TRAWLER	UR-79-0622	BSA,GOA,WOC	1
KORIFEY SIDE TRAWLER	UR-79-0623	BSA,GOA,WOC	1
MYS KRYLOVA LARGE STERN TRAWLER	UR-79-0624	BSA,GOA,WOC	1
NIKOLAY ZAYTSEV LARGE STERN TRAWLER	UR-79-0625	BSA,GOA,WOC	1
POLEVOD LARGE STERN TRAWLER	UR-79-0626	BSA,GOA,WOC	1
POSYET LARGE STERN TRAWLER	UR-79-0627	BSA,GOA,WOC	1
SEVKAR MEDIUM STERN TRAWLER	UR-79-0628	BSA,GOA,WOC	1
SVETLOGORSK MEDIUM STERN TRAWLER	UR-79-0629	BSA,GOA,WOC	1
UCHYONYI MEDIUM STERN TRAWLER	UR-79-0630	BSA,GOA,WOC	1
VIITA LARGE STERN TRAWLER	UR-79-0631	BSA,GOA,WOC	1
YUNOST LARGE STERN TRAWLER	UR-79-0632	BSA,GOA,WOC	1
ZARUBINO LARGE STERN TRAWLER	UR-79-0633	BSA,GOA,WOC	1
ZELENOGRAD LARGE STERN TRAWLER	UR-79-0634	BSA,GOA,WOC	1
INGENER AGEEV TANKER FUEL/WATER	UR-79-0635	BSA,GOA,WOC	3

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
ISPOLNITELNY CARGO/TRANSPORT VESSEL	UR-79-0636	BSA/GOA/WOC	3
JUGANSK TANKER FUEL/WATER	UR-79-0637	BSA/GOA/WOC	3
KAPITAN DOTSENKO TANKER FUEL/WATER	UR-79-0638	BSA/GOA/WOC	3
KAPITAN DYACHUK TANKER FUEL/WATER	UR-79-0639	BSA/GOA/WOC	3
KAPITAN IZOTOV TANKER FUEL/WATER	UR-79-0640	BSA/GOA/WOC	3
KAPITAN KOBETS TANKER FUEL/WATER	UR-79-0641	BSA/GOA/WOC	3
KAPITAN NEVEJKIN TANKER FUEL/WATER	UR-79-0642	BSA/GOA/WOC	3
KAPITAN SHVETSOV TANKER FUEL/WATER	UR-79-0643	BSA/GOA/WOC	3
RESHITELNYI CARGO/TRANSPORT VESSEL	UR-79-0644	BSA/GOA/WOC	3
ALEKSEY GMYREV LARGE STERN TRAWLER	UR-79-0645	NWA	1
ANDREY ANDREEV LARGE STERN TRAWLER	UR-79-0646	NWA	1
ANDREY MARKIN LARGE STERN TRAWLER	UR-79-0647	NWA	1
ALEKSEY KUZNETSOV LARGE STERN TRAWLER	UR-79-0648	NWA	1
BELOMORJE LARGE STERN TRAWLER	UR-79-0649	NWA	1
BURAN LARGE STERN TRAWLER	UR-79-0650	NWA	1
BOLSHEVIK LARGE STERN TRAWLER	UR-79-0651	NWA	1
U.S.S.R.			
DIKSON LARGE STERN TRAWLER	UR-79-0652	NWA	1
DENJANSK LARGE STERN TRAWLER	UR-79-0653	NWA	1
ELBRUS LARGE STERN TRAWLER	UR-79-0654	NWA	1
GOLFSTRIM LARGE STERN TRAWLER	UR-79-0655	NWA	1
GRAD LARGE STERN TRAWLER	UR-79-0656	NWA	1
ILYA KATUNIN LARGE STERN TRAWLER	UR-79-0657	NWA	1
IVAN CHIGRIN LARGE STERN TRAWLER	UR-79-0658	NWA	1
KANDALAKSHA LARGE STERN TRAWLER	UR-79-0659	NWA	1
LUN LARGE STERN TRAWLER	UR-79-0660	NWA	1
MIR LARGE STERN TRAWLER	UR-79-0661	NWA	1
MYS EVGENNOGO LARGE STERN TRAWLER	UR-79-0662	NWA	1
MURMSK LARGE STERN TRAWLER	UR-79-0663	NWA	1
NOKUEV LARGE STERN TRAWLER	UR-79-0664	NWA	1
POLESJE LARGE STERN TRAWLER	UR-79-0665	NWA	1
PARALLAKS LARGE STERN TRAWLER	UR-79-0666	NWA	1
PAVEL GELOV LARGE STERN TRAWLER	UR-79-0667	NWA	1

NATION/VESSEL NAME/VESSEL TYPE	APPLICATION NO.	FISHERY	ACTIVITY
U.S.S.R.			
SHERENBTJEVO LARGE STERN TRAWLER	UR-79-0668	NWA	1
TUMAN LARGE STERN TRAWLER	UR-79-0669	NWA	1
VLADIMIR GAVRILOV LARGE STERN TRAWLER	UR-79-0670	NWA	1
VYSHEGOROD LARGE STERN TRAWLER	UR-79-0671	NWA	1
VERKHOVINA LARGE STERN TRAWLER	UR-79-0672	NWA	1
VASILIY KISELEV LARGE STERN TRAWLER	UR-79-0673	NWA	1
ZELENETS LARGE STERN TRAWLER	UR-79-0674	NWA	1
ALEKSANDR IVANOV CARGO/TRANSPORT VESSEL	UR-79-0675	NWA	3
DOZORNYI CARGO/TRANSPORT VESSEL	UR-79-0676	BSA,GOA,WOC	3
FLOTINSPEKTSIJA 05 CARGO/TRANSPORT VESSEL	UR-79-0677	BSA,GOA,WOC	3
ERNEST TELMAN CARGO/TRANSPORT VESSEL	UR-79-0678	NWA	3
KHIBINSKIE GORY CARGO/TRANSPORT VESSEL	UR-79-0679	NWA	3
MATIAS TEZEN CARGO/TRANSPORT VESSEL	UR-79-0680	NWA	3
OTTO GROTEVOL CARGO/TRANSPORT VESSEL	UR-79-0681	NWA	3
RADIY TANKER FUEL/WATER	UR-79-0682	NWA	3
RAVA RUSSKAYA TANKER FUEL/WATER	UR-79-0683	NWA	3
U.S.S.R.			
YELNYA TANKER FUEL/WATER	UR-79-0684	NWA	3
ITALY			
GIOVANNI CEFALU MEDIUM STERN TRAWLER	IT-78-0022	NWA	1
KOREA			
ILL WOO NO. 58 CARGO/TRANSPORT VESSEL	KS-78-0091	GOA	3
MEXICO			
ALPES LARGE STERN TRAWLER	MX-78-0057	NWA	1
JAPAN			
KAIYO MARU NO. 8 CARGO/TRANSPORT VESSEL	JA-78-1137	BSA,GOA	3
ROMANIA			
POLAR I CARGO/TRANSPORT VESSEL	RO-78-0002	NWA	3
DORNA LARGE STERN TRAWLER	RO-78-0005	NWA	1
JIJIA LARGE STERN TRAWLER	RO-78-0024	NWA	1

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of the Republic of China hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the Republic of China flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
Bering Sea and Aleutian Islands Trawl, Longline, and Herring Gillnet	Pollock	5,000
	Sablefish	1,000
Sablefish Gulf of Alaska Trawl	Sablefish	5,000
	Pollock	2,000
Seamount Groundfish	Alfonsin	800
	Armorhead	800
	Other Groundfish	200

Submitted: September 13, 1978
(Date)

C. K. Chen
Signature of Authorized Official

Vice Director, Dep of Agriculture
Title

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of [illegible] hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the [illegible] flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
[illegible]	[illegible] mackerel	[illegible]
	Silver hake	[illegible]
	Short-finned squid	[illegible]
	Other finfish	[illegible]

Submitted: Sept. 28, 1978.
(Date)

[illegible]
Signature of Authorized Official

Deputy Director General
Title

NOTICES

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of the REPUBLIC OF CUBA hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the CUBAN flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
NORTHWEST ATLANTIC	SILVER HAKE	6160
	RED HAKE	2660
	MACKEREL	1680
	SQUID-LOLIGO	1120
	SQUID-ILLEX	420
	BUTTERFISH	280
	RIVER HERRING	280
	OTHER FINFISH	1400

Submitted: 25 September 1978
(Date)

Signature of Authorized Official
Elio López
Sub-Director Ejecutivo de Pesca
Title

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of The German Democratic Republic hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the GDR flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
Northwest Atlantic	Illex	3000
	Lolligo	200
	Atlantic makerel	200
	Herring	100
	American butterfish	60
	Other finfish	50

Submitted: September 19, 1978
(Date)

Signature of Authorized Official
Director General
Title

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of ITALY hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the ITALIAN flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
NORTHWEST ATLANTIC	LONG FINNED SQUID	3,000
	SHORT FINNED SQUID	3,000
	BUTTERFISH	500
	MACKEREL	500
	OTHER FINFISH	1,500

Submitted: October 13,1978
(Date)

Signature of Authorized Official
Luigi Costa di Sanseverino
First Secretary
Title

FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Agreement between the Government of the United States of America and the Government of Japan concerning Fisheries off the Coasts of the United States of America which entered into force on November 29, 1977, the Government of Japan hereby submits this application for permits for vessels under its jurisdiction to engage in fishing for living resources off the coasts of the United States, as defined in the said Agreement, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the Japanese flag are as follows:

Fisheries	Target Species	Total Tonnage Requested for Each Species (MT)
Bering Sea and Aleutian Islands Trawl, and Herring Gillnet	Pollock	1,000,000
	Pacific Cod	41,050
	Yellowfin Sole	70,530
	Other flounders	91,030
	Pacific Ocean Perch	26,300
	Sablefish	3,380
	Atka Mackerel	2,000
	Herring	5,800
	Squid	10,000
	Other species	71,315
Gulf of Alaska Trawl	Pollock	44,100
	Pacific Ocean Perch	13,950
	Other Rockfishes	4,100
	Flounders	21,370
	Pacific Cod	11,250
	Atka Mackerel	2,000
	Squid	500
	Other species	4,030
Sablefish	Sablefish	13,900
Crab	Tanner Crab	20,000
Snails	Snails	4,000
North West Atlantic	Long-finned Squid	10,000
	Short-finned Squid	11,200
	Butterfish	1,800
	Silver Hake	2,000
	Red Hake	50
	River Herring	50
	Atlantic Mackerel	200
	Other finfishes	2,476
Seamount Groundfish	Seamount Groundfish	1,000
Atlantic Billfish and Sharks	Billfish and Sharks	0

Submitted: October 24, 1978
(Date)

(Signature of Authorized Official)

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of Republic of Korea hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the Korean flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
Bering Sea and Aleutian Islands Trawl, Longline and Herring Gillnet	Pollock	223,000
	Pacific Cod	18,800
	Pacific Ocean Perch	7,800
	Other Species	18,000
Gulf of Alaska	Pollock	27,000
	Pacific Cod	4,100
	Pacific Ocean Perch	4,100
	Other Species	5,300
Sablefish	Sablefish	8,400
Crab	Tanner Crab (opilio)	15,000

Submitted: September 19. 1978
(Date)

Han Mo Kim
Signature of Authorized Official
Fisheries Attache,
Embassy of Korea
Title

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 976, the Government of the Polish People's Republic hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the nited States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. ne fisheries, species, and catch contemplated for vessels of the Polish lag are as follows:

For the Mrs. Paula Kitchens - Poland joint venture

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
Bering Sea and Aleutian Island Trawl x/	pollock	120.000 x/
	pacific cod	2.000 x/
	flounders (other)	1.000 x/
	atka mackrel	2.000 x/
	pacific ocean perch	2.000 x/
	sablefish	300 x/
	squid	200 x/
	yellowfin sole	2.000 x/
	herring	2.000 x/
	other species	5.000 x/

ubmitted: October 14. 78
(Date)

R.Pietraszek
Signature of Authorized Official
Commercial Counselor
Title

x/ Blocks from 120,000 tons of pollock will be sold to Mrs.Paul Kitchen. If those fishes not entirely available in the BSA, the balance should be applied to the pollock request for the GOA.

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of Polish People's Republic hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the Polish flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
Northwest Atlantic	squid loligo	2,000
	squid illex	8,000
	herring	5,000
	Mackerel	*20,000
	silver hake	5,000
	red hake	100
	butterfish	300
	river herring	100
	other finfish	5,000
Gulf of Alaska Trawl	pollock	12,000
	atka mackerel	1,000
	pacific cod	1,000
	pacific ocean perch	1,000
	flounders	2,300
	squid	100
	other species	1,000
Washington, Oregon, California Trawl	Pacific hake	50,000
	jack mackerel	3,000

Submitted: _____
(Date)

_____
Signature of Authorized Official

_____
Title

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

1979

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE
FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of ROMANIA hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the ROMANIA flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
Northwest Atlantic	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]

Submitted: [illegible]
(Date)

[signature]
Signature of Authorized Official

Director of Marine Fishing Entreprise
Title

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of SPAIN hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1979.

Fishing Vessel Identification Forms will be submitted in support of this application. The fisheries, species, and catch contemplated for vessels of the Spanish flag are as follows:

Fisheries	Target Species	Total Tonnage Requested For Each Species (MT)
NORTH WEST ATLANTIC	Squid Loligo	8,500
	Squid Illex	14,620
	Mackerel	1,200
	Butterfish	2,000
	Other Finfishes	5,000
	Red Hake	500
	Silver Hake	1,500
	Herring	10

Note: In a letter apoart we will specify a request for allocations for the Bering Sea and A tian Island Trawl fishery, Gulf of Alaska, and Washington Oregon California Trawl Fishery.

Submitted: 09.10.78
(Date)

Signature of Authorized Official

DIRECTOR GENERAL DE PESCA MARITIM
Title

THE UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

APPLICATION FOR VESSEL PERMITS TO FISH WITHIN THE FISHERY CONSERVATION ZONE OF THE UNITED STATES

No. _____

In accordance with the provisions of the Fishery Conservation and Management Act of 1976, the Government of USSR hereby submits this application for permits for vessels under its jurisdiction to fish within the Fishery Conservation Zone of the United States, or beyond that zone for anadromous species or Continental Shelf fishery resources subject to the jurisdiction of the United States, during the year 1978.

Fishing Vessel Identification Forms will be submitted in support of this application. The fishery plans, species, and catch contemplated for vessels of the USSR flag are as follows:

Fishery Plans	Target Species	Total Tonnage Requested For Each Species (MT)
NORTH WEST ATLANTIC	Silver Hake	50,000
	Red Hake	25,000
	Atlantic Mackerel	1,000
	Long-finned Squid	500
	Short-finned Squid	5,000
BERING SEA AND ALEUTIAN ISLANDS	Pollock	157,000
	Pacific Cod	17,500
	Yellowfin Sole	60,000
	Other Flounders	37,000
	Atka Mackerel	50,000
	Herring	15,000
	Pacific Ocean Perch	10,300
	Other Species	5,000
GULF OF ALASKA	Pollock	63,000
	Pacific Cod	4,200
	Flounders	2,000
	Pacific Ocean Perch	7,000
	Other Rockfishes	1,800
	Atka Mackerel	35,000
	Other Species	2,000
WASHINGTON, OREGON, CALIFORNIA	Hake	150,000
	Jack Mackerel	3,000

Submitted: September 20, 1978
Date

Signature of Authorized Official

[FR Doc. 78-31941 Filed 11-14-78; 8:45 am]

federal register

WEDNESDAY, NOVEMBER 15, 1978
PART III



COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

■

PROCUREMENT LIST 1979

Notice of Establishment

[6820-33-M]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1979

Notice of Establishment

The Committee for Purchase from the Blind and Other Severely Handicapped was established by Pub. L. 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The committee is required to establish and publish in the FEDERAL REGISTER a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and
(2) The services provided by any such agency

which the committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of title 5, United States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to section 2 of the Act that Procurement List 1979 is established as set forth below. Procurement List 1979 supersedes Procurement List 1978, November 14, 1977 (42 FR 59016) and subsequent changes thereto through November 13, 1978.

Any proposed additions or deletions to Procurement List 1978 pending on this date shall be considered as pending and applicable to Procurement List 1979.

By the committee.

C. W. FLETCHER,
Executive Director.

ASSIGNMENT CODES

Central Nonprofit Agency	Code
National Industries for the Blind	IB
National Industries for the Severely Handicapped.	SH

COMMODITIES

Class 1005

Sling, Adjustable, Small Arms (IB), 1005-00-167-4336, 1005-00-312-7177.

Class 1095

Scabbard, Bayonet-Knife (IB), 1095-00-508-0339.

Class 1220

Case, Carrying (IB), 1220-00-765-5870, 1220-00-937-8286.

Class 1430

Circuit Card Assembly (SH), 1430-00-409-7997, 1430-00-471-5375, 1430-00-089-9251, 1430-00-403-5787, 1430-00-421-4036.

Class 1440

Circuit Card Assembly (SH), 1440-00-454-8574.

Class 1560

Wire Bundle Assemblies (SH), 1560-00-881-4215, 1560-00-884-0409, 1560-00-894-3991, 1560-00-934-0924, 1560-00-919-3706, 1560-00-883-4487, 1560-00-222-3876, 1560-00-826-7752, 1560-00-974-5275, 1560-00-974-5276, 1560-00-998-8594.

Class 1670

Message Dropper (SH), 1670-00-797-4495.

Class 1730

Chock Assembly, Wheel Unpainted (IB), 1730-00-294-3694, 1730-00-063-4095, 1730-00-294-3696, 1730-00-294-3695, 1730-00-945-8450, 1730-00-NIB-001A (2" x 4" x 8" (std)) 1730-00-NIB-001B (6" x 8" x 18" (std)), 1730-00-NIB-001C (6" x 8" x 76" (std)), 1730-00-NIB-001D (8" x 12" (U-shaped)), 1730-00-NIB-001E (10" x 20" (U-shaped)).

Chock Assembly, Wheel Painted (IB), 1730-00-294-3694, 1730-00-063-4095, 1730-00-294-3696, 1730-00-294-3695, 1730-00-945-8450, 1730-00-NIB-001A (2" x 4" x 8" (std)), 1730-00-NIB-001B (6" x 8" x 18" (std)), 1730-00-NIB-001C (6" x 8" x 76" (std)), 1730-00-NIB-001D (8" x 12" (U-shaped)), 1730-00-NIB-001E (10" x 20" (U-shaped)).

Chock Assembly, Wheel, Codit Reflecting (IB), 1730-00-294-3694, 1730-00-063-4095, 1730-00-294-3696, 1730-00-294-3695, 1730-00-945-8450, 1730-00-NIB-001A (2" x 4" x 8" (std)), 1730-00-NIB-001B (6" x 8" x 18" (std)), 1730-00-NIB-001C (6" x 8" x 76" (std)), 1730-00-NIB-001D (8" x 12" (U-shaped)), 1730-00-NIB-001E (10" x 20" (U-shaped)).

Chock Assembly, Wheel Reflective Tape (IB), 1730-00-294-3694, 1730-00-063-4095, 1730-00-294-3696, 1730-00-294-3695, 1730-00-945-8450, 1730-00-NIB-001A, (2" x 4" x 8" (std)), 1730-00-NIB-001B, (6" x 8" x 18" (std)), 1730-00-NIB-001C, (6" x 8" x 76" (std)), 1730-00-NIN-001D, (8" x 12" (U-shaped)), 1730-00-NIB-001E, (10" x 20" (U-shaped)).

Class 2540

Belt, Automobile, Safety (IB), 2540-00-894-1273, 2540-00-894-1275, 2540-00-894-1274, 2540-00-894-1276.

Cushion Assembly, Seat Back (SH), 2540-00-678-2965.

Class 3510

Net, Laundry (IB), 3510-00-273-9738, 3510-00-273-9739.

Class 3920

Safety Guard (SH), P.S. Item No. 01075B.

Truck, Hand (IB), 3920-00-847-1305.

Class 3990

Pallet, Material Handling (SH), 3990-00-555-0458 (Sharpe Army Depot, Lathrop, Calif. only).

Pallet, Wood (SH), 3990-00-366-6806, 3990-00-366-6821.

Skid, Wood (SH), 3990-00-366-6810, 3990-00-366-6814, 3990-00-366-6815, 3990-00-366-6816, 3990-00-366-6817, 3990-00-366-6819, 3990-00-366-6820.

Class 4910

Creeper, Mechanic's (SH), 4910-00-251-6981, 4910-00-106-7834.

Class 5140

Bag, Tool (IB), 5140-00-772-4142.

Class 5440

Stepladder (IB), 5440-00-514-4483 (regions 7, 8, 9, and 10), 5440-00-514-4485 (regions 7, 8, 9, and 10), 5440-00-514-4487 (regions 7, 8, 9, and 10).

Class 5510

Stakes, Wood, Location (SH), 5510-00-171-7701, 5510-00-171-7700, 5510-00-171-7734.

Stakes, Wood, Hub (SH), 5510-00-171-7733, 5510-00-171-7732.

Wedge, Wood (SH), 5510-00-640-9237.

Class 5660

Fencing, Wire and Wood Picket (SH), 5660-00-257-3860.

Class 5826

Circuit Card Assembly (SH), 5826-00-237-9949.

Class 5940

Adapter, Battery Terminal (SH), 5940-00-549-6583, 5940-00-549-6581.

Class 6150

Cable Assembly, Power (SH), 6150-00-935-8799, 6150-00-507-8852.

Class 6230

Flashlight (SH), 6230-00-643-3486, 6230-00-163-1856.

Lantern, Electric, Head (SH), 6230-00-643-3562.

Light, Desk (SH), 6230-00-299-7771 (regions 2, 3, 4, 5, 7, and 9), 6230-00-682-3423 (regions 2, 3, 5, 7, and 9).
Light, Marker, Distress (with pouch) (SH), 6230-00-067-5209.
Light, Marker, Distress (without pouch) (SH), 6230-00-938-1778.

Class 6505

Ammonia Inhalant Solution, Aromatic (SH), 6505-00-106-0875.
Iodine Ampoules, NF (SH), 6505-00-664-1408.
Thimerosal Tincture, NF (SH), 6505-00-664-6911.

Class 6515

Case, Ear Plug (SH), 6515-00-299-8287 (80 percent of Government requirement).
Kit, Shaving Surgical Preparation (IB), 6515-00-676-7372.
Tourniquet, Non-Pneumatic (IB), 6515-00-383-0565.

Class 6530

Cover, Litter (IB), 6530-00-784-1035, 6530-00-784-1250.
Drape, Surgical (IB), 6530-00-299-9608, 6530-00-299-9607, 6530-00-299-9605, 6530-00-299-9604.
Strap, Webbing Patient Securing (IB), 6530-00-784-4205.
Surgical Pack, Disposable (IB), 6530-00-103-6659.
Urinal, Incontinent (IB), 6530-01-004-8969, 6530-00-290-8292.
Wrapper, Sterilization (IB), 6530-00-299-9603, 6530-00-197-9223, 6530-00-197-9228, 6530-00-197-9283, 6530-00-926-4902, 6530-00-926-4903, 6530-00-926-4904, 6530-00-926-4905.

Class 6532

Cap, Operating, Surgical (IB), 6532-00-299-9614, 6532-00-299-9613, 6532-00-299-9612.
Cap, Operating, Surgical (SH), 6532-00-250-5042, 6532-00-083-6545, 6532-00-250-5041, 6532-00-122-0468.
Clothing, Operating Room (SH), 6532-00-261-9005, 6532-00-290-1887, 6532-00-172-3509, 6532-00-172-3507, 6532-00-172-3506, 6532-00-158-9890, 6532-00-009-7174.
Dress, Operating, Surgical (SH), 6532-00-149-0464, 6532-00-149-0465, 6532-00-149-0466, 6532-00-149-0467, 6532-00-149-0472, 6532-00-149-0473.
Gown, Hospital, Patient's Bedshirt (SH), 6532-01-005-8411, 6532-01-005-8412.
Gown, Operating, Surgical (SH), 6532-00-009-2034, 6532-00-009-2035.
Pillowcase, Disposable (IB), 6532-00-634-9828.
Robe, Dressing, Nomex (SH), 6532-00-003-3057, 6532-00-006-3482.
Shirt, Operating, Surgical (SH), 6532-00-149-0322, 6532-00-149-0323, 6532-00-149-0324, 6532-00-149-0325.
Smock, Man's Dental Operating (SH), 6532-00-159-4881, 6532-00-926-9964, 6532-00-926-9975, 6532-00-926-9976.
Suit, Convalescent (SH), 6532-00-512167, 6532-00-512168, 6532-00-512170, 6532-00-512171.
Trousers, Operating, Surgical (SH), 6532-00-149-0327, 6532-00-149-0328, 6532-00-149-0329, 6532-00-149-0330.

Class 6540

Case, Spectacles (IB), 6540-00-735-5157.

Class 6625

Test Set, Lead (SH), 6625-00-553-1442.

Class 6630

Micro Bleeder (IB), 6630-01-NIB-0002.
Tube, Bleeding (IB), 6630-01-NIB-0001.

Class 6645

Clock, Wall (IB), 6645-01-046-8848, 6645-01-046-8849.

Class 6695

Kit, Spectro Oil Analysis (IB), 6695-00-925-2982.
Sampling Kit, Spectrometric Oil Analysis (IB), 6695-01-045-9820.

Class 6840

Disinfectant, Detergent (IB), 6840-00-687-7904, 6840-00-584-3129, 6840-00-551-8346.

Class 6920

Circuit Card Assembly (SH), 6920-00-482-8335.

Class 7105

Frame, Picture (SH), 7105-00-053-0170, 7105-00-061-5834, 7105-00-052-8697, 7105-00-052-8695.
Mirror, Glass (SH), 7105-00-260-1390.

Class 7110

Blackboard (SH), 7110-00-132-6651 (60 percent of Government requirement), 7110-00-843-7916 (60 percent of Government requirement).
Bookcase, Wood, Executive (SH), 7110-00-290-0368, 7110-00-973-5127.
Tables, Steel (SH), 7110-00-113-0448, 7110-00-113-0454, 7110-00-149-2044, 7110-00-149-2045, 7110-00-149-2046, 7110-00-149-2047.

Class 7195

Bulletin Board (IB), 7195-00-989-2370, 7195-00-844-9036, 7195-00-989-2371, 7195-00-844-9037, 7195-00-989-2372, 7195-00-844-9038, 7195-00-990-0615, 7195-00-843-7938.
Costumer, Wood (SH), 7195-00-132-6642.

Class 7210

Bedspread (IB), 7210-00-728-0186, 7210-00-728-0187, 7210-00-728-0188, 7210-00-728-0189, 7210-00-728-0190, 7210-00-728-0191, 7210-00-728-0173, 7210-00-728-0175, 7210-00-728-0176, 7210-00-728-0177, 7210-00-728-0178, 7210-00-728-0179, 7210-00-408-2800.
Bedspring (IB), 7210-00-582-7540, 7210-00-582-0984, 7210-00-110-8104, 7210-00-582-7541, 7210-00-110-8105.
Cover, Mattress (IB), 7210-00-291-8419, 7210-00-205-3083, 7210-00-205-3082, 7210-00-067-7969, 7210-00-998-7745, 7210-00-883-8492, 7210-00-171-1091, 7210-00-935-6619, 7210-00-140-4231, 7210-00-230-1041, 7210-00-241-9718, 7210-00-140-4234, 7210-00-543-6001.
Mattress, Cotton-Felt (IB), 7210-00-139-6517, 7210-00-139-6555, 7210-00-139-6538.
Mattress, Foam (IB), 7210-00-682-6503, 7210-00-682-6504.
Mattress, Innerspring (IB), 7210-00-205-3585, 7210-00-139-6424, 7210-00-716-0706, 7210-00-139-6411, 7210-00-205-3534, 7210-00-139-6434, 7210-00-139-6428, 7210-00-110-8102, 7210-00-110-8103.
Mattress, Innerspring, Plastic-Coated (IB), 7210-00-995-1093, 7210-00-682-7146, 7210-00-529-3709.
Pad, Mattress (IB), 7210-00-227-1526, 7210-00-753-3042.
Pillow, Bed (IB), 7210-00-619-8261, 7210-00-205-3205 (regions 1 through 7 only), 7210-00-035-3342, 7210-00-894-1144.
Pillow, Passenger, Headrest (IB), 7210-00-682-6601.
Pillowcase (IB), 7210-00-170-5478, 7210-00-171-1100, 7210-00-205-3101 (not available), 7210-00-761-1472 (not available), 7210-00-054-7910, 7210-00-259-9005, 7210-00-259-9006, 7210-00-119-7356, 7210-00-231-2373, 7210-00-259-9004, 7210-00-259-8897, 7210-00-081-1380.
Protector, Hospital Bed, Mattress (IB), 7210-00-761-1471, 7210-00-761-1470.
Protector, Hospital Bed, Pillow (IB), 7210-00-958-9118.
Washcloth (IB), 7210-00-060-6008, 7210-00-082-2065.

Class 7220

Mat, Floor (IB), 7220-00-205-3099, 7220-00-224-6489, 7220-00-205-2807, 7220-00-205-2808, 7220-00-224-6490, 7220-00-224-6487, 7220-00-238-8852, 7220-00-224-6486, 7220-00-205-2805, 7220-00-238-8854, 7220-00-205-2806, 7220-00-165-7020.
Mat, Floor (SH), 7220-00-205-3192, 7220-00-205-3182.

Class 7230

Curtain, Shower (IB), 7230-00-205-1762, 7230-00-247-1280.

Class 7290

Cover, Ironing Board (IB), 7290-00-130-3271.

Class 7330

Pad, Bakery (IB), 7330-00-379-4439 (regions 3, 5, 6, and 8).
Tongs, Food Serving (SH), 7330-00-616-0997, 7330-00-616-0998, 7330-00-616-1000.

Class 7340

Flatware, Plastic, Heavy Duty (IB), 7340-00-022-1315, 7340-00-022-1316, 7340-00-022-1317, 7340-00-401-8041.
Spoon, Picnic, Plastic (IB), 7340-00-J19-1300.

Class 7360

Dining Packet (IB), 7360-00-935-6407.
Dining Packet, Inflight (IB), 7360-00-660-0526.
Flatware Set, Plastic (IB), 7360-00-634-4800.

Class 7430

Cover, Typewriter (SH), 7430-00-823-8080, 7430-00-823-8081, 7430-00-823-8082, 7430-00-823-8083, 7430-00-823-8084, 7430-00-823-8085, 7430-00-823-8090, 7430-00-823-8086, 7430-00-823-8087.

Class 7510

Binder, Awards Certificate (IB), 7510-00-115-3250 (60 percent of Government requirement), 7510-00-482-2994.
Binder, Looseleaf (IB), 7510-00-281-4309, 281-4314, 7510-00-582-4201, 7510-00-281-4310, 7510-00-281-4311, 7510-00-281-4313, 7510-00-281-4315, 7510-00-286-7792, 7510-00-286-7794, 7510-00-582-5488, 7510-00-286-7791, 7510-00-582-3807, 7510-00-782-2663, 7510-00-782-2664, 7510-00-409-8646, 7510-00-409-8647, 7510-00-984-5787.

Binder, Looseleaf, Presentation (IB), 7510-00-582-5398 (regions 2, 3, and 4), 7510-00-582-5399 (regions 2, 3, and 4), 7510-00-582-5400 (regions 2, 3, and 4).
Binder, Note Pad (IB), 7510-00-286-6954, 7510-00-145-0296, 7510-00-728-8060, 7510-00-053-5591.
Board, Wall Calendar (IB), 7510-00-789-2455.
Calendar Pad (SH), 7510-00-021-3252 (1979), 7510-00-020-7521 (1980).
Clip, Paper (SH), 7510-00-161-4292.
Eraser, Mechanical (IB), 7510-00-865-5292, 7510-00-082-2665.
File Backer, Paper (IB), 7510-00-285-2567.
Pad, Typewriter (IB), 7510-00-257-2576, 7510-00-530-6412, 7510-00-849-1137.
Pencil (IB), 7510-00-286-5757, 7510-00-281-5234, 7510-00-281-5235.
Pencil, Woodcased, with Imprinting (IB), 7510——050-8LP, 050-8LP-201-6521.
Portfolio (IB), 7510-00-558-1572, 7510-00-616-7241, 7510-00-551-9813, 7510-00-558-1573, 7510-00-616-7239, 7510-00-558-1571, 7510-00-995-4856, 7510-00-995-4857, 7510-00-995-4854, 7510-00-995-4852, 7510-00-995-4853, 7510-00-995-4850, 7510-00-584-2489, 7510-00-584-2490, 7510-00-584-2491, 7510-00-584-2492.
Refill, Ballpoint Pen (IB), 7510-00-543-6792, 7510-00-543-6793, 7510-00-754-2687, 7510-00-543-6795, 7510-00-754-2688, 7510-00-754-2689, 7510-00-754-2690, 7510-00-754-2691.
Refill, List Finder, Automatic (SH), 7510-00-285-2800.

Class 7520

Arch Board File (IB), 7520-00-281-4848, 7520-00-240-5498, 7520-00-191-1074, 7520-00-191-1075, 7520-00-281-4845, 7520-00-255-7081.
Ballpoint Pen (IB), 7520-00-935-7136, 7520-00-935-7135, 7520-00-543-7149.
Ballpoint Pen, with Imprinting (IB), 7520——050-8LP, 050-8LP-201-6520.
Book Ends (IB), 7520-00-264-5479, 7520-00-139-6158.
Box, Filing (SH), 7520-00-285-3147 (all regions), 7520-00-285-3143 (all regions), 7520-00-285-3144 (region 1, 2, 3, 4, 5, 6, 7 and 8), 7520-00-285-3145 (region 1, 2, 3, 9 and 10), 7520-00-285-3146 (region 1, 2, 3, 9 and 10), 7520-00-285-3148 (region 1, 2, 3, 6, 7, 8, 9 and 10.
Case, Maintenance and Operational Manuals (IB), 7520-00-559-9618.
Clipboard, File (IB), 7520-00-281-5918, 7520-00-254-4610, 7520-00-240-5503, 7520-00-274-5496, 7520-00-281-5892.
Easel, Display and Training (IB), 7520-00-579-7013.
Holder, Desk Memorandum (IB), 7520-00-139-3802, 7520-00-290-6445.
Marker, Tube Type (IB), 7520-00-973-1059, 7520-00-973-1060, 7520-00-079-0285, 7520-00-973-1061, 7520-00-079-0286, 7520-00-079-0287, 7520-00-973-1062, 7520-00-079-0288, 7520-00-558-1501, 7520-00-904-1265, 7520-00-904-1268, 7520-00-935-0979, 7520-00-904-1267, 7520-00-935-0981, 7520-00-935-0982, 7520-00-904-1266, 7520-00-935-0980, 7520-00-051-5031, 7520-00-051-5035, 7520-00-116-2888, 7520-00-051-5036, 7520-00-116-2886, 7520-00-116-2889, 7520-00-051-5033, 7520-00-116-2887, 7520-00-904-4476.
Pen Set, Desk (IB), 7520-00-106-9840.
Pen, Stick-type (IB), 7520-01-058-9978, 7520-01-058-9977, 7520-01-058-9976, 7520-01-059-4125, 7520-01-060-5820, 7520-01-058-9975, 7520-01-060-8513, 7520-01-060-5821.
Pencil, Mechanical (IB), 7520-00-223-6672, 7520-00-223-6673, 7520-00-223-6674, 7520-00-268-9913, 7520-00-223-6675, 7520-00-223-6676, 7520-00-268-9912, 7520-00-577-4570, 7520-00-285-5826, 7520-00-285-5822, 7520-00-285-5823, 7520-00-205-1645, 7520-00-285-5817, 7520-00-161-5664, 7520-00-164-8950, 7520-00-268-9915, 7520-00-285-5818, 7520-00-268-9916, 7520-00-634-3475, 7520-00-724-5606.
Perforator, Paper, Desk (SH), 7520-00-139-4101, 7520-00-263-3425.
Stand, Calendar Pad (IB), 7520-00-162-6153, 7520-00-139-4341.
Tray, Desk (SH), 7520-00-232-6828, 7520-00-286-5801, 7520-00-285-5043.
Trimmer, Paper (IB), 7520-00-224-7621, 7520-00-282-2137.

Class 7530

Card, Guide, File (IB), 7530-00-989-0184, 7530-00-989-2425, 7530-00-988-6541, 7530-00-988-6542, 7530-00-988-6543, 7530-00-988-6549, 7530-00-988-6550, 7530-00-988-6551, 7530-00-988-6544, 7530-00-988-6545, 7530-00-988-6546, 7530-00-988-6547, 7530-00-988-6548, 7530-00-988-6515, 7530-00-988-6516, 7530-00-988-6520, 7530-00-988-6521, 7530-00-988-6517, 7530-00-988-6518, 7530-00-988-6522.
Card-Set, Guide, File (IB), 7530-00-989-0698, 7530-00-989-0697, 7530-00-989-0683, 7530-00-082-2635, 7530-00-989-0684, 7530-00-989-0686, 7530-00-989-0692, 7530-00-989-0694, 7530-00-989-0693, 7530-00-989-0695.
Folder, File, Military Personnel Records Jacket (IB), 7530—DA Form 201.
Folder, File (IB), 7530-00-889-3555, 7530-00-559-4512, 7530-00-281-5907, 7530-00-281-5908, 7530-00-926-8978, 7530-00-273-9845, 7530-00-926-8980, 7530-00-286-6924 (regions 1, 2, 4, 5, 6, 7, and 8).
Folder-Set, File (IB), 7530-00-281-5905, 7530-00-286-6923 (regions 1, 2, and 3).
Notebook, Stenographer's (IB), 7530-00-223-7939.
Pad, Writing Paper (IB), 7530-00-285-3090 (regions 1, 5, and 6), 7530-00-239-8479 (regions 1, 2, 4, 5, 6, 7, and 8), 7530-00-285-3088 (regions 1, 2, 3, 4, 5, 6, 7, and 8), 7530-00-285-3083 (regions 1, 3, 5, 6, 7, and 8) (Region 3 Franconia Depot only), 7530-00-285-3090 (GFM regions 1, 5, and 6), 7530-00-239-8479 (GFM regions 1, 2, 4, 5, 6, 7, and 8), 7530-00-286-6173 (regions 2 and 3).
Pad, Writing Paper (Easel) (IB), 7530-00-619-8880 (regions 2, 3, and 4).
Paper, Looseleaf, Blank (IB), 7530-00-286-5777, 7530-00-286-5778, 7530-00-286-5782, 7530-00-286-5780, 7530-00-286-5781, 7530-00-286-5779.
Paper, Looseleaf, Ruled (IB), 7530-00-286-6366, 7530-00-286-4332, 7530-00-286-4331, 7530-00-286-4333, 7530-00-286-4334, 7530-00-286-4335, 7530-00-198-6265, 7530-00-286-4336, 7530-00-286-4337, 7530-00-286-4338, 7530-00-286-4339.
Paper, Teletypewriter, Roll (IB), 7530-00-223-7966 (regions 4, 5, and 6).
Paper, Writing (IB), 7530-00-285-5836.
Refill, Appointment Book (SH), 7530-01-022-3568 (1979), 7530-01-022-3569 (1980).
Tape, Paper, Computing Machine (IB), 7530-00-286-9052, 7530-00-222-3455, 7530-00-286-9053, 7530-00-286-9054, 7530-00-238-8352, 7530-00-222-3456, 7530-00-286-9055.

Class 7690

Decalcomania NO SMOKING (SH), 7690-00-857-9662, 7690-00-857-9574, 7690-00-857-9700, 7690-00-857-9613, 7690-00-858-3403, 7690-00-858-3365, 7690-00-310-6627, 7690-00-311-7272, 7690-00-328-9517, 7690-00-329-0205.
Decalcomania U.S. ARMY (SH), 7690-00-857-9575, 7690-00-857-9663, 7690-00-857-9614, 7690——Code 600 USPSW, 7690——Code 607 USPSW, 7690-00-311-7276, 7690-00-329-0206, 7690-00-858-3405, 7690-00-858-3366, 7690-00-310-9208.
Decalcomania MAX SPEED (SH), 7690-00-857-9572, 7690-00-857-9660, 7690——Code 633 USPSW, 7690-00-857-9611, 7690-00-857-9698, 7690-00-328-9507, 7690-00-329-0204.
Decalcomania NO RIDERS (SH), 7690——Code 635 USPSW, 7690-00-857-9573, 7690——Code 636 USPSW, 7690-00-857-9612, 7690-00-857-9699.
Decalcomania LIFT HERE (SH), 7690——Code 622- L-USPSW.
Decalcomania FOR OFFICIAL USE ONLY (SH), 7690-00-329-0538.
Decalcomania TP (SH), 7690——Code 669- L-USPSW, 7690——Code 666- L-USPSW, 7690——Code 672- L-USPSW, 7690——Code 667- L-USPSW, 7690——Code 675- L-USPSW, 7690——Code 668- L-USPSW.
Decalcomania NUMBERS AND LETTERS (SH), 7690-00——1½", 7690——2", 7690-00-311-7128, 7690——4".

Class 7920

Broom, Push (IB), 7920-00-267-2967.
Broom, Upright (IB), 7920-00-292-4371, 7920-00-292-4375, 7920-00-292-4372, 7920-00-291-8305.
Broom, Whisk (IB), 7920-00-240-6350.
Brush, Chassis and Running Gear (IB), 7920-00-255-7536.
Brush, Cleaning, Aircraft (IB), 7920-00-051-4384.
Brush, Dusting (IB), 7920-00-178-8315.
Brush, Floor Sweeping (IB), 7920-00-243-3407, 7920-00-292-2363, 7920-00-292-2367, 7920-00-264-4638, 7920-00-292-2362, 7920-00-292-2365.
Brush, Sanitary (IB), 7920-00-772-5800, 7920-00-234-9317.
Brush, Scrub (IB), 7920-00-240-7174, 7920-00-951-8795, 7920-00-282-2470 (tampico fibers), 7920-00-282-2470 (styrene fibers), 7920-00-297-1511, 7920-00-324-2746, 7920-00-619-9162, 7920-00-061-0038.
Brush, Shoe and Stove (IB), 7920-00-852-8170.
Brush, Wire, Scratch (IB), 7920-00-291-5815, 7920-00-282-9246, 7920-00-246-8501, 7920-00-223-7649.
Brush, Wire, Stainless Steel (IB), 7920-00-958-1157.
Brush-Set, Shoe and Stove (IB), 7920-00-205-0200.
Cloth, Polishing (IB), 7920-00-205-1656, 7920-00-205-3170, 7920-00-664-0103.
Handle, Mop (IB), 7920-00-205-1168, 7920-00-267-1218, 7920-00-205-1167, 7920-00-550-9902, 7920-00-550-9911, 7920-00-550-9912, 7920-00-998-2485, 7920-00-998-2486, 7920-00-851-0140, 7920-00-851-0142, 7920-00-246-0930, 7920-00-205-1170.
Handle, Paint Roller (IB), 7920-00-682-6512.
Handle, Wood (IB), 7920-00-177-5106, 7920-00-141-5452, 7920-00-263-0328.
Mops, Dusting, Cotton, (IB), 7920-00-205-0481, 7920-00-205-0483, 7920-00-205-0484, 7920-00-245-8289.
Mop, Wet (IB), 7920-00-224-8726.

Mop, Wet, Cellulose, Complete (IB), 7920-00-432-7117, 7920-00-728-1167.
Mop, Wet, Cellulose, Sponge Refill (IB), 7920-00-471-2876.
Mophead, Dusting, Cotton (IB), 7920-00-634-0201, 7920-00-267-4921, 7920-00-998-2482, 7920-00-998-2483, 7920-00-998-2484, 7920-00-851-0141, 7920-00-205-0485, 7920-00-205-0487, 7920-00-205-0488.
Mophead, Wet (IB), 7920-00-205-0425, 7920-00-205-0426, 7920-00-141-5549, 7920-00-171-1148, 7920-00-141-5550, 7920-00-141-5547, 7920-00-141-5548, 7920-00-141-5544, 7920-00-141-5542, 7920-00-245-8290, 7920-00-141-5543, 7920-00-923-0448, 7920-00-141-5541, 7920-00-926-5492, 7920-00-926-5493, 7920-00-926-5494, 7920-00-926-5495, 7920-00-926-5496, 7920-00-926-5497, 7920-00-926-5498, 7920-00-926-5499, 7920-00-926-5500, 7920-00-926-5501, 7920-00-926-5502, 7920-00-926-5503, 7920-00-634-0202, 920-00-634-0203.
Pad, Scouring (IB), 7920-00-753-5242.
Scraper and Squeegee (IB), 7920-00-045-2556.
Sponge, Cellulose (IB), 7920-00-161-6219, 7920-00-633-9928, 7920-00-240-2559, 7920-00-884-1116, 7920-00-559-8462, 7920-00-559-8463, 7920-00-559-8464, 7920-00-884-1115, 7920-00-633-9905, 7920-00-240-2555, 7920-00-633-9906.
Squeegee (SH), 7920-00-224-8339.

Class 7930

Detergent, General Purpose (IB), 7930-00-926-5280, 7930-00-357-7386, 7930-00-068-1669, 7930-00-177-5243, 7930-00-985-6945, 7930-00-985-6946, 7930-00-530-8067, 7930-00-527-1207, 7930-00-527-1237.
Dishwashing Compound, Hand (IB), 7930-00-880-4454 Rgn 1, 2, 3, 5 and 10, 7930-00-899-9534 Rgn 1, 2, 3, 5 and 10.
Rinse Additive, Dishwashing (IB), 7930-00-619-9573 (100 percent Gvt rqmt) 7930-00-619-9575 (60 percent rqmt).
Wax, Floor (IB), 7930-00-205-2870 Rgn 1, 2, 3, 5 and 10, 7930-00-141-5888 Rgn 1, 2, 3, 5 and 10, 7930-00-205-2871 Rgn 1, 2, 3, 5 and 10.

Class 8105

Bag, Cloth (IB), 8105-00-282-8183.
Bag, Cotton (IB), 8105-00-183-6981, 8105-00-281-3924, 8105-00-183-6982, 8105-00-179-0089, 8105-00-271-1511, 8105-00-183-6985,8105-00-174-0336, 8105-00-6989, 8105-00-290-3360.
Bag, Lunch (SH), 8105-00-664-3715.
Bag, Motion Sickness (IB), 8105-00-835-7212.

Class 8115

Box, Set-Up, Mailing Dental (IB), 8115-00-511-5750.
Box, Wood (SH), 8115-00-935-6526, 8115-00-935-6527, 8115-00-935-6532.

Class 8120

Cap, Compressed Gas Cylinder (IB), 8120-00-178-9814, 8120-00-179-0076.

Class 8315

Sewing Kit (SH), 8315-00-889-3632, 8315-00-816-5905.

Class 8340

Pin, Tent, Aluminum (SH), 8340-00-261-9749.
Pin, Tent Wood (SH), 8340-00-261-9750, 8340-00-261-9751.

Class 8345

Case, Flag, Interment (IB), 8345-00-782-3010.
Flag, Signal (IB), 8345-00-935-0588, 8345-00-935-0589, 8345-00-935-0590, 8345-00-935-0591, 8345-00-935-0592, 8345-00-935-0594, 8345-00-935-0595, 8345-00-935-0597, 8345-00-935-0598, 8345-00-935-0599, 8345-00-935-0602, 8345-00-935-0604, 8345-00-935-0607, 8345-00-935-0608, 8345-00-935-0633, 8345-00-935-1840, 8345-00-935-0634, 8345-00-935-0638, 8345-00-935-0639, 8345-00-926-0640, 8345-00-926-9977, 8345-00-926-9216, 8345-00-926-9978, 8345-00-926-6804, 8345-00-926-6806, 8345-00-926-9979, 8345-00-926-6807, 8345-00-926-6809, 8345-00-926-9980, 8345-00-926-9219, 8345-00-935-0582, 8345-00-926-9984, 8345-00-926-6003, 8345-00-926-9985, 8345-00-935-0619, 8345-00-935-1839, 8345-00-935-0620, 8345-00-935-0623, 8345-00-935-0409, 8345-00-926-0624, 8345-00-935-0445, 8345-00-926-6803, 8345-00-935-0446, 8345-00-926-6805, 8345-00-935-0447, 8345-00-926-9987, 8345-00-935-0448, 8345-00-926-6810, 8345-00-926-9988, 8345-00-935-0450, 8345-00-935-0451, 8345-00-935-0453, 8345-00-935-6002, 8345-00-935-6814, 8345-00-935-0436, 8345-00-935-0437, 8345-00-935-0438, 8345-00-935-0408, 8345-00-935-0441, 8345-00-935-0442, 8345-00-935-0464, 8345-00-935-0465, 8345-00-935-0466, 8345-00-935-0467, 8345-00-935-0468, 8345-00-935-0470, 8345-00-935-0471, 8345-00-935-0473, 8345-00-935-0474, 8345-00-935-0475, 8345-00-935-0478, 8345-00-935-0480, 8345-00-935-0483, 8345-00-935-0484, 8345-00-935-0626, 8345-00-935-1838, 8345-00-935-0627, 8345-00-935-0407, 8345-00-935-0630, 8345-00-935-0631.
Flag, Signal, Vehicle, Danger Red (IB), 8345-00-260-2724.
Pennant, Signal, and Special Flags (IB), 8345-00-935-0420, 8345-00-935-0517, 8345-00-935-4755, 8345-00-825-1847, 8345-00-935-3201, 8345-00-935-4756, 8345-00-935-0522, 8345-00-914-6086, 8345-00-935-4753, 8345-00-935-4754, 8345-00-935-0404, 8345-00-935-0514, 8345-00-825-1868, 8345-00-935-0406, 8345-00-935-0509, 8345-00-926-5988, 8345-00-935-0512, 8345-00-921-4497, 8345-00-935-3199, 8345-00-825-1839, 8345-00-935-0526, 8345-00-914-6076, 8345-00-914-6080, 8345-00-914-6083, 8345-00-935-0524, 8345-00-926-5987, 8345-00-926-5989, 8345-00-935-0539, 8345-00-926-5991, 8345-00-825-1840, 8345-00-935-0521, 8345-00-914-6087, 8345-00-926-6026, 8345-00-935-0403, 8345-00-935-0536, 8345-00-926-9210, 8345-00-926-9213, 8345-00-926-6028, 8345-00-935-0508, 8345-00-935-0519, 8345-00-935-0415, 8345-00-914-6085, 8345-00-926-9215, 8345-00-935-0411, 8345-00-926-9212, 8345-00-914-7411, 8345-00-914-6079, 8345-00-914-6082, 8345-00-935-0523, 8345-00-935-0417, 8345-00-926-5990, 8345-00-935-0421, 8345-00-926-9207, 8345-00-935-0542, 8345-00-935-0520, 8345-00-935-0492, 8345-00-935-0493, 8345-00-926-9214, 8345-00-935-0513, 8345-00-935-0490, 8345-00-935-0495, 8345-00-926-9208, 8345-00-935-0518, 8345-00-935-0511, 8345-00-914-6084, 8345-00-935-0405, 8345-00-935-0410, 8345-00-935-0525, 8345-00-914-6075, 8345-00-914-6077, 8345-00-914-6081, 8345-00-935-0419, 8345-00-935-0416, 8345-00-935-0537, 8345-00-935-0538, 8345-00-935-0540, 8345-00-935-0541, 8345-00-926-9211, 8345-00-935-0499, 8345-00-935-0500, 8345-00-935-0501, 8345-00-825-1818, 8345-00-935-0497, 8345-00-935-0504, 8345-00-935-1841, 8345-00-935-0418, 8345-00-825-1819, 8345-00-926-1551, 8345-00-935-0503, 8345-00-935-0534, 8345-00-935-1843, 8345-00-926-1548, 8345-00-926-1549, 8345-00-926-1552.

Class 8405

Cover, Service Cap (IB), 8405-01-046-8544, 8405-01-046-8545.
Strap, Chin (SH), 8405-00-152-3952.

Class 8410

Havelock (IB), 8410-00-782-2782, 8410-01-013-9109.

Class 8415

Apron, Construction Worker's (IB), 8415-00-205-3895, 8415-00-257-4290.
Apron, Food Handling (IB), 8415-00-255-8577, 8415-00-634-0205, 8415-00-051-1173, 8415-00-045-0587.
Band, Helmet, Camouflage (IB), 8415-00-576-2873.
Cap, Food Handler's (IB), 8415-00-234-7677, 8415-00-234-7678, 8415-00-234-7679.
Cover, Helmet (IB), 8415-00-105-0605.
Traffic Safety Clothing (See Class 8465 also) (IB), 8415-00-177-4978, 8415-00-177-4974.

Class 8430

Footwear Cover (IB), 8430-00-890-2079.
Slide Fastener Unit, Laced Boot (IB), 8430-00-465-1888, 8430-00-465-1889, 8430-00-465-1890.

Class 8440

Neckerchief (IB), 8440-LL-L07-7000.
Necktie (IB), 8440-00-216-6130, 8440-00-316-2519, 8440-00-555-7194.

Class 8460

Kit Bag, Flyer's (IB), 8460-00-606-8366.
Suitcase, Coated Cloth (SH), 8460-00-391-0502, 8460-01-014-1972.

Class 8465

Bag, Barrack (IB), 8465-00-530-3692.
Bag, Duffel (IB), 8465-00-265-4928.
Bag, Laundry (SH), 8465-00-616-9576, 8465-00-656-0816.
Bag, Sleeping, Firefighter's (IB), 8465-00-081-0798 Rgn 9 and 10.
Bag, Soiled Clothes (SH), 8465-00-122-3869.
Bag, Soiled Clothes, Submarine (IB), 8465-00-762-7671.
Belt, Individual, Equipment, Nylon, LC-1 (IB), 8465-00-001-6488, 8465-00-001-6487.
Belt, M.P. (IB), 8465-00-527-8843.
Carrier, Intrenching Tool (IB), 8465-00-001-6474.
Case, Field, First Aid (IB), 8465-00-935-6814.
Case, Maintenance Equipment, Small Arms (IB), 8465-00-781-9564.
Clipboard, Pilot's (SH), 8465-01-012-9174.
Clothes Stop (IB), 8465-00-377-5701.
Club, Policeman's (IB), 8465-00-641-8551.
Cover, Water Canteen (IB), 8465-00-118-4956.
Cover, Water Canteen, Nylon (IB), 8465-00-860-0256, 30 percent Gvt rqmt.
Hood, Sleeping Bag (IB), 8465-00-518-2769.
Lanyard, Pistol (SH), 8465-00-262-5237, 8465-00-965-1705.
Necklace, Personnel, Identification (SH), 8465-00-261-6629.
Pocket, Ammunition Magazine, (IB), 8465-00-782-2239, 8465-00-261-4983.
Protector, Trousers, Pistol Holster (IB), 8465-00-682-6741.
Strap, Tie, Mail Carrier's, with buckle (IB), 8465—D-1216D, 8465—D-1216E, 8465—D-1216F.

Strap, Webbing, Cargo, Tie-Down (IB), 8465-00-001-6477.
Suspenders,Individual Equipment Belt (IB), 8465-00-001-6471.
Traffic Safety Clothing (see Class 8415 also) (IB), 8465-00-177-4977, 8465-00-177-4976, 8465-00-177-4975.
Whistle, Ball, Plastic (IB), 8465-00-254-8803.

Class 8470

Headband, Ground Troop, Helmet Liner (IB), 8470-00-153-6671, Mechanicsburg, Pa. and Richmond, Va. only.
Neckband, G. T., Helmet Liner (IB), 8470-00-753-6166.
Strap, Soldier's Steel Helmet M-1 (IB), 8470-00-030-8003.
Suspension Assembly, Liner, Helmet (IB), 8470-00-880-8814.

Class 8520

Soap, Toilet (IB), 8520-00-228-0598, 8520-01-058-7463, 8520-00-141-2519.

Class 8940

Condiment Packet (Dietetic) (IB), 8940-00-177-4958, 8940-00-177-4959, 8940-00-177-4960, 8940-00-177-4961, 8940-00-177-4962, 8940-00-177-4963, 8940-00-935-6416, 8940-00-935-6417, 8940-00-935-6420, 8940-00-935-6421.

Class 8950

Condiment Packet (IB), 8950-00-935-6408, 8950-00-935-6409, 8950-00-935-6410, 8950-00-935-6411, 8950-00-935-6412, 8950-00-935-6413.

Class 9905

Plate, Marking, Blank (SH), 9905-00-473-6336.
Sign, U.S. Property-No Trespassing (IB), 9905-00-559-2971.
Sign-Kit, Vehicle (SH), 9905-00-565-6267.
Tag, Marker (SH), 9905-00-537-8955, 9905-00-537-8956, 9905-00-537-8957.

Class 9920

Ash Receiver, Tobacco (IB), 9920-00-682-6757.

MILITARY RESALE COMMODITIES

Procedures for ordering military resale commodities are contained in Section 51-5.6, Code of Federal Regulations, Title 41.

Stock No. and Item Name

450—Tennis racket, deluxe (IB).
452—Tennis racket, economy (IB).
500—Room Air Freshener (IB).
501—Deodorizer, toilet bowl (IB).
544—Scrubber, nylon net over polyurethane pad (IB).
554—Scrubber, nylon, rectangular (IB).
555—Scrubber, kitchen, 4⅜ × 3 1/16 × 1 3/16" (IB).
556—Scrubber, bathroom, 4⅜ × 3 1/16 × 1 3/16" (IB).
557—Scrubber, general household, 6⅜ × 3 1/16 × 1" (IB).
563—Scrubber, plastic, for teflon (IB).
574—Clothesline, plastic, rayon reinforced, 100-ft. (IB).
575—Sponge, cellulose, 5½ × 3⅝ × 1⅛" (IB).
576—Sponge, cellulose, 7⅜ × 4 × 1¾" (IB).
577—Sponge, cellulose, 5½ × 3⅜ × 1" (IB).
578—Sponge, cellulose, 5½ × 3⅜ × ⅝" (IB).
588—Opener, pour and store (IB).
593—Sponge, bath, circular (IB).
594—Swatter, fly, plastic (IB).
596—Cutlery Set, plastic, heavy duty (8 ea. knives, forks, spoons) (IB).
597—Knives, plastic, heavy duty (IB).
598—Forks, plastic, heavy duty (IB).
599—Spoons, plastic, heavy duty (IB).
600—Trowel, transplanter (IB).
601—Trowel, regular (IB).
602—Cultivator (IB).
603—Weeder (IB).
604—Grass Shears (IB).
605—Pruning shears (IB).
718—Paint roller, frame assembly, 7" (IB).
719—Paint roller, frame assembly, 9" (IB).
720—Paint roller cover, polyester fiber, paper core, 7" (IB).
721—Paint roller cover, polyester fiber, paper core, 9" (IB).
722—Paint roller cover, polyester fiber, plastic core, 7" (IB).
723—Paint roller cover, polyester fiber, plastic core, 9" (IB).
724—Paint roller cover, polyester fiber, plastic core, 7" (IB).
725—Paint roller cover, polyester fiber, plastic core, 9" (IB).
726—Paint roller cover, polyester fiber, plastic core, 7" (IB).
727—Paint roller cover, polyester fiber, plastic core, 9" (IB).
728—Paint roller cover, dacron fiber, 7" (IB).
729—Paint roller cover, dacron fiber, 9" (IB).
730—Paint roller cover, dacron fiber, 9" (IB).
731—Paint roller cover, dacron fiber, 7" (IB).
732—Paint roller cover, mohair fiber, 7" (IB).
733—Paint roller cover, mohair fiber, 9" (IB).
735—Trimmer, paint roller, 3" (IB).
736—Refill, trimmer, paint roller, 3" (IB).
901—Broom, mixed fiber (IB).
902—Broom, push, indoor/outdoor, 54" handle (IB).
903—Broom, parlor, corn, medium weight (IB).
904—Broom, corn, plastic cap (IB).
905—Broom, plastic filament, flagged ends (IB).
907—Broom, plastic filament, angle cut (IB).
909—Broom, whisk, corn (IB).
910—Broom, whisk, plastic (IB).
911—Brush, floor, plastic filament, with handle (IB).
912—Brush, lint, plastic fialment (IB).
913—Brush, lint 2-row brass fialment (IB).
914—Brush, barbecue, with scraper (IB).
915—Brush, counter plastic (IB).
916—Brush, bowl, sanitary, nylon filament (IB).
918—Brush, scrub, household (IB).
919—Brush, scrub, plastic block, vinyl filament (IB).
920—Handle, mop, spring lever, for wet mop<heads (IB).
922—Applicator, wax, foam block (IB).
923—Mop, automatic, block sponge (IB).
924—Mop, block sponge, with scrub strip brush (IB).
925—Mop, dusting, nylon (IB).
926—Mop, stick, orlon/rayon yarn, wet (IB).
928—Mop, stick, cotton yarn, wet (IB).
932—Refill, applicator, wax, foam block, for 922 (IB).
933—Refill, mop, automatic, block sponge, for 923 (IB).
934—Refill, mop, block sponge, for 924 (IB).
936—Mophead, orlon/rayon yarn, wet (IB).
937—Mophead, cotton yarn, wet (IB).
941—Cloth, dish, knitted cotton (IB).
945—Towel, kitchen, cotton (IB).
946—Potholder, quilted, cotton (IB).
949—Mitt, oven, quilted, cotton (IB).
950—Mop, dish and bottle, wood handle (IB).
951—Mop, glass and dish, plastic handle (IB).
952—Brush, percolator (IB).
955—Brush, vegetable/utility, plastic filament (IB).
956—Brush, bottle, nylon filament (IB).
957—Brush, dish and pan, nylon filament (IB).
959—Brush, pastry and basting (IB).
962—Cover, ironing board, silicone and pad, poly foam (IB).
964—Cover, ironing board, silicone, double coated (IB).
969—Cover, ironing board, teflon coated (IB).
970—Bag, washing machine, nylon with zipper (IB).
980—Cloth, all purpose, cotton (IB).
983—Cloth, dusting (IB).
986—Cloth, wash, face (IB).
995—Dustpan, plastic (IB).

SERVICES

These services are identified by industrial group number as provided in the Standard Industrial Classification Manual prepared by the Technical Committee on Industrial Classification, Statistical Policy Division, Office of Management and Budget.

SIC 0782

Grounds maintenance.
Bergstrom Air Force Base, Tex. for following AFRES units: Buildings: 1601, 4202, 4526, 4527, 4534, 4535, 4547, 4562 and Apron "D" (SH).
Edwards Air Force Base, California, for Chapel 2700; Hospital Areas 5500, 5510, and 5550; Recreation Fields 2201, 5201, 5208, and 5213; Buildings 1200, 1220, 1400, 2640, 2660, 2800, 3940, and P-1 (SH).
Federal Aviation Administration, Leesburg, Va. (SH).
Federal Aviation Administration, Air Route Traffic Control Center, Ronkonkoma, N.Y. (SH).
Fort Lawton, Wash. (SH)
Fort Lawton, Wash., Cemetery Grounds (includes opening and closing of graves) (SH).
Fort Ord, Calif., for Silas B. Hays Army Hospital; Fort Ord Officer's Open Mess; Headquarters Area and Welcome Center (SH).
Department of Energy, Morgantown Energy Research Center, Morgantown, W. Va.
Naval Air Station, Whidbey Island, Wash. (SH).
Naval Weapons Station, Yorktown, Va. for: Kirkpatrick Park; Administration Building No. 31 and Gate No. 1; Missile Park; Dispensary Area; Skiff Creek Area; Officer's Club Building 58; Building 380A, Building. 380B, Credit Union; and Industrial Areas.
Special Training Building and Complex, U.S. Secret service, Beltsville, Md. (SH).
State Line Park, West Point Lake, West Point, GA. (SH).

SIC 0851

Seedling harvesting.
USDA, Forest Service, Humboldt Nursery, McKinleyville, Calif. (SH).

SIC 5812

Catered noon meals
Armed Forces Examining and entrance Station, Seattle, Wash. (SH).

SIC 7218

Laundry.
Naval Training Center, Great Lakes, Ill. (SH).
U.S. Army Medical Material Agency, fort Detrick, Frederick, Md. (SH).

SIC 7331

Mailing.
Consumer Product Safety Commission, Wahington, D.C. (SH).
The Library of Congress, Washington, D.C. (SH).
President's Committee on Employment of the Handicapped, Wahington, D.C. (SH).
U.S. Department of Agriculture, Washington, D.C. (D.C. metropolitan area only, excluding Foreign Agriculture Services, Management Services Division) (SH).
U.S. Department of H.E.W., for following offices only: National Institutes of Health, Bethesda, Md. (SH), Alcohol, Drug Abuse, and Mental Health Administration, Rockville, Md. (SH), Food and Drug Administration, Rockville, Md. (SH), Health Resources Administration, Rockville, Md. (SH), Health Services Administration, Rockville, Md. (SH), Office of Assistant Secretary for Health, Rockville, Md. (SH),Office of the Secretary, Washington, D.C. (SH).
U.S. Department of H.U.D., Washington, D.C. (SH).
U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. (SH); Manpower Administration, Washington, D.C. (SH).

Tax Form Order Fullfillment

Internal Revenue Service, Buffalo, N.Y. (SH).

SIC 7349

Campground cleanup and trash removal.
U.S. Department of Agriculture, Forest Service, Pole Mountain and Centennial Areas, Laramie, Wyo. (SH).

Janitorial/Custodial

U.S. Army Reserve Centers in Massachusetts, at following locations; Belmont and Manley Street, Brockton; 915 West Chestnut Street, Brockton; John Williams Street, Attleboro; 675 American Legion Highway, Roslindale; 130 Eldridge Street, Taunton.
Bergstrom Air force Base, Tex., Buildings: 713 734, 2004, 2108 and 2600 (Chapel) (SH).
Bureau of Land Management District Building, Roseburg, Oreg. (SH).
Department of Energy, for the following: Morgantown Energy Research Center, Morgantown, W. Va. (SH). Offices at Rogers Hotel and Offices at First Street Building, Idaho Falls, Idaho, (SH).
Fairchild Air Force Base, Spokane, Wash. for: Alert Facility (Building 2080); Alert Trailers; Post Office (Building 644); Military Family Housing Office (Building 2451B); Audit Agency Office (Building 2245); 47th Air Division Headquarters (Building 2285); Civilian Personnel and NAF (Room 209 of Building 2245); Red Cross Office (Building 2245); Base Library (Building 716); Base Chapel (Building 4200); Base Education Center (Building 2365); Family Visitation Center (Building 2092) (SH).
Federal Aviation Administration, Tracon Facility, Stewart Avenue, Westbury, Long Island, N.Y. (SH).
Federal Building, 400 South Clinton, Iowa City, Iowa (SH).
Federal Building (U.S. Post Office and Courthouse), 330 Shawnee, Leavenworth, Kans. (SH).
Federal Building and Post Office, 202 Harlow Street, Bangor, Maine (SH).
Federal Building and Courthouse, 436 Dwight Street, Springfield, Mass. (SH).
Federal Building, Manchester, N.H. (SH).
Federal Building, Muskogee, Okla. (SH).
Federal Building and U.S. Courthouse, Lincoln, Nebr. (SH).
Lloyd Group Buildings, Portland, Oreg. (SH).
Naval Air Station Buildings: 12, 18, 100, 103, 108, 110, 113, 116, 124, 126, 243, 365, 369, 371, 374, 375, 376, 377, 380, 381, 385, 386, 960, 961, 975, 994, 2547, 2551 and Human Resources Spaces Building 119, Whidbey Island, Oak Harbor, Wash. (SH).
Pentagon Officers Athletic Center, The Pentagon, Washington, D.C. (SH).
U.S. Army Reserve Center, Camp Drum, Watertown, N.Y. (SH).
U.S. Courthouse and Federal Building, Rapid City, S. Dak. (SH).
Veterans Administration Building, 252 Seventh Avenue, New York, N.Y. (includes light fixture cleaning) (SH).

Janitorial/Elevator Operator

Federal Building, 201 Varick Street, New York, N.Y. (SH).
Veterans Administration Clinic Building, 17 Court Street, Boston, Mass. (SH).

SIC 7369

Food service attendant.
Seneca Army Depot, Romulus, N.Y. (SH).

SIC 7374

Keypunch and verification.
GSA Region 2, Federal Data Processing Division overflow requirements (SH).

SIC 7395

Film developing.
Photographic Processing for the GSA Self-Service Store No. 60, Denver Federal Center, Denver, Colo. (IB).

SIC 7399

Affix labels—U.S. Patent Documents.
U.S. Department of Commerce, Patent and Trademark Office, Crystal City, Arlington, Va. (SH).

Assembly

Number Belt, Trousers (IB).
Number Food Packet, Survival, General Purpose, Individual (8970-00-082-5665) (IB).
Number Food Packet, Survival, Abandon Ship (8970-00-299-1395) (IB). TPK-1 (Regular packing). TPK-2 (Weather-resistant packing).
Number Food Packet, Isolated Site (8 menus) (IB).
General Mechanic's Tool Kit (5180-00-177-7033), GSA Kansas City, Mo. (SH).

Bursting and Packaging of Commemorative Stamps

U.S. Postal Service, Washington, D.C. (SH).

Microfilming Contract Files

Department of the Navy, OICC Trident, Bremerton, Wash. (SH).

Packaging

Portsmouth Naval Shipyard, Portsmouth, N.H. (SH).

Sewing

Redstone Arsenal, Alabama (Provides specified end items produced through use of customized, heavy-duty sewing service) (SH).

Shrink Wrapping Gift Packages

U.S. Postal Service, Washington, D.C. (SH).

SIC 7538

Rebuilding automotive components.
GSA Interagency Motor Pool, New York, N.Y. (SH).

SIC 7641

Furniture rehabilitation.
Eielson Air Force Base, Alaska (SH).
Fairbanks, Alaska, plus 30-mile radius (SH).
Lackland Air Force Base, San Antonio, Tex. (SH).
Long Beach, Calif., plus 100-mile radius, excluding San Diego County and San Clemente (SH).
Monterey, Calif., plus 10-mile radius, including Fort Ord (SH).
Randolph Air Force Base, San Antonio, Tex. (SH).
Sacramento, Calif., plus 60-mile radius, excluding San Joaquin County (SH).
San Antonio, Tex., plus 40-mile radius, (SH).
San Francisco, Calif., and the counties of Alameda, Contra Costa, San Mateo, and Santa Clara (SH).
Seattle, Wash., plus 30-mile radius, (SH).
Spokane, Wash., plus 30-mile radius from city limits (SH).
Tacoma-Auburn, Wash., plus 30-mile radius, including McChord Air Force Base and Fort Lewis (SH).

Metal Furniture Rehabilitation

Cleveland, Ohio, plus 25-mile radius (SH).
Bremerton, Wash., plus 13-mile radius (SH).
Olympia, Wash., plus 13-mile radius (SH).
Seattle, Wash., plus 13-mile radius (SH).
Tacoma, Wash., plus 13-mile radius (including McChord Air Force Base and Fort Lewis) (SH).

SIC 7699

Mattress and box spring rehabiliatation (IB).
Orders for renovated mattresses may be arranged through GSA regional offices. IB will provide requirements for mattress and box spring renovation for GSA Regions 2, 3, 4, 5, 6, 7, and 8 only.

Repair and Maintenance of Electric Typewriters Only

Social Security Administration, Chicago, Ill. (SH).
Railroad Retirement Board, 844 North Rush Street, Chicago, Ill. (SH).
Health, Education and Welfare, 300 South Wacker Drive, Chicago, Ill. (SH).
Syracuse, N.Y., (including Onondage County) (SH).

Repair and Maintenance of Manual Typewriters Only

Federal Court House Building, Syracuse, N.Y. (SH).

Repair and Maintenance of Electric and Manual Typewriters

Rochester, N.Y. (including Monroe County) (SH).
U.S. Customs, 6 World Trade Center, New York, N.Y. (SH).
U.S. Customs, Milwaukee, Wis. (SH).
U.S. Federal Office Building, Milwaukee, Wis. (SH).
Veterans Administration Center and Hospital, Wood, Wis. (SH).
Veterans Administration Regional Office, Milwaukee, Wis. (SH).
26 Federal Plaza, New York, N.Y. (SH).
32 Old Slip, New York, N.Y. (SH).
1515 Broadway, New York, N.Y. (SH).

[FR Doc. 78-32031 Filed 11-14-78; 8:45 am]

federal register

WEDNESDAY, NOVEMBER 15, 1978
PART IV



ENVIRONMENTAL PROTECTION AGENCY

■

WASTEWATER TREATMENT PONDS

Suspended Solids Limitations

625.6

628.5

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL-10064]

SECONDARY TREATMENT INFORMATION REGULATION

Suspended Solids Limitations for Wastewater Treatment Ponds

On October 7, 1977, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (42 FR 54666) a final amendment to the secondary treatment information regulation applicable to the suspended solids limitations for certain municipal wastewater treatment ponds. The secondary treatment information regulation, 40 CFR 133, contains effluent limitations in terms of biochemical oxygen demand, suspended solids and pH which must be achieved by municipal wastewater treatment plants.

The amendment added a new paragraph (c) to § 133.103 of 40 CFR 133. This allows a case-by-case adjustment in suspended solids limitations for publicly owned waste stabilization ponds, if: The pond has a design capacity of 2 million gallons per day or less; ponds are the sole process for secondary treatment; and, the pond meets the biochemical oxygen demand limitations as prescribed by 40 CFR 133.102(a). Ponds that are not eligible for this adjustment include: Basins or ponds used as a final polishing step for other secondary treatment systems, and ponds which include complete-mix aeration and sludge recycle or return since these systems are in essence a variation of the activated sludge process. Aerated ponds without sludge recycle, however, are eligible for adjustments provided the other specific requirements are met.

The amended suspended solids limitations were determined by statistical analysis of available data. The acceptable limit was defined as that concentration achieved 90 percent of the time by waste stabilization ponds that are achieving the biochemical oxygen demand limitations of 40 CFR 133.102(a). Each State was considered separately as well as appropriate contiguous geographic areas within a State or group of States. The analysis was done by the States or the applicable EPA regional office in cooperation with the States.

A considerable amount of latitude was allowed in developing these values to account for varying conditions affecting pond use and performance across the country. Categorizations within States based on factors such as geographic location, seasonal variation and the type of pond were permitted. In some instances, the values presented below reflect these factors.

In accordance with the amended regulation, a single value corresponding to the concentration achievable 90 percent of the time may be used to establish the suspended solids limitations for ponds within a State. The concentration achievable 90 percent of the time has been generally accepted as corresponding to a 30 consecutive day average (or an average value over the period of discharge when entire duration of the discharge is less than 30 days). This interpretation is consistent with the analysis which was used as the basis for the other suspended solids and biochemical oxygen demand limitations contained in 40 CFR 133.

For this reason, a single suspended solid concentration has been listed below for ponds (or subcategory of ponds) within a State. In some cases, however, the States and EPA regional offices have agreed upon additional values, such as weekly averages or daily maximums, which will be used for compliance monitoring purposes within those States.

In some cases the data base for the analysis was quite limited and in all cases additional data are being collected. A periodic reevaluation of this expanding data base will be conducted and could result in further changes in the suspended solids limitations listed below. Several EPA regional offices have already indicated their intent to conduct a reevaluation within 2 years or less. Even though publication of these values is not a formal rulemaking procedure, public comments are welcome and will be considered in any revisions. Comments should be submitted to Director, Municipal Construction Division (WH-547), Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Sherwood Reed or Alan Hais, Municipal Construction Division (WH-547), Office of Water Program Operations, Environmental Protection Agency, Washington, D.C. 20460, 202-426-8976.

Dated October 27, 1978.

THOMAS C. JORLING,
Assistant Administrator for Water and Waste Management.

ENVIRONMENTAL PROTECTION AGENCY

SUSPENDED SOLIDS LIMITATIONS FOR WASTEWATER TREATMENT PONDS **

*Location and Suspended Solids Limit * (mg/l)*

Alabama—90.
Alaska—70.
Arizona—90.
Arkansas—90.
Californinia—95.
Colorado
Aerated ponds—75.
All others—105.
Connecticut—N.C.
Delaware—N.C.
District of Columbia—N.C.
Florida—N.C.
Georgia—90.
Guam—N.C.
Hawaii—N.C.
Idaho—N.C.
Illinois—37.
Indiana—70.
Iowa

Controlled Discharge, 3 Cell and Case-by-Case but not Greater Than 80

All others—80.
Kansas—80.
Kentucky—N.C.
Louisiana—90.
Maine—45.
Maryland—90.
Massachusetts—N.C.
Michigan
Controlled seasonal discharge
Summer—70.
Winter—40.
Minnesota—N.C.
Mississippi—90.
Missouri—80.
Montana—100.
Nebraske—80.
North Carolina—90.
North Dakota.
North and east of Missouri River—60.
South and west of Missouri River—100.
Nevada—90.
New Hampshire—45.
New Jersey—N.C.
New Mexico—90.
New York—70.
Ohio—65.
Oklahoma—90.
Oregon
East of Cascade Mountains—85.
West of Cascade Mountains—50.
Pennsylvania—N.C.
Puerto Rico—N.C.
Rhode Island—45.
South Carolina—90.
South Dakota—110.
Tennessee—100.
Texas—90.
Utah—N.C.
Vermont—55.
Virgina
East of Blue Ridge Mountains—60.
West of Blue Ridge Mountains—78.
Eastern Slope Counties: Loudoun, Fauquier, Rappahannock, Madison, Green, Albemarle, Nelson Amherst, Bedford, Franklin, Patrick and, *Case-by-Case application of 60/78 Limits*
Virgin Islands—N.C.
Washington—75.
West Virginia—80.
Wisconsin—60.
Wyoming—100.
Trust Territories and North Marianas—N.C.

NOTES.—N.C.—No change from existing criteria.

** The values set for Iowa and Virginia incorporate a specific case-by-case provisions; however, in accordance with 40 CFR 133.133.103(c), adjustments of the suspended solids limitations for individual ponds in all States are to be authorized on a case-by-case basis.

[FR Doc. 78-32022 Filed 11-14-78; 8:45 am]

federal register

WEDNESDAY, NOVEMBER 15, 1978
PART V



DEPARTMENT OF AGRICULTURE

Office of the Secretary

■

SEMIANNUAL AGENDA OF REGULATIONS

[3410-90-M]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SEMIANNUAL AGENDA OF REGULATIONS

This decision calendar contains a listing of significant regulations and other actions being developed in the Department of Agriculture under the procedures described in the report "Improving USDA Regulations," 43 FR 50988 (Nov. 1, 1978). The listing contains both actions underway and to be initiated during the next 6 months. Actions are listed under the name of the responsible USDA agency.

This decision calendar is being published to provide an overview of pending major actions and estimated dates when further steps in their development should occur. It is intended as an aid to the public in its participation in the USDA decisionmaking process at the appropriate stages. We have attempted to list all significant actions pending at the time of the calendar but some may have been inadvertently missed. There is no legal significance to an item not appearing on this listing.

The dates shown for the various stages of each action are estimated and are not commitments to act on or by the date shown. The "prenotice" date, when given, is an indication the agency intends to seek public input prior to the "notice of proposed rulemaking." Anyone desiring further information on an action should write or call the agency contact listed for the action. Unless a different address is given, inquires should be addressed to: (Name of Agency Contact) (Agency Name), U.S. Department of Agriculture, Washington, D.C. 20250.

Additional information on USDA regulation and decisionmaking procedures may be obtained from; Linley E. Juers, Coordinator of Policy Analysis and Public Participation, Office of Budget, Planning and Evaluation, U.S. Department of Agriculture, Washington, D.C. 20250, phone 202-447-6667.

This decision calendar will be updated in 6 months in accordance with the President's Executive Order 12044, FEDERAL REGISTER, March 24, pages 12661-12665.

CAROL TUCKER FOREMAN
Acting Secretary.

NOVEMBER 9, 1978.

[3410-90-C]

AGRICULTURAL MARKETING SERVICE

1. **Calendar No:** AM 1081

2. **Title:** Beef Pricing Investigation

3. **Description:** Study of marketing, pricing of beef carcasses, and reporting services.

4. **Authority:** 7 U.S.C. 192 Investigation request by Secretary

5. **Projected Schedule**

a. Date of pre-notice:	11/78
b. Date of proposal:	12/78
c. Final Decision:	11/79

6. **Contacts:**

Agency: James Tuggle, Ext. (202) 447-5877

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 1085

2. **Title:** Implementation of the Wheat and Wheat Foods Research and Nutrition Education Act.

3. **Description:** (Formal Rulemaking) A series of steps coordinated by the Dept. will be required to develop an appropriate Wheat and Wheat Foods Research and Nutrition Education order. A referendum of end product manufacturers (primarily wholesale bakers) would determine if the order is approved.

4. **Authority:** Wheat and Wheat Foods Research and Nutrition Education Act (Public Law 95-113, Section 1701-1719) Statutory

5. **Projected Schedule**

a. Date of pre-notice:	10/78
b. Public hearing:	3/79
c. Recommend Decision:	7/79
d. Final Decision:	10/79

6. **Contacts:**

Agency: Ralph Tapp, Ext. (202) 447-3970

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 1086

2. **Title:** Implementation of the amended Beef Research and Information (BRI) Act

3. **Description:** (Formal Rulemaking) A series of steps coordinated by the Dept. will be required to develop an appropriate BRI order. A referendum would determine if beef producers wish to assess themselves for the purpose of carrying out a BRI program.

4. **Authority:** Beef Research and Information Act (P.L. 94-294, May 29, 1976) as amended by the Agricultural Credit Act of 1978 (P.L. 95-334, August 4, 1978)

5. **Projected Schedule**

a. Date of pre-notice:	4/79
b. Date of Hearing:	8/79
c. Recommend Decision:	12/79
d. Final Decision:	3/80

6. **Contacts:**

Agency: Ralph Tapp, Ext. (202) 447-3970

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 1087

2. **Title:** Amendments to regulations under the Federal Seed Act

3. **Description:** Update and clarify provisions such as definition of variety rules for assigning variety names, add new kinds, add new rules for testing, amend standards for certified seed, and amend rules for sampling unusual containers. Last major revision of regulations was in 1973.

4. **Authority:** Federal Seed Act

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal: 3/78
   c. Final Decision: 7/79

6. Contacts:

   Agency: Clyde Edwards, Ext. (202) 447-9340

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 1089

2. **Title:** Proposed revisions of U.S. Grade Standards for Feeder Cattle.

3. **Description:** The present standards are outdated due to changes in the cattle population and changes in beef standards in 1976.

4. **Authority:** Agricultural Marketing Act of 1946.

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal: 11/78
   c. Final Decision: 7/1/79

6. Contacts:

   Agency: W. Edmund Tyler, Ext. (202) 447-5679

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10812

2. **Title:** Proposed South Texas Melon Marketing Order

3. **Description:** Receive evidence from all interested persons regarding a proposed marketing agreement and order for melons grown in South Texas to include authority for minimum quality and container requirements.

4. **Authority:** Agricultural Marketing Agreement Act of 1937, as amended.

5. Projected Schedule

   a. Notice of Hearing: 10/27/78
   b. Recommend Decision: 2/28/79
   c. Final Decision: 4/20/79

6. Contacts:

   Agency: Charles Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10814

2. **Title:** Proposed New England Apple Marketing Agreement and Order

3. **Description:** Obtain evidence on requested program regarding research, promotion and minimum maturity provisions covering apples grown in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont.

4. **Authority:** Agricultural Marketing Agreement Act of 1937, as amended.

5. **Projected Schedule**
   a. **Notice of hearing:** 11/78
   b. **Public heating:** 12/78
   c. **Recommend Decision:** 3/79
   d. **Final Decision:** 6/79

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10819

2. **Title:** Administrative Rule for cranberries

3. **Description:** Establish a procedure governing the allocation of reserve base quantity to cranberry producers.

4. **Authority:** Order 929 - Cranberries - Section 929.48 requires that rules be established to issue reserve base quantity.

5. **Projected Schedule**
   a. **Date of pre-notice:**
   b. **Recommend Decision:** 12/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10821

2. **Title:** Quadrennial Referendum for California nectarines

3. **Description:** Section 916.64(e) requires the Secretary to conduct a quadrennial referendum to ascertain whether growers favor continuance of Order. The referendum will be conducted Dec. 1, 1978, through Feb. 15, 1979.

4. **Authority:** M. O. 916 - Nectarines Grown in California.

5. **Projected Schedule**
   a. **Date of pre-notice:**
   b. **Referendum Date:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10822

2. **Title:** Quadrennial Referendum for California peaches, pears and plums

3. **Description:** Section 917.61(e) requires the Secretary to conduct a quadrennial referendum to ascertain whether growers favor continuance of Order. Such referendum will be conducted Dec. 1, 1978, through Feb. 15, 1979.

4. **Authority:** M. O. 917 - Peaches, Pears, Plums Grown in California.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Referendum Date:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10839

2. **Title:** Amend California Raisin Marketing Order No. 989

3. **Description:** Clarify intent and language of existing volume regulation provisions used to tailor supplies to needs. Also, classify oleate seedless raisins separate from water-dipped and soda-dipped raisins to maintain equity among sun-dried and water-dipped segments of the industry. Changes intended to improve order regulatory operations.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 11/78

6. **Contacts:**

   Agency: Charles Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10841

2. **Title:** Amendment of Greater Kansas City and Nebraska-Western Iowa Milk Orders

3. **Description:** Increase the funding rate for the advertising and promotion programs.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**

   a. **Invite proposals:** 7/13/78
   b. **Public Hearing:** 10/23/78
   c. **Recommend Decision:** 11/28/78
   d. **Final Decision:** 1/9/79

6. **Contacts:**

   Agency: Maurice Martin, Ext. (202) 447-7183

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10842

2. **Title:** Amendment of New York-New Jersey Milk Order

3. **Description:** Change the procedure for classifying milk that is lost (shrinkage) during the handling and processing operations.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**

a. Invite proposals:	1975
b. Public Hearing:	2/76
c. Recomend Decision:	10/5/78
d. Final Decision:	12/1/78

6. **Contacts:**

Agency: Richard Glandt, Ext. (202) 447-4829

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10843

2. **Title:** Amendment of Greater Kansas City Milk Order

3. **Description:** Key proposals would change the pooling standards for supply plants.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**

a. Invite proposals:	7/13/78
b. Public hearing:	10/30-31/78
c. Recommend Decision:	2/20/79
d. Final Decision:	4/16/79

6. **Contacts:**

Agency: Maurice Martin, Ext. (202) 447-7183

Secretary's Office: Ted Moriak, Ext., (202) 447-6667

1. **Calendar No:** AM 10844

2. **Title:** Amendment of Nebraska-Western Iowa Milk Order

3. **Description:** Key proposals would change the pooling standards for supply plants and increase the limit on the amount of milk that may be diverted from pool plants to nonpool plants for manufacturing. Another proposal would establish a late-payment charge on all over-due obligations of handlers that are payable to the market adminstrator. Other proposals would either reduce or increase the Class I price at certain locations by various amounts.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**

a. Invite proposals:	7/13/78
b. Public hearing:	10/24-27/78
c. Recomend Decision:	3/30/79
d. Final Decision:	6/20/79

6. **Contacts:**

Agency: Maurice Martin, Ext. (202) 447-7183

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10845

2. **Title:** Amendment of Texas Milk Order

3. **Description:** Key proposals would change the producer-handler definition and the classification of milk that is lost in the plant (shrinkage), disposed of as animal feed, or dumped.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**
   - a. **Invite proposals:** 4/26/78
   - b. **Public hearing:** 6/13-14/78
   - c. **Recomend Decision:** 10/11/78
   - d. **Final Decision:** 12/1/78

6. **Contacts:**

   Agency: Robert Groene, Ext. (202) 447-4824

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10846

2. **Title:** Amendment of Middle Atlantic Milk Order

3. **Description:** Key proposals would change the pooling standards for distributing plants and would increase the limit on the amount of milk that may be diverted from pool plants to nonpool plants for manufacturing. Another proposal would require handlers to pay not less than the order's class prices for milk received from a cooperative association plant that is pooled under another Federal order.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**
   - a. **Invite proposals:**
   - b. **Public hearing:** 10/3-4/78
   - c. **Recomend Decision:** 12/15/78
   - d. **Final Decision:** 2/1/79

6. **Contacts:**

   Agency: Clayton Plumb, Ext. (202) 447-6273

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10847

2. **Title:** Amendment of St. Louis-Ozarks Milk Order

3. **Description:** Key proposals would change the pooling standards for distributing plants and supply plants and would increase the funding rate for the advertising and promotion program.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**
   - a. **Invite proposals:** 3/13/78
   - b. **Public hearing:** 6/21-22/78
   - c. **Recomend Decision:** 11/3/78
   - d. **Final Decision:** 1/3/79

6. **Contacts:**

   Agency: Robert Groene, Ext. (202) 447-4824

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10848

2. **Title:** Amendment of Tennessee Valley Milk Order

3. **Description:** The key proposal would change the pooling standards for supply plants.

4. **Authority:** Agricultural Marketing Agreement Act of 1937

5. **Projected Schedule**

a. Invite proposals:	7/17/78
b. Public hearing:	9/13/78
c. Recomend Decision:	12/5/78
d. Final Decision:	1/23/79

6. **Contacts:**

Agency: Richard Glandt, Ext. (202) 447-4829

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10849

2. **Title:** New Federal Milk Order for Boise, Idaho, Area

3. **Description:** Establish a new Federal milk order covering 18 southwestern Idaho and 5 eastern Oregon counties. The principal cities in the proposed marketing area are Boise, Nampa, and Twin Falls, Idaho. The provisions of the order would be patterned after those commonly used in most other Federal orders.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**

a. Invite proposals:	9/15/78
b. Public hearing:	12/5/78
c. Recommend Decision:	6/26/79
d. Final Decision:	9/7/79

6. **Contacts:**

Agency: Maurice Martin, Ext. (202) 447-7183

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10850

2. **Title:** Amendment of 10 Southwestern Milk Orders (Texas, et al.)

3. **Description:** The key proposal would increase the funding rate for the advertising and promotion programs.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**

a. Invite proposals:	2/10/78
b. Public hearing:	11/8/78
c. Recomend Decision:	1/5/798
d. Final Decision:	2/28/79

6. **Contacts:**

Agency: Robert Groene, Ext. (202) 447-4824

Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10851

2. **Title:** Amendment of Inland Empire Milk Order

3. **Description:** Increase the limit on the amount of producer milk that may be diverted from pool distributing plants to nonpool plants for manufacturing.

4. **Authority:** Agricultural Marketing Agreement Act of 1937.

5. **Projected Schedule**
   - a. **Invite proposals:**
   - b. **Public hearing:** 7/27/78
   - c. **Recomend Decision:** 11/28/78
   - d. **Final Decision:** 1/17/79

6. **Contacts:**

   Agency: Maurice Martin, Ext. (202) 447-7183

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10852

2. **Title:** Amendment of Iowa Milk Order

3. **Description:** Key proposals would change the pooling standards for distributing plants and supply plants, revise the basis for determining which dairy farmers may have their milk pooled under the order, and decrease the Class I price at certain locations in the market.

4. **Authority:** Agricultural marketing Agreement Act of 1937.

5. **Projected Schedule**
   - a. **Invite proposals:** 7/31/78
   - b. **Public hearing:** 9/20-21/78
   - c. **Recommend Decision:** 12/22/78
   - d. **Final Decision:** 2/14/79

6. **Contacts:**

   Agency: Martin Dunn, Ext. (202) 447-7311

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10853

2. **Title:** Marketing Policy Statement California-Arizona Grapefruit

3. **Description:** Set annual marketing policy for grapefruit in California and Arizona

4. **Authority:** Marketing Order 70 CFR - Part 909

5. **Projected Schedule**
   - a. **Date of pre-notice:**
   - b. **Date of proposal:**
   - c. **Final Decision:** 12/78

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10854

2. **Title:** Marketing Policy Statement California-Arizona Valenicia Oranges

3. **Description:** Set annual marketing policy for Valenicia oranges in California and Arizona

4. **Authority:** Marketing Order 7 CFR - Part 908

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10855

2. **Title:** Marketing Policy Statement - Hops of Domestic Production

3. **Description:** Set annual marketing policy for Hops of domestic production

4. **Authority:** Marketing Order 7 CFR - Part 991

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 2/79

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** AM 10856

2. **Title:** Marketing Policy Statement - Cranberries

3. **Description:** Set annual marketing policy for cranberries

4. **Authority:** Marketing Order 7 CFR - Part 929

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: C. R. Brader, Ext. (202) 447-6393

   Secretary's Office: Ted Moriak, Ext, (202) 447-6667

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

1. **Calendar No:** AP 1081

2. **Title:** Revise Gypsy Moth and Brown-Tail Moth Quarantine and Regulations

3. **Description:** To redirect Gypsy Moth and Brown-Tail Moth programs by adopting a pest management concept based on pest risk.

4. **Authority:** 7 U.S.C. 161, 162, 150ee To reflect change in regulatory program.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 12/1/78
   c. **Final Decision:** 3/1/79

6. **Contacts:**

   Agency: H. V. Autry, Ext. (301) 346-8247

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 1089

2. **Title:** Revised Bird Quarantine Regulation

3. **Description:** Would add "smuggled birds" to definitions, and would provide for release when determined to be free of disease

4. **Authority:** 19 U.S. C. 1306; 21 U.S.C. 102-105, 111, 134a-c Provide method for quarantining "smuggled" birds

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 2/1/79
   c. **Final Decision:** 5/1/79

6. **Contacts:**

   Agency: Dr. George Pierson Import/Export Staff Ext. (301) 346-8170

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 10810

2. **Title:** Revision of Export Livestock Handling Requirements

3. **Description:** Amendments will delete specific maximum length requirements for container pens for animals on ocean vessels and will relax restrictions on the type of roof which may be used to cover pens carrying animals on exposed decks aboard ocean vessels.

4. **Authority:** 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612-614, 618; 46 U.S.C., 466a, 466b Research studies performed have shown that certain modifications in shipping practices will not result in relaxed humane handling standards or disease control measures.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 3/1/79
   c. **Final Decision:** 6/1/79

6. **Contacts:**

   Agency: Dr. Harold Waters, Ext. (301) 346-8383

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 10815

2. **Title:** Revised Bird Quarantine Regulation

3. **Description:** Would provide for approval of additional quarantine facilities for importation of birds if adequate manpower is available to service the facility.

4. **Authority:** 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, and 134f To secure authority to allocate agency personnel resources for servicing privately owned and operated bird quarantine facilities.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** Undetermined
   c. **Final Decision:** Undetermined

6. **Contacts:**

   Agency: Dr. George Pierson, Import/Export Staff, Ext. (301) 346-8170

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 10819

2. **Title:** Revision of Animal Exportation Regulations

3. **Description:** Adds Los Angeles, California, to and deletes port of San Francisco, California, from list of airports and ocean ports for export of animals.

4. **Authority:** 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612-614, 618; 46 U.S.C. 466a, 466b Animal Export Inspection Facility at San Francisco no longer meets requirements for such facilities. Los Angeles facility does meet those requirements.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 12/1/78
   c. **Final Decision:** 3/1/79

6. **Contacts:**

   Agency: Dr. Harold Waters, Ext. (301) 346-8383

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 11826

2. **Title:** Pseudorabies Regulation

3. **Description:** This regulation will regulate the interstate movement of swine on the basis of their pseudorabies status.

4. **Authority:** 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f To control and stop the escalating spread of pseudorabies.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 5/23/78
   c. **Final Decision:** 1/15/79

6. **Contacts:**

   Agency: Dr. J. A. Downard, Ext. (301) 346-8487

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 11827

2. **Title:** Revised Animal Welfare Transportation Standards

3. **Description:** Proposal will reduce both the minimum and the maximum allowable temperature for certain animals when transported in commerce and provide a new procedure for measuring such temperature.

4. **Authority:** Animal Welfare Act (7 U.S.C. 2131 et. seq. Proposed revisions are the result of various petitions for reconsideration received by the Department which made new facts and evidence available that appear to warrant such action.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 10/17/78
   c. **Final Decision:** 12/1/78

6. **Contacts:**

   Agency: Dr. R. D. Whiting, Ext. (301) 346-8271

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 11828

2. **Title:** Horse Protection Regulations - Part I (Designated Qualified Persons)

3. **Description:** Document would permit the certification and licensing of "designated qualified persons" (DQP) to assist the Department in the enforcement of the Horse Protection Act.

4. **Authority:** 15 U.S.C. 1821 et. seq. To incorporate provisions of the 1976 Amendments to the Horse Protection Act.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** Done
   c. **Final Decision:** 12/1/78

6. **Contacts:**

   Agency: Dr. Dale F. Schwindaman, Ext. (301) 346-8271

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 11829

2. **Title:** Horse Protection Regulations - Part II

3. **Description:** Proposal would (1) add certain restrictions concerning the sale of horses at sales or auctions; (2) require procedures be established for detention and inspection of horses; (3) space and facilities for inspection be supplied by management of shows, sales, etc; and (4) revise certain definitions and record-keeping requirements.

4. **Authority:** 15 U.S.C. 1821 et. seq. To incorporate provisions of the 1976 Amendments to the Horse Protection Act.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** Done
   c. **Final Decision:** 1/2/79

6. **Contacts:**

   Agency: Dr. Dale F. Schwindaman, Ext. (301) 346-8271

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 11830

2. **Title:** Marine Mammal Regulations

3. **Description:** Regulation amends standards for humane handling, care, treatment and transportation to include marine mammals.

4. **Authority:** Animal Welfare Act (7 U.S.C. 2131, et. seq.) Recommendations made to the Secretary of Agriculture that marine mammals be no longer exempted by regulations from the provisions of the Animal Welfare Act.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 9/19/78
   c. **Final Decision:** 2/16/79

6. **Contacts:**

   Agency: Dr. D. F. Schwindaman, Ext. (301) 346-8271

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AP 11831

2. **Title:** Schedule of Fees at the Harry S. Truman Animal Import Center (HSTAIC)

3. **Description:** Interim rulemaking amends the current regulations by adding a proposed schedule of costs and establishes the methods and due date of payment by importers using the facilities of HSTAIC.

4. **Authority:** 21 U.S.C. 111 and 135. To advise prospective importers of the proposed schedule of fees at HSTAIC.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** None
   c. **Final Decision:** 12/1/78

6. **Contacts:**

   Agency: Dr. D. E. Herrick Ext. (301) 346-8170

   Secretary's Office: Lynn Maish (202) 447-6667

1. **Calendar No:** AS 1083

2. **Title:** 1979-Crop Upland Cotton

3. **Description:** Announce the target price, national program acreage, voluntary reduction percentage, set-aside requirement, diversion requirement and limitation on planted acreage.

4. **Authority:** Agricultural Act of 1949 as amended by the Food and Agriculture Act of 1977 and the Act of May 15, 1978.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 9/1/78
   c. **Final Decision:** by 12/15/78

6. **Contacts:**

   Agency: Charles V. Cunningham, Ext. (202) 447-7873

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

AGRICULTURAL STABILIZATION & CONSERVATION SERVICE

1. **Calendar No:** AS 1085

2. **Title:** 1979-Crop Rice

3. **Description:** Announce the national acreage allotment, set-aside requirements, land diversion program, preliminary target price and loan and purchase rate for 1979-crop rice.

4. **Authority:** The Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977, and the Emergency Farm Credit Act of 1978.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/9/78
   c. **Final Decision:** 1/15/79

6. **Contacts:**

   Agency: George H. Schaefer, Ext. (202) 447-8480

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** AS 1086

2. **Title:** 1980-Crop Wheat

3. **Description:** Proposed rulemaking for national program acreage, set-aside and diversion levels, voluntary reduction, target and loan levels, special grazing and hay program and acreage limitations for the 1980-crop of wheat.

4. **Authority:** Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977 Section 1001 of the Food and Agriculture Act of 1977, and the Act of May 15, 1978.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 5/15/79
   c. **Final Decision:** by 8/15/79

6. **Contacts:**

   Agency: Bruce R. Weber, Ext. (202) 447-7987

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** AS 10813

2. **Title:** 1979 - Crop Soybeans

3. **Description:** Announce the loan and purchase program for 1979-crop soybeans.

4. **Authority:** Agriculture Act of 1949 as amended by the Food and Agriculture Act of 1977.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 8/26/78
   c. **Final Decision:** 12/1/78

6. **Contacts:**

   Agency: Harry A. Sullivan, Ext. (202) 447-7951

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** AS 10819

2. **Title:** CRF - 1475 - Emergency Feed Program

3. **Description:** Amend regulations to: (1) Require forage from set-aside acres be utilized before program assistance is provided; (2) Limit assistance covering pasture loss to 50% of the pasture loss; (3) To provide that grain under loan is considered sold on the date the loan is disbursed.

4. **Authority:** Public Law 95-113 (9) Stat. 955

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/1/78
   c. **Final Decision:** 2/15/79

6. **Contacts:**

   Agency: Robert Cook, Ext. (202) 447-7997

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** AS 10821

2. **Title:** Procurement of Processed Agricultural Commodities for P.L. 480 Title II Donation

3. **Description:** Modify procurement procedure with additional criteria which could override lowest landed cost as currently determined in bid analyses to include: timely delivery of commodity; availability of rail cars; delivery outturn and performance record; U.S. port congestion; and U.S. port facilities and conditions.

4. **Reason for Action:** Make procurement process more responsive to timely delivery at foreign port of destination and to reduce loss/damage of commodities.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/3/78
   c. **Final Decision:** 1/30/79

6. **Contacts:**

   Agency: Robert Stansberry, Ext. (202) 447-7561

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** AS 10824

2. **Title:** 1979 Crop Peanuts - National acreage allotment and national poundage quota

3. **Description:** Establishes for 1979 crop peanuts a national acreage allotment which determines maximum planted acres, and a national poundage quota, which determines the quantity of peanuts eligible for loans at the domestic edible support level.

4. **Authority:** Agricultural Act of 1949, as amended, including amendments contained in Food and Agriculture Act of 1977.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 9/29/78
   c. **Final Decision:** by 12/1/78

6. **Contacts:**

   Agency: Kay Wygal, Ext. (202) 447-6761

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** AS 10825

2. **Title:** 1979 Crop Peanuts - National average price support levels and general program provisions.

3. **Description:** Establishes a 1979 national average support level for quota peanuts at not less than $420 a ton; a national average support level for additional peanuts; and CCC sales policy for sales of additional peanuts for edible export use.

4. **Authority:** Agricultural Act of 1949, as amended, including amendments contained in the Food and Agriculture Act of 1977.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/30/78
   c. **Final Decision:** by 2/15/79

6. **Contacts:**

   Agency: Kay Wygal Ext. (202) 447-6761

   Secretary's Office: W. Scott Steele (202) 447-2095

1. **Calendar No:** AS 10827

2. **Title:** ACP Reform

3. **Description:** Develop criteria, guidelines and procedures to restrict assistance to measures and practices having conservation and pollution abatement benefits and that are not primarily production oriented.

4. **Authority:** FY 79 appropriations act provisions and Presidential directive.

5. **Projected Schedule**

   a. **Date of pre-notice:** 10/13/78
   b. **Date of proposal:** 11/14/78
   c. **Final Decision:** 12/26/79

6. **Contacts:**

   Agency: Alan Durick Ext. (202) 447-5295

   Secretary's Office: Arnold Miller Ext. (202) 447-3465

OFFICE OF ENERGY

1. **Calendar No:** EN 1081

2. **Title:** Rule to Certify Essential Agricultural Uses for Sec. 401, NGPA of 1978.

3. **Description:** Development of a set of essential agricultural uses and the amounts of natural gas required. Certify to Secretary of Energy and FERC for implementation within 120 days of enactment.

4. **Authority:** Statute requires Secretary of Agriculture to certify essential agricultural uses for noncurtailment of natural gas to Secretary of Energy and FERC.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/78
   c. **Final Decision:** 1/18/79

6. **Contacts:**

   Agency:

   Secretary's Office: Weldon Barton, Ext. (202) 447-2455

OFFICE OF ENERGY

1. **Calendar No:** EN 1082

2. **Title:** Industrial Hydrocarbons and Alcohols, Pilot Projects.

3. **Description:** Decisions regarding selection of pilot projects.

4. **Authority:** Section 1420 of Food and Agriculture Act of 1977 mandates Secretary of Agriculture, through CCC, to guarantee loans of up to $15 million for each of 4 pilot projects -- provided that economic and energy criteria are met.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 12/78

6. **Contacts:**

   Agency:

   Secretary's Office: Weldon Barton, Ext. (202) 447-2455

ECONOMICS, STATISTICS & COOPERATIVE SERVICE

1. **Calendar No:** ES 1081

2. **Title:** BLS Data Series

3. **Description:** The decision involves our adjustment to the new data series and evaluating its impact on our work in margins and cost components. Includes other possible sources of retail price data.

4. **Authority:** Bureau of Labor Statistics has dropped certain individual retail commodity price series and replace them by composites series.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** Fall 1978
   c. **Final Decision:** 12/79

6. **Contacts:**

   Agency: Bob Bohall, Ext. (202) 447-8229

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** ES 1082

2. **Title:** Cost of Production -- Methods, Procedures and Format

3. **Description:** Major crop and livestock cost of production estimates, their form, content, procedures and methods, dates of release, etc.

4. **Authority:** Need to establish a more satisfactory set of procedures and format for analyzing and publishing cost of production estimates.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** Underway
   c. **Final Decision:** 1/1/79

6. **Contacts:**

   Agency: Preston LaFerney, Ext. (202) 447-8860

   Secretary's Office: Lynn Maish, Ext. (202) 447-8860

ECONOMICS, STATISTICS & COOPERATIVE SERVICE

1. **Calendar No:** ES 1084

2. **Title:** Outside Participation in Cost of Production Studies

3. **Description:** Plans to have a Cost of Production Advisory Committee were thwarted. We are not getting informal input. Need to decide on a longer term solution.

4. **Authority:** P.L. 93-86 requires Cost of Production Study to be conducted in cooperation with farm organizations, land grant universities, and commodity organizations. (7 U.S.C. 1441a).

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: Underway
   c. Final Decision: 1/1/79

6. **Contacts:**

   Agency: Preston LaFerney, Ext. (202) 447-8860

   Secretary's Office: Lynn Maish, (202) 447-6667

1. **Calendar No:** ES 1086

2. **Title:** Energy Follow-on Survey; Census of Agriculture, Funding

3. **Description:** The decision would be to fund or not to fund the survey from USDA budget allocations.

4. **Authority:** Census has indicated to ESCS & DOE their funds not sufficient to conduct the Energy Follow-on Survey. Cost expected to range from $450,000 to $2,000,000.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 11/3/78
   c. Final Decision: 11/24/78

6. **Contacts:**

   Agency: O. Blaich, Ext. (202) 447-8116 and R. Reinsel, Ext. (202) 447-4943

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** ES 1089

2. **Title:** Futures Trading in Potatoes

3. **Description:** Determine scope of and identity of ESCS participation in a study for the U.S. Congress of potato marketing and futures trading in potatoes leading to any recommendations for legislation and/or regulation.

4. **Authority:** Mandated by the bill reauthorizing the CFTC for 4 years, P.L. 95-405, Sec. 27

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal:
   c. Final Decision: 10/79

6. **Contacts:**

   Agency: Allen Paul, Ext. (202) 447-8168

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** ES 10810

2. **Title:** Regulations on Reporting Agricultural Foreign Investments

3. **Description:** Within 90 days of effective date the Secretary must promulgate regulations relating to reporting of real estate transactions by foreign investors.

4. **Authority:** P.L. 95-460, The Agriculture Foreign Investment Disclosure Act, Signed October 14, 1978.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/15/78
   c. **Final Decision:** 12/15/78

6. **Contacts:**

   Agency: J. Peter DeBraal, Ext. (202) 447-9179

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** ES 10814

2. **Title:** Standby Authority for Mandatory Reporting of Data

3. **Description:** Determine possible ways industry could be required to submit monthly data and what legislation to propose

4. **Authority:** GAO Report to Congress on Food Prices recommends USDA develop legislation requiring firms to report data on margins.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 12/79

6. **Contacts:**

   Agency: Harry Harp, Ext. (202) 447-8489 and Rod Kite, Ext. (202) 447-8489

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** ES 10824

2. **Title:** Review of Cooperative Program

3. **Description:** Determine the scope and content of an outside review of the cooperative program, including the composition of the review group.

4. **Authority:** Need for guidance in the development of a more effective cooperative program within ESCS.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/1/78
   c. **Final Decision:** 11/30/78

6. **Contacts:**

   Agency: Ken Farrell, Ext. (202) 447-8104

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

FOREIGN AGRICULTURAL SERVICE

1. **Calendar No:** ES 10828

2. **Title:** USDA/Census Definition of A Farm

3. **Description:** USDA and Census in August 1975 announced adoption of a revised definition, increasing the minimum qualification to $1,000 in annual sales. Census now uses the new definition, but also shows some items under "previous definition." USDA has continued to use the old definition in "Farm Numbers" through 1977.

4. **Authority:** Need decision on definition of a farm before Crop Reporting Board issues annual "Farm Numbers" report on December 27, 1978.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/1/78
   c. **Final Decision:** 11/15/78

6. **Contacts:**

   Agency: J. W. Kirkbride, Ext. (202) 447-2122

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FA 1083

2. **Title:** Proposed Establishment of Selected Area Agricultural Trade Offices

3. **Description:** On-the-spot surveys are being made where necessary; and financial, personnel and overseas position limitations are being explored with a view to establishing six trade offices by end of September 1979.

4. **Authority:** Agricultural Trade Act of 1978, Title IV

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** by 9/30/79

6. **Contacts:**

   Agency: Jimmy Minyard, Ext. (202) 447-4761

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** FA 10813

2. **Title:** Revision and updating of Dairy Import Regulation No. 1

3. **Description:** Revisions are planned on the administration of the import licensing system on certain dairy products and milk chocolate crumb quotas established under Section 22 of the Agricultural Adjustment Act, as amended to facilitate more complete use of Section 22 dairy import quotas and improve the Department's ability to prevent abuse of the import licensing system.

4. **Authority:** Section 22 of the Agricultural Act of 1933, as amended.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 11/15/78

6. **Contacts:**

   Agency: Bryant Wadsworth, Ext. (202) 447-5270

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

FOREIGN AGRICULTURAL SERVICE

1. **Calendar No:** FA 10835

2. **Title:** Estimate annual U.S. imports of meats. Act of August 22, 1964; Public Law 88-482.

3. **Description:** The Secretary of Agriculture is required by Section 2 of the Act to make a quarterly estimate of meats, subject to the Act, which would be imported during 1979 and estimate the aggregate quantity of meat, subject to the Act, which may be imported during the year.

4. **Authority:** Public Law 88-482, The Meat Import Law.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 12/31/78

6. **Contacts:**

   Agency: Jon Falck, Ext. (202) 447-7868

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** FA 10838

2. **Title:** Proposed designation of Agricultural Counselors

3. **Description:** Identify those positions in the field which should be upgraded from Attache to Counselor and submit to Department of State for concurrence.

4. **Authority:** Agricultural Trade Act of 1978, Title III

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 12/31/78

6. **Contacts:**

   Agency: Alexander Bernitz, Ext. (202) 447-3253

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** FG 1081

2. **Title:** Export Shiploading Inspection Plans

3. **Description:** Review present export shiploading inspection plans and develop an alternative. The current "Uniform Shiploading Plan" is complicated and difficult to apply. The "10 Percent Plan" allows too much off grade grain to be loaded aboard ship.

4. **Authority:** U.S. Grain Standards Act, Section 5 and 7

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/79
   c. **Final Decision:** 2/1/80

6. **Contacts:**

   Agency: John Marshall, Ext. (202) 447-8497

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** FG 1082

2. **Title:** Weighing Handbook

3. **Description:** Develop and issue an interim instruction on the Supervision of Weighing for non-export grain. This must be done in two stages. First, an interim instruction to be available on 11/20/78. A final instruction will receive public review and comment.

4. **Authority:** U.S. Grain Standards Act, Section 7A

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 3/1/80

6. **Contacts:**

   Agency: George Lipscomb, Ext. (202) 447-4851

   Secretary's Office: Ted Moriak Ext. (202) 447-6667

1. **Calendar No:** FG 1083

2. **Title:** Dust Particle Size Standards

3. **Description:** Establish dust particle size standards as guidelines on the grain dust that should be removed from grain and the size dust particles that may be allowed to remain within the grain.

4. **Authority:** U.S. Grain Standards Act.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 2/80
   c. **Final Decision:** 7/80

6. **Contacts:**

   Agency: George Lipscomb, Ext. (202) 447-4851

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** FG 1084

2. **Title:** Regulations Under the United States Grain Standards Act

3. **Description:** Regulations to implement new and amended provisions of the Act which was extensively amended by Congress in Oct 1976 and Sept 1977. Subpart A for administering and enforcing the Act; Subparts C & D contain standards for inspection and weighing equipment and handling systems respectively. (Other subparts to be drafted separately)

4. **Authority:** U.S. Grain Standards Act of 1976. To implement the U.S. Grain Standards Act -- Subparts A, C, and D.

5. **Projected Schedule**

   a. **Date of pre-notice:** 7/31/78
   b. **Date of proposal:** 12/1/78
   c. **Final Decision:** 3/1/79

6. **Contacts:**

   Agency: J. T. Abshier, Ext. (202) 447-8262

   Secretary's Office: Ted Moriak Ext. (202) 447-6667

1. **Calendar No:** FG 1085

2. **Title:** Expansion of Duties of Official Inspection Agencies

3. **Description:** A proposed rulemaking requiring all official inspection agencies to provide, upon request, official protein testing services for all classes of wheat using only FGIS approved protein testing equipment effective 5/1/79. However, on 5/1/80 FGIS will specify that only NIR equipment will be approved for protein testing. Exemptions provided for agencies where little or no wheat is marketed.

4. **Authority:** U.S. Grain Standards Act, Section 7(b) and 7 (f)

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/17/78
   c. **Final Decision:** 12/29/78

6. **Contacts:**

   Agency: Neil Porter, Ext. (202) 447-8262

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

1. **Calendar No:** FG 1086

2. **Title:** Proposed Amendment to the Official U.S. Standards for Grain

3. **Description:** Presently the standards for various grains require varying sizes of samples used for determining infestation. We propose to provide uniform requirements as to sample size and procedures used; and to establish a zero tolerance on live insect infestation before certificates identify involved grain as infested.

4. **Authority:** Section 4 of U.S. Grain Standards Act.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 7/15/79
   c. **Final Decision:** 10/30/79

6. **Contacts:**

   Agency: James L. Driscoll, Ext. (202) 447-9329

   Secretary's Office: Ted Moriak Ext. (202) 447-6667

1. **Calendar No:** FG 1087

2. **Title:** Sub-chapter J, Safety and Health Standards, Regulation Under the U.S. Grain Standards Act.

3. **Description:** Establish official safety and health standards regarding the minimum workplace conditions under which official personnel will perform official services.

4. **Authority:** Executive Order 11807, 29 CFR 1960, and the U.S. Grain Standards Act.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/15/79
   c. **Final Decision:** 4/1/79

6. **Contacts:**

   Agency: E. K. (Gus) Bauman, Ext. (202) 447-8955

   Secretary's Office: Ted Moriak, Ext. (202) 447-6667

FARMERS HOME ADMINISTRATION

1. **Calendar No:** Fm 1081

2. **Title:** Review of thermal insulation standards for masonry construction

3. **Description:** Review of technical and economic date on the effect of building mass upon energy consumption to determine the optimum level of thermal performance which should be required in FmHA financed masonry homes.

4. **Authority:** Action by House-Senate conference committee on FY 79 Agriculture Apropriations Act.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/30/78
   b. **Date of proposal:** 1/11/79
   c. **Final Decision:** 3/11/79

6. **Contacts:**

   Agency: Daniel J. Ball, Ext. (202) 447-3394

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 1082

2. **Title:** Revision of Hillside Development Standards in FmHA Instruction 424.5

3. **Description:** Revision of requirements for site develoment in areas which have steep slopes. Standards apply to streets, grading, drainage, and other aspects of residential site development.

4. **Authority:** Requests by Appalachian Regional Commission, State agencies and FmHA field staff for more flexibility in standards.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 4/1/79
   c. **Final Decision:** 7/1/79

6. **Contacts:**

   Agency: Daniel J. Ball, Ext. (202) 447-3394

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 1083

2. **Title:** Solar Demonstration Retrofit

3. **Description:** Select 2 FmHA inventory houses in each of six regions for retrofit utilizing Wilke Solar collector and monitor system over 2 heating seasons. Houses similar in design and orientation - one as control, other for solar. Audio-visual aids for training and demonstration are planned.

4. **Authority:** Departmental Initiative to offset high cost of heating Sec. 502 housing through application of low-cost solar energy hardware.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 6/81

6. **Contacts:**

   Agency: Richard Slater, Ext. (202) 447-3394

   Secretary's Office: John Subat, (202) 447-2113

1. **Calendar No:** Fm 1084

2. **Title:** Change in FmHA 430.2 Exhibit F - Rural Rental Housing "Rent Increase"

3. **Description:** Change FmHA Procedure to require that before granting rent increases to RRH owners that are receiving interest credit, the owner must request Rental Assistance when a substantial number of tenants are paying more than 25% of their income for rent.

4. **Authority:** Departmental Initiative to enable RRH tenants who are paying more than 25% of their income for rent to receive Rental Assistance.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/78
   b. **Date of proposal:** 2/79
   c. **Final Decision:** 4/79

6. **Contacts:**

   Agency: Thomas Maxwell, Ext. (202) 447-7207

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 1086

2. **Title:** Revision of Rural Rental Housing (RRH) Procedures (FmHA 444.5)

3. **Description:** Clarify application and preapplication requirement for RRH projects, including requirements for previous participation, evaluation of the market survey of demand and need, and to make other policy changes to shore up possible misuse of the program. Also, this action will incorporate the Rural Cooperative Housing program.

4. **Authority:** Departmental Initiative to clarify procedure and to curb possible misuse of the program.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/78
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Patrick Fitzgerald, Ext. (202) 447-7209

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 1087

2. **Title:** Procedure to Implement Section 525 of the Housing Act of 1949

3. **Description:** Draft procedures to implement Section 525 of the Housing Act of 1949 on technical and supervisory assistance. (Out reach)

4. **Authority:** Introduce a new program.

5. **Projected Schedule**

   a. **Date of pre-notice:** 6/78
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: John Pentecost, Ext. (202) 447-7207

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10810

2. **Title:** Consideration of Limited Assistance Self Help Housing Approach

3. **Description:** Review the policy and procedure concerning the minimum hours of participation on self help projects. Ask public interest groups for comment concerning the advisibility of limiting the family's labor contribution.

4. **Authority:** Departmental Initiative

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/78
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Tom Gerlitz, Ext. (202) 447-7208

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10814

2. **Title:** Coordinated Use of Loan and Grant Programs to Meet Low-Income Housing Needs

3. **Description:** Deny community program assistance in prescribed circumstances, and to accelerate repayment in certain instances when communities arbitrarily prohibit or restrict low-income

4. **Authority:** Departmental Initiative to prevent communities and groups from using FmHA Community Program resources and subsequently, and arbitrarily denying or restricting low-income housing.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/14/78
   b. **Date of proposal:** 1/15/79
   c. **Final Decision:** 5/1/79

6. **Contacts:**

   Agency: Art Collings, Ext. (202) 447-8448

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10818

2. **Title:** Review of Present Priorities for B&I Loans

3. **Description:** Review will include consideration of lines of credit, small loans, limited partnerships, interim financing and other matters

4. **Authority:** Departmental Initiative

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 6/79

6. **Contacts:**

   Agency: Robert Butler, Ext. (202) 447-5243

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10822

2. **Title:** Proposed change in B&I Program to broaden eligibility for foreign-owned applicants.

3. **Description:** Completed survey of states to determine significance of impact, published proposed change to permit foreign applicants if 85% of employees are U.S. citizens, and prepared option paper for decision.

4. **Authority:** Request by applicants, S/D, Vermont and general requests.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 8/78
   c. Final Decision: 1/79

6. **Contacts:**

   Agency: Robert Butlep, Ext. (202) 447-5243

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10823

2. **Title:** Revise FmHA Instructions to permit certain energy producing projects to be funded under B&I Program

3. **Description:** Departmental Initiative to amend B&I regulations to permit certain energy projects to be approved.

4. **Authority:**

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 8/78
   c. Final Decision: 1/79

6. **Contacts:**

   Agency: Robert Butler, Ext. (202) 447-5243

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10824

2. **Title:** Memorandum of understanding with Dept. of Transportation

3. **Description:** FRA has certain grant programs which when used in conjunction with CF loans can be more effectively utilized. Agreement will likely be a general cooperative agreement.

4. **Authority:** To coordinate Federal Railroad ADM,, DOT, and FmHA Community Facility loan programs in rural areas.

5. **Projected Schedule**

   a. Date of pre-notice: 1/79
   b. Date of proposal: 3/79
   c. Final Decision: 6/79

6. **Contacts:**

   Agency: John Bowles, Ext. (202) 447-7667

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10826

2. **Title:** Community Facility loans for electric and telephone facilities

3. **Description:** Consider making FmHA loans for electric and telephone facilities to communities not eligible for REA assistance.

4. **Authority:** To provide a complete spectrum of loan assistance to rural communities in need.

5. **Projected Schedule**

   a. **Date of pre-notice:** 2/79
   b. **Date of proposal:** 3/79
   c. **Final Decision:** 6/79

6. **Contacts:**

   Agency: John Bowles, Ext. (202) 447-7667

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10827

2. **Title:** Assistance to Energy Impacted Areas

3. **Description:** Provide grants for planning, land acquisition, and site development to energy impact areas

4. **Authority:** Powerplant and Industrial Fuel Use Act, Section 601

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 3/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Paul Kugler, Ext. (202) 447-2573

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10828

2. **Title:** Small Communities Conferences

3. **Description:** A series of conferences under USDA leadership with several other departments cooperating, for the purpose of addressing the critical economic needs of small rural communities.

4. **Authority:** Section 603, Rural Development Act of 1972

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 12/1/78

6. **Contacts:**

   Agency: Carl Larson, Ext. (202) 447-7595

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10829

2. **Title:** Small Farm Policy Development

3. **Description:** USDA agencies to develop coordinated small farm policy and priorities as followup to the small farms conferences held in 1978.

4. **Authority:** Section 603 Rural Development Act of 1972

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** by 11/15/78

6. **Contacts:**

   Agency: Carl Larson, Ext. (202) 447-7595

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10834

2. **Title:** Rural Transportation Cooperatives

3. **Description:** Analyze the appropriateness of using the REA model for rural transportation

4. **Authority:** Sec. 603 Rural Development Act, to attempt to find a method to stablize basic transportation in rural areas.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/15/78
   c. **Final Decision:** 4/1/79

6. **Contacts:**

   Agency: Ira Kaye, Ext. (202) 447-7367

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10835

2. **Title:** Presidential Initiative on Rural Public Transit Coordination

3. **Description:** A series of presidential statements, OMB circulars, interagency agreements are contemplated to assure maximum feasible coordination of federal transit resources in towns and rural areas.

4. **Authority:** To carry out Congressional mandate in Surface Transportation Assistance Act of 1978 and complete IACC task force activities.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/15/78
   c. **Final Decision:** 1/15/79

6. **Contacts:**

   Agency: Ira Kaye, Ext. (202) 447-7367

   Secretary's Office: John Subat, Ext. (202) 447-2113

FARMERS HOME ADMINISTRATION

1. **Calendar No:** Fm 10838

2. **Title:** Study on Transportation and Communication Trade offs

3. **Description:** A series of phased contracts with National Research Council to develop the form and parameters of the study and then organize and conduct the study.

4. **Authority:** To resolve a growing conflict between two technologies addressing common problems in rural development

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/19/78
   c. **Final Decision:** 5/1/79

6. **Contacts:**

   Agency: Ira Kaye, Ext. (202) 447-7367

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10840

2. **Title:** Use Community Based Organizations to enhance outreach and effectiveness of FmHA programs targeted to low-income and minorities.

3. **Description:** Identify and assess capabilities of rural community based organizations to assist FmHA in reaching targeted populations. Enter into agreements on a pilot basis.

4. **Authority:** Section 603 of Rural Development Act of 1972.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 2/28/79

6. **Contacts:**

   Agency: Craig Ahlbery, Ext. (202) 447-4488

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10841

2. **Title:** Model of Joint Agreement to Cooperate between FmHA State Directors and Governors

3. **Description:** The model would be used to guide state directors as they negotiate cooperative agreements in support of state comprehensive rural development trageting strategies.

4. **Authority:** Rural Development Act of 1972, Section 603; FmHA Administrator's Policy Memorandum on Development Policy Goals, Sept. 18, 1978

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/30/78
   c. **Final Decision:** 12/15/78

6. **Contacts:**

   Agency: Craig Bigler, Ext. (202) 447-5941

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10842

2. **Title:** Joint Memorandum of Agreement between FmHA and the Appalachian Regional Commission

3. **Description:** The Agreement will commit FmHA to follow the priorities set by local development districts and states, FmHA and ARC to jointly set priorities and establish and support compatible programs in rural development.

4. **Authority:** Rural Development Act of 1972, Section 603; FmHA Administrator's Policy Memorandum on Development Policy Goals, Sept. 18. 1978

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/3/78
   c. **Final Decision:** 11/17/78

6. **Contacts:**

   Agency: Craig Bigler, Ext. (202) 447-5941

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10844

2. **Title:** Phase II, National rural Community Facilities Assessment Study.

3. **Description:** Major feasibility study currently underway with ABT Assoc. to determine the data requirements, collection and analysis plans for making the assessments. Performance criteria and types of communities to be included will be presented to FmHA prior to the initiation of Phase II. Supplemental study to be conducted by Agency.

4. **Authority:** Agency initiative to develop national and state assessments of the current status of community facilities relative to acceptable performance standards.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 1/15/79

6. **Contacts:**

   Agency: Lou Higgs, Ext. (202) 447-9296

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10847

2. **Title:** Rural Development Progress Report (due to Congress 1/1/79)

3. **Description:** Appraise Congress of Executive actions to promote rural development

4. **Authority:** Required by Rural Development Act of 1972.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/27/78
   c. **Final Decision:** 1/21/79

6. **Contacts:**

   Agency: John Leslie, Ext. (202) 447-4550

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10848

2. **Title:** Refine data gathering to aid state directors in development strategy.

3. **Description:** Identify, refine and gather data to supply state directors to assist State Directors in complying with the Administrator's memorandum on targeting FmHA programs.

4. **Authority:** Administrator's Policy Memorandum of Sept. 18, 1978

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 6/79
   c. **Final Decision:** 7/79

6. **Contacts:**

   Agency: Richard Long, Ext. (202) 447-5941

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10849

2. **Title:** Review of Restructuring of FmHA Delivery System

3. **Description:** Review of regulations concerning the restructuring of FmHA state and county personnel system.

4. **Authority:** Section 4, Executive Order 12044. OMB Circular 116

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 3/31/79

6. **Contacts:**

   Agency: Neil Storms, Ext. (202) 447-4487

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10853

2. **Title:** Business and Industrial Guaranteed Loan Program Evaluation

3. **Description:** Evaluation will include an analysis of institutional processing characteristics, loan portifolio characteristics and alternative types of assistance

4. **Authority:** Agency Initiative to evaluate the program

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 10/79
   c. **Final Decision:** 12/79

6. **Contacts:**

   Agency: Dick Ackley, Ext. (202) 447-6586

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10856

2. **Title:** Needs Assessment Capability Study

3. **Description:** The Needs Assessment Component will be designed to be nationally applicable, to be used at the national level in assessing the relative needs of States, and within assessing the relative needs of counties.

4. **Authority:** Center for Census Use Studies has contracted to develop a Needs Assessment Component to help FmHA assess relative levels of need for its loan programs.

5. **Projected Schedule**

   a. **Date of pre-notice:** Completed
   b. **Date of proposal:** Completed
   c. **Final Decision:** 11/79

6. **Contacts:**

   Agency: Mark Nestle, Ext. (202) 447-6484

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10858

2. **Title:** Weatherization Program - A change in emphasis

3. **Description:** Review alternative procedures available to improve effectiveness of programs.

4. **Authority:** Departmental Initiative to increase effectiveness of current programs to meet the President's energy program.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 4/79

6. **Contacts:**

   Agency: J. Maetzold, Ext. (202) 447-6586

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10864

2. **Title:** Section 502 Loans

3. **Description:** Revise FmHA 444.1 to allow single family housing loans to FmHA employees.

4. **Authority:** Departmental Initiative

5. **Projected Schedule**

   a. **Date of pre-notice:** 7/1/78
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Byron Fischer, Ext. (202) 447-4295

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10865

2. **Title:** FmHA Inst. 1980-E B&I Loan Program

3. **Description:** To revise FmHA 1980.411(a) to encourage the financing of housing development sites when adequate sites are not available to low- and moderate-income families.

4. **Authority:** Departmental Initiative to increase availability of building sites in rural American

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/79
   b. **Date of proposal:** 3/79
   c. **Final Decision:** 5/79

6. **Contacts:**

   Agency: Eugene Carnette, Ext. (202) 447-4295

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10866

2. **Title:** Section 502 Loans Income Limitations

3. **Description:** To adjust current limits for inflation.

4. **Authority:** Departmental Initiative.

5. **Projected Schedule**

   a. **Date of pre-notice:** 5/78
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Byron Fischer, Ext. (202) 447-4295

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10870

2. **Title:** Compensation for Construction Defects

3. **Description:** Revise FmHA Inst. 1924.1 To allow FmHA borrowers to collect damages for construction defects.

4. **Authority:** Departmental Initiative

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/78
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Elvon Spencer, Ext. (202) 447-4295

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10883

2. **Title:** Small Business Enterprise Loans

3. **Description:** Issue regulations for implementation of program.

4. **Authority:** Section 304 of the Consolidated Farm and Rural Development Act.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 2/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Carl Opstad, Ext. (202) 447-4572

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** Fm 10886

2. **Title:** Account Servicing Policy Instruction

3. **Description:** To revise account servicing regulations to provide for consolidating, rescheduling, and deferring repayments on Farmer Program loans.

4. **Authority:** To incorporate provisions of H.R. 11504

5. **Projected Schedule**

   a. **Date of revision:** 10/23/78
   b. **Date of proposal:** 12/15/78
   c. **Final Decision:** 1/30/79

6. **Contacts:**

   Agency: Thomas Baden, Ext. (202) 447-2331

   Secretary's Office: John Subat, Ext. (202) 447-2113

FOOD AND NUTRITION SERVICE

1. **Calendar No:** FN 1182

2. **Title:** Part 226 Child Care Food Program Regulations, Part 226

3. **Description:** Regulations will implement the pending legislation initiating new procedures and requirements for States including methods of funding and reimbursement.

4. **Authority:** Currently P.L. 94-105 and legislation pending signature of President Carter.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 4/79

6. **Contacts:**

   Agency: Jordan Benderly, Ext. (202) 447-8211

   Secretary's Office: John Subat, Ext. (202) 447-2113

FOOD AND NUTRITION SERVICE

1. **Calendar No:** FN 1183

2. **Title:** Summer Food Service Program for Children Regulations - Part 225

3. **Description:** Proposed regulations modify the existing (1978) regulations. Provisions are included to stabilize administrative funding to States and contractual payments to food vendors, State responsibilities for training are expanded and the eligibility of migrant children is clarified.

4. **Authority:** P.L. 95-166 requires the Department to propose regulations by November 1 of each year and issue final regulations by January 1.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 10/31/78
   c. **Final Decision:** 12/78

6. **Contacts:**

   Agency: Jordan Benderly, Ext. (202) 447-8211

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 1184

2. **Title:** Summer Food Service Program for Children: Proposed Amendment - Part 225

3. **Description:** Amendment will provide Civil rights Regulations for State Agencies.

4. **Authority:** To fully implement the Department's Nondiscrimination Regulations (7 CFR Part 15) and Department of Justice (28 CFR sec. 42.401-15 and sec. 50.3) nondiscrimination enforcement at the State Agency level.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 3/79
   c. **Final Decision:** 7/79

6. **Contacts:**

   Agency: Jordan Benderly, Ext. (202) 447-8211

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 1185

2. **Title:** Proposed Amendment - Part 226 Child Care Food Program

3. **Description:** Amendment will provide Civil Rights Regulations for State Agencies

4. **Authority:** To fully implement the Department's Nondiscrimination Regulations (7 CFR Part 15) and Department of Justice (28 CFR sec. 42.401-15 and sec. 503.) nondiscrimination enforcement at the State Agency level.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 5/79
   c. **Final Decision:** 8/79

6. **Contacts:**

   Agency: Jordan Benderly, Ext. (202) 447-8211

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 1186

2. **Title:** State Plan (210) for Child Nutrition Programs

3. **Description:** Amendment to regulations to clarify items to be included in the State Plan.

4. **Authority:** Departmental Initiative Court Order, FNS Depositions

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of reproposal:** 11/78
   c. **Final Decision:** 6/79

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 1188

2. **Title:** School Breakfast Program: Grain-Fruit Product - Withdrawal of Approval, Part 220

3. **Description:** Elimination of formulated grain/fruit products from the Breakfast Program to promote development of good food habits in the furtherance of nutrition education through a well-balanced diet of conventional foods.

4. **Authority:** Departmental Initiative

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 8/12/77
   c. **Final Decision:** 1/80

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 1189

2. **Title:** Contracting and procurement Regulations for School Nutrition Programs

3. **Description:** Extension of procurement standards to local level. Currently regulations require that only State agencies must adhere to procurement standards under the National School Lunch Program.

4. **Authority:** OMB Circular A-102

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/13/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11810

2. **Title:** Contracting and Procurement Regulations for School Nutrition Programs

3. **Description:** Regulations would require that contracts between School Food Authorities and food management companies contain provisions denying payments for meals not meeting nutritional requirements, sanctions for non-performance, and other provisions ensuring the best interest of school food service.

4. **Authority:** Departmental Initiative

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/13/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11812

2. **Title:** State Administrative Expense Funds (235) For Child Nutrition Programs

3. **Description:** Regulations to amend Part 235 to specify the purpose and a formula for allocating SAE funds for fiscal years 1979 and 1980 at an amount above one percent to a State for the purpose of management, evaluation and improvement.

4. **Authority:** Statutory (P.L. 95-166)

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 5/79

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11813

2. **Title:** Program Administrative Review System for School Nutrition Programs

3. **Description:** A series of regulatory amendments for management, evaluation and improvement designed to improve accountability. To assist State agencies, additional SAE funds will be provided.

4. **Authority:** Statutory (P.L. 95-166)

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 5/79

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11815

2. **Title:** School Breakfast Program: Revision of Criteria for Determining Especially Needy Schools, Part 220

3. **Description:** To revise Part 220, School Breakfast Program regulations to change the designation of a school from "especially needy" to read "a school in severe need" and to revise the existing criteria for determining schools in severe need.

4. **Authority:** Legislation and Departmental Initiative

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal: 1/79
   c. Final Decision: 5/79

6. Contacts:

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11817

2. **Title:** Eligibility of Indian Children for Free Meals and Milk in School Nutrition Programs

3. **Description:** Legislative changes to be drafted to allow USDA to reimburse at free meal rates those meals served to Indian children for whom BIA is responsible and who are enrolled in public schools.

4. **Authority:** Class action lawsuit Vigil vs. Kleppe, et al against USDA and Dept. of Interior

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal:
   c. Final Decision: 12/1/78

6. Contacts:

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11819

2. **Title:** Civil Rights Regulations for School Nutrition Programs

3. **Description:** Proposed to ensure compliance with Title VI of the Civil Rights Act of 1964 in School Programs. This regulation will specify State agency and where applicable, FNS Regional Office and local school food authorities' responsibilities under the Agency's Civil Rights Instruction 113-1 and applicable Civil Rights regulations.

4. **Authority:** FNS Instruction 113-1 which was issued pursuant to Department of Justice regulations (28 CFR 42.401-15), and USDA Title 7 Regulations.

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal: 2/79
   c. Final Decision: 6/79

6. Contacts:

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11820

2. **Title:** Civil Rights Data Collection in School Nutrition Programs

3. **Description:** Establishes a system for collection of data on race of applicants and permits states to allow local school systems to ask parents voluntarily to designate race on the free and reduced price application forms. The purpose of such data collection is to assure that program benefits are being equitably distributed without regard to race, color, or national origin.

4. **Authority:** Statutory Title VI of the Civil Rights Act of 1964

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 8/25/78
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11824

2. **Title:** To Establish Controls on Sales of Competitive Foods (210) in Schools

3. **Description:** Regulations to implement that Section of P. L. 95-166 which requires that the Secretary approve those foods which may be sold in competition with the lunch and breakfast served under the National School Lunch and School Breakfast Programs, thereby placing controls on the sale of competitive foods at State and local levels.

4. **Authority:** Statutory (P.L. 95-166)

5. **Projected Schedule**

   a. **Date of pre-notice:** 12/78
   b. **Date of reproposal:** 3/79
   c. **Final Decision:** 7/79

6. **Contacts:**

   Agency: Margaret Glavin, Ext. (202) 447-8130

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11826

2. **Title:** Food Distribution Program: Review and republication of regulations (7 CFR Part 250)

3. **Description:** FDD to make a systematic review of regulations and recommend restructuring and consolidation;

4. **Authority:** Department's response to E.O. 12044 (Improving Government Regulations) designated Part 250 for review. The regulations date from 1958 and now include 41 amendments. Substantial portions have been obsolete owing to legislative and policy changes as well as realignment of responsibilities within FNS.

5. **Projected Schedule**

   a. **Date of pre-notice:** 5/59
   b. **Date of proposal:** 7/79
   c. **Final Decision:** 10/79

6. **Contacts:**

   Agency: Darrel Gray, Ext. (202) 447-8362

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11829

2. **Title:** Food Distribution Program: Civil Rights policies and procedures, Part 250

3. **Description:** A new section 250.14 will be added to food distribution regulations to set forth in detail nondiscrimination requirements for charitable institutions and nonprofit summer camps for children; other portions of the regulations will be amended to add germane provisions.

4. **Authority:** Title VI, Civil rights Act of 1964; Department of Justice regulations on nondiscrimination (28 CFR Part 42).

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 12/78
   c. Final Decision: 4/79

6. **Contacts:**

   Agency: Darrel Gray, Ext. (202) 447-8362

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11834

2. **Title:** Food Distribution Program: Commodity purchase dockets for domestic distribution

3. **Description:** (1) Develop purchase plans in order to provide required levels of food assistance for all eligible programs, in coordination with commodity and procuremnt divisions in FSQS and ASCS. (2) Arrange for allotment of funds to cover purchase, transportation and other costs. (3) Provide ASCS Kansas City Commodity Office with delivery orders and shipping schedules. (4) Prepare docket covering all purchases for following fiscal year.

4. **Authority:** FNS Instruction 101-6 assigns responsibilities for procurement of commodities under section 6 of National School Lunch Act and section 32 of P.L. 74-320.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal:
   c. Final Decision: 9/30/79

6. **Contacts:**

   Agency: Darrel Gray, Ext. (202) 447-8362

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11838

2. **Title:** Salt in Commodities for Donation Under Food Distribution Program

3. **Description:** Develop issue paper to be followed with a study of acceptability of salt-reduced and salt-free canned commodities.

4. **Authority:** High levels of salt in the diet contribute to health problems; accordingly, USDA has been requested to reduce levels of salt in commodities.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal:
   c. Final Decision: 10/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11839

2. **Title:** Nutrition Education and Training Program Civil Rights Regulation 7 CFR Part 227

3. **Description:** Issue proposed regulations to insure compliance with the Civil Rights Act of 1964 in the NET Program.

4. **Authority:** Title VI Civil Rights Act 1964 - Need to issue proposed regulations.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 1/79
   c. Final Decision: 5/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11840

2. **Title:** Child Feeding Programs: Credit for Poultry frankfurter and luncheon meat in food service.

3. **Description:** Establish credit for poultry frankfurters and luncheon meats for use in Child Feeding Program, based on standards developed by FSQS.

4. **Authority:** NSLA authorizes the Secretary to prescribe regulations relating to nutritional requirements.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal:
   c. Final Decision: 6/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11841

2. **Title:** Child Nutrition Programs: Crediting of frankfurters.

3. **Description:** Distribution of addendum to Food Buying Guide, PA-270, to correct yield data on frankfurters.

4. **Authority:** NSLA and CNA give the Secretary the authority to prescribe regulations relating to nutritional requirements.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal:
   c. Final Decision: 3/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11842

2. **Title:** School Feeding Program: Definition of authorized milk products for use in food service.

3. **Description:** Develop definition for authorized milk products. This would clarify FNS policy pertaining to use of milkshakes. States are not interpreting requirement for "fluid" milk consistently as being synonymous with Class I dairy products.

4. **Authority:** NSLA and CNA give the Secretary the authority to prescribe regulations relating to nutritional requirements.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 2/15/79
   c. **Final Decision:** 6/1/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11843

2. **Title:** Authorization of Cookies in Summer Food Service Program for Children

3. **Description:** Delete cookies as an allowable alternate for bread in the meal supplement (snack).).

4. **Authority:** The NSLA authorizes the Secretary to prescribe regulations relating to nutritional requirements.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 5/1/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11845

2. **Title:** Summer Food Service Program for Children; Meal Requirements for Supplemental Food.

3. **Description:** Reduce the quantity of fruit/vegetable required in the meal supplement (snack) in the summer food service program.

4. **Authority:** The NSLA authorizes the Secretary to prescribe regulations relating to nutritional requirements.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11846

2. **Title:** School Feeding Programs: Crediting of Peanuts

3. **Description:** Publish proposed regulatory change allowing partial credit to peanuts in meeting the meat/meat alternate requirement when accompanied by another recognized entree item.

4. **Authority:** NSLA and CNA give the Secretary authority to prescribe regulations relating to the service of food.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 2/79
   c. **Final Decision:** 6/79

6. **Contacts:**

   Agency: Arvid Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11847

2. **Title:** Special Supplemental Food Program Civil rights Regulation (Amendment 3 to Part 246) - Proposed

3. **Description:** Regulatory amendment to strengthen the Civil Rights compliance activities in the Special Supplemental Food Program for Women, Infants, and Children.

4. **Authority:** Department of Justice regulations

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/78
   c. **Final Decision:** 2/79

6. **Contacts:**

   Agency: Jennifer Nelson, Ext. (202) 447-8206

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11852

2. **Title:** Special Supplemental Food Program Regulations.

3. **Description:** Interim regulations must be published within 120 days from President's signing of Bill. This is stipulated in the proposed legislation.

4. **Authority:** Proposed legislation will require significant changes; however certain changes need to be made to improve Program operations even if new legislation is delayed.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/78
   b. **Date of proposal:** 12/78
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Jennifer Nelson, Ext. (202) 447-8206

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11857

2. **Title:** Commodity Supplemental Food Program; Development of Standards for Clinical Testing of Non-commercial Products

3. **Description:** The legislation calls for the Secretary to set standards for testing noncommercial products. A procedure will need to be developed and promulgated.

4. **Authority:** Proposed legislation awaiting the President's signature.

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/79
   b. **Date of proposal:** 2/79
   c. **Final Decision:** 5/79

6. **Contacts:**

   Agency: J. R. Nelson/A Dopson, Ext. (202) 447-9081

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11858

2. **Title:** Special Supplemental Food Program Policy on Reallocation of Funds

3. **Description:** A paper detailing several alternative procedures will be developed.

4. **Authority:** It will undoubtedly be necessary to reallocate unspent WIC funds and methodology needs to be selected.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/78
   c. **Final Decision:** 12/78

6. **Contacts:**

   Agency: Jennifer Nelson, Ext. (202) 447-8206

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11865

2. **Title:** Special Supplemental Food Program Administrative Funding Policy

3. **Description:** Proposal of an administrative funding methodology for the Special Supplemental Food Program for Women, Infants and Children (WIC) which conforms to the legislation.

4. **Authority:** Proposed legislation awaiting the President's signature.

5. **Projected Schedule**

   a. **Date of pre-notice:** None
   b. **Date of proposal:** 11/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Jennifer Nelson, Ext. (202) 447-8206

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11867

2. **Title:** Special Supplemental Food Program Regulations on Use of Commodities

3. **Description:** Review of commodities being made to see which will meet Program nutrient requirement. Authorized commodities and procedures for State agencies to use in ordering commodities will be published in new regulations.

4. **Authority:** Requirement in legislation awaiting President's signature as well as Department's desire to utilize such foods in the WIC Program.

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/79
   b. **Date of proposal:** 2/79
   c. **Final Decision:** 4/79

6. **Contacts:**

   Agency: Jennifer Nelson, Ext. (202) 447-8206

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11868

2. **Title:** Commodity Supplemental Food Program, Food Package Changes

3. **Description:** Revision of authorized foods to be published in final regulations.

4. **Authority:** Participants' request for changes in certain foods offered; also a need for provision of certain types of infant formula.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Jennifer Nelson, Ext. (202) 447-8206

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11869

2. **Title:** Food Stamp Program: Regulations concerning administrative cost allocations for States

3. **Description:** Regulations concern the reimbursement to States for administrative costs incurred in operating the Food Stamp Program.

4. **Authority:** P.L. 95-113 implementation

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/78
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Ray Pugh, Ext. (202) 447-3546

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11870

2. **Title:** Food Stamp Program: Work Registration Joint Rulemaking

3. **Description:** Defines and assigns the responsibility for administering the food stamp work registration requirement including job search activities to the appropriate agencies within the Departments of Labor and Agriculture. Additionally the responsibilities and penalties for failure to comply with work requirements by participating households will be delineated.

4. **Authority:** P. L. 95-113 Implementation

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 2/79
   c. Final Decision: 5/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11873

2. **Title:** Food Stamp Program: Regulations concerning the Performance Reporting System

3. **Description:** Regulations require that the existing system be continued and further refined to ensure that States assess themselves at the local level and report to the Department on their efficiency and effectiveness.

4. **Authority:** P. L. 95-113 Implementation

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 12/78
   c. Final Decision: 3/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11874

2. **Title:** Food Stamp Program: Regulations concerning points, hours, outreach, State complaints.

3. **Description:** Establish requirements for State outreach activities, locations and hours of certification and issuance offices, and for State handling of complaints.

4. **Authority:** P.L. 95-113 Implementation

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 12/78
   c. Final Decision: 3/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11875

2. **Title:** Food Stamp Program: Regulations concerning the participation of Indians.

3. **Description:** Regulations allow Indian participation in the Food Distribution Program and the Food Stamp Program; also will allow in certain cases capable tribes to operate those programs.

4. **Authority:** P.L. 95-113 Implementation

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 11/78
   c. Final Decision: 3/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11876

2. **Title:** Food Stamp Program: Regulations concerning SSI joint processing

3. **Description:** Regulations allow SSI households and applicants to apply for food stamps at Social Security Offices.

4. **Authority:** P.L. 95-113 Implementation

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 1/78
   c. Final Decision: 4/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11877

2. **Title:** Food Stamp Program: Regulations concerning State Plan of Operation

3. **Description:** Establish requirements for the State agency preparation and submittal of the State Plan of Operation which is the contract between States and the Department.

4. **Authority:** P. L. 95-113 Implementation

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 12/78
   c. Final Decision: 3/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11878

2. **Title:** Food Stamp Program: Regulations concerning FNS and State steps to be taken in the case of natural disasters.

3. **Description:** Regulations describe how FNS and the States will react to natural disasters to insure continued benefits to participants and to the new group of people who may be eligible in the States following disasters.

4. **Authority:** P.L. 95-113 Implementation

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. **Calendar No:** FN 11879

2. **Title:** Food Stamp Program: Regulations concerning State sanctions and liabilities

3. **Description:** Regulations define the situations and criteria to be used by FNS for taking fiscal sanctions against States when it has been determined that States have failed to comply with the Act, regulations or State Plans.

4. **Authority:** P.L. 95-113 Implementation

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/78
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, (202) 447-2113

FOREST SERVICE

1. **Calendar No:** FS 1081

2. **Title:** National Forest System Land and Resource Management Planning

3. **Description:** Issue regulations to guide the land and resource planning process for the National Forest System

4. **Authority:** Forest and Rangeland Renewable Resource Planning Act of 1974 as amended by the National Forest Management Act of 1976.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 8/31/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Rex Hartgraves, Ext. (202) 447-5933

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 1082

2. **Title:** Title V Regulations of Federal Land Policy and Management Act of 1976 (P.L. 94-579)

3. **Description:** Revise regulations governing "Special Uses" other than recreaction and rights-of-way to incorporate provisions of P.L. 94-579.

4. **Authority:** P.L. 94-579 (90 Stat. 2743), Sec. 310 requires that regulations be promulgated.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/4/77
   b. **Date of proposal:** 11/1/78
   c. **Final Decision:** 3/1/79

6. **Contacts:**

   Agency: William R. Boring, Ext. (703) 235-8107

   Secretary's Office: John Fedkiw, Ext. 447-7963

1. **Calendar No:** FS 1083

2. **Title:** Cost Recovery Policy Issue

3. **Description:** No uniform policy among Federal agencies on collecting costs incurred in processing applications for use of Federal lands. This is being brought to the attention of the Office of Management and Budget by U.S. Department of Agriculture for consideration in establishing a government-wide policy.

4. **Authority:** Federal Land Policy and Management Act of 1976, P.L. 94-579 (90 Stat. 2743), Secs. 304 and 504(g).

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:**

6. **Contacts:**

   Agency: R. M. Housley, Ext. (202) 447-7465

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 1084

2. **Title:** RARE II Final Environmental Statement

3. **Description:** A Final Environmental Statement with decisions on roadless areas to be allocated to non-wildnernes uses and areas requiring further planning to determine wilderness or non-wilderness allocation and make recommendations to Congress for wilderness designation.

4. **Authority:** Determine National Forest share of National Wilderness Preservation System and which areas inventoried in RARE II should be allocated to non-wilderness and further planning.

5. **Projected Schedule**

   a. **Date of pre-notice:** In progress
   b. **Date of proposal:** 12/1/78
   c. **Final Decision:** 12/29/78

6. **Contacts:**

   Agency: R. K. Griswold, Ext. (202) 447-2956

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 1085

2. **Title:** Implementation of P.L. 95-313, The Cooperative Forestry Assistance Act of 1978

3. **Description:** Update and clarify Forest Service Manual program guidelines and existing regulations.

4. **Authority:** P.L. 95-313 updates and reorganizes existing authorities for cooperative forestry programs.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:**

6. **Contacts:**

   Agency: John C. Barber, Ext. (202) 447-3331

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 1086

2. **Title:** Draft 1980 RPA Assessment and Program

3. **Description:** The decision to release draft documents that assess the Nation's renewable resource situation and that describe Alternative Program Directions for the Forest Service for the next 50 years.

4. **Authority:** Forest and Rangeland Renewable Resources Act of 1974

5. **Projected Schedule**

   a. **Date of pre-notice:** 2/79
   b. **Date of proposal:** 9/79
   c. **Final Decision:** 11/79

6. **Contacts:**

   Agency: Lamar Beasley, Ext. (202) 447-5440

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 1088

2. **Title:** Regulations for administering Forest Highways

3. **Description:** Revise definition - update selection criteria to reflect Federal interests in routes and projects.

4. **Authority:** Change in law. Gao Audit Report CED-77-130 B164497(3)

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/78
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 3/79

6. **Contacts:**

   Agency: Mike Hawlett, Ext. (703) 235-8035

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 1089

2. **Title:** Public Participation Procedures

3. **Description:** Establishment by regulation to give the Federal, State & local governments and the public adequate notice and opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

4. **Authority:** Sec. 11 National Forest Management Act of 1976

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/78
   c. **Final Decision:** Spring 1979

6. **Contacts:**

   Agency: Robert M. Lake, Ext. (202) 447-3760

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 10810

2. **Title:** Revised Regulations for Debarment of Timber Purchasers

3. **Description:** Revise regulations. Publish proposed and final regulations in Federal Register.

4. **Authority:** Current regulations are outdated and do not provide for consideration of recent legislation.

5. **Projected Schedule**

   a. **Date of pre-notice:** 10/78
   b. **Date of proposal:**
   c. **Final Decision:** 6/79

6. **Contacts:**

   Agency: Norm Gould, Ext. (202) 447-6893

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 10811

2. **Title:** Secretary Review of Rate Redetermination for Alaska Lumber and Pulp Co. Sale

3. **Description:** Review, report, and recommendations from Board regarding rates for Alaska Lumber and Pulp Co. long term timber sale contract.

4. **Authority:** Request to Secretary by purchaser to appoint special Board to review rates redetermined by the Forest Service.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 11/78

6. **Contacts:**

   Agency: Norm Gould, Ext. (202) 447-6893

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 10812

2. **Title:** Final Regulations for Special Salvage Timber Sale Program

3. **Description:** Regulations to detail guidelines for the program. Provide preferential sales to small concerns with 25 or fewer employees.

4. **Authority:** Implement set-aside program for small business firms with less than 25 employees.

5. **Projected Schedule**

   a. **Date of pre-notice:** 10/78
   b. **Date of proposal:**
   c. **Final Decision:** 12/78

6. **Contacts:**

   Agency: Norm Gould, Ext. (202) 447-6893

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 10813

2. **Title:** Amendment to Regulation 36 CFR 222, Management of Wild Free-Roaming Horses and Burros

3. **Description:** Amendments in Regulations are needed to implement provisions of the Act including: Inventories, research, disposal of unadoptable animals, assigning of title of adopted animals. Regulations must be coordinated with efforts by U.S. Department of the Interior.

4. **Authority:** Public Rangelands Improvement Act of 1978

5. **Projected Schedule**

   a. **Date of pre-notice:** 12/15/78
   b. **Date of proposal:** 1/15/79
   c. **Final Decision:** 4/15/79

6. **Contacts:**

   Agency: William Evans, Ext. (703) 235-8139

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 10814

2. **Title:** Amendment to Regulation 36 CFR 222, Grazing and Livestock Use on the National Forest System

3. **Description:** Regulation amendments are needed to implement provisions of the Public Rangelands Improvement Act of 1978 including: (1) Rangeland inventories and management, (2) grazing permits and leases, and (3) allotment management plans, Grazing Advisory Boards, and experiemtnal stewardship program. Efforts must be coordinated with U.S. Department of Interior.

4. **Authority:** Enactment of the Public, Rangelands Improvement Act of 1978.

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/15/78
   b. **Date of proposal:** 3/15/79
   c. **Final Decision:** 7/1/79

6. **Contacts:**

   Agency: William Evans, Ext. (703) 235-8139

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

FOOD SAFETY AND QUALITY SERVICE

1. **Calendar No:** FS 10815

2. **Title:** Amend Grazing Fee Regulation; 36 CFR 222 Grazing and Livestock Use

3. **Description:** Write new grazing fee regulations to implement new legislation. Must be coordinated with Bureau of Land Management/Department of the Interior. Formal rulemaking procedures.

4. **Authority:** To conform with requirements of the Public Rangelands Improvement Act of 1978

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/9/78
   c. **Final Decision:** 2/9/79

6. **Contacts:**

   Agency: William Evans, Ext. (703) 235-8139

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FS 10816

2. **Title:** Forest Service Manual 2351 Off-road Vehicle Management

3. **Description:** Promulgate revised Forest Service Manual direction to field units. Revisions based on recent activity review and task force help.

4. **Authority:** Current policy requires updating based on final rules published May 1978.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 3/79
   c. **Final Decision:** 6/79

6. **Contacts:**

   Agency: Tom Hoots, Ext. (202) 447-3706

   Secretary's Office: John Fedkiw, Ext. (202) 447-7963

1. **Calendar No:** FSQ 1083

2. **Title:** Voluntary Quality Control Regulations - Sanitation and Carcass Cleanliness.

3. **Description:** This proposal would permit firms to meet inspection requirements by implementing company-operated quality control programs. This would permit FSQS to shift more responsibility to industry with FSQS monitoring industry performance.

4. **Authority:** 21 U.S.C. 601 et seq.; 21 U.S.C. 451 et seq Additional information to improve system of inspection while holding down costs as outlined in report on Strengthening Meat and Poultry Inspection.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 5/15/79
   c. **Final Decision:** 12/18/79

6. **Contacts:**

   Agency: D. L. Houston, Ext. (202) 447-3473

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

FOOD SAFETY AND QUALITY SERVICE

1. **Calendar No:** FSQ 1084

2. **Title:** Poultry Chiller Water Regulation

3. **Description:** New regulation will permit plants to reduce volume of replacement water in poultry chilling tanks by 50 percent providing the plant adds chlorine to the water in the amount of 20 parts per million.

4. **Authority:** 21 U.S.C. 451 et seq. Additional information: This regulation will conserve water, reduce the energy necessary for chilling, and reduce work water pollution.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 11/21/78

6. **Contacts:**

   Agency: D. L. Houston, Ext. (202) 447-3473

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 1086

2. **Title:** Revise $18,000 Limit on Retail Exemption from continuous inspection

3. **Description:** A retail store is currently exempt from continuous meat inspection provided its sales of meat items do not exceed $18,000 per year. The new regulation would raise the $18,000 limit to account for the inflation that has transpired since 1973, when this limit was fixed.

4. **Authority:** 21 U.S.C. 601 et. seq.; 21 U.S.C. 451 et. seq Further information: This action is in response to a petition from retail stores.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 3/16/79
   c. **Final Decision:** 10/16/79

6. **Contacts:**

   Agency: D. L. Houston, Ext. (202) 447-3473

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 1087

2. **Title:** Regulatory Plan for Cured Pork Products

3. **Description:** 1) Cured pork products contain varying amounts of water that is introduced with the curing agents. The amount of added water is limited by regulation. The new regulatory plan would establish a standard for these products based on protein content rather than added water, and establish more effective enforcement procedures. The protein content standard should provide useful information to consumers.

4. **Authority:** 21 U.S.C. 601 et seq. Better method to enforce added water requirements.

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/15/79
   b. **Date of proposal:** 3/15/79
   c. **Final Decision:** 10/15/79

6. **Contacts:**

   Agency: R. E. Engel, Ext. (202) 447-2326

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 1088

2. **Title:** Work Week Prposal

3. **Description:** This proposal would modify existing regulations governing hours of operations for plants operating under meat and poultry inspection. It would provide a uniform policy regarding work schedules, eliminate many administrative and functional problems.

4. **Authority:** 21 U.S.C. 601 et seq. 21 U.S.C. 451 et seq.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal: 1/16/79
   c. Final Decision: 7/17/79

6. **Contacts:**

   Agency: D. L. Houston, Ext. (202) 447-3473

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10811

2. **Title:** Quality Assurance program for the Procurement of Food by Federal Agencies.

3. **Description:** Congress has directed the Secretary of Agriculture to assume responsibility for the quality of the food items purchased by Federal agencies. USDA's quality assurance program will set forth food specifications and provide the means for seeing whether the food actually purchased by Federal agencies meets the specifications.

4. **Authority:** Office of Federal Procurement Policy memorandum to Secretary Bergland on July 29, 1977.

5. **Projected Schedule**

   a. Date of pre-notice:
   b. Date of proposal:
   c. Final Decision: 10/79

6. **Contacts:**

   Agency: Eddie Kimbrell, Ext. (202) 447-4016

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10812

2. **Title:** Studies on Uniform Grade Nomenclature

3. **Description:** Option paper, including background information, prepared & approved by Asst. Sec. Foreman in late Aug. 1978. Studies on the possibility to realign grade standards for eggs, butter, cheese, and nonfat dry milk are underway. Discussion with affected parties has begun.

4. **Authority:** 7 U.S.C. 1621 et seq. Requested by Assistant Secretary Carol Tucker Foreman.

5. **Projected Schedule**

   a. Date of pre-notice: 3/79
   b. Date of proposal: 7/79
   c. Final Decision: 1/80

6. **Contacts:**

   Agency: Eddie Kimbrell, Ext. (202) 447-4016

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10818

2. **Title:** Establish Microbiological Criteria for Meat & Poultry Products

3. **Description:** This proposal will establish limits on the amount of bacteria that may be present in selected meat and poultry products and will describe enforcement procedures.

4. **Authority:** 21 U.S.C. 601 et seq. 21 U.S.C. 451 et seq.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 2/79
   c. **Final Decision:** 8/79

6. **Contacts:**

   Agency: R. E. Engel, Ext. (202) 447-2326

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10821

2. **Title:** Nitrosamine Monitoring

3. **Description:** This random monitoring program will test bacon for the presence of nitrosamine at confirmable levels. Bacon found out of compliance will be retained, and plants will be required to correct procedures to preclude nitrosamine formation at detectable levels.

4. **Authority:** 21 U.S.C. 601 et seq. Additional information: Nitrosamines have been found to be carcinogenic and are therefore adulterants under the Federal Meat Inspection Act.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/5/79
   b. **Date of proposal:**
   c. **Testing Begins:** 12/4/78

6. **Contacts:**

   Agency: R. E. Engel, Ext. (202) 447-2326

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10822

2. **Title:** Antibiotic Residues

3. **Description:** This is a cooperative program among the dairy industry, the drug industry, the Extension Service, and FDA to educate dairymen about the need to eliminate drug residues in meat. The program includes development and implementation of test procedures to detect residues.

4. **Authority:** 21 U.S.C. 601 et seq. Additional Information: Product containing excessive antibiotic residues is adulterated under the Federal Meat Inspection Act.

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/1/79
   b. **Date of proposal:**
   c. **Final Decision:**

6. **Contacts:**

   Agency: R. E. Engel, Ext. (202) 447-2326

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10823

2. **Title:** Sulfonamides in Swine

3. **Description:** This is a program to attack a problem with residues of sulfonamides (antibacterial drugs added to swine feed to prevent disease) in pork. Currently, 10% of samples tested reveal excessive levels. The program will include intensive monitoring, Departmental research, producer education, and epidemiological studies aimed at eliminating these residues.

4. **Authority:** 21 U.S.C. 601 et seq.

5. **Projected Schedule**

   a. **Date of pre-notice:** 9/79
   b. **Date of proposal:**
   c. **Final Decision:**

6. **Contacts:**

   Agency: R. E. Engel, Ext. (202) 447-2326

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10830

2. **Title:** Proteolytic Enzyme Proposals

3. **Description:** This document would propose two regulatory changes. One will permit the use of protealytic enzymes to tenderize poultry meat. The other regulation will extent the current permission for the use of such enzymes in beef to other red meat species.

4. **Authority:** 21 U.S.C. 451 et seq.
   Additional Information: Request from poultry industry to use papain in fowl as tenderizer. Already permitted in beef.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/78
   c. **Final Decision:** 5/79

6. **Contacts:**

   Agency: L. L. Gast, Ext. (202) 447-8803

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10832

2. **Title:** Proposal on mechanically processed poultry product.

3. **Description:** This proposal would establish standards and labeling requirements for the product that results from the mechanical separation of meat tissue from bones. The safety of this product is now in the final stages of evaluation. Following this evaulation, the proposal will be published and public hearings held.

4. **Authority:** 21 U.S.C. 451 et seq.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 1/79
   c. **Final Decision:** 7/79

6. **Contacts:**

   Agency: L. L. Gast, Ext. (202) 447-8803

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10834

2. **Title:** Nitrates and Nitrites Regulation

3. **Description:** This regulation, if finalized as proposed, will allow the manufacture of traditionally cured (nitrite containing) products without the use of nitrite or with low levels of nitrite. Such products would be permitted to bear the traditional name (e.g. hot dog, bacon, or bologna).

4. **Authority:** 21 U.S.C. 601 et seq.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 4/27/78
   c. **Final Decision:** Undetermined

6. **Contacts:**

   Agency: L.L. Gast, Ext. (202) 447-8803

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10835

2. **Title:** Standard for Turkey Ham

3. **Description:** This regulation would establish the name ("Turkey Ham" is the proposed name) and labeling requirements for the product that consists of cured turkey thigh meat. The purpose of the regulation is to provide an accurate and identifiable description of this product for consumers.

4. **Authority:** 21 U.S.C. 451 et seq. Additional Information: The poultry industry has requested a standard. The red meat industry has petitioned for restriction of the term "ham" to leg of swine.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 6/2/78
   c. **Final Decision:** Undetermined

6. **Contacts:**

   Agency: L. L. Gast, Ext. (202) 447-8803

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10837

2. **Title:** U.S. Ungraded Proposal

3. **Description:** A National public opinion firm will conduct a survey to determine consumer perceptions of USDA quality grades, the USDA mark of inspection, and the possible use of the term, "U.S. Ungraded" on meat that is inspected but not graded. The survey will also include alternatives to the term "Ungraded" and provide the basis for decisions on whether to issue a proposal requiring the use of the term "Ungraded."

4. **Authority:** 21 U.S.C. 601 et seq. Additional Infdormation: A previous proposal on the "Ungraded" designation was published on January 23, 1978. The comments raised significant questions concerning consumer perception of this term.

5. **Projected Schedule**

   a. **Contract Selection:** 11/3/78
   b. **Survey Approval:** 12/18/78
   c. **Final Decision:** 3/15/79

6. **Contacts:**

   Agency: L. L. Gast, Ext. (202) 447-8803

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10842

2. **Title:** Proposal to Revise Meat Grade Standards and Regulations

3. **Description:** This action will make several changes in the system of grading determinations more accurate and uniform and less subject to fraudulent practices. The rules for deciding upon quality grades will become more objective.

4. **Authority:** Agricultural Marketing Act of 1946, 7 U.S.C. 1621 et seq. Additional information: Proposal will make major revisions in grading proposal as published in the January 23, 1978, Federal Register.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/1/78
   c. **Final Decision:** 5/1/79

6. **Contacts:**

   Agency: Jerry Goodall, Ext. (202) 447-4727

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** FSQ 10845

2. **Title:** Final Net Weight Regulation

3. **Description:** This action will make changes in net weight regulations to require that the net weight statements on meat and poultry products be accurate at all points in the distribution chain from processing plant to retail store.

4. **Authority:** 21 U.S.C. 601 et seq.; 21 U.S.C. 451 et seq. Additional Information: Proposal was in response to petition from State Weights and Measures Officials.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 12/77
   c. **Final Decision:** Awaiting comments on Consumer Fed. of American Econ. Study.

   Contacts:

   Agency: D. L. Houston, Ext. (202) 447-3473

   Secretary's Office: Lynn Maish, Ext. (202) 447-6667

1. **Calendar No:** OG 1081

2. **Title:** Report to the Congress on Export Sales Reporting

3. **Description:** Analyze the effectiveness of the export sales reporting provisions of Section 812 of the Agricultural Act of 1970 and submit through the Secretary of Agriculture a report of its findings, including recommendations for improving such reporting provisions.

4. **Authority:** Agricultural Trade Act of 1978 (95th Congress, 2nd Session), Title VI, Section 603.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 1/3/79

6. **Contacts:**

   Agency: Richard Finkbeiner, Ext. (202) 447-5651

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

OFFICE OF GENERAL SALES MANAGER

1. **Calendar No:** OG 1082

2. **Title:** Intermediate Credit Program for Breeding Stock

3. **Description:** Development of a program concept; draft CCC Board Dockets, and obtain CCC Board approvals; obtain other necessary clearances; write, clear, and announce program rules and regulations.

4. **Authority:** Agricultural Trade Act of 1978, (95th Congress, 2nd Session), Title I.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 4/1/79

6. **Contacts:**

   Agency: Francis Woodling, Ext. (202) 447-3573

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

1. **Calendar No:** OG 1088

2. **Title:** Report to Congress of Title IV of the Trade Act of 1974

3. **Description:** Analyze the effects on American Agriculture of Title IV of the Trade Act of 1974, including a recommendation as to whether the provisions of such Title should be repealed or amended.

4. **Authority:** Agricultural Trade Act of 1978 (95th Congress, 2nd Session), Title VI, Section 604

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** by 4/30/79

6. **Contacts:**

   Agency: George Shanklin, Ext. (202) 447-4274

   Secretary's Office: W. Scott Steele, Ext. (202) 447-2095

RURAL ELECTRIFICATION ADMINISTRATION

1. **Calendar No:** RE 1082

2. **Title:** Electric Loan Policies and Application Procedures, Bulletin 20-2

3. **Description:** REA-financed electric systems will be required to provide REA with certain information annually that indicates the end uses of electric energy.

4. **Authority:** To help meet the Administration's energy conservation goals and obtain information needed to improve estimates of future power requirements.

5. **Projected Schedule**

   a. **Date of pre-notice:** 5/19/78
   b. **Date of proposal:** 9/29/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Richard Richter, Ext. (202) 447-6237

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

RURAL ELECTRIFICATION ADMINISTRATION

1. **Calendar No:** RE 1083

2. **Title:** Exhibit G to Bulletin 20-21:320-21; Floodplain and Wetlands Procedures

3. **Description:** Issue REA regulations to implement the mandate of E.O. 11988 (floodplain management) and E.O. 11990 (protection of wetlands) for Federal agencies to design procedures to protect these two classes of areas.

4. **Authority:** Rural Electrification Act; NEPA; Executive Order 11988 and 11990

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 8/29/78
   c. **Final Decision:** 12/768

6. **Contacts:**

   Agency: Richard Richter, Ext. (202) 447-6237

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** RE 1084

2. **Title:** Energy Conservation and Future Service Requirement, Bulletin 120-2

3. **Description:** REA-financed electric systems will be required to have an energy conservation policy, a program designed to conserve energy in their own facilities, and a plan for assisting consumers to conserve energy.

4. **Authority:** To help meet the Administration's energy conservation goals and help assure that REA loan funds are limited to the financing of needed facilities.

5. **Projected Schedule**

   a. **Date of pre-notice:** 5/19/78
   b. **Date of proposal:** 10/3/78
   c. **Final Decision:** 1/79

6. **Contacts:**

   Agency: Richard Richter, Ext. (202) 447-6237

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** RE 1086

2. **Title:** Construction Methods and Purchase of Materialis and Equipment, Bulletin 40-6

3. **Description:** This change would permit REA borrowers to limit the contractor's liability for special and consequential damages under REA Form 200, "Construction Contract - Generating".

4. **Authority:** To establish a limit on the contractor's liability for special and consequential damages.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 6/20/78
   c. **Final Decision:** 2/28/79

6. **Contacts:**

   Agency: Richard Richter, Ext. (202) 447-6237

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** RE 1088

2. **Title:** Joint Use of REA Borrowers' Facilities by Electric and Telephone Systems, Bulletin 5-1:305-1

3. **Description:** The change would permit REA borrowers to enter into joint use agreements without REA approval; provided, that the agreement is executed on a standard REA contract form.

4. **Authority:** To eliminate requirement for REA approval of joint use agreements executed on REA standard forms.

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/79
   b. **Date of proposal:** 2/28/79
   c. **Final Decision:** 8/31/79

6. **Contacts:**

   Agency: Richard Richter, Ext. (202) 447-6237

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** RE 1089

2. **Title:** National Environmental Policy Act, Bulletin 20-21:320-21

3. **Description:** Revise the bulletin so that REA formal required procedures fully reflect and implement Federal environmental statues, Federal environmental regulations and Executive Orders promulgated since issuance of the existing Bulletin 20-21:320-21

4. **Authority:** Rural Electrification Act; NEPA; CEQ NEPA regulations (when issued); and other Federal environmental statues, regulations and Executive Orders

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/79
   b. **Date of proposal:** 3/79
   c. **Final Decision:** 6/79

6. **Contacts:**

   Agency: Richard Richter, Ext. (202) 4476237

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** RE 10819

2. **Title:** Sale of Property by Telephone Borrowers, Bulletin 415-1

3. **Description:** Revision of this bulletin will reduce paper work by borrowers and REA. Revision will permit sale of certain terminal equipment without prior REA approval.

4. **Authority:** To permit REA-financed telephone systems to sell certain terminal equipment to customers.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/15/78
   b. **Date of proposal:** 2/15/79
   c. **Final Decision:** 5/15/79

6. **Contacts:**

   Agency: C. R. Ballard, Ext. (202) 447-4305

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

SOIL CONSERVATION SERVICE

1. **Calendar No:** SC 1081

2. **Title:** 7 CFR Chapter VI, Part 624, and Watershed Memorandum No. 124, Emergency Flood Protection

3. **Description:** Review rules and regulations for Emergency Flood Protection under authority of Section 216, Public Law 81-516, 64 Stat 184.

4. **Authority:** Requested by the Secretary.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/20/78
   b. **Date of proposal:** 6/79
   c. **Final Decision:** 10/79

6. **Contacts:**

   Agency: James W. Mitchell, Ext. (202) 447-3527

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 1082

2. **Title:** 7 CFR Chapter VI, Part 622, Watershed Projects

3. **Description:** Review rules and regulations for Watershed projects carried out under authority of Public Law 83-566, 68 Stat. 666, as amended

4. **Authority:** Selected pursuant to E. O. 12044, Improving Government Regulations

5. **Projected Schedule**

   a. **Date of pre-notice:** 5/79
   b. **Date of proposal:** 8/79
   c. **Final Decision:** 2/80

6. **Contacts:**

   Agency: Joseph W. Haas, Ext. (202) 447-4527

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 1083

2. **Title:** Compliance with NEPA

3. **Description:** Revision of Rules (7CFR Part 650) to comply with new CEQ guidelines

4. **Authority:** Change in CEQ Guidelines

5. **Projected Schedule**

   a. **Date of pre-notice:** 3/79
   b. **Date of proposal:** 5/79
   c. **Final Decision:** 8/79

6. **Contacts:**

   Agency: Glen Loomis, Ext. (202) 447-3853

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 1084

2. **Title:** SCS Public Participation Plan

3. **Description:** SCS will adopt a public participation plan that will guide future activities related to making decisions.

4. **Authority:** Required by Secretary's Memorandum 1955

5. **Projected Schedule**

   a. **Date of pre-notice:** 2/15/79
   b. **Date of proposal:** 6/15/79
   c. **Final Decision:** 10/15/79

6. **Contacts:**

   Agency: Victor Barry, Ext. (202) 447-7245

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10810

2. **Title:** Landrights, Water Rights and Construction Permits (7 CFR Part 651)

3. **Description:** SCS requires sponsors of projects to acquire all necessary landrights as a condition for receiving Federal financial assistance. This part sets forth the requirements for the acquisition of landrights.

4. **Authority:** Codify SCS Policy For Projects Receiving Federal Financial Assistance

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:** 11/15/78
   c. **Final Decision:** 2/1/79

6. **Contacts:**

   Agency: Leo Link, Ext. (202) 447-2177

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10812

2. **Title:** Final rules for the Surface Mining and Reclamation Act, P.L. 95-87

3. **Description:** The final rules on prime farmland must have the concurrence of the Secretary of Agriculture. The final rules are scheduled for publication on January 10, 1979.

4. **Authority:** The Secretary of Agriculture is responsible for the prime farmlands section of the regulations governing surface coal mining.

5. **Projected Schedule**

   a. **Date of pre-notice:** 11/17/78
   b. **Date of proposal:** 12/5/78
   c. **Final Decision:** 1/10/79

6. **Contacts:**

   Agency: James Newman, Ext. (202) 447-2324

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10813

2. **Title:** Plan for Completing Soil Mapping Nationwide

3. **Description:** Evaulate workload remaining to complete the onceover soil mapping and set target date for completing. Evaluate soil survey publication needs in survey areas having few individual landowners with the objective of reducing publication costs.

4. **Authority:** Soil mapping nationwide is about 67% completed. Need a plan for orderly completion of remaining areas.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:**

6. **Contacts:**

   Agency: V. G. Link, Ext. (202) 447-4931

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10814

2. **Title:** Aquaculture Activities

3. **Description:** Assess present program, inventory statutory authorities, and identify opportunities for new and expanded programs in aquaculture.

4. **Authority:** Request from the Secretary

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:**

6. **Contacts:**

   Agency: Dave Overholt, Ext. (202) 447-7145

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10815

2. **Title:** Great Plains Conservation Program (GPCP)

3. **Description:** Preparation of legislative proposal on the question of extending GPCP beyond 12/81 including identification of proposed changes in regulations.

4. **Authority:** GPCP authority expires 12/31/81

5. **Projected Schedule**

   a. **Date of pre-notice:** 6/79
   b. **Date of proposal:** 1/2/80
   c. **Final Decision:** 1/2/81

6. **Contacts:**

   Agency: Dave Overholt, Ext. (202) 447-7145

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10816

2. **Title:** Revision of SCS policy relating to Endangered Species.

3. **Description:** The current SCS policy 7 CFR 650.22 will be revised.

4. **Authority:** Compliance with NEPA.

5. **Projected Schedule**

   a. **Date of pre-notice:** 1/79
   b. **Date of proposal:** 6/79
   c. **Final Decision:** 9/79

6. **Contacts:**

   Agency: T. N. Shiflet, Ext. (202) 447-2587

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10817

2. **Title:** Revision of SCS Environmental Policy Memorandum, EVT #1

3. **Description:** Memorandum needs updating and review to ensure compatibility with legislation and Administration policy.

4. **Authority:** Compliance with NEPA

5. **Projected Schedule**

   a. **Date of pre-notice:** 3/79
   b. **Date of proposal:** 6/79
   c. **Final Decision:** 9/79

6. **Contacts:**

   Agency: Glen Loomis, Ext. (202) 447-3853

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10818

2. **Title:** Formulation of SCS Wetlands Protection Policy

3. **Description:** A new subsection, 7 CFR 650.26 Protection of Wetlands is being prepared.

4. **Authority:** Compliance with NEPA and E.O. 11990

5. **Projected Schedule**

   a. **Date of pre-notice:** 6/78
   b. **Date of proposal:** 9/78
   c. **Final Decision:** 2/79

6. **Contacts:**

   Agency: Glen Loomis, Ext. (202) 447-3853

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10819

2. **Title:** Formulation of SCS Flood Plain Management Policy

3. **Description:** A new subsection, 7 CFR 650.25 Management of Flood Plains is being prepared.

4. **Authority:** Compliance with NEPA and E.O. 11988

5. **Projected Schedule**

   a. **Date of pre-notice:** 6/78
   b. **Date of proposal:** 9/78
   c. **Final Decision:** 2/79

6. **Contacts:**

   Agency: Glen Loomis, Ext. (202) 447-3853

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

1. **Calendar No:** SC 10820

2. **Title:** Revision to comply with new Historic Preservation Regulations

3. **Description:** Current SCS rules will be revised to comply with new regulations to be published March 1, 1979.

4. **Authority:** Compliance with NEPA and National Historic Preservation Act.

5. **Projected Schedule**

   a. **Date of pre-notice:** 6/79
   b. **Date of proposal:** 8/79
   c. **Final Decision:** 1/80

6. **Contacts:**

   Agency: Glen Loomis, Ext. (202) 447-3853

   Secretary's Office: Arnold Miller, Ext. (202) 447-3465

FARMERS HOME ADMINISTRATION

1. **Calendar No:** Fm 10850

2. **Title:** Review of regulations and agreements on funding of rural development projects.

3. **Description:** Review of FmHA regulations, contracts and agreements with state and local governments which were intended to improve the affectiveness of FmHA programs through joint funding of rural development projects.

4. **Authority:** Section 4, Executive Order 12044. OMB Circular 116.

5. **Projected Schedule**

   a. **Date of pre-notice:**
   b. **Date of proposal:**
   c. **Final Decision:** 3/31/78

6. **Contacts:**

   Agency: Neil Storms, Ext. (202) 447-4487

   Secretary's Office: John Subat, Ext. (202) 447-2113

[FR Doc. 78-32093 Filed 11-14-78; 8:45 am]

[3410-01-M]

DEPARTMENT OF AGRICULTURE

CORRECTIONS TO DECISION CALENDAR

Certain corrections to the Decision Calendar [1] were received too late to be made prior to publication. They are incorporated in the following full text of each action containing a correction; with an asterik indicating the correction.

CAROL TUCKER FOREMAN,
Acting Secretary.

[FR Doc. 78-32295 Filed 11-14-78; 8:45 am]

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[1] FR Doc 78-32093, also published in this part of the issue.

1. Calendar No: FN 1182

2. Title: Part 226 Child Care Food Program Regulations, Part 226

3. Description: Regulations will implement the pending legislation initiating new procedures and requirements for States including methods of funding and reimbursement.

4. Authority: Currently P.L. 94-105 and legislation pending signature of President Carter.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 1/79
c. Final Decision: 5/79*

6. Contacts:

Agency: Jordan Benderly, Ext. (202) 447-8211

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 1186

2. Title: State Plan (210) for Child Nutrition Programs

3. Description: Amendment to regulations to clarify items to be included in the State Plan.

4. Authority: Departmental Initiative Court Order, FNS Depositions

5. Projected Schedule

a. Date of pre-notice:
b. Date of reproposal: 12/78*
c. Final Decision: 6/79

6. Contacts:

Agency: Margaret Glavin, Ext. (202) 447-8130

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 1188

2. Title: School Breakfast Program: Grain-Fruit Product - Withdrawal of Approval, Part 220

3. Description: Elimination of formulated grain/fruit products from the Breakfast Program to promote development of good food habits in the furtherance of nutrition education through a well-balanced diet of conventional foods.

4. Authority: Departmental Initiative

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 8/12/77
c. Final Decision: 6/79*

6. Contacts:

Agency: Margaret Glavin, Ext. (202) 447-8130

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11817

2. Title: Eligibility of Indian Children for Free Meals and Milk in School Nutrition Programs

3. Description: *Decision needs to be made on whether legislative changes should be drafted to allow USDA to reimburse at free meal rates those meals served to Indian children for whom BIA is responsible and who are enrolled in public schools.

4. Authority: Class action lawsuit Vigil vs. Kleppe, et al against USDA and Dept. of Interior

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal:
c. Final Decision: 12/78*

6. Contacts:

Agency: Margaret Glavin, Ext. (202) 447-8130

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11845

2. Title: Summer Food Service Program for Children; Meal Requirements for Supplemental Food.

3. Description: *Decision is needed on whether to reduce the quantity of fruit/vegetable required in the supplemental food (snack) in the summer food service program.

4. Authority: The NSLA authorizes the Secretary to prescribe regulations relating to nutritional requirements.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: *
c. Final Decision: 1/79

6. Contacts:

Agency: Arvid Dopson, Ext. (202) 447-9081

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11858

2. Title: Special Supplemental Food Program Policy on Reallocation of Funds

3. Description: A paper detailing several alternative procedures will be developed.

4. Authority: It will undoubtedly be necessary to reallocate unspent WIC funds and methodology needs to be selected.

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: *
c. Final Decision: 12/78

6. Contacts:

Agency: Jennifer Nelson, Ext. (202) 447-8206

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11867

2. Title: Special Supplemental Food Program Regulations on Use of Commodities

3. Description: Review of commodities being made to see which will meet Program nutrient requirement. Authorized commodities and procedures for State agencies to use in ordering commodities will be published in new regulations.

4. Authority: Requirement in legislation awaiting President's signature as well as Department's desire to utilize such foods in the WIC Program.

5. Projected Schedule

a. Date of pre-notice:	1/79
b. Date of proposal:	2/79
c. Final Decision:	6/79*

6. Contacts:

Agency: Jennifer Nelson, Ext. (202) 447-8206

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11868

2. Title: Commodity Supplemental Food Program, Food Package Changes

3. Description: Revision of authorized foods to be published in final regulations.

4. Authority: Participants' request for changes in certain foods offered; also a need for provision of certain types of infant formula.

5. Projected Schedule

a. Date of pre-notice:	
b. Date of proposal:	*
c. Final Decision:	1/79

6. Contacts:

Agency: Jennifer Nelson, Ext. (202) 447-8206

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11869

2. Title: Food Stamp Program: Regulations concerning administrative cost allocations for States

3. Description: Regulations concern the reimbursement to States for administrative costs incurred in operating the Food Stamp Program.

4. Authority: P.L. 95-113 implementation

5. Projected Schedule

a. Date of pre-notice:	
b. Date of proposal:	12/78
c. Final Decision:	4/79*

6. Contacts:

Agency: Ray Pugh, Ext. (202) 447-3546

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11873

2. Title: Food Stamp Program: Regulations concerning the Performance Reporting System

3. Description: Regulations require that the existing system be continued and further refined to ensure that States assess themselves at the local level and report to the Department on their efficiency and effectiveness.

4. Authority: P. L. 95-113 Implementation

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/78
c. Final Decision: 4/79*

6. Contacts:

Agency: Nancy Snyder, Ext. (202) 447-8982

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11874

2. Title: Food Stamp Program: Regulations concerning points, hours, outreach, State complaints.

3. Description: Establish requirements for State outreach activities, locations and hours of certification and issuance offices, and for State handling of complaints.

4. Authority: P.L. 95-113 Implementation

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/78
c. Final Decision: 4/79*

6. Contacts:

Agency: Nancy Snyder, Ext. (202) 447-8982

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11875

2. Title: Food Stamp Program: Regulations concerning the participation of Indians.

3. Description: Regulations allow Indian participation in the Food Distribution Program and the Food Stamp Program; also will allow in certain cases capable tribes to operate those programs.

4. Authority: P.L. 95-113 Implementation

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/10/78*
c. Final Decision: 3/79

6. Contacts:

Agency: Nancy Snyder, Ext. (202) 447-8982

Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11876

2. Title: Food Stamp Program: Regulations concerning SSI joint processing

3. Description: Regulations allow SSI households and applicants to apply for food stamps at Social Security Offices.

4. Authority: P.L. 95-113 Implementation

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal: 1/79*
   c. Final Decision: 5/79*

6. Contacts:

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11877

2. Title: Food Stamp Program: Regulations concerning State Plan of Operation

3. Description: Establish requirements for the State agency preparation and submittal of the State Plan of Operation which is the contract between States and the Department.

4. Authority: P. L. 95-113 Implementation

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal: 12/78
   c. Final Decision: 4/79*

6. Contacts:

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11878

2. Title: Food Stamp Program: Regulations concerning FNS and State steps to be taken in the case of natural disasters.

3. Description: Regulations describe how FNS and the States will react to natural disasters to insure continued benefits to participants and to the new group of people who may be eligible in the States following disasters.

4. Authority: P.L. 95-113 Implementation

5. Projected Schedule

   a. Date of pre-notice:
   b. Date of proposal: 1/79
   c. Final Decision: 5/79*

6. Contacts:

   Agency: Nancy Snyder, Ext. (202) 447-8982

   Secretary's Office: John Subat, Ext. (202) 447-2113

1. Calendar No: FN 11879

2. Title: Food Stamp Program: Regulations concerning State sanctions and liabilities

3. Description: Regulations define the situations and criteria to be used by FNS for taking fiscal sanctions against States when it has been determined that States have failed to comply with the Act, regulations or State Plans.

4. Authority: P.L. 95-113 Implementation

5. Projected Schedule

a. Date of pre-notice:
b. Date of proposal: 12/78
c. Final Decision: 4/79*

6. Contacts:

Agency: Nancy Snyder, Ext. (202) 447-8982

Secretary's Office: John Subat, (202) 447-2113

Federal Register

WEDNESDAY, NOVEMBER 15, 1978
PART VI



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

Determination of Secretary Regarding Recommendation on Psychosurgery of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research

[4110-88-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

DETERMINATION OF THE SECRETARY REGARDING THE RECOMMENDATION ON PSYCHOSURGERY OF THE NATIONAL COMMISSION FOR THE PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

AGENCY: Public Health Service, HEW.

ACTION: Notice of the Secretary's determination.

SUMMARY: The Notice announces the Secretary's determination that (1) the Department will assist leading professional organizations to form a Joint Committee on Psychosurgery to establish mechanisms for the voluntary regulation and reporting of psychosurgical procedures; (2) the Department will promulgate regulations covering any procedures supported by DHEW programs. These regulations will generally follow the Commission's recommendations but would ban use of the procedures with prisoners, children, involuntarily confined mental patients, legally incompetent patients, and any patient who, in the judgment of the attending physician, is not competent to give informed consent.

FOR FURTHER INFORMATION CONTACT:

Gerald Klerman, M.D., Administrator, Alcohol, Drug Abuse, and Mental Health Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4797.

DETERMINATION

BACKGROUND: The legislative requirement for the study of psychosurgery by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research was incorporated in Pub. L. 93-348 after widespread expression of public and Congressional concern about such surgery, including allegations that these procedures were (1) being carried out without adequate evidence of safety, (2) carried out without adequate procedural safeguards for protection of the rights of the patients, (3) were being used for "social control" of dissidents and violence-prone individuals, and (4) were performed disproportionately on members of minority populations. Pub. L. 93-348 defines psychosurgery as: (1) surgery on the normal brain tissue of an individual not suffering from physical disease for the purpose of changing or controlling behavior or (2) surgery on diseased brain tissue of an individual if the sole object of the surgery is to control, change, or affect behavioral disturbances.

The Commission, in addition to taking public testimony, sponsored a literature review, a survey of psychosurgical procedures conducted in the United States and other countries, and the independent evaluation of the patients of four psychosurgeons.

The Commission's survey found that there are about 400 procedures meeting the definition of psychosurgery being performed annually in the United States. These operations are performed by approximately 60 surgeons (48 percent of the procedures performed in 1973 were performed by four surgeons). The findings indicate that no significant psychological deficits are attributable to the psychosurgery in the patients evaluated and that psychosurgery was efficacious in more than half of the cases studied. The data presented did not indicate that the procedure had been used for social control or that the procedure had been applied disproportionately to minority or disadvantaged populations. Specifically, it was reported from correspondence with the most active psychosurgeons in the United States that out of a combined total of 600 patients, 1 was Black, 2 were Oriental Americans, and 6 were Hispanic Americans. Seven operations were reported to have been performed on children since 1970, and three prisoners underwent psychosurgery in Vacaville in 1972. Most psychosurgery patients were middle class individuals referred to neurosurgeons by psychiatrists and were about equally divided between male and female.

The Commission concluded (1) that the procedure did not constitute "accepted practice;" (2) that although the procedure was not actually used for "social control," it had the potential for such use; and (3) that it posed obvious problems with regard to the ability of individuals who were thought to be in need of psychosurgery to provide informed consent. It therefore made a number of recommendations to regulate psychosurgery in the United States.

Its recommendations would: (1) Set up stringent, procedural safeguards and criteria under which the procedure would be performed on adults; (2) provide additional special conditions for consent or authorization to perform the surgery on institutionalized adults and children; (3) establish a National Psychosurgery Board to determine if a specific psychosurgical procedure has demonstrable benefits for the treatment of a particular mental illness or behavior disorder; (4) establish a national registry of psychosurgery procedures; (5) encourage the Department to conduct research on psychosurgery; and (6) impose sanctions (including withholding of Federal funds) for failure to comply. In addition, the Commission recommended that the Congress take any necessary action to assure that psychosurgery is performed in compliance with these recommendations and that psychosurgery not be conducted by Federal agencies unless they are primarily concerned with health care or the conduct of biomedical or behavioral research.

DISCUSSION

It is clear that the Commission conducted a judicious study aimed at determining the risks and benefits of surgical treatment for psychiatric disorders. The recommendations of the Commission are a laudable attempt to ensure the rights and welfare of all classes of potential psychosurgery patients, with special safeguards for patients having limited capacity for informed consent, without unduly limiting access of patients with severe psychiatric disorders to this potentially therapeutic treatment modality.

The Commission's recommendations must be viewed in the perspective of a basic complexity of the psychosurgery issue: Virtually all psychosurgery performed in this country takes place in private medical practice. However, most of the technical and substantive questions about psychosurgery, such as its safety and efficacy, can be answered adequately only in a research context. This overlapping of the clinical practice and research environments poses a difficult problem for a Federal agency; on the one hand the DHEW, operating through the National Institute of Mental Health (NIMH) and the National Institute of Neurological and Communicative Disorders and Stroke (NINCDS), has a primary responsibility to study the efficacy and safety of therapeutic interventions including psychosurgery; on the other hand, these Federal agencies have no regulatory authority or process and therefore must avoid assuming such a role in the practice of psychosurgery.

It should be emphasized that the Commission found that psychosurgical treatment constitutes a miniscule proportion (estimated to be less than .001 percent) of psychiatric treatment in general. One survey conducted for the Commission suggests that only a little over 400 psychosurgical operations are performed in this country each year. In this survey, no evidence was found that any minority group, women, or members of any disadvantaged socioeconomic class were singled out for psychosurgery.

Not only did the studies supported by the Commission fail to find any widespread inappropriate use of psy-

chosurgery, but they contained evidence suggestive that psychosurgical treatment can be relatively safe and effective for certain forms of long term and intractable severe psychiatric disorders. In some cases, use of these procedures is the only way to alleviate the suffering of patients who have exhausted other treatments. It is therefore incumbent upon the Department to attempt to further define and assess the potential role of psychosurgery as a therapeutic strategy in psychiatry. The recommendations of the Commission can provide a framework for the conduct of such an effort in which the combined requirements of high scientific quality and adequate protection of human subjects can be met.

Approach

In order to receive the widest range of advice concerning the Department's reply to the Commission's recommendations, members of my staff reviewed the public comment received as a result of the Federal Register publication of those recommendations and met with a diverse cross-section of public interest groups and professional organizations. Representatives of public interest groups expressed varying opinions concerning the beneficial effects of psychosurgery with the majority voicing clear disfavor toward the use of psychosurgery either as a treatment or in research involving human subjects. Their comments reflected grave concern that the consequences of psychosurgical procedures are irreversible and produce damaging side effects of a permanent debilitating nature. In addition to challenging the meaningfulness of the informed consent criterion for acceptance, these public advocates urged that psychosurgery be banned for minors or institutionalized persons involuntarily committed to State or private long term care facilities. No respondent submitted evidence contradicting the Commission's findings about the composition of the population of psychosurgery patients.

Representatives of the leading professional organizations proposed that a voluntary group be established through a cooperative effort of concerned professional organizations and specialty societies, in conjunction with and supported by DHEW. The basic function of such a group would be to oversee the voluntary implementation of the Commission's substantive recommendations.

Specific Functions of the Group Would Be

To specify criteria for the composition of multidisciplinary local psychosurgery review panels, and develop guidelines for the review and evaluation of proposed psycho-surgical procedures. The criteria would include designation of experience or training requisite to assessment of psychosurgical procedures. Such local panels would review each proposed psychosurgical procedure at its institution to insure the competence of the surgeon, appropriateness of the procedure for that patient, and adequacy of informed consent. Where an existing Institutional Review Board has the requisite expertise, the institution may designate that Board to serve as the institution's psychosurgery review panel.

To collect data, with due protection of patient confidentiality, regarding the diagnosis, preoperative and postoperative conditions of patients, the type of operation and such further information as the group may deem appropriate and necessary to make determinations concerning the safety and efficacy of specific procedures.

To study the special informed consent issues in patients with limited capacity for such consent.

Concerning the need for further research, such a group would collaborate with DHEW staff in identifying psychosurgery research problems and opportunities. We would expect these experts to look at the evidence of safety and efficacy of psychosurgical procedures and advise us as to what research is required to establish such evidence for specific procedures.

Conclusions of the Secretary

Under present law, DHEW has no clear authority to regulate directly psychosurgical procedures currently being performed in this country. To the extent permitted by law, we can and will regulate any procedures supported by DHEW health programs. However, in view of the Commission's findings that the procedure is not in wide use, that it has positive results and rarely has negative side effects, that it is often treatment of the last resort and that it is not used disproportionately on minorities or for social control, we do not believe an effort to secure regulatory legislation would be warranted.

In lieu of regulatory legislation, we believe the Department should assist the leading professional organizations in forming a Joint Committee on Psychosurgery (JCP) to regulate voluntarily the procedures through the issuance of guidelines and the formation of local psychosurgical review panels as discussed above. While compliance with the guidelines would be voluntary, professional standards, peer pressure, and malpractice considerations should result in compliance.

In establishing the JCP, I have adopted the recommendations of the professional organizations for the following reasons:

There are serious questions concerning our authority under existing legislation for imposing requirements on the use of psychosurgery. Also, there are no existing Federal mechanisms for implementing the recommendations.

Unlike drugs and devices, there are no established procedures for determining the safety and efficacy of surgery. Though voluntary cooperation of the concerned professional associations with the Department, no additional legislative base need be sought, and no new Federal effort need be started.

We believe that, because of the specialized facilities required, only a limited number of psychosurgery review panels would be established at local institutions. Through the cooperation of the Joint Committee, the Department would have better knowledge of the nature and extent and psychosurgery and improved control over its use.

This course of action would implement most of the basic substantive recommendations made by the Commission and will represent a significant partnership between the private sector and the Federal Government. Psychosurgery will remain a last resort treatment available to patients who need it.

No psychosurgical procedures are being performed by PHS or with PHS support and few, if any, are being paid for by Medicaid or Medicare funds. Nevertheless, we will publish regulations covering procedures that might be so supported in the future by these programs. This will serve as a twofold purpose: (1) The regulations will provide a mechanism for assuring that these procedures are performed with appropriate safeguards, and (2) they will provide a model for State and local governments and for other concerned organizations (e.g., the JCP) to consider adopting.

The regulations will, in general follow the Commission's recommendations, but be more restrictive in the case of patients unable to provide informed consent. The Commission's own findings show that the procedure is very rarely performed on prisoners and children. In fact, the Commission indicated it did not review any data which would support performance of psychosurgery on children at this time. Hence, in view of the public concern, performance of the procedure on prisoners and children in PHS hospitals or with DHEW funds will be banned absolutely for the time being.

The question of how to deal with mentally incompetent adults is more complex. Some are confined to mental institutions (either voluntarily or involuntarily), some have been adjudi-

cated legally incompetent, and others are not legally incompetent but lack the capacity, in fact, to make an informed judgment about psychosurgery. Informed voluntary consent in these situations is questionable, and yet, in a medical sense, these may be the persons who could most benefit by some type of psychosurgery.

Performance of the procedure on patients who are *involuntarily* confined or *legally incompetent* raises many of the same issues as are presented by prisoners and children. Accordingly, we will include these patients within the ban already discussed. In view of the fact that the procedures have given rise to so much public concern, the regulation will also bar performance of the procedure on any patient who, in the judgment of the attending physician, is not, in fact, competent, although he or she may not have been so adjudicated. The regulations will provide a mechanism through which the physician could obtain advice when he or she is uncertain as to the competency of an individual patient.

The regulations can be amended to lift the ban, if and when the safety and efficacy of the procedure is more clearly demonstrated and/or when the consent studies conducted by the JCP establish effective procedures for the protection of patients with presumed limited capacity for truly informed consent.

Regulations implementing this decision will appear in a future FEDERAL REGISTER as a Notice of Proposing Rulemaking.

SUMMARY

We believe that this course of action implements fully the spirit of the Commission's recommendations. Controls recommended by the Commission will be effected through organizations which are traditionally involved in governing medical practice. Regulations will be published covering psychosurgical procedures conducted or supported by DHEW programs. These regulations will also serve as a model for control of psychosurgery generally and will include a ban against use of the procedures on vulnerable groups. Legislation may be sought if this voluntary approach does not prove to be effective.

Dated: November 2, 1978.

CHARLES MILLER,
Acting Assistant Secretary for Health.

Approved: November 6, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-31804 Filed 11-14-78; 8:45 am]

Federal Register

WEDNESDAY, NOVEMBER 15, 1978
PART VII



SECURITIES AND EXCHANGE COMMISSION

■

DISCLOSURE OF PROJECTIONS OF FUTURE ECONOMIC PERFORMANCE AND SAFE-HARBOR RULE FOR PROJECTIONS

Final Revised Guides and Proposed Rules

[8010-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5992, 34-15305]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guides for Disclosure of Projections of Future Economic Performance

AGENCY: Securities and Exchange Commission.

ACTION: Final rule (publication of revised guides).

SUMMARY: The Commission is issuing a statement encouraging the disclosure of projections and has authorized publication of guides 62 and 5 of the guides for preparation and filing of registration statements under the Securities Act of 1933 and of the guides for the preparation and filing of reports and proxy and registration statements under the Securities Exchange Act of 1934, respectively. The guides relate to the voluntary public disclosure by an issuer of projections of its future economic performance, both with respect to documents filed pursuant to the requirements of the Federal securities laws and otherwise. The guides set forth the Division of Corporation Finance's views regarding significant considerations to be taken into account in the disclosure of projections. In a related action, to further encourage the voluntary disclosure of projections by public companies the Commission is proposing for comment a rule to the effect that registrants generally would not be held liable under the Federal securities laws for reasonably based projections made in good faith that are subsequently proven erroneous. See release No. 33-5993 under Proposed Rules in this part.

EFFECTIVE DATE: The guides will be followed by the Commission, November 15, 1978.

ADDRESS: The Commission is also proposing for comment a safe-harbor rule for projection disclosure (release No. 5993 published elsewhere in this part). Comment is also invited on the operation of the guides in conjunction with the proposed rule. Comments should refer to file No. S7-760 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT:

Steven J. Paggioli, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 202-376-8090.

SUPPLEMENTARY INFORMATION: The Commission has issued a statement indicating that it encourages certain issuers of securities to publish projected financial information in filings with the Commission or otherwise. The Commission also has authorized publication of guides 62 and 5, "Disclosure of Projections of Future Economic Performance," of the guides for the preparation and filing of registration statements under the Securities Act of 1933 [1] (the "Securities Act") (15 U.S.C. 77a et seq.) and the guides for the preparation and filing of reports and proxy and registration statements under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq.). The guides are not Commission rules nor do they bear the Commission's official approval; they represent practices followed by the Division of Corporation Finance in administering the disclosure requirements of the Securities Act and the Exchange Act.

In Securities Act release No. 33-5699, April 23, 1976, 41 FR 19986, the Commission expressed its general views on the inclusion of projections in Commission filings and authorized the publication for public comment of then proposed guides 62 and 4.[2] Although the guides were published for comment in release 5699, the Commission indicated that the division of Corporation Finance would follow the guides pending final action. The discussion which follows addresses certain issues raised in release No. 33-5699 and the comments received thereon. However, attention is directed to the text of the guides for a more complete understanding.

Background and Purpose

The issue of projections, economic forecasts, and other forward-looking information has been under active consideration by the Commission for several years.[3]

On November 1, 1972, the Commission announced a public rulemaking proceeding relating to the use, both in Commission filings and otherwise, of projections by issuers whose securities are publicly traded.[4] These hearings were ordered by the Commission for the purpose of gathering information relevant to a reassessment of its policies relating to disclosure of projected sales and earnings.

Information gathered at the hearings, held from November 10 to December 12, 1972, reinforced the Commission's observation that management's assessment of a company's future performance is of importance to investors, that such assessment should be comprehensible in light of the assumptions made and should be available, if at all, on an equitable basis to all investors. The hearings also revealed widespread dissatisfaction with the absence of guidelines or standards that issuers, financial analysts, or investors can rely on in issuing or interpreting projections.

On February 2, 1973, the Commission released a "Statement by the Commission on the Disclosure of Projections of Future Economic Performance." [5] In this statement, the Com-

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[1] Securities Act Release No. 4936, December 9, 1968 (33 FR 18617) as amended, 17 CFR 231.4936, as amended.

[2] While proposed guides 62 and 4 as announced in release 33-5699 were pending, the Commission adopted new guide 4, "Integrated Reports to Shareholders," on June 17, 1977, Securities Exchange Act Release 13639, 42 FR 31780 (June 23, 1977). Accordingly, the amended guide under the Exchange Act is published today as guide 5.

[3] The accounting standards division of the American Institute of Certified Public Accountants published a statement of position on "Presentation and Disclosure of Financial Forecasts" in August 1975. The definitions of "financial forecast" and "financial projection" set forth there distinguish between a projection, which relates to "financial results based on assumptions which are not necessarily the most likely," and a forecast, which focuses on "the most probable financial position, results of operations and changes in financial position * * *." Although the semantic distinctions may become conformed over a period of time, the Commission emphasizes that in addressing the area of projections it envisions a concept which encompasses both forecasts and projections, as those terms were used by the AICPA. Thus, any statement by the issuer concerning future financial performance could be viewed as a projection subject to the guideline published herein, including those portions of the guide which require that the issuer have a reasonable basis for issuing such data; that the format and content of the projection not be susceptible of misleading inferences; and that the projection be presented in such a manner as will promote investor understanding. Also, see Report of the Advisory Committee on Corporate Disclosure to the SEC (hereinafter "Report"), House Committee on Interstate and Foreign Commerce, 95th Cong., 1st Sess., Committee Print 95-29 (2 vols.), November 3, 1977, Appendix X-A for a general discussion of the development of the Commission's practices relating to projections, at A-265.

[4] Securities Exchange Act Release No. 9844 (Nov. 1, 1972), 37 FR 23850.

[5] Securities Act Release No. 5362 (Feb. 2, 1973), 38 FR 7220.

mission determined that on the basis of the information obtained through the hearings, staff recommendations, and its experience in administering the Federal securities laws, changes in its longstanding policy generally not to permit the inclusion of projections in registration statements and reports filed with the Commission would assist in the protection of investors and would be in the public interest. The Commission also set forth several conclusions regarding the manner in which projections should be made and announced that it had directed the division of corporation finance to prepare specific releases and rule and form changes to implement that Commission's plan to integrate projections into the disclosure system.

On April 25, 1975, the Commission published a series of rule and form proposals relating to projections of future economic performance.[6] These proposals would have established an elaborate disclosure system for companies choosing to make public projections.

Approximately 420 letters of comment were received on these proposals. Although the majority of commentators agreed that projection information is significant, virtually all of them opposed the proposed system because they felt that the proposals would inhibit rather than foster projection communications between management and the investment community.[7] Due to the important legal, disclosure policy, and technical issues raised by the commentators, the Commission on April 23, 1976, determined to withdraw all but one of the proposed rule and form changes regarding projections.[8]

The Commission did, however, express its general views in the April 1976 release on the inclusion of projections in Commission filings, and authorized the publication for comment of proposed guides for the disclosure of projections in Securities Act registration statements and Exchange Act reports.

Release 33-5699 and the Proposed Guides

In its statement of general views in release 33-5699, the Commission indicated that it would not object to disclosure in filings with the Commission of projections which are made in good faith and have a reasonable basis: *Provided*, That they are presented in an appropriate format and accompanied by information adequate for investors to make their own judgments. The Commission also expressed its concern over the problem of selective disclosure of material nonpublic information regarding registrants and reminded issuers of their responsibilities under the Federal securities laws in connection with the dissemination of management's assessment of a company's future performance. The Commission noted that registrant's responsibilities to make full and prompt disclosure of material facts, both favorable and unfavorable, regarding their financial condition may extend to situations where management knows its previously disclosed assessments no longer have a reasonable basis.

Advisory Committee Recommendations

The Commission's disclosure policy on projections and other items of soft information was among the subjects considered by the Advisory Committee on Corporate Disclosure. In its final report, issued November 3, 1977, the advisory committee made several recommendations for significant changes in that policy.[9] Generally, the committee recommended that the Commission issue a public statement encouraging companies voluntarily to disclose management projections in their filings with the Commission and elsewhere. In making this recommendation, the advisory committee noted that its position on specific aspects of projection disclosure would permit wide latitude to companies issuing projections and stated that the Commission should review and monitor projection disclosure to determine the utility to investors of such information and the costs to issuers.

The Commission's Views

The Commission concurs in the advisory committee's recommendation and findings. As noted by the advisory committee, the availability of forward-looking and analytical information is important to an investor's assessment of a corporation's future earning power and may be material to informed investment decisionmaking.[10] Projections and other types of forward-looking information are generally available within the investment community and are obtained and used by investors and their advisers.[11]

In addition, a majority of the commentators on the guides proposed in release No. 5699 were in favor of a position that would permit the inclusion of projections in filings with the Commission by those issuers with the ability and willingness to make them.[12] Accordingly, in light of the significance attached to projection information and the prevalence of projections in the corporate and investment community, the Commission has determined to follow the recommendation of the advisory committee and wishes to encourage companies to disclose management projections both in their filings with the Commission and in general.[13] In order to further encourage such disclosure, the Commission has, in a separate release issued today, proposed for comment a safe-harbor rule for projection information whether or not included in Commission filings.[14] The Commission also has determined to authorize publication of revised staff guides to assist implementation of the advisory committee's recommendation. A summary of the recommendations of the advisory committee regarding particular aspects of projection disclosure, corresponding comments received on the guides as proposed in release No. 5699 and in response to release No. 5707,[15] and the position adopted in the final guides is set forth immediately below.

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[6] Securities Act Release No. 5581 (Apr. 25, 1975), 40 FR 20316. These proposals also dealt with more timely reporting of changes in control of a registrant on form 8-K. Amendments to the change in control disclosure requirement of form 8-K were adopted in Securities Exchange Act Release No. 13156, January 13, 1977, 42 FR 4424.

[7] See "Evaluation of SEC Policies and Practices Regarding Projections," in Report supra note 3, at A-265.

[8] Securities Act Release No. 5699 (April 23, 1976), 41 FR 19986. The adopted amendment deleted the phrase "predictions as to specific future earnings" from the items of information described in note (c) to rule 14a-9 under the Exchange Act (17 CFR 240.14a-9) as being possibly misleading.

[9] Report, supra note 3, at 344-79.

[10] Report, supra note 3, at 349-50.

[11] The advisory committee's survey of individual investors indicated that nearly half of the investors surveyed favored disclosure in annual reports of a company's projected earnings per share for a full year. Report at 290. Similarly, the advisory committee staff survey of equity analysts indicated that management's projections of company performance are considered vital information in the first instance rather than simply confirmatory of analysts' own projections. Report at 55-57.

[12] See comments collected in file No. S7-561.

[13] The advisory committee also recommended that the Commission encourage the disclosure of other items of "soft information," such as planned capital expenditures and financing, management plans and objectives, statements of dividend policies, and statements of capital structure policies. See report at 365-380. In this regard, guidelines for the disclosure of this information are being considered generally, as well as in connection with specific proposals to amend guides 22 (management analysis of the financial statements) and 26 (statement of dividend policy) to implement further the advisory committee's recommendations regarding soft information.

[14] Securities Act Release No. 5993, See Proposed Rules in this issue.

[15] In Securities Act Release No. 5707, May 18, 1976, 41 FR 21370, comments were solicited by the advisory committee on the following question: "Should the SEC require corporate filings to set forth more forward-looking and analytical information regarding the company's business operations?" (Please consider the legal liability and competitive problems associated with such a requirement and whether such information should be reviewed by auditors.)

Discussion of the Staff's Guides Published Herein

VOLUNTARY VERSUS MANDATORY DISCLOSURE

In the proposed guides published in release No. 33-5699, the Division of Corporation Finance set forth its view that management should have the option to present in Commission filings its good faith assessment of a company's future performance. The advisory committee and the commentators are in accord with the view that a voluntary projection system is more appropriate than a mandatory system. The advisory committee noted that a mandatory system would require the adoption of specific disclosure rules and regulations and felt that the Commission did not yet have an appropriate basis for formulating such requirements. In addition, the committee did not believe that all companies should be required to sustain the expenses and burdens that might be associated with mandatory disclosure. Further, the committee was of the view that many companies would find it difficult to prepare adequate projections due to lack of operating history, general economic factors, or industry conditions and should not be compelled to subject themselves to possible risks of liability for inaccurate projections.[16]

In view of the advisory committee's recommendation and the comments received, the proposed guides continue to reflect the position that disclosure of projections and other items of forward-looking information in Commission filings is permitted but not required.

However, the concern expressed in release No. 53-5699 is reiterated regarding the selective disclosure of material nonpublic information; projection information should not be made available on a selective basis. Issuers have a further responsibility to make full and prompt disclosure of material facts regarding their financial condition, and this responsibility extends to situations where previously disclosed projections no longer have a reasonable basis.

REPORTING COMPANIES/NONREPORTING COMPANIES

The Commission's 1975 rule proposals included a 3-year Exchange Act reporting history and prior budgeting experience requirement in order to qualify for the safe harbor protection.[17] Several commentators took issue with this requirement, and suggested that projection information regarding new and promotional companies may be more significant in that forecast information may be most valuable regarding companies that do not have a history of public information.

Although the 1975 proposals were ultimately withdrawn, the guides proposed in release No. 5699 indicated the division's view that a history of operations or experience in projecting may be among the factors providing a reasonable basis for management's assessment of a company's future economic performance. Nevertheless, it would not appear that such history and experience would be necessary in all instances to provide reasonably based projections. Accordingly, the revised guides do not provide reporting, operating history, or other status criteria for those public companies desiring to make public projection disclosure.[18]

DISCLOSURE OF ASSUMPTIONS

In paragraph (c) of the proposed guides the division indicated its belief that investor understanding of the basis for and limitations of projections would be enhanced by disclosure of the assumptions which in management's opinion are significant to the projections or are the key factors upon which the financial results of the enterprise depend. The commentators generally were in accord with the position that disclosure of assumptions is perhaps the most significant factor in facilitating investor understanding. As noted by the advisory committee, such disclosure provides a framework for analysis of the projection and further reflects on management's planning capabilities. However, the advisory committee recommended that disclosure of assumptions be encouraged but not required, in order to make projecting more attractive to registrants, until there is more experience with projection disclosure.[19]

While the division believes that disclosure of assumptions would help investors to comprehend projections and assist in establishing a reasonable basis for projections disclosed, there may be instances where reasonably based and adequately presented projections would significantly add to the mix of information available to investors in the absence of disclosure of underlying assumptions. However, the division believes under certain circumstances the disclosure of underlying assumptions may be material to an understanding of the projected results. For example, where projected results are based to a significant degree upon the introduction of a new product or service meeting certain anticipated levels of sales and contribution to earnings, disclosure of the projection without this information might be misleading.

ITEMS TO BE PROJECTED

Paragraph (b) of the proposed guides indicated that traditionally projections have been given for three items generally considered to be of primary interest to investors: Sales or revenues, net income, and earnings per share. These items usually are presented together in order to avoid any misleading inferences that may arise when individual items reflect contradictory trends. Although these three items usually are the key elements in an appropriate presentation of a projection, the division recognizes that there may be circumstances when company management should be given flexibility in determining whether other or additional financial items should also be presented.[20]

THIRD PARTY REVIEW

The proposed guides suggested that additional support for projections could be furnished through an outside review. If such a review were to be included, disclosure of the reviewer's qualifications, the relationship of the reviewer to the registrant, and the extent of the review would be required. A reviewer would be deemed an expert and an appropriate consent would be required to be filed with a registration statement under the Securities Act, if the reviewed projection and report were included therein.[21]

A few commentators opposed outside review per se, suggesting that outside review could lend a false aura of greater credibility to projection information. It was further suggested that "shopping" for favorable reviews would be possible under the proposed guides and that only those persons who can clearly demonstrate independence from management should be permitted to review projections.

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[16] Report, supra note 3, at 354-55.

[17] Securities Act Release No. 5581, April 28, 1975, 40 FR 20316.

[18] See Report, supra note 3, at 356. This result is consistent with the recommendations of the advisory committee.

[19] Report, supra note 3, at 358. The revised guides do not reflect the position that projections disclosed without assumptions are per se misleading. However, *Cf. Beecher* v. *Able*, 374 F. Supp. 341 (S.D.N.Y., 1974) wherein it was held that "* * * any assumptions underlying the projection must be disclosed if their validity is sufficiently in doubt that a reasonably prudent investor, if he knew of the underlying assumptions, might be deterred from crediting the forecast. Disclosure of such underlying assumptions is necessary to make * * * [the forecast] * * * not misleading." 374 F. Supp. at 348. However, it should be noted that the *Beecher* court went on to indicate that "[A]ll projections will be based on numerous assumptions, some of which are so reasonable and so likely to be borne out by the facts that they may be left unstated. Id. at n. 6.

[20] See Report, supra note 3, at 362. The revised guides do not require that any specific items be projected. However, selective projection of only favorable items may create misleading inferences.

[21] See Section 7 of the Securities Act of 1933. 15 U.S.C. 77g.

The advisory committee concurred with the position on outside review as set forth in the proposed guides without further comment or recommendation. The final guides do not change this position on outside review.

Although the division shares the expressed concern regarding relationship of reviewers to companies that make projections, it believes that outside review should be permitted, provided appropriate disclosures are made about relationships between reviewers and registrants.[22] In this regard, a person should not be named as an outside reviewer if he actively assisted in the preparation of the projection.

REVISION AND UPDATING OF PROJECTIONS

In release 33-5699, the Commission reminded issuers of their responsibility to make full and prompt disclosure of material facts, both favorable and unfavorable, regarding their financial condition, and that this responsibility may extend to situations where management knows its previously disclosed assessments no longer have a reasonable basis. In addition, the proposed guides recommended that investors be informed of management's intentions with respect to furnishing updated projections. Although the advisory committee concluded that periodic updating of projection information should not be required, it recommended that this position again be noted.[23]

The advisory committee also recommended that public companies be allowed to revise their projections while "in registration," and that current projections would be appropriately included in registration statements (updated as necessary) filed under the Securities Act.[24]

In release 33-5180,[25] "Guidelines for the Release of Information by Issuers Whose Securities are in Registration," the Commission stated that issuers in registration should avoid the issuance of forecasts, projections, or predictions relating but not limited to revenues, income, or earnings per share. Although an issuer in registration should carefully consider all facts and circumstances in determining whether a projection could be deemed to constitute an offer in violation of section 5 of the Act, to the extent the position expressed in release 33-5180 would prevent issuers in registration from making projections or including them in their filings that position is superseded.

TIME PERIOD FOR PROJECTIONS; DISCONTINUANCE AND RESUMPTION

The proposed guides did not suggest a specific time period that may be appropriately covered by a projection. Due to factors that vary among industries, companies disclosing projections should have the responsibility for selecting the most appropriate time period depending on all the facts and circumstances. The advisory committee concurred in the approach taken by the proposed guides and the final guides reflect this position.

The advisory committee was also of the opinion that the use of projections would be encouraged if companies were permitted to discontinue making projections. Changed business conditions may make sound projections possible in one year and impracticable in another. Accordingly, the final guides incorporate the advisory committee's recommendation, but indicate that companies should not discontinue or resume making projections in Commission filings without a reasonable basis for such action. In the view of the division, if the registrant were to furnish projections only when they are favorable and not when they are unfavorable, this pattern of disclosure might be viewed as misleading.

OTHER MATTERS

TAX SHELTERS

In a footnote to the proposed guides in release 33-5699,[26] it is stated that in view of the different considerations that apply to tax shelter investments, the guides would not apply to filings covering such securities. Meaningful projections for tax shelter investments may involve a much longer time period, with a correspondingly more limited accuracy and reliability; items to be projected other than those traditionally used, such as sales/revenues, net income, and earnings per share may be more relevant in considering these investments.

Accordingly, the guides as proposed and adopted have been formulated with regard to projections made outside the context of tax shelter investments. However, certain items may be capable of more accurate prediction in tax shelters (e.g., depreciation, amortization and debt service), and reasonably based and adequately presented projections of such items are not intended to be precluded.

PROJECTIONS REQUIRED BY REGULATORY AUTHORITIES

Frequently issuers are required to submit projection information to other Federal and State regulatory authorities. This information often is requested with respect to a lengthy time period, e.g., 10 years or more. This information may often be publicly available and may consist of material the accuracy of which might be questionable, in view of the length of time covered, when considered from the viewpoint of investors. Accordingly, issuers have raised questions regarding their obligations under the federal securities laws with respect to this information.

While the submission of this type of information to Federal or State regulatory authorities pursuant to their requirements under circumstances in which it would be publicly available would not in and of itself violate the Federal securities laws or require issuers to make corresponding public projections in filings with the Commission or otherwise, issuers should consider their obligation to assure that material facts concerning its financial condition are promptly and fully disclosed and that the information submitted does not become misleading by virtue of subsequent events.[27]

OPERATION OF THE GUIDES

As indicated above, publication of the amended guides is intended to implement the position of the Commission and of the advisory committee that the making of projections be encouraged. Because of the Commission's responsibility to protect investors and safeguard the public interest in connection with sales and purchases of securities, the encouragement of projection information is an experiment and the relaxation of the Commission's policy in this area will be monitored. Since the amended guides substantially have been the subject of public comment, the guides will be effective immediately November 15, 1978. However, since the Commission is also proposing for comment a safe-harbor rule for projection disclosure (see Securities Act Release No. 5993 in

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[22] The guides, as published, call for disclosure of the qualifications of the reviewer, and the extent of the review in detail sufficient to indicate how the projection was analyzed and evaluated, and the basis for the conclusion reached. Disclosure is also required as to any other material factors concerning any aspect of the process by which any outside review was sought or obtained. Depending upon the facts, this provision might require disclosure of a registrant's unsuccessful efforts to obtain an outside review. Also, the auditing standards division of the AICPA currently has standards for review of projections under consideration.

[23] This recommendation is incorporated in the published guides.

[24] See *Report, supra* note 3, at 360-361.

[25] Securities Act Release No. 5180, August 16, 1971, 36 FR 16506.

[26] Securities Act Release No. 5699, supra note 7, at note 5.

[27] In this regard, issuers may wish to consider the appropriateness of clearly distinguishing such information from any projections already made, or clearly indicating that the information should not be considered as a projection for any purpose other than consideration by the requesting authority. In this connection, issuers may also wish to consider the appropriateness of filing a report on form 8-K, 17 CFR 249.308, under item 5, in which the furnishing of this information could be disclosed and the purpose of its submission and nature of its use clarified.

this separate part), comment is also invited on the operation of the guides in conjunction with the proposed rule. Comments should refer to file No. S7-760 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

Accordingly, 17 CFR Chapter II is amended as follows:

1. Part 231 is amended by adding Guide 62, "Disclosure of Projections of Future Economic Performance," to the guides for preparation and filing of registration statements under the Securities Act of 1933 to read as follows:

TEXT OF THE GUIDES

GUIDE 62, DISCLOSURE OF PROJECTIONS OF FUTURE ECONOMIC PERFORMANCE

PRELIMINARY NOTE

In furtherance of the Commission's policy of encouraging projections, as set forth in Securities Act Release No. 33-5992, this guide sets forth the views of the division of corporation finance on the voluntary disclosure of projections of future economic performance in registration statements filed under the Securities Act of 1933. The division encourages the use in registration statements of management's projections of future economics performance that have a reasonable basis and are presented in an appropriate format. The guidelines set forth herein represent the division's views on important factors to be considered in formulating such projections.

The guides are not rules of the Commission nor are they published as bearing the Commission's official approval; they represent practices followed by the Commission's division of corporation finance in administering the disclosure requirements of the Federal securities laws.

1. *Basis for projections.* The division believes that management should have the option to present in Commission filings its good faith assessment of a registrant's future performance. Management must, however, have a reasonable basis for such an assessment. Although a history of operations or experience in projecting may be among the factors providing a basis for management's assessment, the division does not believe that a company always must have had such a history or experience in order to formulate projections with a reasonable basis.

An outside review of management's projections may furnish additional support for having a reasonable basis for a projection. If management decides to include a report of such a review in the registration statement, there should also be disclosure of the qualifications of the reviewer, the extent of the review, the relationship between the reviewer and the registrant,and any other material factors concerning the process by which any outside review was sought or obtained. Moreover, the reviewer would be deemed an expert and an appropriate consent must be filed with the registration statement.

2. *Format for projections.* In determining the appropriate format for projections include in Commission filings, consideration must be given to, among other things, the financial items to be projected, the period to be covered, and the manner of presentation to be used. Although traditionally projections have been given for three financial items generally considered to be of primary importance to investors (revenues, net income and earnings per share), projection information need not necessarily be limited to these three items. However, management should take care to assure that the choice of items projected is not susceptible of misleading inferences through selective projection of only favorable items.

Revenues, net income, and earnings per share usually are presented together in order to avoid any misleading inferences that may arise when the individual items reflect contradictory trends. There may be instances, however, when it is appropriate to present earnings from continuing operations, or income before extraordinary items in addition to or in lieu of net income. It generally would be misleading to present sales or revenue projections without one of the foregoing measures of income.

The period that may appropriately be covered by a projection depends to a large extent on the particular circumstances of the company involved. For certain companies in certain industries, a projection covering a 2- or 3-year period may be entirely reasonable. Other companies may not have a reasonable basis for projections beyond the current year. Accordingly, management should select the period most appropriate in the circumstances In addition, management in making a projection should disclose what in its opinion is the most probable specific amount or the most reasonable range for each financial item projected based on the selected assumptions. Ranges should not, however, be so wide as to make the disclosures meaningless. Moreover, several projections based on varying assumptions may be judged by management to be more meaningful than a single number or range and would be permitted.

3. *Investor understanding.* When management chooses to include its projections in a Commission filing, the disclosures accompanying the projections should facilitate investor understanding of the basis for and limitations of projections. In this regard investors should be cautioned against attributing undue certainty to management's assessment, and the division believes that investors would be aided by a statement indicating management's intention regarding the furnishing of updated projections. The division also believes that investor understanding would be enhanced by disclosure of the assumptions which in management's opinion are most significant to the projections or are the key factors upon which the financial results of the enterprise depend, and encourages disclosure of assumptions in a manner that will provide a framework for analysis of the projection.

Management should also consider whether disclosure of the accuracy or inaccuracy of previous projections would provide investors with important insights into the limitations of projections. In this regard, consideration should be given to presenting the projections in a format that will facilitate subsequent analysis of the reasons for differences between actual and forecast results. An important benefit may arise from the systematic anaylsis of variances between projected and actual results on a continuing basis, since such disclosure may highlight for investors the most significant risk and profit-sensitive areas in a business operation.

With respect to previously issued projections, registrants are reminded of their responsibility to make full and prompt disclosure of material facts, both favorable and unfavorable, regarding their financial condition. This responsibility may extend to situations where management knows or has reason to know that its previously disclosed projections no longer have a reasonable basis.

Since a company's ability to make projections with relative confidence may vary with all the facts and circumstances, the responsibility for determining whether to discontinue or resume making projections is best left to management. However, the division encourages companies not to discontinue or resume projections in Commission filings without a reasonable basis.

2. Part 241 is amended by adding Guide 5, "Disclosure of Projections of Future Economic Performance," to the guides for the preparation and filing of reports and proxy and registration statements under the Securities Exchange Act of 1934 to read as follows:

GUIDE 5—GUIDES FOR THE PREPARATION AND FILING OF REPORTS AND PROXY AND REGISTRATION STATEMENTS UNDER THE SECURITIES EXCHANGE ACT OF 1934

DISCLOSURE OF PROJECTIONS OF FUTURE ECONOMIC PERFORMANCE

[The guide is identical to guide 62 except (1) the first sentence of the preliminary note refers to "registration statements, reports, and proxy statements filed under the Securities Exchange Act of 1934", and (2) the last sentence of the second paragraph under the caption "Basis for Projections" concerning the filing of a consent by the reviewer-expert would be omitted.]

AUTHORIZATION OF PUBLICATION FOR GUIDES

The Commission hereby authorizes publication of guides 62 and 5, pursuant to the Securities Act of 1933, particularly sections 7 and 10 thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d), and 23(a).

(Secs. 7, 10, 48 Stat. 78, 81; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 205, 48 Stat. 906; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 10, 78; secs. 1, 2, 28(c), 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155 (15 U.S.C. 77g, 77j, 78*l*, 78m, 78o(d), 78w(a)).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1978.

[FR Doc. 78-32163 Filed 11-14-78; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 240, 250, 260]

[Release Nos. 33-5993, 34-15306, 35-20764, 39-517]

SAFE-HARBOR RULE FOR PROJECTIONS

Proposed Rules

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rules.

SUMMARY: The Commission is proposing the adoption of a rule providing a "safe harbor" from liability under the Federal securities laws for management projections of revenues, income, and earnings per share. Under the rule as proposed (Version "A"), such projections would be deemed not to be false or misleading under the liability provisions of the Federal securities laws if they (1) Were prepared with a reasonable basis, and (2) were disclosed in good faith. The Commission is also requesting comments on an alternative version of the "safe harbor" rule recommended by the Advisory Committee on Corporate Disclosure (Version "B").

DATE: Comments should be submitted on or before December 29, 1978.

ADDRESS: Comments should refer to file No. S7-760 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Steven J. Paggioli, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8090.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today proposed for comment a rule that is designed to provide a "safe harbor" from the liability provisions of the Federal securities laws for management statements of projections of company economic performance that have a reasonable basis and are disclosed in good faith. The Commission is also requesting comments on an alternative version of the "safe harbor" rule recommended by the Advisory Committee on Corporate Disclosure. In a separate release issued today,[1] the Commission published revised Guides 62 and 5, "Disclosure of Projections of Future Economic Performance," (the "Guides") under the Securities Act of 1933 (the "Act") (15 U.S.C. 77a et seq. as amended by Pub. L. No. 94-29) (June 4, 1975), and the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq. as amended by Pub. L. No. 94-29 (June 4, 1975). The Guides set forth the views of the Division of Corporation Finance regarding important factors to be considered in disclosing projections of future company economic performance. In release 33-5992, the Commission stated that it wished to encourage the making of projections by registrants both in Commission filings and in general, reflecting the recommendation of the Commission's Advisory Committee on Corporate Disclosure.[2] The "safe harbor" rule is proposed for the same reason. This release contains a discussion of the background and purpose of the proposed rule and a brief description thereof. Attention is directed to the text of the proposed rule for a more complete understanding.

Background and Purpose

In Securities Act release No. 5699,[3] the Commission published for comment proposed staff Guides 62 and 4 on Disclosure of Projections of Future Economic Performance. These proposals served as the basis for the revised staff Guides that are published today. In release 33-5699, the Commission stated its belief that reasonably based and adequately presented projections should not subject issuers to liability under the Federal securities laws, solely because the projected results did not materialize. In this regard, the Commission noted that even the most carefully prepared and thoroughly documented projections may prove inaccurate.

Several of the commentators on the proposed Guides[4] urged the adoption of a safe-harbor rule for projections made by issuers and reviewed by third parties, stating that the absence of a safe harbor rule may discourage the dissemination of projections.

While the proposed Guides were pending, the Commission's Advisory Committee on Corporate Disclosure considered the subject of "soft information" disclosure generally. In its final report, the Advisory Committee concurred with the Commission's views but recommended the adoption of a safe-harbor rule in order to encourage voluntary projection disclosure, noting that the law is not conclusively settled in this regard.[5]

Accordingly, the Commission is proposing for comment a "safe harbor" rule (Version "A") and is requesting comments on the rule recommended by the Advisory Committee in its final report[6] (Version "B").

The proposed rule (Version "A") provides that for purposes of the liability provisions of the Federal securities laws[7] a statement containing a

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[1] Securities Act release No. 5992, Nov. 7, 1978. See release No. 5992 in this separate part. In this release, comment was also invited on the operation of the Guides in conjunction with the proposed safe-harbor rules. In addition, the proposed rules contain a preliminary note indicating that the Guides contain certain considerations to be taken into account in the disclosure of projections.

[2] Report of the Advisory Committee on Corporate Disclosure to the Securities and Exchange Commission, House Committee on Interstate and Foreign Commerce, 95th Cong., 1st sess. Committee Print 95-29, Nov. 3, 1977, at 344-79. See appendix X-A of that report for a discussion of Commission policies and practices regarding projections.

[3] Securities Act release No. 5699, 41 FR 19986, Apr. 23, 1976.

[4] See comments collected at file No. S7-561.

[5] See, e.g., *Marx* v. *Computer Sciences Corp.*, 507 F. 2d 485 (9th Cir. 1974); *Dolgow* v. *Anderson*, 53 F.R.D. 664 (EDNY 1971), aff'd per curiam 464 F. 2d 437 (2d Cir. 1972); *REA Express, Inc.* v. *Interway Corp.*, 410 F. Supp. 92 (SDNY, 1976); *Beecher* v. *Able*, 374 F. Supp. 341 (SDNY 1974); *Green* v. *Johnop, Inc.*, 358 F. Supp. 413 (D. Ore. 1973).

[6] Report, supra note 2, at 364-66. As noted infra, Version "A" of the "safe harbor" rule as proposed varies from that of the Advisory Committee in certain respects. Comment is specifically invited on whether the Advisory Committee's rule would be preferable. The text of that rule is as follows:

A statement of a management projection of future company ecnomic performance or a statement of management plans and objectives for future company operations shall be deemed not to be an untrue statement of material fact; a statement false or misleading with respect to any material fact; an omission to state a material fact necessary to make a statement not misleading; or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act practice, course of business, or an artifice to defraud; as those terms are used in the Securities Act of 1933, the Securities Exchange Act of 1934, or the Public Utility Holding Company Act of 1935, or rules and regulations thereunder, unless such information:

(1) Was prepared without a reasonable basis; or

(2) Was disclosed other than in good faith.

As part of its accounting regulations, regulation S-X, the Commission already had adopted safe harbor provisions concerning the disclosure of replacement cost information (17 CFR 210.317(g) and future net revenues from the production of proved oil and gas reserves (17 CFR 210.3-18(k)(6)(v)). The disclosure of projections differs from these areas of disclosure in that projection disclosure is voluntary and some registrants may already have had experience in preparing projections. In addition, it is intended that the safe harbor rule concerning projections would apply to all projections, whether or not made in filings with the Commission; the rules concerning replacement cost data and future net revenues from the production of proved oil and gas reserves reach only such data as appears in filings with the Commission.

[7] See sects.11, 12, and 17 (15 U.S.C. 77 k, l, and g) of the Securities Act of 1933; secs. 10,

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projection of revenues, income (loss), and earnings (loss) per share shall be deemed not to be an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud as those terms are used in the applicable statutory provisions or any rules thereunder if the statement: (1) Was prepared with a reasonable basis; and (2) was disclosed in good faith.

The rule differs substantially from the Advisory Committee's proposed rule (Version "B"). The proposed rule (Version "A") protects statements made by or on behalf of the issuer and thus includes statements of an outside reviewer of management's projections, in response to suggestions made by commentators on release 33-5699.[8] The Advisory Committee recommended rule (Version "B") applies to "management" statements and does not specifically apply to statements by third party reviewers or define "management."

In addition, the rule as proposed is not limited to projections made in filings with the Commission. The Advisory Committee also recommended that the safe harbor provision be available for all management projection information,[9] whether or not set forth in a filing with the Commission.

The proposed rule (Version "A") is different from the Advisory Committee rule in one other respect. The Advisory Committee recommended that the Commission encourage disclosure of management's plans and objectives for future company operations, planned capital expenditures and financing, and statements of dividend and capital structure policies in addition to future economic performance. Guidelines for disclosure of these and other categories of soft information are being considered generally, as well as in connection with possible amendments to guides 22 (Management Analysis of the Financial Statements) and 26 (Statement of Dividend Policy) to implement the Advisory Committee's other recommendations regarding soft information. Accordingly, the proposed rule only relates to statements which include projections of: (1) revenues; (2) income (loss); (3) earnings (loss) per share; or (4) other financial items.

The Advisory Committee proposal (Version "B") also relates to statement[s] of management's plans and objectives for future company operations. When further proposals relating to other categories of forward looking information are published for comment, corresponding safe harbor rules will be considered.

The proposed rule (Version "A") applies to projections made by issuers (other than registered investment companies): (1) With a class of securities registered pursuant to section 12 of the Exchange Act; (2) the securities of which are exempt from that Act pursuant to section 12(g)(2)(G) thereof; or (3) which are subject to the reporting requirements of section 15(d) of the Exchange Act. The Advisory Committee proposal (Version "B") is not so limited. The Commission does not believe at this time that the benefits from encouraging projections of future economic performance by nonreporting companies outweighs the risks to investors, particularly since, in general, nonreporting companies may not have a history of projections, and other information about the company may not be publicly available.

In addition, the proposed rule as drafted does not apply to projections made by registered investment companies. In light of the different considerations that may apply to investment companies in this context, the Commission has determined at this time not to propose a safe harbor rule specific to projections made by such companies. However, comment is specifically invited as to whether a safe harbor rule for investment companies would be appropriate and whether Version A, Version B, or some other rule would be preferable for investment companies. Comment is also specifically invited as to whether distinctions should be made among different kinds of investment companies (e.g., open-end and closed-end, unit investment trust and management) for the purpose of encouraging projection disclosure and providing safe harbor protection.

Finally, and most significantly, the proposed rule (Version "A") differs from the Advisory Committee proposal (Version "B") in that Version A casts the burden of proof on the defendant to prove that the projection was prepared with a reasonable basis and was disclosed in good faith. The Advisory Committee proposal would place the burden of proof on the plaintiff to establish that the projection did not have a reasonable basis or was not made in good faith.

The Commission is proposing the rule in this manner since it is concerned that the burden imposed on a plaintiff—including the Commission—could be insurmountable. It would be extremely difficult to prove the absence of a reasonable basis or good faith, especially as to plaintiffs who would not have the Commission's investigatory procedures available and cannot engage in discovery prior to the filing of a complaint alleging a violation.

Moreover, Version A reflects the recognition that an issuer likely would be in a better position to prove that a projection was prepared with a reasonable basis and disclosed in good faith by virtue of its access to all the facts and circumstances surrounding the disclosure of a particular projection for which protection under the rule would be sought.[10] However, comment is specifically invited as to whether Version A or Version B would have significantly different impacts on the Commission's goal of encouraging the disclosure of projections.

The Commission has proposed the foregoing amendment pursuant to its authority under section 19(a) of the Securities Act of 1933 (15 U.S.C. 77s(a)), sections 3(b) and 23(a)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78c and 78w(a)(1), section 20 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79t), and section 319(a) of the Trust Indenture Act of 1939 (15 U.S.C. 77sss(a)). In addition to the definitional authority provided therein, section 19(a) of the Securities Act, section 23(a)(1) of the Exchange Act, section 20(d) (15 U.S.C. 79t(d)) of the Holding Company Act, and section 319(c) of the Trust Indenture Act (15 U.S.C. 77sss(c)) provided that no liability under those Acts "shall apply to any act done or omitted in good faith in conformity" with any rule or regulation of the Commis-

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18, and 20 (15 U.S.C. 78 j, r, and t) of the Securities Exchange Act of 1934; sec. 16 (15 U.S.C. 79p of the Public Utility Holding Company Act of 1935; and sec. 323 (15 U.S.C. 77 ssw) of the Trust Indenture Act of 1939.

[8] See comments collected in file No. S7-561.

[9] Report at 365.

[10] This position was also recognized by Congress in the course of drafting secs. 11 and 12 of the Securities Act of 1933. A passage from the House report on the bill which eventually was enacted would appear to have equal applicability in this context.

Every lawyer knows that with all the facts in the control of the defendant it is practically impossible for a buyer to prove a state of knowledge or a failure to exercise due care on the part of the defendant. Unless responsibility is to involve merely paper liability it is necessary to throw the burden of disproving responsibility for reprehensible acts of omission or commission on those who purport to issue statements for the public's reliance. The responsibility imposed is no more less than that of a trust. It is a responsibility that no honest banker and no honest business man should seek to avoid or fear. To impose a lesser responsibility would nullify the purposes of this legislation. To impose a greater responsibility, apart from constitutional doubts, would unnecessarily restrain the conscientious administration of honest business with no compensating advantage to the public.

H.R. Rept. No. 85, 73d Cong., 1st Sess. at 9-10.

sion notwithstanding that such rule or regulation may later be amended, rescinded, or determined invalid.

Pursuant to section 23(a)(2) of the Exchange Act (15 U.S.C. 78w(a)(2)) the Commission has considered the effect that the proposed amendment would have on competition and is not aware, at this time, of any burden that such amendment, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the anticompetitive effects, if any, the proposed rule likely would engender.

All interested persons are invited to submit their views and comments on the foregoing proposal, in writing, to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before December 29, 1978. Such communications should refer to file No. S7-760 and will be available for public inspection.

The text of the proposed rules (Version "A") is as follows.

Accordingly, it is proposed to amend title 17 of the Code of Federal Regulations by adding the following sections to parts 230, 240, 250, and 260:

Title 17—Commodity and Securities Exchanges, Chapter II, Securities and Exchange Commission is proposed to be amended as follows:

SECURITIES ACT OF 1933

§ 230.132A Projections by issuers of future economic performance.

PRELIMINARY NOTE

Securities Act Release No. 5992, "Guides for Disclosure of Projections of Future Economic Performance," contains the views of the Commission's Division of Corporation Finance regarding significant considerations to be taken into account in the disclosure of projections.

(a) A statement containing a projection of revenues, income (loss), earnings (loss) per share or other financial items shall be deemed not to be an untrue statement of a material fact, a statement false or misleading with respect to any material fact, an omission to state a material fact necessary to make a statement not misleading, or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud, as those terms are used in the Securities Act of 1933 or rules and regulations thereunder, if such statement (1) was prepared with a reasonable basis, and (2) was disclosed in good faith.

(b) This rule applies only to statements made by or on behalf of the issuer to which the statement relates if, at the time of such statement: (1) A class of securities of the issuer is registered pursuant to section 12(b) or 12(g) of the Securities Exchange Act of 1934; (2) the issuer is exempt from the requirements of section 12(g) of that Act by virtue of section 12(g)(2)(G) thereof; or (3) the issuer is subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934; and (4) at the time the statement is made, the issuer has filed all the material required to be filed pursuant to sections 13, 14, or 15(d) of the Securities Exchange Act, as applicable: *Provided, however,* That this rule does not apply to statements made by or on behalf of an issuer which is an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 70a et seq.).

SECURITIES EXCHANGE ACT OF 1934

§ 240.3b-6 Projections by issuers of future economic performance.

(The text of the proposed rule is identical to that above, except that reference to the Securities Act of 1933 should read "Securities Exchange Act of 1934.")

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 250.103A Projections by issuers of future ecoomic performance.

(The text of the proposed rule is identical to that above, except that reference to the Securities Act of 1933 should read "Public Utility Holding Company Act of 1935.")

TRUST INDENTURE ACT OF 1939

§ 260.0-11 Projections by issuers of future economic performance.

(The text of the proposed rule is identical to that above, except that reference to the Securities Act of 1933 should read "Trust Idenure Act of 1939.")

The text of the proposed rules (Version B) is as follows:

SECURITIES ACT OF 1933

§ 230.132A Projections by issuers of future economic performance.

PRELIMINARY NOTE

(The preliminary note is identical to that in Version A.)

A statement of a management projection of future company economic performance or a statement of management plans and objectives for future company operations shall be deemed not to be an untrue statement of material fact; a statement false or misleading with respect to any material fact; an omission to state a material fact necessary to make a statement not misleading; or the employment of a manipulative, deceptive, or fraudulent device, contrivance, scheme, transaction, act, practice, course of business, or an artifice to defraud; as those terms are used in the Securities Act of 1933 or rules and regulations thereunder, unless such information: (1) Was prepared without a reasonable basis; or (2) was disclosed other than in good faith.

SECURITIES EXCHANGE ACT OF 1934

§ 240.3b-6 Projections by issuers of future economic performance.

(The text of the proposed rule is identical to that above, except the reference to the Securities Act of 1933 should read Securities Exchange Act of 1934.)

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

§ 250.103A Projections by issuers of future economic performance.

(The text of the proposed rule s identical to that above, except that the reference to the Securities Act of 1933 should read Public Utility Holding Company Act of 1935.)

TRUST INDENTURE ACT OF 1939

§ 260.0-11 Projections by issuers of future economic performance.

(The text of the proposed rule is identical to that above, except that reference to the Securities Act of 1933 should read "Trust Indenture Act of 1939.")

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 7, 1978.

[FR Doc. 78-32164 Filed 11-14-78; 8:45 am]

federal register

WEDNESDAY, NOVEMBER 15, 1978
PART VIII



DEPARTMENT OF ENERGY

Office of Hearings and Appeals

■

DISTRIBUTION OF REFUNDS

Proposed Administrative Procedures

[3128-01-M]

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

[10 CFR Part 205]

ADMINISTRATIVE PROCEDURES AND SANCTIONS

Administrative Procedures for the Distribution of Refunds

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) hereby gives notice of a proposal to amend its administrative procedure regulations by adding subpart V to 10 CFR Part 205. The purpose of the proposed amendments is to provide a general framework under which overcharges may be remitted to purchasers of covered products when enforcement officials are not able to readily identify the purchasers involved at the time a remedial order or consent order is issued. The Office of Hearings and Appeals will receive written and oral comments regarding this proposal.

DATES: Written comments by December 20, 1978, 4:30 p.m., requests to speak at public hearing by December 6, 1978, 4:30 p.m., witnesses notified December 8, 1978; statements by December 11, 1978, at noon; public hearing to be held at 9:30 a.m., December 12, 1978.

ADDRESS: Written comments (10 copies required), requests to speak (1 copy), and prepared statements (7 copies) should reference "Proposed Refund Procedures" and should be submitted to the following address: Office of Public Hearing Management, Box WD, 2000 M Street NW., Room 2313, Washington, D.C. 20461. The public hearing will be held at the same location in room 2105.

FOR FURTHER INFORMATION CONTACT:

George B. Breznay, Deputy Director, Office of Hearings and Appeals, 2000 M Street NW., Room 8014, Washington, D.C. 20461, 202-254-9681; or

Debra Kidwell, DOE Office of Public Hearing Management, Box WD, 2000 M Street NW., Room 2313, Washington, D.C. 20461, 202-254-5201.

SUPPLEMENTARY INFORMATION:

A. Background

These proposed regulations establish a general procedural framework under which overcharges described in a remedial order, remedial order for immediate compliance, order of disallowance or consent order may be remitted to affected purchasers of covered products. The procedures specified would be issued in those instances in which the DOE Special Counsel for Compliance or Office of Enforcement, after having identified a violation or issued a consent order, is unable to readily identify the particular persons who were overcharged. The Office of Hearings and Appeals will design and administer an appropriate refund procedure in these cases.

The need for these proposed regulations was highlighted by the submission on August 11, 1978, of a petition for special redress or other relief by the Office of Special Counsel for Compliance of the Department of Energy (OSC). In the petition OSC requested that the Office of Hearings and Appeals establish an "ad hoc adjudicatory procedure" for evaluating claims by purchasers of covered petroleum products from Gulf Oil Corp. The claims related to a proposed consent order that had been executed on July 26, 1978. 43 FR 34,185 (1978). In the consent order, Gulf had agreed to remit $42,240,000 as a settlement of a pending OSC compliance proceeding. However, because of the nature of the alleged violations under investigation, OSC was unable to determine the specific customers of Gulf that might have been overcharged or the amounts involved. OSC therefore requested that the Office of Hearings and Appeals promulgate and implement a method for adjudicating refund claims by purchasers of Gulf products.

In response to the OSC request, an interim decision and order establishing refund procedures in the Gulf case was issued on August 22, 1978. *Office of Special Counsel for Compliance*, 1 DOE Par. 82,586 (1978); 43 FR 38,548 (1978). Because the possibility exists of similar compliance actions by the OSC, we have determined that it would be desirable to establish a general procedural framework for situations involving refunds to individuals who cannot be readily ascertained at the time a remedial order or consent order is issued.

B. Proposed Regulations

The proposed regulations establish a framework under which the Office of Hearings and Appeals would administer the distribution of refunds to a class of unnamed purchasers. The OSC, the ERA Office of Enforcement or any other enforcement official of the Department may invoke the refund procedures by filing a petition to implement refund procedures. The petition should state that the enforcement official has been unable to readily ascertain either the identity of the purchasers who are entitled to refunds or the amount of the refund that certain purchasers are entitled to receive. The Office of Hearings and Appeals will then consider the petition and the record in the enforcement proceeding, and based on its analysis it will issue a decision and order establishing specific procedures and standards for evaluation designed to respond to the particular circumstances of each case. The decision and order will be published in proposed form in the Federal Register and an opportunity for public comment will be provided.[1] After reviewing the comments submitted, the Office of Hearings and Appeals will issue a final order and the refund proceeding will be commenced.

Notice of each refund proceeding will also be published in the Federal Register and in such other manner as is deemed appropriate by the Office of Hearings and Appeals. Where practicable, direct mailings to members of the class of purchaser concerned and to trade and consumer organizations will be utilized. The contents of an application for refund will be specified in the order implementing the refund procedures in each case. In general, applications must be in writing and signed by the applicant, and must contain a statement as to whether the applicant or any affiliated person has filed any other application for refund in connection with the proceeding. An applicant is also required to submit a sworn statement that all information contained in the application is true to the best of his knowledge and belief. Whenever possible, optional application forms will be provided in order to facilitate the filing of refund claims.

The Office of Hearings and Appeals may establish a reasonable deadline for the filing of claims. Late applications will not be considered and no one who has not filed a timely application shall be eligible for a portion of the refund amount. However, extensions of time may be granted for good cause shown upon written request submitted prior to the deadline.

The Office of Hearings and Appeals may under the proposed regulations appoint an administrator to assist in the evaluation of refund claims under guidelines promulgated by the Office of Hearings and Appeals. Compensation for the administrator will be paid from funds in the escrow account if he is not a federal government employee.

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[1] An order under § 205.288 requiring a firm to establish an escrow account for the amount the firm must refund may, however, be issued without opportunity for public comment, thus making the funds available to earn interest for the benefit of claimants. This procedure will not adversely affect interested persons, since no funds will be disbursed from the escrow account until the order establishing specific procedures has been published for public comments and issued in final form.

The Office of Hearings and Appeals also may solicit and consider information from any source and may convene a hearing if it believes a hearing will advance its evaluation of an application. A written order will be issued with respect to each application granting or denying the refund claim and setting forth the relevant facts and legal basis for the decision.

If the total dollar amount of approved claims in a proceeding exceeds the amount to be refunded, successful applicants may receive a pro rata refund. In those cases in which it appears to be possible that claims will exceed the total amount to be refunded, no refunds will be paid until all applications have been processed. Furthermore, if in a given case numerous refund applications are received that claim amounts less than the administrative costs associated with processing those applications, the Office of Hearings and Appeals may decline to process such applications. Refunds will not be paid to any entity that is currently or was during the relevant period owned or controlled by the person who was directed to place funds in escrow.

The Director of the Office of Hearings and Appeals or his designee is authorized to issue any interim or ancillary orders necessary to the proper and expeditious conduct of the refund proceedings.

C. Public Hearing and Comment Procedure

Any interested person may participate in this proceeding by submitting data, views or suggestions as to whether the proposed regulations should be modified or whether alternative procedures should be adopted. Comments should be submitted by 4:30 p.m., e.s.t., December 20, 1978, to the Office of Public Hearing Management at the address indicated above and should be identified on the outside envelope and on the document with the designation: "Proposed Refund Procedures". Ten copies should be submitted.

Any information or data considered to be confidential must be so identified and submitted in writing, one copy only. The DOE reserves the right to determine the confidential status of such information or data and to treat it according to our determination.

The DOE has scheduled a public hearing in order to receive oral comments on the effectiveness of the proposed regulations and suggestions regarding their possible modification. The hearing will be held on December 12, 1978, at 2000 M Street NW., Room 2105, Washington, D.C., at 9:30 a.m. Any person who wishes to make an oral presentation at the hearing should submit a request to speak, including the name and title and telephone number of the speaker, and the amount of time requested, to the Office of Public Hearing Management by December 6, 1978, at the address provided at the beginning of this notice. The Office of Hearings and Appeals reserves the right to limit the number of persons to be heard and to establish the procedures governing the conduct of the hearing. Those individuals selected to make oral presentations will be notified by December 8, 1978. The Director of the Office of Hearings and Appeals or his designee will preside at the hearing. Please submit 7 copies of the proposed statement by noon the day before the hearing and bring 100 copies of the statement to the hearing if possible.

If anyone wishes to ask a question of a person who has made an oral presentation at the hearing, he or she may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and whether time limitations permit it to be presented for an answer. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and may be purchased from the reporter. The DOE will retain the entire record of the hearing and will make it available for inspection at the Office of Hearings and Appeals Public Docket Room, Room B-120, 2000 M Street NW., Washington, D.C. 20461, between the hours of 1 and 5 p.m. Monday through Friday.

D. Other Procedural Requirements

As these proposed regulations do not affect the quality of the environment, the provisions of section 7(c)(1) of the Federal Energy Administration Act of 1974 (Pub. L. 93-275), as amended, have been determined to be inapplicable. Additionally, the DOE has determined that this document does not contain a major proposal requiring preparation of a regulatory analysis under Executive Order 12044.

Pursuant to the requirements of section 404(a) of the Department of Energy Organization Act (Pub. L. 95-91), this proposed rule has been referred, concurrently with the issuance hereof, to the Federal Energy Regulatory Commission for a determination whether the proposed rule would significantly affect any function within the Commission's jurisdiction.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-332, Pub. L. 94-385, Pub. L. 95-70, Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, Pub. L. 95-70; Energy Conservation and Production Act, Pub. L. 94-385, as amended, Pub. L. 95-70, Pub. L. 95-91; Department of Energy Organization Act, Pub. L. 95-91; E.O. 11790, 39 Fed. Reg. 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, it is proposed to amend part 205, chapter II, title 10 of the Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., November 8, 1978.

Melvin Goldstein,
Director, Office of Hearings and Appeals.

1. The table of contents for part 205 is amended by adding subpart V, §§ 205.280 through 205.288, as follows:

* * * * *

Subpart V—Special Procedures for Distribution of Refunds

* * * * *

Sec.
205.280 Purpose and scope.
205.281 Petition for implementation of special refund procedures.
205.282 Evaluation of petition by the Office of Hearings and Appeals.
205.283 Applications for refund.
205.284 Processing of applications.
205.285 Effect of failure to file a timely application.
205.286 Restrictions of refunds.
205.287 Escrow accounts.
205.288 Interim and ancillary orders.

* * * * *

2. Sections 205.280 through 205.288 are added as follows:

Subpart V—Special Procedures for Distribution of Refunds

§ 205.280 Purpose and scope.

This subpart establishes procedures under which refunds may be made to persons who have been overcharged in violation of the requirements specified by the Regulations of the Department of Energy. As a general rule, the procedures described in this subpart shall be applicable in those situations in which enforcement officials of the Department of Energy have been unable to readily ascertain the particular persons who are entitled to the refunds specified in a remedial order, a remedial order for immediate compliance, an order of disallowance or a consent order.

§ 205.281 Petition for implementation of special refund procedures.

(a) At any time subsequent to the issuance of a remedial order (including for purposes of this subpart a remedial order for immediate compliance and an order of disallowance), or a proposed consent order, the Special Counsel of the Department of Energy, the ERA Office of Enforcement, or any

other enforcement official of the Department of Energy may file with the Office of Hearings and Appeals a petition for the implementation of special refund procedures.

(b) The petition shall state that the person filing it has been unable to readily ascertain either the identity of particualr purchasers who are entitled to refunds pursuant to a remedial order or a consent order, or that the person filing the Petition has been unable to readily ascertain the amount of the refunds that certain purchasers are entitled to receive, and shall contain a request that the Office of Hearings and Appeals institute appropriate proceedings under this subpart to distribute the funds referred to in the enforcement documents.

(c) The Petition shall contain a copy of each relevant enforcement document, shall be filed in duplicate during business hours in room 8014, 2000 M Street NW., Washington, D.C. 20461 and shall meet the requirements of § 205.9.

§ 205.282 Evaluation of petition by the Office of Hearings and Appeals.

(a) After considering the petition, the Director of the Office of Hearings and Appeals or his designee shall issue a proposed decision and order. The proposed decision and order shall generally describe the nature of the particular refund proceeding and shall set forth the standards and procedures that the Office of Hearings and Appeals intends to apply in evaluating refund claims.

(b) The proposed decision and order shall be published in the FEDERAL REGISTER together with a statement that any member of the public may submit written comments to the Office of Hearings and Appeals with respect to the matter. At least 30 days following publication in the FEDERAL REGISTER shall be provided for the submission of comments.

(c) After considering the comments submitted, the Director of the Office of Hearings and Appeals or his designee shall issue a final decision and order which shall govern the disposition of the refunds. The final decision and order shall also be published in the FEDERAL REGISTER.

(d) In the final decision and order, the Director shall set forth the standards and procedures that will be used in evaluating individual applications for refunds. Those standards and procedures shall be consistent with the provisions of this subpart.

(e) In establishing standards and procedures for implementing refund distributions, the Office of Hearings and Appeals shall take into account the desirability of implementing refund procedure in an efficient, effective, and equitable manner as well as the desirability of implementing the refund procedures so as to resolve to the maximum extent practicable all outstanding claims. In order to do so, the standards for evaluation of individual claims may be based upon appropriate rebuttable and irrebuttable presumptions.

§ 205.283 Applications for refund.

(a) Any person who believes that he is entitled to a refund pursuant to a final decision and order issued pursuant to § 205.282 may file an application for refund with the Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. All applications must be signed by the applicant and specify the DOE order to which they pertain. Applications for refunds in excess of $100 must be filed in duplicate, and these applications be available for public inspection in the DOE public docket room at 2000 M Street NW., Washington, D.C. Any applicant who believes that his application contains confidential information must so indicate on the first page of his application and submit two additional copies of his application from which the information that the applicant claims is confidential has been deleted. A statement must also be provided specifying why any such information is privileged or confidential.

(b) The filing deadline and the contents of the application for refund shall be determined by the Director of the Office of Hearings and Appeals or his designee based on the facts of each case. The filing deadline shall be no less than 90 days after the date of publication in the FEDERAL REGISTER of the final decision and order referred to in § 205.282(c). The Director of the Office of Hearings and Appeals may appoint an administrator to evaluate applications under guidelines established by the Office of Hearings and Appeals. The administrator, if he is not a Federal Government employee, may be compensated from the refunds referred to in the remedial order or consent order. The administrator may design and distribute an optional application form for the convenience of the applicants.

(c) Each application shall be in writing and signed by the applicant, and shall indicate whether the applicant or any affiliated person has filed any other application concerning that particular refund proceeding. Each application shall also include a sworn statement by the applicant that all information in his application is true and correct to the best of his knowledge and belief.

§ 205.284 Processing of applications.

(a) The Office of Hearings and Appeals or its designee may initiate an investigation of any statement made in an application and may require verification of any document submitted in support of a claim. In evaluating an application, the Office of Hearings and Appeals or its designee may solicit and consider information obtained from any source and may on its own initiative convene a hearing or conference in its discretion if it determines that a hearing or conference will advance its evaluation of application.

(b) The Director of the Office of Hearings and Appeals or his designee shall conduct any hearing or conference that is convened with respect to an application for refund, and he shall specify the time and place for the hearing or conference and notify the applicant. The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing and otherwise regulate the course of the hearing. The provisions of § 205.8 which relate to subpenas and witness fees shall apply to any hearing convened with respect to an application for refund.

(c) Upon consideration of each application and other relevant information received or obtained during the course of a refund proceeding, the Director of the Office of Hearings and Appeals or his designee shall issue an order granting or denying the application. The order shall contain a concise statement of the relevant facts and the legal basis for the order. A copy of the order, with such modification as is necessary to insure the confidentiality of information protected from public disclosure by 18 U.S.C. 1905, shall be served on the applicant and any person who participated in the proceeding.

§ 205.285 Effect of failure to file a timely application.

(a) An application for refund must be filed no later than the date that the Office of Hearings and Appeals establishes pursuant to § 205.283(b). The Office of Hearings and Appeals or its designee may, however, grant extensions of time for good cause shown. Any request for an extension of time must generally be submitted in writing prior to the deadline.

(b) Any application not filed on a timely basis may be summarily dismissed, and the applicant shall not be entitled to any portion of the funds remitted pursuant to the relevant DOE order.

§ 205.286 Restrictions of Refunds.

(a) The aggregate amount of all refunds approved by the Office of Hearings and Appeals or its designee in a given case shall not exceed the

amount to be remitted pursuant to the relevant DOE order, plus interest accured in the escrow account at the time of distribution, reduced by the amount of any administrative costs authorized by the Office of Hearings and Appeals. In the event that the aggregate amount of approved claims exceeds the aggregate amountof funds specified above, the Office of Hearings, and Appeals may award refunds to applicants on a pro rata basis. The Office of Hearings and Appeals may delay full payment of any refunds until all applications have been processed.

(b) The Office of Hearings and Appeals may decline to consider applications for refund amounts that, in view of the direct administrative costs associated with processing and paying a refund claim, are too small to warrant individual consideration.

(c) No entity shall be eligible for a refund if its is currently or was, during the period of time to which the remedial order or consent order applies, owned or controlled by the person who is the subject of the DOE enforcement order.

§ 205.287 Escrow accounts.

(a) In implementing the refund procedures specified in this subpart the Director of the Office of Hearings and Appeals or his designee may issue an order directing that a person subject to a refund obligation specified in a remedial order or consent order establish an escrow account into which the applicable funds shall be deposited. The terms of the escrow arrangement shall be subject to the approval of the Office of Hearings and Appeals and the escrow agent shall be designated by the Office of Hearings and Appeals. Only U.S. corporations with a record of successfully handling escrow accounts of similar magnitude may be selected as escrow agents by the Office of Hearings and Appeals.

(b) All refunds and costs authorized by the Office of Hearings and Appeals incurred in connection with the disposition of applications for refund and all charges of the escrow agent authorized by the Office of Hearings and Appeals shall be paid from funds, including interest, in the escrow account.

(c) Funds remaining in the escrow account at the conclusion of the refund proceedings, including any accumulated interest, shall be remitted to the U.S. Treasury or distributed in any other manner specified in the decision and order referred to in § 205.282(c).

(d) Funds shall be disbursed from the escrow account only by written order of the Office of Hearings and Appeals.

§ 205.288 Interim and ancillary orders.

The Director of the Office of Hearings and Appeals or his designee may issue any interim or arcillary orders, or make any rulings or determinations necessary to insure that refund proceedings, including the operations of the administrator and the escrow agent appointed in any given proceeding, are conducted in an appropriate manner and are not unduly delayed.

[FR Doc. 78-32159 Filed 11-13-78; 8:45 am]

federal register

WEDNESDAY, NOVEMBER 15, 1978
PART IX



ENVIRONMENTAL PROTECTION AGENCY

■

CRITERIA FOR RADIOACTIVE WASTES

Recommendations for Federal Radiation Guidance

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 953-2]

CRITERIA FOR RADIOACTIVE WASTES

Invitation for Comment: Environmental Protection

AGENCY: U.S. Environmental Protection Agency.

ACTION: Recommendations for Federal radiation guidance.

SUMMARY: The Environmental Protection Agency seeks public comment on environmental protection criteria for storage and disposal of all forms of radioactive wastes. All substantive comments will be considered in forming final criteria which will be recommended to the President for approval as guidance to Federal agencies. The recommended criteria establish the basic principles which should be applied in the formulation of policies, plans, programs, and decisions involving management and disposal of radioactive waste. The recommended criteria also establish ground rules to be followed in the development of generally applicable standards for radioactive waste sources. These criteria: (a) Define radioactive wastes, indicate which types of wastes should be controlled, and give examples of where these wastes originate; (b) state the goal of radioactive waste control and define limitations on institutional and other controls over certain time periods; (c) discuss the factors to be considered in assessing risk to the general public and the general environment; (d) discuss the factors which would result in unacceptable risk for different methods of disposal; (e) require that the selection, design, and operation of a disposal site must enhance isolation of radioactive wastes; and (f) discuss the appropriateness of retrievability of waste and communication of waste disposal locations to future generations.

DATE: Comments should be received by January 15, 1979.

ADDRESS: Written comments to: Manager, Waste Environmental Standards Program (ANR-460), Office of Radiation Programs, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Dr. Harry J. Pettengill, 703-557-8927.

SUPPLEMENTAL INFORMATION: EPA is required to recommend radiation protection guidance for Federal agencies (42 U.S.C. 2021(h)). Accordingly, the Agency is developing environmental protection criteria which would be used by all Federal agencies that have responsibilities for managing or regulating radioactive wastes. This guidance, if approved by the President, will supersede any existing guidance concerning the disposal of radioactive wastes. Federal agencies would be required to comply with this guidance in carrying out their responsibilities.

Other agencies, besides EPA, which are actively involved in radioactive waste management, are the Department of Energy (DOE) and the Nuclear Regulatory Commission (NRC). The DOE is conducting research for different control technologies to store and dispose of high-level and transuranic wastes and will operate such disposal facilities. The NRC is preparing specific regulations for licensing of storage and waste disposal facilities. EPA is developing environmental protection standards for the various types of radioactive wastes. The proposed criteria will be used by all agencies in their respective programs. The schedules of the interrelated activities of EPA and other Federal agencies are being addressed by the Interagency Nuclear Waste Management Task Force established by the President on March 15, 1978, to recommend a comprehensive Federal program for the long-term management of nuclear waste.

The Agency has received considerable assistance from the public in developing these proposed criteria through participation in two public workshops and in a public forum. The proposed criteria have also been reviewed by a working group on radioactive waste, composed of Federal agencies that would carry out the guidance once approved by the President. The basis for the proposed criteria were developed in a background report which was made available to all workshop and forum participants and others on January 16, 1978 (43 FR 2223). Copies of the report are still being provided upon request. The background report will be revised to reflect the comments received from the public forum participants and on the criteria proposed herein.

DEFINITIONS

The following terms are defined for use in this notice:

Acute (radiation exposure).—A term used in reference to a single large dose of ionizing radiation or to a series of substantial doses in a short interval of time, as differentiated from chronic exposure;

Barrier.—Any medium which stops or significantly retards the movement of emplaced radioactive materials, such as a natural geologic medium or a container or solidified waste matrix engineered by humans;

Chronic (radiation exposure).—Continuous or intermittent exposure to small amounts of ionizing radiation over a long period of time, as differentiated from acute exposure;

Diffuse (waste containing naturally-occurring radioactivity).—Waste material containing naturally-occurring radioactivity in concentrations similar to that of many natural ore bodies;

Discrete (waste containing naturally-occurring radioactivity).—Waste material containing naturally-occurring radioactivity which is substantially concentrated relative to that of the virgin natural material;

Disposal.—The placement of radioactivity waste with no intent of recovery;

General environment.—The total terrestrial, atmospheric, and aquatic environments outside sites in which any radioactive waste management activities are conducted;

Institutional control.—Activities, devices, and combinations thereof which involve the performance of functions by human beings to limit contact between the waste and humans or the environment;

Isolation.—The placement of radioactive waste so that contact between the waste and humans or the environment will be highly unlikely for a chosen period of time;

Monitoring.—Measuring the quantity and type of discharges or migration of radioactive wastes from a waste management facility, or measuring changes in physical, chemical, or biological characteristics of the site and the surrounding site area;

Retrievability.—A designed capability to recover waste from an emplaced location, within a specified time;

Risk.—A general concept encompassing both the probability and the severity of adverse effects;

Site.—Any location under institutional control which has a boundary inside which radioactive wastes are handled, stored, or disposed of;

Storage.—Retention of radioactive waste at facilities with designed provisions for recovery within a defined time;

Waste management.—The range of activities for dealing with radioactive waste, including preparation, storage, and disposal.

BACKGROUND

Our responsibility to maintain environmental quality for future generations is well recognized. As enuniciated in the National Environmental Policy Act of 1969 (NEPA), it is an important national goal to "fulfill the responsibilities of each generation as trustee of the environment for succeeding generations." In applying the above

NEPA principle, EPA notes that some radioactive waste materials are both long-lived and highly toxic. These materials may pose substantial health risks to both present and future generations. EPA believes that such materials should be properly controlled. Since no current waste management technology can be expected to be absolutely effective in isolating radioactive wastes from the biosphere (particularly over very long periods of time), decisions on radioactive waste management and control must assure that radioactive waste does not pose an unreasonable risk to human health and the environment.

Some of the issues which surfaced in EPA's deliberations about such waste control decisions were: (1) The types of materials to be categorized as radioactive wastes and subject to control; (2) the efficacy of engineered controls and natural barriers to isolate wastes; (3) the usefulness of social institutions in providing control, especially their viability over time; (4) the potential health risks of wastes (over various time intervals and with differing levels of control); (5) the unacceptability of various levels of risk; and (6) other considerations such as retrievability and communication of waste disposal sites to succeeding generations to assure continued isolation.

The Agency has developed a set of proposed criteria which address each of the above issue areas. The Agency intends to use the criteria as the basis for developing environmental standards for different radioactive waste sources. EPA will transmit the final criteria to the President for his approval and publication as Federal guidance. The promulgation of the criteria as Federal guides will foster continuity in Federal programs for the disposal of radioactive wastes. The Environmental Protection Agency has addressed the aforementioned issues in concert with other Federal and State agencies, radiation protection professionals, and the public. Thus, the proposed criteria which follow are designed to guide Federal agencies in making policy, programmatic operational, and standard setting decisions for radioactive wastes by setting forth in general terms those principles which should be applied in assuring protection of the public health.

The first criterion defines radioactive wastes, indicates which ones should be controlled, and gives source examples. The next criterion defines the fundamental goal of radioactive waste control and in that regard calls for the use of institutional and natural barriers to control wastes with long hazardous lifetimes. The third criterion states that risk is the primary basis for making radiation protection decisions for radioactive wastes and discusses what factors should be taken into account in assessing the risks to individuals and populations. The fourth, and possibly the most complex criterion, addresses the difficult subject of determining when risks from the disposal of radioactive wastes are unacceptable. The fifth recommends conditions which disposal locations should satisfy. The final criterion specifies several relevant supplemental control considerations which should be used if a net improvement in environmental protection can be achieved.

The Agency recognizes that there is substantial public debate regarding the desirability of establishing a moratorium on the production of additional nuclear wastes until such time as a National Radioactive Waste Policy has been adopted. These proposed criteria do not attempt to resolve this issue. In the Agency's view the quantity or quality of radioactive material which may be produced in the future should not be permitted to influence decisions on what levels of risk associated with such materials are regarded as acceptable or unacceptable. Curtailment of the production of certain types of radioactive waste could be determined to be an appropriate waste management control concept under the proposed criteria in certain circumstances. For example, to avoid unacceptable risk, either for current or future generations, control measures requiring extraordinary precautions for waste disposal might be judged necessary. if such control measures are feasible only for limited quantities of waste then policies to limit the total amount of wastes which are generated would be an essential element of an effective control program.

Environmental Protection Criteria

The criteria proposed herein should be used as a complete set and each should be satisfied for any radioactive waste that becomes subject to control in accordance with the first criterion. Certain exceptions are recognized and these are specifically stated. Unless circumstances are such that a given criterion can be waived because prescribed conditions for exceptions are satisfied, all criteria are to be followed for any given waste.

The following proposed criteria are under consideration for the Guidance of Federal Agencies in providing environmental and radiological protection for all forms of radioactive wastes:

PROPOSED CRITERION NO. 1

Radioactive materials should be considered radioactive wastes requiring control for environmental and public health protection if they have no designated product or resource value and: (a) Are human-produced by nuclear fission or activation, fabricated from naturally radioactive materials into discrete sources, or as a result of regulatory activities are prohibited from uncontrolled discharge to the environment; or (b) contain diffuse naturally-occurring radioactive materials that, if disposed into the biosphere, would increase exposure to humans above that which would occur normally in pathways due to the preexisting natural state of the area. Examples of radioactive waste materials that should be subject to environmental protection requirements are:

All radioactive materials associated with the operation and decommissioning of nuclear reactors for commercial, military, research, or other purposes and the supporting fuel cycles, including spent fuel if discarded, fuel reprocessing wastes, and radionuclides removed from process streams or effluents.

Artificially produced radioisotopes, including discrete radium sources, for medical, industrial, and research use and waste materials contaminated with them.

The naturally-radioactive residues of mining, milling, and processing of uranium and phosphate ores.

PROPOSED CRITERION NO. 2

The fundamental goal for controlling any type of radioactive waste should be complete isolation over its hazardous lifetime. Controls which are based on institutional functions should not be relied upon for longer than 100 years to provide such isolation; radioactive wastes with a hazardous lifetime longer than 100 years should be controlled by as many engineered and natural barriers as are necessary.

PROPOSED CRITERION NO. 3

Radiation protection requirements for radioactive wastes should be based primarily on an assessment of risk to individuals and populations; such assessments should be based on predetermined models and should examine at least the following factors:

a. The amount and concentration of radioactive waste in a location and its physical, chemical, and radiological properties;

b. The projected effectiveness of alternative methods of control;

c. The potential adverse health effects on individuals and populations for a reasonable range of future population sizes and distributions, and of uses of land, air, water, and mineral resources for 1,000 years, or any shorter period of hazard persistence;

d. Estimates of environmental effects using general parameters or of health effects based on generalized assumptions for as long as the wastes pose a hazard to humans, when such

estimates could influence the choice of a control option;

e. The probabilities of releases of radioactive materials to the general environment due to failures of natural or engineered barriers, loss of institutional controls, or intrusion; and

f. The uncertainties in the risk assessments and the models used for determining them.

PROPOSED CRITERION NO. 4

Any risks due to radioactive waste management or disposal activities should be deemed unacceptable unless it has been justified that the further reduction in risk that could be achieved by more complete isolation is impracticable on the basis of technical and social considerations; in addition, risks associated with any given method of control should be considered unacceptable if:

a. Risks to a future generation are greater than those acceptable to the current generation;

b. Probable events could result in adverse consequences greater than those of a comparable nature generally accepted by society; or

c. The probabilities of highly adverse consequences are more than a small fraction of the probabilities of high consequence events associated with productive technologies which are accepted by society.

PROPOSED CRITERION NO. 5

Locations for radioactive waste disposal should be chosen so as to avoid adverse environmental and human health impacts and, wherever practicable, to enhance isolation over time.

PROPOSED CRITERION NO. 6

Certain additional procedures and techniques should also be applied to waste disposal systems which otherwise satisfy these criteria if use of these additional procedures and techniques provide a net improvement in environmental and public health protection. Among these are:

a. Procedures or techniques designed to enhance the retrievability of the waste; and

b. Passive methods of communicating to future people the potential hazards which could result from an accidental or intentional disturbance of disposed radioactive wastes.

DISCUSSION

ISSUE NO. 1: MATERIALS CONSIDERED RADIOACTIVE WASTES

The first issue that must be resolved in formulating criteria to govern the handling of radioactive wastes is just what materials are to be considered radioactive wastes within the scope of the criteria. For a given material, this judgment has two parts: Deciding that it is a "waste", and determining whether its degree of radioactivity is great enough to require that the waste material be disposed of in a way that protects against that radioactive hazard.

The primary factor in deciding that a material is a "waste" is the material's residual value. If it has no designated remaining value as a resource or a product, the material should be considered a waste. Because these criteria are addressed to the treatment of radioactive wastes, as opposed to other radioactive materials with current or possible future uses, materials which may have such uses would not be considered wastes subject to the criteria. Depending on the circumstances, the judgment of the material's remaining value will be made by the person or organization possessing or controlling it, or by a Government agency on behalf of the society as a whole. Once a material has been designated as a waste, whether or not it should be disposed of under these criteria depends on its radiological hazard.

A view expressed in the criteria development process was that EPA should set a minimum level of radioactive content below which any material should not be considered a radioactive waste. The Agency does not believe that this would be an appropriate course, primarily because no safe level of exposure to radioactivity can be established from the available evidence. As a result, EPA and other agencies concerned with radiation protection have followed a policy of requiring exposures to be reduced as much as practicable. This approach requires consideration of the circumstances surrounding any particular exposure source, and thus, precludes the establishment of any general "de minimus" level.

It does not appear feasible to formulate a criterion generally identifying those radioactive materials or exposure levels which pose so little hazard under any circumstances that they should not be considered radioactive wastes. Therefore, EPA has formulated a criterion that cites three broad classes of materials that should be considered radioactive wastes for disposal purposes: the first class consists of those materials produced artificially, either by nuclear fission, activation, or by fabrication from naturally radioactive materials into discrete sources. These materials are easily identified and described, and directly controllable.

A second class of substances which would be considered radioactive wastes under the proposed criterion are those containing diffuse naturally occurring radioactive material. However, these materials would be subject to the criterion only if they could result in exposures greater than those which would have occurred, through any pathway, if the material had not been disturbed by human activity.

The rationale underlying this distinction is that requiring the material to be treated as radioactive waste implies that its radioactivity is the decisive characteristic of the material. Yet if failure to treat the material as radioactive waste would not increase exposures over pre-existing levels, requiring disposal of the material as a radioactive waste seems unreasonable. If such an improvement is desirable, it should be for reasons other than that the material is a waste containing some natural radioactivity.

The final class of wastes which should be considered radioactive wastes for purposes of disposal under these criteria includes any retained waste materials which are prohibited by Government regulatory action from unrestricted discharge into the general environment due to their radioactive content. While this category of substances will obviously contain many wastes covered by the two previous classes, certain materials fall into neither category. Therefore, the Agency believes the restriction on discharge to the general environment is in itself sufficient basis for requiring any such material to be disposed of in accordance with these criteria. Examples of such materials could include those removed from effluent streams at nuclear reactors or phosphate fertilizer plants.

These principles have been used to formulate the following criterion for determining which materials are radioactive wastes requiring disposal under the remaining criteria. Proposed criterion No. 1 designates broad classes of materials that should be regarded as wastes whose radioactive content requires consideration in their disposal. Usual methods for control of waste materials may be used for radioactive wastes as well if such methods provide a degree of control consistent with these criteria. Other materials or classes of materials may be added to this criterion in accordance with the principles discussed above if information discovered in the future indicates a need for doing so. Therefore, the following criterion is recommended:

PROPOSED CRITERION NO. 1

Radioactive materials should be considered radioactive wastes requiring consideration for environmental and public health protection if they have no designated product or resource value and: (a) Are human-produced by nuclear fission or activation, fabricated from naturally radioactive materials into discrete sources, or as a result of regulatory activities are prohibited from uncontrolled discharge to the environment; or (b) contain diffuse natu-

rally occurring radioactive materials that, if disposed into the biosphere, would increase exposure to humans above that which would normally occur in pathways (air, water, food) due to the pre-existing natural state of the area. Examples of radioactive waste materials that should be subject to environmental protection requirements are:

All radioactive materials associated with the operation and decommissioning of nuclear reactors for commercial, military, research, or other purposes and the supporting fuel cycles, including spent fuel if discarded, fuel reprocessing wastes, and radionuclides removed from process streams or effluents.

Artificially produced radioisotopes, including discrete radium sources, for medical, industrial, and research use, and waste materials contaminated with them.

The naturally-radioactive residues of mining, milling, and processing of uranium and phosphate ores.

ISSUE NO. 2: CONTROL OF RADIOACTIVE WASTE

The management of radioactive wastes represents potential exposure of individuals and populations and the possible contamination of the general environment. These potential impacts require definitive controls to be established. Further, because of the trustee responsibility each generation has to succeeding ones, contamination of the general environment should be avoided regardless of whether humans will actually contact the waste directly. It is important to prevent both human and environmental adverse impacts. Therefore, the fundamental goal for controlling any type of radioactive waste should be complete isolation over its hazardous lifetime.

Controls for radioactive wastes are of three general types: Engineered barriers, natural barriers, and institutional mechanisms. Engineered barriers such as containers or structures generally can be considered only as interim measures for containment, despite the fact that some structures have survived intact through the ages. Stable geologic media are an example of natural barriers. Institutional controls are those which depend on some social order to prevent humans from coming in contact with wastes, such as controlling site boundaries, guarding a structure, land use policies, record-keeping, monitoring, etc.

It generally is accepted that long-term isolation should depend on stable natural barriers. Institutional mechanisms, which are essential in the early stages of management of any waste, are short-term processes because of practical limitations. Institutional means can be very effective in isolating radioactive wastes from humans if they can be maintained. Since society's basic structure and concern about waste may change, it is reasonable to rely on such controls for only limited periods.

The choice of a time period for relying on institutional controls is completely a matter of judgment, but is basic to a determination of when use of such controls is proper. During the developmental stages of this criteria document, it was proposed that 100 years should be the maximum time period for such controls to be depended upon with any degree of assurance. The public forum participants recommended deleting the time period because if appeared to be arbitrary; however, they left the issue unaddressed in any other form.

Because there are a number of current mechanisms for disposing of various types of wastes which are based on institutional care, the Agency believes that guidance is required to assure that institutional controls are relied upon only to the extent they are appropriate. There are numerous types of radioactive wastes of such hazard potential that they will require the adoption of stricter control methods than currently practiced and will require the development of new disposal technologies which will assure better isolation that afforded by institutional control mechanisms. For this reason, when disposal decisions are made they should recognize that institutional controls are only of limited use, and if the wastes will be hazardous longer than 100 years, other means of control will need to be found.

This means that in selecting control options for wastes whose hazards extend beyond 100 years decisions makers cannot rely on restrictions on customary uses of land and of ground or surface waters. This does not mean that institutional controls are required for 100 years, or that they must stop at that point if society can still maintain them; only that people making the initial disposal decision should not plan on their use to maintain protection beyond 100 years. The judgment that 100 years is the most appropriate time interval will be further examined throughout the public comment period.

In order to assure that these principles are achieved in controlling radioactive wastes, it is recommended that:

PROPOSED CRITERION NO. 2

The fundamental goal for controlling any type of radioactive waste should be complete isolation over its hazardous lifetime. Controls which are based on institutional functions should not be relied upon for longer than 100 years to provide such isolation; radioactive wastes with a hazardous lifetime longer than 100 years should be controlled by as many engineered and natural barriers as are necessary.

ISSUE NO. 3: RISK ASSESSMENT

Radioactive wastes pose a risk of potential exposure to people and to environmental contamination, both of which vary considerably with time. In a practical sense, risk considerations and control considerations are necessarily interrelated because each influences the other. Risks will be increased or decreased depending on the effectiveness of the control imposed, and controls to some extent will be chosen depending on the severity of the risk. Although the risks of different radioactive wastes ought to be ascertained at various levels of control, in the final analysis it is the risk a waste poses over time that primarily should determine the required controls. For this reason, risk determination is a pivotal part of any environmental and public health protection policy for radioactive wastes, and is the key consideration in deciding whether and how to store or dispose of the wastes.

Risk determinations rest on a number of factors, especially the total amount of waste material at a particular location, its persistence due to form and concentration, its potential to enter the biosphere and produce adverse effects on individuals and populations, the effectiveness of various controls, and the inherent uncertainties of many of the parameters. It is especially important that the period of time for which particular radioactive wastes remain hazardous be considered from two basic standpoints: how well the control alternatives will perform in reducing the risks over time and the probability of any containment being breached.

The factors discussed above have been generally recognized and accepted as essential to risk assessments, and there is some agreement about how to take them into account. The period over which such assessments should be performed is, however, more controversial. The main constraint on choosing a time period is the reliability of the results. Health effects estimates can be useful in making public policy decisions on radiation control; however, for many long-lived radioactive wastes, the models available are inadequate over very long intervals. Projections of population size, land use, and human factors beyond a few hundred years are suspect, but the phyisical parameters of source terms, environmental transport models, and geological conditions may be reasonably predictable for a few thousand years.

Because of the long duration of potential hazards from many of the

wastes, it is appropriate to use an extended time period for estimation of health effects. In our judgment, health effects estimates can reasonably be made for periods up to about 1,000 years. Such a time period would provide consideration of both acute exposure risks and chronic exposure risks represented in many types of wastes containing both short- and long-lived fission products. A shorter time period, though less subject to speculation, may have the result of focusing control only on short-term risks that will soon disappear, when it would be equally appropriate to control the risks of long-lived components of the waste.

Some materials decay rapidly enough that virtually all their radioactivity is gone long before 1,000 years, in which case the estimation process is considerably more simple. On the other hand, some very significant waste materials persist well beyond 1,000 years, so it is important to account for this potential risk in deciding a form of control. In this case, it is desirable to have some means of comparing the potential impact on public health and the environment in order to choose the best control alternative. This can be done by physical parameters related to risk potential such as the quantity of various radionuclides entering environmental exposure pathways, their physical distribution, or the doses they may produce. Such comparisons can also be made with health effects estimates based on very general assumptions beyond 1,000 years. Although health effects estimates are desirable for these very long time periods, reasonable comparison of control alternatives can be made by other parameters such as curies released, calculated doses to assumed individuals, etc.

Impact assessments and the time periods for which they should be performed were discussed in developing the criteria. The public forum participants generally agreed that there is a need for risk assessments and that assessments should include, at least, those basic elements presented in the background report (43 FR 2223). However, the participants expressed considerable confusion about the meaning of the relationship between time and risk assessment, and recommended deletion of the time periods presented. Although the time periods chosen are based on judgment, the Agency believes it essential that meaningful estimates be made for the periods over which wastes represent potential hazards. In order to assess risks properly, it is recommended:

PROPOSED CRITERION NO. 3

Radiation protection requirements for radioactive wastes should be based primarily on an assessment of risk to individuals and populations; such assessments should be based on predetermined models and should examine at least the following factors:

a. The amount and concentration of radioactive waste in a location and its physical, chemical, and radiological properties;

b. The projected effectiveness of alternative methods of controls;

c. The potential adverse health effects on individuals and populations for a reasonable range of future population sizes and distributions, and of uses of land, air, water, and mineral resources for 1,000 years, or any shorter period of hazard persistence;

d. Estimates of environmental effects using general parameters or of health effects based on generalized assumptions for as long as the wastes pose a hazard to humans, when such estimates could influence the choice of controls;

e. The probabilities of releases of radioactive materials to the general environment due to failures of natural or engineered barriers, loss of institutional controls, or intrusion; and

f. The uncertainties in the risk assessments and the models used for determining them.

ISSUE NO. 4: UNACCEPTABILITY OF RISK

The term risk expresses a general concept encompassing both the probability of occurrence of adverse effects and their severity. Both aspects are basic to decisions on the adequacy of controls for radioactive waste. The most restrictive regulatory position to adopt would be to allow no additional risks whatever. No matter how desirable "zero risk" might be as a goal, it may not be technically or economically feasible. Moreover, society may have to forego some easily justified and beneficial activities to attain zero risk. Guidelines are required, therefore, for determining levels of risk other than zero that may be permitted. A difficulty in formulating such guidelines is that there is no generally accepted methodolgy for determining the risk that society would accept in a given set of circumstances.

Examination of risks for waste disposal systems in terms of the consequences of exposure and their probability of occurrence will result in values greater than zero which vary with the types of waste, the controls available, and the kinds and severity of events that can be postulated to disrupt isolation. Consequences may range over chronic and acute exposures of a few individuals or large groups, with probabilities ranging from very remote to near certainty over the long term for some waste types and controls.

All societies experience risks and have developed patterns of acceptance of various types of risks. For high-technology societies these patterns are difficult to discern, and they often change in relatively short time frames because such societies are continually creating new sources of risks. Thus, in the absence of established methodologies for determining acceptable risk, the Agency believes it is reasonable to state (in terms of consequence of exposure and probability of occurrence) certain unacceptable risks resulting from the disposal of radioactive wastes.

The apparent opinion regarding radioactive waste in the United States is that any risks resulting from the disposal of radioactive wastes now or in the future would not be acceptable unless more complete isolation were unreasonable. To be responsive to this public attitude, reasonable controls that are available and economically feasible should be applied. Also, because of the responsibility each generation has to succeeding ones, a key social consideration is that at a minimum the current generation should not pose larger risks to a future generation than it would be willing to accept for itself. This does not mean that the risk has to be the same in future generations, only that it would not be unacceptable to the current generation if imposed on it—even though the projected impact on the first few generations may be well below levels determined to be acceptable. Risk levels unacceptable to the current generation for a given set of circumstances would be generally precluded in formulating protection standards for the waste materials in question.

In general, risks are more readily acceptable to society if the consequences are common ones that are not highly dreaded, and are well understood situations which can be related to other common risks. On the other hand, generally beneficial circumstances which have high potential for harm appear to be acceptable to people if occurrence of the harm is virtually impossible; that is, the probability is very low. These interrelationships between probability of occurrence and consequence are not linear functions, and thus an unacceptable risk value cannot be chosen as a product of the two. Instead, one is compelled to state separately conditions of unacceptability for the consequence of quite likely adverse events, and for the probability of very harmful situations. Since a broad range of circumstances is possible for wastes, each of which has its own probability and consequence, one is dealing with a continuum of probability/consequence; thus, it is only possible to give general guidelines for

deciding when various degrees of risk would be unacceptable. These are rooted in the basic concepts discussed above: Events likely to occur will be acceptable only if adverse consequences are low and are of a common type; events with high adverse consequence potential must be virtually certain not to occur.

In order to apply these principles, as stated in the proposed criterion, the following steps are required: First, the probabilities and consequences of possible events should be determined for different types and levels of control, and secondly, the results compared to other socially determined values for similar circumstances, if possible. The following paragraphs illustrate the second step.

High consequence events resulting from waste disposal can be compared to those associated with productive, shorter term technologies such as dams, dikes, and large stores of toxic or explosive chemicals. It is well recognized that productivity is associated with the creation of radioactive wastes. However, once wastes are created there is no further productivity directly associated with them. It is also important to note that the hazards many radioactive wastes pose are often much longer-lived than the explicitly productive aspects of other technologies. For radioactive wastes which pose long-term hazards, it seems reasonable that high consequence events should be considered unacceptable unless their probability is only a small fraction of that deemed acceptable for shorter term productive technologies.

Exposure situations which are likely to occur for certain kinds of wastes would be unacceptable, under the proposed criterion, unless predicted effects would be of questionable significance, even on a statistical basis. This means that if acute exposure is projected as a likely result of waste disposal, it should affect no more than a very few individuals randomly. If large groups are likely to be chronically exposed, the projected risks should be small and no greater than comparable risks that society has already willingly accepted.

Each Federal agency that is involved in establishing policy for radioactive waste disposal will be responsible for estimating the consequences of likely radiation exposure circumstances for wastes, and for determining whether they are unacceptable based on an examination of their consistency with other established social values that have evolved for comparable circumstances. Therefore, it is recommended that:

PROPOSED CRITERION NO. 4

Any risks due to radioactive waste management or disposal activities should be deemed unacceptable unless it has been justified that the further reduction in risk that could be achieved by more complete isolation is impracticable on the basis of technical and social considerations; in addition risks associated with any given method of control should be considered unacceptable if:

a. Risks to a future generation are greater than those acceptable to the current generation;

b. Probable events could result in adverse consequences greater than those of a comparable nature generally accepted by society; or

c. The probabilities of highly adverse consequences are more than a small fraction of the probabilities of high consequence events associated with productive technologies which are accepted by society.

ISSUE NO. 5 LOCATION AND WASTE ISOLATION

It is generally accepted that long-term isolation of radioactive wastes should depend on stable natural barriers to assure isolation from the biosphere over the period that a radiological hazard persists. Obviously, the site's effectiveness in attaining this goal is influenced by its location. Therefore, it is desirable to select sites if they are reasonably available where the action of natural forces over time such as erosion, sedimentation, and crystallization can be projected to improve, rather than reduce, isolation of the wastes over the time they may represent a potential hazard if they were to enter the biosphere. Similarly, if geological media are used, they should reduce the effect of potential interaction with water to the greatest extent possible. Therefore, it is recommended that:

PROPOSED CRITERIA NO. 5

Locations for radioactive waste disposal should be chosen so as to avoid adverse environmental and human health impacts and, whenever practicable, to enhance isolation over time.

ISSUE NO. 6 SUPPLEMENTARY PROTECTION GOALS

A number of other subjects pertinent to protection of the public from radioactive wastes were discussed in the development of the criteria. Among these, most attention centered on monitoring, provision of retrievability, and passive communication of the nature of the possible hazard to future generations. In general, it was determined that, while each has positive aspects for control of radiological hazards, their application might undermine the goal of providing permanent isolation for wastes. It is difficult to maintain retrievability or conduct a monitoring program without compromising the ability to provide isolation. Furthermore, in many disposal situations which will satisfy the five criteria discussed above, the residual risk will mainly be attributable to potential failure mechanisms involving eventual intrusion by humans. Passive methods of communicating the hazard, such as markers which call attention to the waste, may sometimes be judged to provide a net reduction of risk. Other passive methods, such as creating records describing the waste, or setting aside of the land title to the disposal site, have value in reducing the likelihood of intrusion for some limited time.

An example of a circumstance where land title transfer is reasonable is a current site that has been in use for some time where optimal environmental isolation is no longer a practicable alternative, such as an abandoned mill tailings site, a nuclear test facility site, etc. In these cases, Federal ownership of the land beyond the normal period of institutional control would be reasonable to minimize potential intrusion. Such decisions should be made on a case-by-case basis and provision for specifically treating such exceptions should be addressed in standards and regulations which are promulgated for these types of wastes.

It is not appropriate to depend upon methods such as these or other similar ones for long-term control; nonetheless, when such methods would enhance overall protection from wastes, it is prudent to use them. This is particularly the case for retrievability and passive communication. Monitoring was judged by the Public Forum participants to be generally a part of early institutional controls prior to completion of disposal, and thus it is not included in the following criterion for supplementary controls. Therefore, it is recommended:

PROPOSED CRITERION NO. 6

Certain additional procedures and techniques should also be applied to waste disposal systems which otherwise satisfy these criteria if use of these additional procedures and techniques would provide a net improvement in environmental and public health protection. Among these are:

a. procedures or techniques designed to enhance the retrievability of the waste, and

b. passive methods of communicating to future people the potential hazards which could result from an accidental or intentional disturbance of disposed radioactive wastes,

IMPLEMENTATION AND FOLLOW-UP

It is expected that Federal agencies would use these criteria as a basis for developing detailed standards for radioactive wastes which are consistent with its particular requirements. The Agency, in cooperation with other Federal agencies, will follow the implementation of these recommendations, and will promote the coordination necessary to achieve an effective Federal waste management program. Periodically, the Agency will interpret and expand upon each of the recommendations as required to assure effective implementation by Federal agencies in accordance with new and changing information.

DOUGLAS M. COSTLE,
Administrator.

NOVEMBER 7, 1978.

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WEDNESDAY, NOVEMBER 15, 1978
PART X



FEDERAL ENERGY REGULATORY COMMISSION

THE NATURAL GAS POLICY ACT OF 1978

Proposed Regulations

[6740-02-C]

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

[18 CFR Parts 2, 157, 270, 271, 273, 274, 275, 276, 284]

[Docket No. RM79-3]

REGULATIONS IMPLEMENTING THE NATURAL GAS POLICY ACT OF 1978

AGENCY: Federal Energy Regulatory Commission

ACTION: Notice of Proposed Rulemaking

SUMMARY: The Natural Gas Policy Act of 1978 (NGPA), enacted November 9, 1978, takes effect with respect to certain first sales of natural gas delivered on or after December 1, 1978. The new statutory provisions relating to pricing of natural gas and other issues must, therefore, be implemented by regulation by that date. These proposed implementing regulations are being issued for a brief public comment period prior to promulgation of interim regulations. The Commission will then receive comments on the interim regulations for 60 days and will revise the interim regulations as appropriate.

DATE: Written comments by November 20, 1978.

ADDRESS: Office of the Secretary, Federal Energy Regulatory Commission, 825 N. Capitol St., N. E., Washington, D.C. 20426, (Reference Docket No. RM79-3).

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I. INTRODUCTION

On November 9, 1978, the Natural Gas Policy Act of 1978 (NGPA) was signed into law. By passage of the NGPA, Congress has mandated a new legislative framework for the regulation of most facets of the natural gas industry. The new law affects sales, transmission and distribution of natural gas. The previously controlling federal regulatory statute, the Natural Gas Act (NGA) has in many respects been limited, replaced or superseded by the NGPA.

A primary effect of the NGPA is the substitution of a series of specific statutory maximum price levels applicable to discrete types of "first sales" of natural gas for the previously established system of price regulation of interstate sales of natural gas which had been grounded in a cost-based methodology. An important distinction between producer regulation under the NGA and the NGPA is the expansion of the Federal Energy Regulatory Commission's (Commission) jurisdictional scope to encompass not only sales made in interstate but in intrastate commerce as well. Under the NGPA, all first sales of natural gas are controlled by the maximum statutory ceiling rates and as a result, it is unlawful for any person to sell natural gas at a price in excess of the statutory maximum regardless of whether the sale occurs in the inter- or intrastate market.

The Commission wishes to call specific attention to the provisions of section 101(b)(g) of the NGPA. The Congress, by that provision, emphasizes and makes clear that the maximum lawful prices under the NGPA are ceiling prices and do not supersede or nullify the effectiveness of any contractual agreement to pay a lower price. Therefore, the Commission cautions producers not to assume entitlement to any NGPA ceiling price which is higher than their contract prices.

The Commission is directed to administer essentially all of the NGPA and is authorized to perform any and all acts and to prescribe and issue such rules and orders as it finds necessary or appropriate to carry out its functions

under the NGPA. The proposed regulations, contained in this notice, mark the first step in carrying out the basic responsibilities for implementation and administration of the Act and provide a mechanism for transition from the NGA regulating regime to the NGPA scheme.

The NGPA is divided into six titles:

I. Pricing
   A. Price Controls Applicable to Sales of Natural Gas
   B. Decontrol of Certain Natural Gas Prices
II. Incremental Pricing
III. Additional Authorities and Requirements
   A. Emergency Authorities
   B. Other Authorities and Requirements
IV. Natural Gas Curtailment Policies
V. Administration, Enforcement, and Review
VI. Coordination with the Natural Gas Act, Effect on State Laws

The regulations proposed here do not implement all titles under the NGPA. Rather, the regulations propose to deal with those areas demanding the most expeditious treatment.

This first group of regulations is designed to set in motion the new scheme for pricing of first sales of natural

gas and to provide mechanisms for implementation of provisions of the NGPA covering certain arrangements for transportation of natural gas. However, before setting out in detail a full description of the specific regulations proposed, a summary of the most salient features of the NGPA, the effect on regulation under the NGA, and a capsule description of the implementing regulations and corollary modifications of regulations under the NGA, may be useful.

THE LEGISLATIVE SCHEME OF THE NGPA

The nature and scope of Commission regulation of producer sales under the NGPA has been substantially transformed from utility-type regulation of a limited market to what is essentially price regulation of an entire national market. Under the scheme set up by the NGPA, there exist two major categories of first sales: those requiring a prior determination of eligibility to be made by a jurisdictional federal or state agency before collection of the maximum lawful price and those not explicitly requiring such a determination. A decision as to whether a first sale falls into a category requiring a determination is fundamental. A decision to seek a determination triggers quite

different regulatory consequences than an opposite conclusion.

Although the Commission may be called upon to return to the cost-based, just and reasonable methodology within the meaning of the NGA in establishing rates in excess of the NGPA ceiling prices, the basic administration of the pricing provisions of the NGPA will be undertaken from an entirely different perspective. The Commission will no longer inquire into producer costs or set permissible rates of return for producers. Instead, the Commission's focus will center on whether geological information, production history, field records, prior contractual relationships and information of a similar nature support the categorization for pricing purposes claimed by producers.

Another crucial factor in anticipating what regulatory treatment will be accorded producer sales of natural gas is whether gas is "committed or dedicated" for purposes of NGA regulation. The limitations on NGA regulation as a result of enactment of the NGPA will be addressed in another section of this preamble. However, the distinction between gas which is deemed to be subject to continuing regulation under the Natural Gas Act and gas which falls solely within the

NGPA regulatory format is significant and affects both pricing and non-pricing regulation of producer matters.

For categories of gas requiring a prior determination by a federal or state agency, the Commission's function is more in the nature of an appellate body, reviewing, on a substantial evidence basis, the factual determinations of the appropriate jurisdictional agency with the right of disapproval in the event the initial determination is not adequately substantiated. The Commission rules reflect this role and prescribe the basic and minimum factual foundation necessary to meet its review responsibilities without directly interposing the Commission into the procedural functioning of the jurisdictional agency. The review process of initial determinations begins when notice is received of a jurisdictional agency's determination with the appropriate supporting material specified in Part 274 of the proposed regulations. In the absence of a reversal, the determination of the jurisdictional agency becomes final and no longer subject to review unless based on any untrue statement of material fact or upon any omission of material fact which omission was misleading.

Categories of first sales explicitly requiring that a determination as to qualification to collect the maximum lawful price be made by either a jurisdictional federal or state agency are:

- Section 102 which sets a maximum lawful price for first sales of new natural gas (gas produced from a new lease on the Outer Continental Shelf (OCS) or certain new onshore wells) and gas produced from any old OCS lease which was from a reservoir discovered after July 27, 1976;
- Section 103 which sets a maximum price for first sales of new onshore production wells;
- Section 107 which sets a maximum lawful price for first sales of high cost natural gas including gas produced from geopressurized brine, coal, seams, DeVonian shale or gas produced under other conditions the FERC determines to present "extraordinary"risks or costs; and
- Section 108 which sets the maximum lawful price for first sales of stripper well natural gas.

An essential element in the regulatory system established with respect to categories requiring a prior determination

is the provision for interim collection procedures by producers awaiting a final determination or the outcome of a review of such determination. The Commission has a concomitant power to require refunds from the producer if the gas eventually qualifies for a lower price. Section 503(e) sets out this collection and refunding procedure.

Part 273 of the regulations states the prerequisites for interim collection. First, the Commission has established a "transitional rule" to permit the collection by producers of the section 109 price if a producer files for a determination by March 1, 1979. Additional rules are established for interim collection pending and following a state or federal agency determination.

Those first sales of natural gas not requiring a prior determination to be made by a jurisdictional federal or state agency are tied to previously existing contractually set prices or price levels established by the Federal Power Commission or this Commission. First sales not requiring a prior determination under the NGPA are:

- Section 104 which incorporates by reference the just and reasonable rates establishes under the NGA for first sales of gas committed or dedicated to

interstate commerce on the day before the date of enactment of the NGPA;

- Section 105 which establishes maximum lawful prices for first sales under existing contracts of natural gas not previously committed or dedicated to interstate commerce; and
- Section 106 which establishes maximum lawful prices for first sales under interstate and intrastate rollover contracts;
- Section 109 which establishes the maximum lawful price for first sales of natural gas from the Prudhoe Bay in Alaska and categories of gas not otherwise covered by other sections of the NGPA.

The Commission has general administrative and enforcement authority under the NGPA and the NGA to order refunds in cases where the maximum lawful price level has been improperly exceeded.

EFFECT OF THE NGPA UPON CONTINUED NGA REGULATION

As stated previously, natural gas which remains committed or dedicated to interstate commerce on the day before the date of enactment of the NGPA or which is not specifically

exempted from the jurisdictional consequences of commitment or dedication by the NGPA, remains subject to all the non-price regulatory requirements of the NGA. An important aspect of continued NGA regulation is the requirement that a producer file an abandonment application with the FERC pursuant to section 7(b) of the NGA before terminating service to the interstate market or before abandonment of facilities used to render interstate service. Additionally, although price regulation of first sales by producers of gas committed or dedicated is now governed by the NGPA, sections 104 and 106(a) are grounded in previously established rates under the NGA. As a result, producers wishing to establish their right to collect under these sections will be required to make a filing under their rate schedules under the NGA. On November 16, 1978, the Commission intends to amend its previously existing filing requirements to provide new procedures governing these rate increase filings.

If gas is not committed or dedicated to interstate commerce as defined in section 2(18) or is exempted from the jurisdiction of the NGA under section 601(a)(1)(B) as high cost natural gas, new natural gas, or natural gas produced from any new onshore production well, the prior framework of

utility-type regulation under the NGA no longer applies.

If natural gas sales are freed from the requirements of the NGA, several adjuncts to NGA regulation are obviated. First, there is no longer any necessity for a producer to seek certification of the sale as serving the public convenience and necessity. The replacement for this requirement under the NGPA is limited to the state determination mechanism and the pricing limits established in the NGPA. New sales in interstate commerce no longer require certification as a prerequisite to commencement of deliveries. Nor does the requirement for abandonment authorization before termination of deliveries of natural gas exist with respect to natural gas no longer subject to NGA regulation. In the case of first sales of natural gas not previously committed or dedicated to interstate commerce or exempted from NGA regulation, tariff filings and rate increase applications are dispensed with. (Of course, specific requirements for filing to establish the right to collect the maximum lawful price levels exist under the regulations and annual reporting will be required under the NGPA in many instances. However, the nature of these filings, which are in many cases one-time notification type filings is quite different from the

rate filings previously required under the NGA.)

For natural gas which on the date of enactment was committed or dedicated but which is exempted from the NGA under section 601(a)(1) of the NGPA, there are substitute mechanisms for NGA section 7(b) abandonment authorization. These substitute provisions, intended to provide a degree of certainty to purchasers dependent upon a predictable natural gas supply, are found in section 315 of the NGPA. The Commission has not attempted to implement these sections in the initial implementing regulations. It is our intent to do so in the near future. That section gives the Commission dual authority to establish by rule or order the minimum duration of any contract (other than an existing contract) for the purchase of natural gas and to require by rule right of first refusal with respect to any gas committed or dedicated to interstate commerce before the date of enactment if such gas is high cost gas, new natural gas or natural gas produced from any new, onshore production well.

Indirectly, NGA regulation is affected by the operation of section 601(b) and (c) of the NGPA. Section 601(b) provides that any amount paid in any first sale of natural gas shall be deemed to be just and reasonable if such amount

does not exceed the maximum lawful ceilings established by the NGPA or if there is no maximum lawful price applicable by reason of elimination of price controls. Section 601(c), the guaranteed passthrough provision, states that the Commission may not deny, or condition the grant of any certificate under section 7 of the NGA based upon the amount paid in any sale of natural gas if the amount paid meets the standards of section 601(b) and is, therefore, by statutory fiat, just and reasonable. Additionally, the Commission may only deny the recovery by any interstate pipeline of any amount paid with respect to the purchase of natural gas under section 601(b) to the extent the Commission determines that the amount paid was excessive due to fraud, abuse, or similar grounds.

Finally, included in the implementing regulations are provisions covering certain transportation service by both interstate and intrastate pipelines. Provision is made for intrastate pipeline sales and for the assignment of natural gas excess to their requirements. Also, the Commission has revised its regulations previously applicable to emergency transactions and revised the procedure and the standards for emergency sales of natural gas for this winter's heating season.

GENERAL OUTLINE OF IMPLEMENTING REGULATIONS

The proposed regulations add two new subchapters to the Commission's regulations in Chapter I of Title 18. New Subchapter H (Parts 270 through 276) contains the new producer regulations under the NGPA. Part 270 sets forth general rules applicable to the entire subchapter. Maximum lawful prices under NGPA sections 102 through 109 are implemented in Part 271. Part 273 provides for interim collections and refunds, while determinations of eligibility by state and federal agencies and Commission review of those determinations are provided for under Parts 274 and 275. Finally, Part 276 covers reports.

New Subchapter I will cover regulations under the NGPA other than those relating to producer regulation. The current proposal includes only Part 284, which implements the Commission's authority under sections 311 (relating to certain pipeline sales and transportation of natural gas) and 312 (relating to assignment of intrastate pipeline's contractual right to receive surplus natural gas. Regulations relating to other authorities of the Commission will be added later under Subchapter I.

The proposed regulations would also delete sections 2.68, 157.22 and 157.29 of the Commission's regulations in Subchapters A and E, respectively, and add new provisions to cover emergency transactions for the current heating season.

To assist the reader and guide comment, a brief description of each part and subpart is included as a preamble to the text of the regulation. The statutory requirements that certain of our implementing regulations be fashioned and made effective on December 1, 1978, has not permitted the Commission to provide as full and detailed an explanation of its regulations as we would have liked. However, before any regulation is placed into effect (with or without modification) we expect to be able to add greater substance to the explanatory materials, guided by the written comments of interested parties received in response to this invitation for views.

II. SUMMARY OF PROPOSED REGULATIONS

PART 270

Part 270 prescribes rules and definitions that apply to Subchapter H. Subpart A contains the general rules and definitions. Subpart B contains special rules.

The general rules of § 270.101 relate to the application of maximum lawful pricing provisions of the NGPA. This section makes it unlawful for any person to sell natural gas at a first sale at a price which is greater than that permitted under Part 271. This section also sets out general provisions governing the determinations of eligibility to collect maximum lawful prices and describes the categories of natural gas for which prior determinations are to be made. In addition, this section makes it clear that the pricing provisions of Part 271 do not supersede or nullify contract provisions establishing prices below the applicable maximum lawful price. Finally, this section provides that any collection of maximum lawful prices is subject to refund obligations.

Section 270.102(a) provides that terms defined in the NGPA have the same meaning for purposes of these regulations unless further defined. Some terms used in individual sections or subparts are defined therein. Those used in more than one Subpart are defined in § 270.102(b). These

include "production in commercial quantities," "crude oil," "surface location," "intrastate contract," "successor to an existing intrastate contract," and "intrastate rollover contract." The term "jurisdictional agency" is defined in § 270.103, which includes a table of agencies by state.

The special rules of Subpart B apply to first sales of natural gas and the maximum lawful prices which apply to such sales. Section 270.201 provides that the maximum lawful price for a first sale of natural gas produced from multiple wells, properties or reservoirs which have different applicable maximum lawful prices will be the weighted average of the maximum lawful prices applicable to each well, property or reservoir.

Section 270.202 provides that a person who purchases natural gas at a first sale and subsequently resells the gas in a transaction which is also a first sale (a "reseller") is, with respect to maximum lawful prices, subject to the same restrictions, as modified by this section, as the initial first seller. In addition, these resellers are obligated to make and retain records respecting such sales.

Section 2(21)(B) of the NGPA states that a sale of natural gas by a pipeline or distribution company is not a first sale unless the sale is "attributable to volumes of natural gas produced" by such company. Section 270.203 delineates certain situations in which a sale of natural gas by these companies is not to be considered a first sale of gas attributable to volumes produced by the companies.

Finally, § 270.204 presents the technical information necessary to determine the number of British thermal units (Btu's) per unit volume of natural gas. This is necessary because maximum lawful prices for first sales of natural gas are stated in terms of dollars per million Btu's.

PART 271 - SUBPART A

Subpart A of Part 271 sets out, in summary tables, the pricing provisions applicable to certain categories of first sales of natural gas delivered in the months of December, 1978, and January, 1979. It also provides the method and the inflation adjustment factors to be used for calculating maximum lawful prices for those categories of gas for which prices cannot be derived from the summary tables. These latter categories are ones for which maximum lawful prices must be calculated by the seller.

Section 271.102 sets out the methodology by which maximum lawful prices are to be calculated. The procedure involves adjustment for inflation and requires only simple multiplication. The price for a given month is calculated by multiplying (1) the price which was allowed for the sale of natural gas delivered in the preceding month, by (2) a single adjustment factor which is published by the Commission. The adjustment factor, termed the "monthly equivalent of the annual inflation adjustment factor," is computed using the method of calculation prescribed under section 101(a) and (b) of the NGPA. These calculations will be made by the Commission and published at least 5 days before the beginning of any month for which the factor will apply.

The first price from which all maximum lawful prices are to be calculated is termed a "base price." This price varies according to the category of natural gas for which a calculation is to be made. Once this price is known the calculation can proceed, month-to-month, until the applicable monthly maximum lawful price is determined.

By way of example, assume that a calculation is to be made for natural gas subject to § 271.402(c)(1) for which a just and reasonable rate of $1.00 was in effect. The calculation is to be for the December, 1978, maximum lawful price. First an "applicable monthly price" for November, 1978 must be calculated. This calculation is done by taking the price for April, 1977 ($1.00) and subjecting it to monthly inflation adjustments for all months between April, 1977, and November, 1978. A price for May, 1977, is calculated by multiplying $1.00 by 1.00636, the applicable monthly equivalent of the annual inflation adjustment factor for May, 1977, as presented in the table accompanying § 271.102(c). The result, rounding to the nearest mill, is $1.006. This price is the base price which must then be multiplied by 1.00636, the applicable factor for June, and is again rounded to the nearest mill to reach a price of $1.012 which is then the price for June, 1977. This price, in turn, becomes the price for the month of July, 1977, and must then be multiplied by the monthly equivalent of the annual inflation adjustment factor for July, 1977 (1.00431);

and so on through the monthly iterations. The result should be a price of $1.115 for the month of November, 1978. At this point, the maximum lawful price applicable for deliveries made in December, 1978, can be determined. This is done by multiplying the November price of $1.115 by 1.00581, the factor which applies for December. The result is a maximum lawful price of $1.121 for that month.

This example is chosen to exhibit the calculation which § 271.402 will require of some sellers. Sellers subject to either the § 271.502 or § 271.602 pricing provisions will have prices based on the contract price per MMBtu on November 9, 1978, or in the case of rollover contracts, the month in which the rollover occurs. In either event, only a single multiplication need be made to determine the next month's maximum lawful price.

The monthly equivalents of the annual inflation adjustment factors are presented in the table accompanying this section. The change which occurs for each quarter up through the second quarter of 1978 reflects changes in the GNP implicit price deflator. The monthly factors calculated for both the third and fourth quarters of 1978 and the first month of the first quarter of 1979 are all the same because of the late publication of GNP implicit price deflators and the special provision of section 101(a)(3) of the NGPA to use

the latest figures available as of the date of the statute's enactment for the calculation of such factors.

PART 271 - SUBPART B

Subpart B of Part 271 implements section 102 of the NGPA which establishes a maximum lawful price for "new natural gas" and for "natural gas produced from a new OCS reservoir on an old OCS lease." These terms are defined by reference to the NGPA.

Section 271.204 contains a special rule for vertical measurement of the 1,000 foot distance between completion locations necessary for some determinations under this subpart. The rule clarifies the measurement methodology for completions made by perforation and for "open-hole" completions. In addition special rules are provided for the statutory terms "capable of producing in paying quantities" and "suitable facilities."

PART 271 - SUBPART C

Subpart C of Part 271 implements section 103 of the NGPA and applies to first sales of natural gas from new onshore production wells. Section 103(c) of the NGPA defines a new onshore production well as one spudded on or after February 19, 1977, which complies with any applicable well-spacing requirements. Wells which do not comply with well-spacing requirements or are drilled into existing proration units do not qualify for the new onshore production well prices unless they meet the requirements of the special rule set out in § 271.304.

The special rule is in two parts. The first part, paragraph (c), provides that for wells spudded on or after December 1, 1978, the proration unit requirement can only be satisfied if the jurisdictional agency finds that the well is necessary to effectively and efficiently drain a portion of a reservoir covered by the proration unit, which cannot be so drained by any existing well within the unit. Such a finding must involve a redefinition of the proration unit or alteration of or an exception to otherwise applicable well-spacing requirements.

Paragraph (d) of the rule recognizes that wells drilled between February 19, 1977 and December 1, 1978 may qualify for the price established in section 103. The rule permits such wells to qualify if the agency reviews its preexisting record and determines that it explicitly or implicitly made the same finding necessary for wells spudded after December 1, 1978.

The proposed special rule further provides that in the absence of either an explicit finding or a demonstration by the agency that such a finding was implicit in its authorization to drill the well, the application for a determination will be denied.

The Commission is particularly interested in obtaining comments on this special rule so that it may further consider whether the proposed approach is the best method of implementing section 103 of the Act.

PART 271 - SUBPART D

Subpart D of Part 271 implements sections 104 and 106(a) of the NGPA. These sections prescribe the maximum lawful price for the first sale of natural gas which was committed or dedicated to interstate commerce on November 8, 1978, and for which a just and reasonable rate under the Natural Gas Act was in effect. Under section 104, the maximum lawful price is the just and reasonable rate for each vintage of gas established by the Commission as of April 20, 1977, as adjusted monthly for inflation from that date forward. Just and reasonable rates established by the Commission after April 20, 1977, constitute the ceiling rates under section 104 and are not generally adjusted for inflation. Section 106(a) prescribes the maximum lawful price for rollover contracts executed after November 9, 1978.

The interim regulations set forth the maximum lawful price applicable to each vintage of gas and define the various vintages of gas established by the Commission's national or area rate opinions. Rules for calculating the maximum lawful price applicable to natural gas for which a non-vintage just and reasonable rate was not previously established under special relief and optional procedures are also included in this subpart.

Section 271.402(a) of Subpart D includes a table of maximum lawful prices for each vintage of previously committed or dedicated natural gas. Transition from the Natural Gas Act prices to the NGPA prices affects two of the prices included therein differently from other categories. First, the price established in section 106(a) of the NGPA for sales by small producers of rollover contract gas is less than the rate such producers would have received for the same category of gas under the Natural Gas Act. Pursuant to §157.40(c)(1) of this chapter, small producers were entitled, under the Natural Gas Act, to 130% of the maximum base rate established by the Commission for rollover contracts. Thus, for replacement contracts entered into prior to November 9, 1978, section 104 of the NGPA, which is keyed to the rates previously established by the Commission, prescribes a rate reflecting this 30% differential for sales by small producers. However, for contracts rolling over on or after November 9, 1978, section 106(a) prescribes a rate of 54 cents per MMBtu, as adjusted for inflation from April 20, 1977, for both large and small producers. As a result of this anomaly, a small producer who executed a rollover contract prior to November 9, 1978, would be entitled to a rate of 77.1 cents

per MMBtu as of December 1, 1978, whereas a small producer who executed a rollover contract on or after November 9, 1978, would be entitled, under section 106(a), to a rate of 60.3 cents per MMBtu.

In order to prevent a small producer from receiving a rate under the NGPA lower than that to which he would be entitled under the Natural Gas Act, the Commission finds it necessary to invoke our authority under section 106(c) of the NGPA. This section provides that the Commission may prescribe a maximum lawful price higher than would otherwise be applicable under section 106 if such higher rate is determined to be just and reasonable within the meaning of the Natural Gas Act. The Commission finds, pursuant to this section, that the rate previously established by the Commission for small producer replacement contract gas is just and reasonable within the meaning of the Natural Gas Act, and should be made applicable to small producer sales of rollover contract gas. The price so determined is 70.2 cents per MMBtu as of December 1, 1978. This price may be increased, in accordance with Opinion Nos. 770, et seq and Opinion Nos. 742, et seq., by an amount not to exceed 1.3 cents per MMBtu per annum commencing on January 1, 1979, and the first day of every year thereafter for the term of the contract dedicating the subject gas for sale in interstate commerce.

We note that this price is still not identical to the 77.1 cents per MMBtu price prescribed in the table for small producer sales of replacement contract gas. The price in the table was determined by adjusting for inflation the April 20, 1977, price of 70.2 cents per MMBtu established by the Commission for replacement contract gas. We invite the submission of data, views and arguments on or before December 15, 1978, regarding the question whether, under the standard set forth in section 106(a), the 70.2 cents per MMBtu rate applicable to small producer rollover contracts should be found not just and reasonable, and the just and reasonable rate should be raised to the 77.1 cents per MMBtu rate as adjusted for inflation in months following December 1978.

A second transition problem exists regarding the large producer rate for rollover contracts prescribed in section 106(a). Such rate is determined by applying the inflation adjustment factor to an April 1977 rate of 54 cents per MMBtu in order to arrive at a December 1, 1978, rate of 60.3 cents per MMBtu. However, the large producer rate for replacement contracts was 53 cents as of April 20, 1977, which when adjusted for inflation translates to a rate of 59.3 cents per MMBtu as of December 1, 1978. Again, we note that the only difference between a replacement contract and rollover contract is that the latter is executed on or after November 9, 1978. In view of this disparity in treatment for the same types of

sales of natural gas, we invite the submission of data, views and arguments on or before December 15, 1978, regarding the question whether, under the standard set forth in section 106(a), the large producer replacement contract rate of 59.3 cents per MMBtu should be found not just and reasonable, and the just and reasonable rate should be raised to the 60.3 cents per MMBtu rate for large producer rollover contracts.

Under § 271.402(c)(2) of these regulations any "just and reasonable" rate established by the Commission for a sale of natural gas after April 20, 1977, and prior to November 9, 1978, is the maximum lawful price applicable to such sale if higher than the otherwise applicable price prescribed in § 271.402 (a) or (c)(1). As to producer applications under the optional procedure regulation set forth in § 2.75 of this chapter, a "just and reasonable" rate is that rate established by the Commission in its final order on such applications.

Under § 271.403 of these regulations, we have provided a special rule regarding a carrying charge adjustment for advance payments. In Opinion No. 770-A , the Federal Power Commission recognized that capital generated through the advance payment program was no longer required to bring

additional gas supplies to the interstate market. The Commission noted that the rate level set forth in that opinion was designed to achieve the capital formation objective. Accordingly, the Commission found that as to additional advance payments made after the issuance of that opinion, it would be inequitable to require consumers also to pay the carrying charges on these amounts.

The Commission determined that producers who accept advance payments after the date of the opinion should reduce the rate prescribed therein for post-1974 gas which was committed under any further advance payments by the cost of the advances borne by consumers.

Because of these same considerations, we have provided in § 271.403 for the same adjustment in the rates charged by producers for post-1974 gas. Producers subject to this carrying charge rule would be required to reduce their rates by 83 cents per MMBtu for all deliveries made pursuant to the applicable advance payment agreement until the total amounts so deducted equal the amounts collected by the purchasing pipeline from its customers as a result of including the applicable advance payments in rate base.

PART 271 - SUBPART E

Subpart E of Part 271 implements section 105 of the NGPA by setting forth the procedure for determining the maximum lawful price for first sales of natural gas under existing, or successors to existing, intrastate contracts.

Although throughout the proposed regulations the reference is to intrastate contracts, it should be noted that these provision apply to contracts which govern the sale of natural gas which was not previously committed or dedicated to interstate commerce on November 8, 1978 (the day before the date of enactment of the NGPA). Included in this category is any gas which was sold in interstate commerce under an emergency sale, a limited term certificate, and certain direct sales for which specific transportation certificates had been issued by the Commission.

Under Subpart E of the proposed regulations the maximum lawful prices depend upon the relationship that existed on November 9, 1978, between the existing contract price and the new natural gas price. Under § 271.502(a), if the contract price is less than the new natural gas price, then the maximum lawful price will be, pursuant to section 105(b)(1) of the NGPA, the lower of the new natural gas price or the price under the terms of the existing contract on November 9,

1978, (as such price may be changed from time to time in accordance with contract terms in effect on November 9, 1978). Under § 271.502(b), if the existing contract price exceeded the new natural gas price on November 9, 1978, then the maximum lawful price will be the higher of the new natural gas price or the contract price limited to escalation by the monthly equivalent of the annual inflation adjustment factor.

The term "contract price" is defined in § 271.504 to mean the price per MMBtu charged for deliveries of natural gas occurring on November 9, 1978, or the price that would have been charged had deliveries occurred on that date.

Subpart E sets forth a special rule limiting the price effects of modifications of contract terms executed after November 9, 1978. Section 271.505(a) provides that no such modification may have the effect of requiring the purchaser to bear any greater costs than would have been borne under the terms of the existing contract. Section 271.505(b) stipulates that no such modification may provide for an earlier date for deliveries than provided for in the existing contract. While

non-price terms may be changed by such a modification, they may not result in a higher contract price.

The Commission is particularly interested in receiving comments on these special rules.

PART 271 - SUBPART F

Subpart F of Part 271 implements section 106(b) of the NGPA. Subpart F applies to first sales of natural gas under intrastate rollover contracts, and sets forth the procedure for determining the maximum lawful price applicable to such sales. Two tables are provided in the regulation: one for the prices permitted to be charged under section 106(b)(1), and the other for prices permitted to be charged under section 106(b)(2).

The maximum lawful price under Subpart F for first sales of natural gas under section 106(b)(1) of the NGPA is to be the higher of: (a) the maximum price under the expired contract in the month of expiration as escalated by the monthly equivalent of the annual inflation adjustment factor, or (b) $1.00 per MMBtu escalated from April, 1977 to be escalated by the same inflation adjustments.

The table in § 271.602(b) provides for the maximum lawful price for natural gas to which may be charged for certain State or Indian royalty natural gas production interests under section 106(b)(2) of the NGPA.

Subpart F also contains a special rule similar to § 271.505 regarding clauses in rollover contracts that have the effect of shifting production-related costs to the purchaser without a concomitant decrease in the sale price of natural gas. Section 271.605 mandates that a provision in a rollover contract that differs from the

comparable provision of the expired "existing contract" and which has the effect of shifting such production-related costs to the purchaser, shall be treated as if it is an increase in the first sale price. As in the case of § 271.505, the Commission invites comments and views on this special rule.

PART 271 - SUBPART G

Subpart G of Part 271 implements section 107 of the NGPA, which applies to first sales of natural gas from deep high-cost natural gas wells. It contains a special rule in § 271.704 clarifying the method of determining the depth of a well.

Section 107 of the Act authorizes the Commission to establish incentive prices for gas from geopressurized brine, occluded natural gas from coal seams, and gas from Devonian shale. It also authorizes the Commission to establish incentive prices for gas produced under other conditions as the Commission determines present extraordinary risks or costs.

The proposed regulation does not address the question of incentive prices for the three statutory categories mentioned above, nor does it address the questions of whether additional categories should be designated as "high cost gas." The Commission will address these issues in a separate public notice in which it will seek comments regarding what, if any, incentive price would be appropriate for each of these categories, and what additional gas is produced under conditions which present extraordinary risks or costs.

PART 271 - SUBPART H

Subpart H of Part 271 implements section 108 of the NGPA, which is applicable to first sales of natural gas produced from stripper wells. This subpart contains definitions of terms used in section 108, and prescribes several special rules intended to assist in the application of section 108.

Section 108 of the NGPA provides a maximum lawful price for stripper well natural gas, and prescribes a definition for stripper well gas. According to the general rule prescribed in section 108(b)(1) of the statute, a well is a stripper well if, during the 90-day production period ending within 120 days of the date on which the filing is made it produced nonassociated gas at a rate which did not exceed an average of 60 Mcf per production day, and if the well produced at its maximum efficient rate of flow during such 90-day period. Section 108(b)(2) also provides that a well may continue to qualify as a stripper well if production exceeds 60 Mcf per day during any 90-day production period, if the increased production was the result of the application of recognized enhanced recovery techniques.

Section 271.803 of Subpart H defines "recognized enhanced recovery techniques" and "nonassociated gas." The definition of "recognized enhanced recovery techniques" includes processes or equipment which increase the ultimate recovery of gas from a well and excludes techniques or equipment necessary for normal well maintenance, repair, or replacement.

The proposed definition of "nonassociated natural gas" would permit a stripper well to qualify under this subpart if it produces an average of no more than one barrel of oil per production day during the 90-day production period which is the basis of the determination of stripper well status. Because of the significance of this definition comments and suggestions on this question are specifically invited.

Section 271.804 sets forth special rules which interpret and apply terms used in the NGPA. Section 271.804(a) and (b) concern the methodology for measurement of production from a well. Section 271.804(a) states that the volumetric basis for determining the rate of production from a single well is the total volume of gas produced from all producing intervals of the well. Section 271.804(b) applies when the wells are not individually metered.

In this circumstance, jurisdictional agencies may average rates of production in order to determine whether particular wells are stripper wells. For example, six wells may be attached to a single meter. If the meter showed deliveries averaging 240 Mcf per production day or less during the relevant period, presumptively all wells would qualify. If, on the other hand, deliveries from the six wells averaged 370 Mcf per production day, then presumptively, none of the wells would qualify. In either case, alternative evidence may be offered in rebuttal to establish qualification or the lack of qualification.

Section 271.804(d) is a rule applying the statutory requirements with respect to "maximum efficient rate of flow" (MER). The proposed rule provides that a well is presumed to have produced at its MER during the 90-day production period if it produced an average volume of 60 Mcf or less per production day during a 12-month period ending concurrently with the 90-day production period which is the basis for the determination. There may, however, be situations in which a 12-month production history is not available. In such situations the jurisdictional agency may look to other types of evidence, such as flow tests, which would measure the production capability of a well, or

it may defer making the determination for a time necessary to acquire and submit a 12-month production history. If the agency defers the determination, the applicant would, if contractually entitled, be able to collect the stripper price subject to refund.

Section 271.804(e) is a special rule which permits wells to retain stripper status despite increases in production above the 60 Mcf per day level, provided the increase is attributable to seasonal fluctuations. Jurisdictional agencies may make the determination that a well is seasonally affected on the basis of production history over a 24-month period if production from the well has not and cannot reasonably be expected to exceed an average of 60 Mcf per day for any 12-month period.

Section 271.805 is a rule implementing section 108(b)(2) of the NGPA. The rule disqualifies wells which, subsequent to the jurisdictional agency determination, produce quantities of gas in excess of the amounts permitted by the law and this subpart.

The proposed rule provides for a reporting mechanism to monitor the continued qualification of the well. Both the operator of the well and the purchaser of the gas must report any increase in gas production above an average of 60 Mcf per production day for any 90-day production period. Unless the operator receives a determination from a jurisdictional agency that the increase was due to the application of recognized enhanced recovery techniques, or is determined to be seasonably affected, he may no longer collect the stripper price for the well. If the operator files a petition for a determination that the increase in production results from enhanced recovery techniques or seasonal fluctuation, continued, collection of the stripper well price shall be made subject to refund for deliveries made after the last day of the applicable 90-day or 12-month production period.

PART 271 - SUBPART I

Subpart I of Part 271 implements section 109 of the NGPA by setting a maximum lawful price for "other categories of natural gas," that is, for first sales of natural gas that are not covered by any maximum lawful price under any other subpart of Part 271. (emphasis supplied)

Section 109 of the NGPA presents an important question of interpretation. The portion of section 109(a) which precedes paragraph (1) limits section 109's application to "natural gas which is not covered by any maximum lawful price under any other section of this subtitle." [emphasis supplied] However, paragraph (1) of section 109(a) specifically includes natural gas "produced from any new well not otherwise qualifying for a higher maximum lawful price." (emphasis supplied) The question presented is whether the general language in section 109(a) is intended to limit the scope of the examples which follow (so that new wells which qualified for a lower price under another section of the NGPA would be excluded from section 109), or whether the specific examples override the general statement of the scope of section 109 (so that new wells otherwise subject to a maximum lawful price which is lower than the 109 price nonetheless be eligible for the higher 109 price.

In this regard, it should be noted that the portion of section 109(a) which precedes paragraphs (1) through (4) introduces those paragraphs with the word "including." Under general rules of construction therefore it would appear that paragraphs (1) through (4) are qualified and controlled by the general statement of applicability which limits 109 to first sales not covered by any maximum lawful price. For this reason, the Commission is tentatively of the view that the first interpretation is correct and has incorporated that interpretation in the regulations implementing Section 109. A special rule in § 271.904 provides that the maximum lawful price in this subpart applies to a first sale of natural gas described in paragraph (1), (2), (3), or (4) of section 109 (a) only if that first sale is not covered by any other maximum lawful price in the NGPA.

As noted above, the Commission is aware that section 109 is susceptible to an interpretation different from the one proposed in the special rule. Comments on the approach taken and suggested alternatives are specifically requested.

PART 271 - SUBPART K

Subpart K of Part 271 of the Commission's proposed regulations implements section 110 of the NGPA. That section permits a first sale price of natural gas to exceed the applicable maximum lawful price for that sale to the extent necessary to recover State severance taxes borne by the seller. It also permits the same treatment for certain production-related costs borne by the seller, if allowed by the Commission.

The treatment to be accorded the addition of State severance taxes to maximum lawful prices is set forth under § 271.1102. The definition of "State severance tax" in § 271.1101 is the definition set forth in the Act. Paragraph (b) of § 271.1101 precludes recovery of those severance taxes which were enacted on or after December 1, 1977, and which do not apply equally to natural gas produced for delivery to interstate commerce and gas produced but not so delivered.

Paragraph (b) of § 271.1102 acknowledges that the just and reasonable rates applicable to natural gas produced from the Permian Basin area included a specific allotment for State severance taxes and excludes those amounts from the provisions of the section.

The section contains a requirement that sellers retain records of transactions in which the maximum lawful price is exceeded as a result of the addition of severance taxes.

The treatment of production-related costs is set forth in § 271.1104. This section establishes a procedure under which the Commission will consider applications for addition to maximum lawful prices only for those production-related costs specified in this section.

Paragraph (b) of the section precludes the filing of any application under this section with respect to natural gas which, as of November 8, 1978, was committed or dedicated to interstate commerce and was subject to a just and reasonable rate in effect at that time. It also precludes applications with respect to natural gas subject to an existing contract, or successor to an existing contract, or a rollover contract.

The proposal provides, in paragraph (c), that applications to the Commission will be considered for costs of gathering, liquifaction or transportation only if those activities occur off-lease. This paragraph also provides that the Commission will consider applications for costs of compression.

Paragraph (d) sets out certain quality standards for natural gas. Only applications covering costs to bring

gas to a quality greater than that specified in the standards in the paragraph will be considered under this paragraph. It also provides an exception to this rule for transactions involving sales to end users.

Section 271.1100(b) excludes from the operation of both § 271.1104 and § 271.1105 relating to production-related costs, natural gas produced from the Prudhoe Bay Unit of Alaska and transported through the system approved under the Alaska Natural Gas Transportation Act of 1976 (ANGTA). Prudhoe Bay is a new and unique producing area for which there is no history of industry practice relative to the bearing of production-related costs. Therefore a separate rule under the provisions of ANGTA for natural gas from that producing area is required and will be promulgated by the Commission in the immediate future.

PART 273

The purpose of Part 273 is the establishment of procedures for the interm collections authorized by section 503(e) of the NGPA. That section permits interim collection, subject to refund, of those prices for certain categories of natural gas which must be authorized by a determination of well eligibility to be made by the jurisdictional state or federal agency and then reviewed by the Commission. These categories are new gas and certain OCS gas (as defined in section 102 of the NGPA), gas from new onshore production wells (section 103) high-cost natural gas (section 107) and stripper well gas (section 108).

Description of the regulations. Part 273 is divided into three subparts covering general provisions, the four separate provisions for interim and retroactive collections, and the procedures for refund guarantees and refund payments. Section 273.101 states that general authorization under these regulations to collect a maximum lawful price for a particular category of gas does not give a seller the right to collect a price which is higher than that permitted by the sales contract. Section 273.102 defines a "final determination" for purposes of this part as a determination of eligibility by the jurisdictional state or federal agency which is no longer subject to the

possibility of review and reversal by the Commission or the courts. It should be noted that under section 503(d)(1) of the NGPA a determination which has already become final can be reviewed and modified later if it was based in part on a factual statement which was untrue or materially misleading. Section 273.103 requires each seller to file an annual report of any collections and refunds under this part. Prior to the end of the first reporting period, on December 31, 1979, the Commission will issue a further rule specifying the form and scope of this report.

Subpart B of Part 273 provides the specific rules for interim collections and for retroactive collections where the maximum lawful price established by a final determination exceeds the price collected on an interim basis. Section 273.201 establishes a transitional rule for sales from new wells. It will expire on March 1, 1979. A seller may collect, subject to refund, the price specified in section 109 of the NGPA if an application for determination will be submitted to the jurisdictional agency by March 1, 1979. A seller may charge and collect the price determined under section 109 of the NGA and specified in paragraph (a) of § 273.201 ($1.630 per MMBtu for December 1978) after complying with the filing requirements of this section and until March 1, 1979. To qualify for this collection

authority, a seller must file with the Commission sworn statements that the sale is being made from a new well and is eligible for the price to be collected and that the seller has filed an application for determination with the jurisdictional agency or will do so by March 1, 1979.

After that application for determination has been filed, a seller may use the procedure established by § 273.202 to collect, subject to refund, the maximum lawful price for which the sale is believed to be eligible, for a period of up to eighteen months (or twelve months where collections under the section begin on or after May 1, 1979). To qualify for this interim collection authority, a seller must fulfill certain filing requirements, by submitting a sworn statement of eligibility, a duplicate of the NGPA form on which the application for determination has been submitted, and a statement certifying that a portion of the amounts collected under this procedure will be placed in escrow or secured by surety bond.

The authorization to make interim collections of the price for which the sale is believed to be eligible terminates on the date on which the Commission receives a notice that a determination of eligibility has been made or after

eighteen months (or twelve months where collections under the section begin on or after May 1, 1979) where no determination has been made. After such termination, the seller may not use this procedure again for this sale or any other sales from the same well. The seller will be limited to collection of the applicable maximum lawful price specified in Subparts D, E, F, or I of Part 271 until an initial determination is made, and § 273.203 can be used to collect the price established by that determination.

When the jurisdictional agency issues its determination of eligibility for the well from which the sale is being made, § 273.203 authorizes interim collection, subject to refund, of the price established by that initial determination. Within 15 days after interim collections begin under this section, a notice of collections must be filed with the Commission and served upon the purchasers. There are no other filing requirements under this section. The authority to collect the price established by the initial determination of eligibility ends 15 days after that determination has been reviewed and becomes final. If the Commission does not approve or reverse an initial determination, but makes a final finding that the determination should be remanded to the state or federal agency for further consideration, then the seller may continue to

collect the price established by the remanded determination for up to six months during reconsideration by the jurisdictional agency.

When a determination of well eligibility becomes final, a seller may immediately collect the price established there for all future sales from that well under the authority of the applicable section of Title I of the NGPA and Part 271 of these regulations. Section 273.204 of this part authorizes the retroactive collection of that finally-determined price for all first sales of gas delivered after the application for determination was filed. If this application is filed by March 1, 1979, then retroactive collections may be made for gas delivered on or after December 1, 1978. There are several qualifying conditions. A seller may not make retroactive collections for any first sale if the seller has not fully complied with all of the filing requirements and other provisions of these regulations for every first sale made by that seller. Similarly, a seller may not collect a retroactive amount from each purchaser for any sale until the seller has refunded to that purchaser all amounts which are then due to be refunded for the same sale or any other sale.

In some instances, the provisions of this part will be used to collect interim prices for first sales of natural

gas which was committed or dedicated to interstate commerce on November 8, 1978, the day before the date of enactment of the NGPA. Under section 601(a)(1) (B) of the NGPA, sales of committed or dedicated gas will be subject to the Commission's jurisdiction under the Natural Gas Act, particularly to the filing requirements for making a rate change, until a final determination that such gas qualifies as high-cost gas, new gas, or gas produced from a new onshore production well. The relationship between the filing requirements of these NGPA regulations and Part 154 of the regulations under the Natural Gas Act will be discussed in the Commission's final rule amending § 154.94(h) of Part 154 to be issued shortly in Docket No. RM79-4. Under the final rule, in the case of interim collections for first sales of gas which remain subject to the requirements of the Natural Gas Act, full compliance with the filing requirements of this part of the regulations under the NGPA will also satisfy the additional filing requirements under section 4(e) of the Natural Gas Act and Part 154 of the Commission's regulations. Thus, a seller which makes the filing required by § 273.203(c) may collect the price specified in the application for determination of eligibility without submitting the prior notice of rate change required

by § 154.94 of the Commission's regulations under the Natural Gas Act.

Subpart C of this part establishes procedures to assure that any interim collections will be refunded as necessary and for the actual payment of refunds with interest after a final determination that a first sale does not qualify for a price already collected under this part. Section 273.301 establishes a general obligation upon each seller to refund any collections which are not authorized by the NGPA and these regulations, if ordered to do so by the Commission at any time. For example, a determination can be reconsidered and modified after it becomes final, if it was based on an untrue or materially misleading statement of facts in the application for determination. As a result of that modification, additional refunds could be ordered even though the seller would have already discharged any specific refund obligations under § 273.302 and the prior final determination.

Section 273.302 sets out specific procedures for refund assurance and payment. A seller's potential liability to refund any interim collections must first be secured by the filing of a written undertaking to make refunds using one of the forms set out in § 273.302(b). A seller must file a series of refund undertakings covering collections for sales from the wells identified in an appendix to each

successive undertaking or one blanket undertaking which is a general agreement to make all refunds which may be required under the NGPA.

Interim collections that are made under § 273.202 pending an initial determination of eligibility and the proper price are subject to an additional requirement providing refund assurance. The seller is further required to secure surety bonds or to place in escrow the portion of the price collected under § 273.202 which exceeds the maximum lawful price determined under Section 109 of the NGPA (for sales from new wells) or the maximum lawful price under Sections 104, 105 or 106 of the NGPA (for sales from old wells).

Other provisions of § 273.302 require each seller to maintain full records of the amounts that are collected, subject to refund, and to make the actual refunds by cash or check within fifteen days after the applicable determination of eligibility becomes final. There is no provision for any other method to discharge a refund obligation, such as by work-offs, commitment of additional reserves to each purchaser, or reduction of the price charged for future deliveres. Permission to use an alternative refund method will be granted only in exceptional cases.

PARTS 274 AND 275

General. Under certain sections of the NGPA, eligibility for the maximum lawful price established by the Act is initially determined by the state and federal agency with regulatory jurisdiction over the production of natural gas. Jurisdictional agencies' determinations are subject to review by the Commission.

Jurisdictional agencies are authorized to make the determinations with respect to:

(1) new natural gas under section 102(c) of the NGPA;

(2) certain gas from the OCS under section 102(d);

(3) new onshore production, defined in section 103(c);

(4) high-cost natural gas defined in section 107(c); and

(5) stripper well natural gas defined in section 108(b).

The purpose of Subparts B, C, G, and H, of Part 271, is to reflect the statutory criteria for qualification for the maximum lawful prices for the categories of gas noted above and to propose rules necessary to clarify or implement those provisions. Subpart B of Part 274 of the proposal contains the filing requirements the Commission proposes to apply to applications for determinations filed with jurisdictional agencies. Other sections of the proposal apply to the procedures by which jurisdictional agencies

make initial determinations and give notice of determinations to the Commission (Part 274, Subpart A) and the method by which the Commission will review those determinations (Part 275, Subpart B). Each of these provisions is summarized below.

PART 274 - SUBPART A

Subpart A of Part 274 prescribes procedures by which jurisdictional agencies make determinations pursuant to and in accordance with the NGPA. This subpart provides that the procedures to be applied are those followed by the agency to make comparable determinations. In addition, this subpart contains a rule concerning the manner in which a jurisdictional agency must notify the Commission that it has made a final determination of eligibility.

Section 274.102 provides that a determination is made once it is "administratively final" before the jurisdictional agency. If, for example, a state agency's decisions are normally subject to rehearing under its usual procedures, the determination is not final until the period for rehearing expires or rehearing is sought and denied.

Section 274.104 provides that a jurisdictional agency must notify the Commission within 15 days after making a determination and prescribes the manner in which the jurisdictional agency shall give the notice. Section 274.105 provides an option to the procedures prescribed in § 274.104. If an agency chooses to adopt the § 274.105 option, it may file with the Commission a report in which it undertakes to make the necessary determinations and which includes a description of the

procedures which it would follow in making them. The jurisdictional agency would then be relieved of the obligation to describe its procedures in each case. The public, and more especially representatives of the various agencies involved, are invited to suggest revisions or alternatives to this subpart which would both preserve state procedures and provide the Commission with an adequate basis for fulfilling its review responsibilities.

PART 274 - SUBPART B

Subpart B of Part 274 prescribes the filing requirements which must be met by an applicant to obtain a determination for new natural gas from a jurisdictional agency.

Section 274.201 sets forth general rules applicable to all applications. Succeeding sections impose specific requirements depending on the nature of the determination sought. The general requirements include a provision that applicants give notice of applications to their purchasers. Jurisdictional agencies may prescribe additional filing requirements.

Section 274.202 sets forth filing requirements for a determination that gas qualifies as new natural gas under

section 102 of the NGPA. The regulations require an applicant to present evidence substantiating, to the extent practicable, each element of proof required for a determination of eligibility. Section 274.202(c)(1) is typical of other sections in this subpart in that the applicant must file certain specific documents as well as the oath statements. Each applicant filing for a new onshore well determination under § 274.202(c)(1), must file a location plat showing all wells within 2.5 miles of his own well. He must then demonstrate that none of these wells is a marker well. In order to meet this burden, an applicant must consult all available records which would indicate whether any of these wells produced in commercial quantities at any time during the period from January 1, 1970 to April 20, 1977. Rather than require an applicant to file all production records along with the application, however, the proposal requires the filing of a statement, under oath, describing his search of records, and attesting to the fact that none of these wells is a marker well. The applicant's description of his search of records will enable jurisdictional agencies to verify the applicant's conclusion. This regulation is similar to the others which impose filing requirements. It

attempts to strike a balance between the need to support each determination by substantial evidence and the potential for excessive burdens on applicants and jurisdictional agencies.

Applicants filing under § 274.202(d) for a new onshore reservoir determination must submit geological information which demonstrates that production is from a new onshore reservoir. These data are accompanied by an attestation similar to that required by paragraph (c). In all cases individual agencies may, if they wish, require the filings of all documents relied upon by the applicant. The Commission has taken a similar approach toward filing requirements under § 274.203.

Section 274.206 prescribes the filing requirements for applications for stripper well determinations. To a greater extent than other sections of this subpart, this section requires the submission of actual documents rather than oath statements. In addition to the documents, applicants must submit an affidavit attesting to the well's eligibility.

Section 274.207 entitled "Alternative filing requirements," acknowledges that due to differences in State records, some jurisdictional agencies may desire or need to resort to documents other than those required by these proposed regulations.

Under tnis section, a state agency may propose alternate filing requirements which might replace some or all of the requirements specifically provided elsewhere in Subpart B. If the Commission concludes that the alternative requirements are more appropriate for a particular state and will satisfy the evidentiary requirement it may approve the alternative requirements. Upon such approval, applicants for determinations would file according to the alternate plan rather than under Subpart B.

The Commission wishes to emphasize the need for public comment on this subpart. It is essential that filing requirements be practical and manageable from the standpoint of both the applicants and the jurisdictional agencies. It is also essential, however, that they provide the jurisdictional agencies and the Commission with substantial evidence on which to make and review determinations.

PART 274 - SUBPART C

Subpart C of Part 274 briefly prescribes the procedures by which a jurisdictional agency may execute an agreement to waive its authority to make NGPA determinations. It implements section 103(c)(2) of the NGPA.

In order for a jurisdictional agency to waive its authority, it must enter into an agreement with the Commission. Under § 274.302, an agency may submit a request for waiver to the Commission. Section 274.303, specifies the contents of such a request and requires an agency to state the reasons and the necessity for a waiver. If the Commission agrees to enter an agreement of waiver, it may do so on terms and conditions agreed to by the Commission and the jurisdictional agency. The provisions of § 274.303 specify the method of terminating the waiver agreement by either the Commission or the jurisdictional agency. Section 274.303 provides that the Commission shall give public notice of all agreements of waiver and that once a waiver agreement is executed, applicants should file for determinations with the Commission according to the filing requirements set forth in Subpart B of Part 274.

PART 275 - SUBPART B

Subpart B of Part 275 prescribes the procedures governing Commission review of determinations by jurisdictional agencies. The regulations are promulgated under the provisions of section 503 of the NGPA and the general rulemaking authority of section 501(a) of the Act.

Section 275.201 provides that upon receipt of the notice of determination from a jurisdictional agency, the Commission will give public notice of the determination in the Federal Register. In addition to identifying the specific proceeding, the notice will indicate that the record of the proceeding is available for inspection in the Commission's Office of Public Information.

Subparagraph (a)(1) of § 275.202 tracks section 503(b)(1) and (2) of the statute in setting forth the standards which govern Commission review. The Commission will reverse decisions not supported by substantial evidence and will remand decisions to the jurisdictional agency if there is evidence in the Commission's records which was not before the jurisdictional agency and which is inconsistent with the determination. Section 275.202(b) also contains procedures under which the Commission will return determinations to jurisdictional agencies based on applications which

did not comply with applicable filing requirements. Unless a conforming application to the jurisdictional agency is made within 45 days, the applicant's right to any interim collection of the requested rate terminates.

Under § 275.203 any person may file a protest with the Commission within 15 days after the Commission publishes notice of receipt of a determination by a jurisdictional agency. Any person protesting a determination must indicate whether it is alleged that the determination is not supported by substantial evidence or that there is inconsistent information in the Commission's files. It should be noted that under § 275.203(b)(iii), a protestor may submit information for inclusion in the Commission's public records. Accordingly, the data or information on which the Commission may rely in remanding a determination need not have been in the Commission's records at the time the jurisdictional agency made the determination.

Section 275.202(d) provides for conferences with the Commission staff after issuance of a preliminary finding. While the NGPA does not require such a procedure, the Commission wishes to provide an opportunity to all parties,

including jurisdictional agencies, to present views concerning a determination. In addition, the conference procedure will assist the Commission in making a judgment on review.

Section 275.202(e), consistent with sections 503(b)(1)(B), and (b)(2)(B) provides that the Commission will issue a final order within 120 days after issuance of a preliminary finding. While the statute requires a final order only when the Commission wishes to reverse or remand a decision, the proposal provides that the Commission will issue such an order in any case in which a protest was filed and a preliminary reversal or remand was issued.

Under section 503(d), final determinations are binding unless based on an untrue statement of fact, or a record from which a statement of material fact was omitted. Section 275.205 of the proposal sets forth a procedure for reopening determinations on those grounds. The Commission may, at any time, on its own motion or in response to a petition, reopen a determination if it appears that the necessary grounds exist.

If the Commission does reopen a determination, it will give notice to the jurisdictional agency involved as well as to all persons who participated in the prior

proceeding. Within 150 days of the Commission order reopening a determination the Commission will issue a final order after giving all persons who received notice an opportunity to express their views. If the Commission finds that the requisite grounds exist, it will vacate the determination and order remedies, including refunds, as it deems appropriate.

In conjunction with the substantive rules and the regulations concerning filing requirements, this subpart should provide an adequate basis for the exercise of review authority. In addition, this subpart is intended to open the review procedure to all interested persons to the extent possible within the time constraints imposed by the statute. The proposals in this subpart should be considered with these purposes in mind. The Commission is particularly interested in comments on this subpart.

PART 276 - SUBPART A

Subpart A of Part 276 sets forth reporting requirements applicable to first sales of natural gas sold under existing intrastate contracts, intrastate rollover contracts, and other categories of natural gas (Subparts E, F and I of Part 271).

In each case, certain information is required of the seller. If the purchaser of gas under section 105 or 106 of the NGPA is a pipeline, the purchaser must also file reports. Finally, in some instances, sellers of less than 10,000 MMcf of natural gas per year may elect to make oath filings instead of detailed reports.

A seller of natural gas under an existing intrastate contract must file annually a report setting forth detailed contract information as well as an oath filing that the information in the report is true, and that sales in the reporting period comply with the NGPA and Subpart E of Part 271. Successive annual reports need not restate previously reported information.

If the sale is to an interstate or intrastate pipeline, the pipeline, rather than the seller, is responsible for filing the detailed contract information, as well as an oath statement as to the accuracy of the information. If

a pipeline purchaser makes the principal filing, the seller must still file a statement under oath that the sale complies with the NGPA and Subpart E of Part 271, and that the seller undertakes to retain records reflecting the detailed information.

Reports required with respect to sales under intrastate rollover contracts are essentially the same as for sales under existing intrastate contracts, with appropriate modifications, and are set forth in § 276.103.

The annual reports with respect to sales under Subpart I of Part 271 are set forth in § 276.104. This report, filed by the seller, is required to provide detailed information with respect to the sale and an oath statement that the gas does not qualify under any subpart of Part 271 which provides a maximum lawful price lower than that under Subpart I, and that if the gas was committed or dedicated to interstate commerce a notice of rate change has been filed pursuant to § 154.94. The oath filing must also contain a statement regarding compliance with the NGPA and Subpart I and the truth of the information.

Sellers who sell less that 10,000 MMcf per year may elect reduced reporting requirements with respect to sales to purchasers other than pipelines under Subparts E and F. These sellers may file, instead of detailed information

otherwise required an oath statement as to compliance with the NGPA and applicable regulations and as to an undertaking to retain books and records containing the requisite information.

PART 284

Part 284 implements sections 311 and 312 of the NGPA in four subparts. Subpart A (section 311(a)) covers transportation of natural gas by interstate pipelines. Subpart B (section 311(a)) covers transportation by intrastate pipelines. Subpart C (section 311(b)) is proposed to become effective to cover sales by intrastate pipelines occurring after this winter heating season. A modification of the Commission's existing 60-day emergency transaction rules is proposed for implementation on December 1. Subpart D (section 312) provides for the assignment by intrastate pipelines of the contractual right to receive surplus natural gas.

PART 284 - SUBPART A

Subpart A provides that interstate pipelines may without prior Commission approval transport gas on behalf of intrastate pipelines and local distribution companies. The rates must be just and reasonable. If the interstate pipeline has on file a rate schedule applicable to these transactions, it must use the rates contained therein. Otherwise, it may charge either (1) a rate based on the methodology for recovering the transmission component of its sales rates, or (2) a rate for comparable service under its transportation rate schedule. Revenues in excess of

1 cent per Mcf must be credited and flowed back except to the extent the revenues (or volumes) have already been taken into account for rate purposes.

Contracts must be conditioned upon available capacity and compliance with the regulations. The maximum duration is two years, with rights to apply for extensions for additional two-year periods.

Reports required are the initial report (30 days after service begins), a subsequent report whenever information in the initial report requires updating; an extension report (90 days before extension) and a final report (30 days after termination).

PART 284 - SUBPART B

Subpart B provides for transportation of natural gas without prior Commission approval by intrastate pipelines on behalf of interstate pipelines and local distribution companies served by interstate pipelines. Rates are required to be fair and equitable. An intrastate pipeline may charge either (1) a rate based on methodolody for recovering the transmission component of its effective sales rates, or (2) a rate contained in a transportation schedule for comparable service.

Transportation arrangements and extensions (permitted unless disapproved by the Commission) may not exceed two years. The Commission may impose appropriate terms and conditions. Reporting requirements are similar to those in Subpart A.

PART 284 - SUBPART C

Subpart C is proposed to implement section 311(b) of the NGPA which, when adopted after this winter, will among other things, replace the emergency transaction exemptions. The proposal in its present form would authorize sales by intrastate pipelines to interstate pipelines and local distribution companies without prior Commission approval, but such sales could be terminated upon complaint or the Commission's own motion if the Commission made certain determinations set forth in the NGPA. Rates would be required to be fair and equitable, providing reasonable compensation for services and a reasonable opportunity for profit, plus an adjustment for current costs incurred under prescribed circumstances due to the sale, in addition to the pipeline's current weighted average acquisition cost of gas.

The adjustment would be permitted for natural gas included in a sale by an intrastate pipeline if the gas is acquired under an existing contract, is in excess of volumes that the pipeline would acquire but for the sale, and is priced above the pipeline's current weighted average cost of natural gas. In this case, the price of gas in a sale pursuant to Subpart C would be adjusted upward so as to offset the increase that would otherwise occur in the weighted average acquisition cost of gas. The purpose of the adjustment is to remove any incentive for the intrastate pipeline to defer purchases of gas otherwise available to it while preventing an increase in the cost of gas supplied to the intrastate customers. An example of calculation of an adjustment follows in Table A.

TABLE A - SAMPLE CALCULATION OF ADJUSTMENT

1. Intrastate pipeline purchased 800,000 Mcf during most recent actual 12-month period at a total cost of $1.5 million for a weighted average cost of $1.88 per Mcf.

2. At the time that the sale was being negotiated the lower cost source of supply had escalated so that the total cost of gas was $1.6 million or $2.00 per Mcf.

3. Intrastate pipeline could make available on an interruptible basis up to 100,000 Mcf annually which would be purchased under a contract providing for a price of $2.00 per Mcf in which case there would be no adjustment to the average cost of gas.

4. Alternatively, interruptible volumes of up to 100,000 Mcf annually would be available at a price of $2.50 per Mcf. In this case it would be necessary to charge a $2.50 rate in order not to affect the cost of gas to the regular customers of the pipeline.

Base Period						Current Period				
Mcf		Price		Cost		Mcf		Price		Cost
100,000	x	1.00	=	100,000		100,000	x	2.00	=	200,000
200,000	x	1.50	=	300,000		200,000	x	1.50	=	300,000
300,000	x	2.00	=	600,000		300,000	x	2.00	=	600,000
200,000	x	2.50	=	500,000		200,000	x	2.50	=	500,000
800,000	x	1.88	=	1,500,000		800,000	x	2.00	=	1,600,000

Current Period Adjusted for Add: Sales

Assume Purchase @ $2.00						Assume Purchase @ $2.50				
Mcf		Price		Cost		Mcf		Price		Cost
100,000	x	2.00	=	200,000		100,000	x	2.00	=	200,000
200,000	x	1.50	=	300,000		200,000	x	1.50	=	300,000
400,000	x	2.00	=	800,000		300,000	x	2.00	=	600,000
200,000	x	2.50	=	500,000		300,000	x	2.50	=	750,000
900,000	x	2.00	=	1,800,000		900,000	x	2.06	=	1,850,000

1,850,000
- 1,800,000
50,000 + 100,000 Mcf = $.50

Average cost of gas = $2.00
Adjustment = .50
Total = $2.50

Sales would be subject to interruption if necessary for adequate service to the intrastate pipeline's other customers. Other terms and conditions could be imposed.

The proposed Subpart C is included in the Notice of Proposed Rulemaking to be issued simultaneously with these interim regulations, but is proposed to be adopted after this winter heating season so a smooth transition may be accomplished between implementation of the emergency exemption provisions of § 7(c) of the Natural Gas Act and implementation of section 312 of the NGPA. A revised version of the Commission's current emergency program, terminating Docket No. RM78-7 will be adopted to be effective this winter only. The interim rule for emergency transactions is discussed below.

PART 284 - SUBPART D

Subpart D implements section 312 of the NGPA, and requires prior Commission approval for certain assignments of an intrastate pipeline's contractual right to receive surplus gas. Assignments would be authorized only if the Commission determined them to be consistent with Subpart D and the NGPA, and necessary or appropriate in the public interest. An exception to the prior approval rule would cover assignments of rights to receive gas if it were priced at or below the new gas price. These would be self-executing, subject to terms and conditions imposed by the Commission, and to certain reporting requirements. If an assignment

is authorized, any intrastate pipeline could assign all or any portion of its contractual right to receive surplus natural gas to an interstate pipeline or local distribution company. The intrastate pipeline would have to furnish documentation of a determination by the state regulatory agency having jurisdiction over it that the gas involved was surplus.

EMERGENCY SALE EXEMPTIONS

Background

On April 7, 1978, the Commission issued a Request for Comments regarding its proposed review of the 60-day emergency provisions for the sale and transportation of natural gas in interstate commerce. Comments were received from parties representing a wide range of interests, including independent and associated producers, intrastate and interstate pipelines, distribution companies, industrial consumers and the public.

After the comments were reviewed and analyzed the Commission issued a Notice of Proposed Rulemaking on August 14, 1978, and again requested comments. The proposal would have substantially changed the existing regulations covering emergency transactions.

Summary of the Proposal

The existing regulations, 18 C.F.R. §§ 2.68, 157.22 and 157.29, create exemptions from the certificate requirements of section 7 of the Natural Gas Act for the transportation and sale of natural gas in interstate commerce. Under these provisions emergency supplies of natural gas were obtained in substantial quantities in past winter heating periods and during times of summer storage fill, at market prices in excess of otherwise applicable national or area rates governing jurisdictional sales. The existing regulations allow a pipeline to buy emergency gas for 60-day periods whenever lack of supplies forces it to curtail its service to any customer. Each pipeline has the option of either injecting the emergency gas into its general system supply and recovering the costs through the purchased gas adjustment accounts, or specifically assigning the supplies to the customers in need of them and charging those customers for the cost of the volumes they receive.

The proposal also would have allowed exemptions from the certificate requirements but would have imposed stricter criteria for participation in the transactions. Emergency supplies would have been made available only for certain high priority end users, not including large industrials which have alternate fuel facilities and alternate fuels available during severe supply emergencies. The sales

would have been allowed for 60 days only, without any extensions except under certain limited circumstances.

Pipelines would have been allowed to inject emergency gas into their system supply only when force majeure-type emergencies existed or for summer storage injection. Otherwise, the gas and its costs would have had to be directly assigned to the customer who requested it.

The proposal would have placed a restrictive standard on rates for emergency sales and transportation. Most importantly a rebuttable presumption of prudence was accorded only to producer sales in cases where the price was less than or equal to the current intrastate producer's sales of comparable location contract vintage as reported in FPC Form 45 and where the price was the lowest offer obtained as a result of inquiries with at least three qualified sellers.

The proposal also required additional reporting requirements to allow the Commission to monitor activities of emergency purchasers and sellers and to reduce the number of unnecessary emergency transactions.

Basis of this Amendment

The enactment of the NGPA on November 9, 1978, changed much of the statutory authority on which the proposed

emergency transaction exemptions were based. Title I of the Act establishes first sale price controls for interstate and intrastate natural gas. No longer are certificates required for new producer sales to the interstate market. Section 311 of the NGPA authorizes the Commission to allow intrastate pipelines to transport interstate gas without a certificate and allows interstate pipelines to transport gas on behalf of intrastate pipelines and local distribution companies. This authority has been implemented in Part 284 of the regulations. As a result, in large part, producer sales and pipeline transportation of intrastate gas in interstate commerce no longer require exemptions from the certificate requirements of the NGA.

Sales by an intrastate pipeline to interstate pipelines may be authorized pursuant the authority vested in the Commission by the NGPA subject to certain statutory conditions and requirements. Because such transactions are not first sales under Title I of the NGPA, intrastate pipeline sales would continue to be governed under the NGA unless and until the Commission exercises its authority under Section 311(b) of the NGPA.

Inasmuch as the winter heating season is already upon us and in light of the potential for confusion and complication as would result from any attempt to implement for

immediate application the section 311(b) authority, the Commission has determined to bring to conclusion its pending rulemaking and issue a rule which will largely leave the current emergency program in place for this winter. We therefore propose to notice for comment a proposed regulation implementing 311(b) but have suggested an effective date of March 31, 1979 - the conclusion of the current winter heating period.

Thus amendments to the existing regulations relating to emergency sales will terminate Docket No. RM78-7. This rule continues the 60-day emergency sales program, as modified, for this winter heating season and will eventually be replaced by regulations implementing the Commission's authority over sales under section 311(b) of the NGPA. The 60-day emergency program is temporarily implemented to permit a smooth transition from existing regulatory provisions to the regulations to be adopted pursuant to NGPA.

Comments

The comments received in Docket No. RM78-7, relating to producer sales, ceiling prices and pipeline transportation will not be discussed here. These issues have been resolved by the passage of the NGPA. Accordingly, our discussion is focused on those comments and issues which

remain relevant to this rulemaking including the definition of regulation of emergency; purchaser qualifications; methods of insuring complaince with the regulations; the duration of the transactions; price ceilings; reporting requirements; and the effective date of this rule.

The definition of emergency, in the proposal, required pipelines to focus on actual needs of end users rather than on the pipeline's curtailment. Many of the comments opposed such criteria. Because this rule is temporary only, and intended to operate during a transition period, the Commission has determined to adopt a definition of emergency that includes curtailment on a pipeline's system, a sudden unanticipated loss of supply or a situation where emergency gas is needed to protect life, health or physical property.

Purchaser qualification, in the proposal, allowed only distribution companies or interstate pipelines to purchase emergency supplies. Several of the commentators felt that qualified purchasers should be expanded to include direct industrials and all persons exempt from the provisions of the Natural Gas Act pursuant to section 1(c). The final rule does not enlarge the category of qualified purchasers. This rule will apply this winter only. The Commission points out, however, that the final rule like the proposal does permit direct assignment of emergency gas to industrial needs.

The methods of insuring compliance with the regulation caused concern among many of the commentators. Many felt that compliance with many of the requirements was beyond the control of each participant and that participants should be responsible only for those conditions which they could control. The Commission's intent behind insuring compliance is limited to guaranteeing that each participant fulfill the requirements applicable to his or her participation. Participants are responsible for the actions of other participants only to the extent explicitly described in the regulation.

The proposed duration of the transactions, which were limited to sixty days with extensions, did not draw significant comments. The Commission will adopt the 60-day limitation with extensions, as proposed.

The price ceilings aroused much concern among producers but no longer apply to them. Intrastate pipelines stated they should be allowed to charge all replacement costs rather than be limited to the weighted average system-wide costs with adjustments.

The reporting requirements were generally accepted. Some commentators stated that the requirements were unreasonably burdensome. Only two reports, however, are required. One is simply a notification with information

which may be briefly stated. The other requires more extensive information which should be readily available. Both requirements are necessary for the Commission to monitor emergency transactions.

Summary of the Emergency Exemptions Made Effective by this Rule

The emergency exemption rule deletes §§ 2.68, 157.22 and 157.29 from the regulations, and applies to emergency sales of gas by "qualified sellers," defined as any intrastate pipeline, interstate pipeline or local distribution company. "Qualified purchasers" are interstate pipelines and local distribution companies. Emergency sales are exempted from the certificate requirements of section 7 of the NGA so long as they meet the requirements of the emergency sale regulations.

Emergency supplies may be purchased only in cases of an emergency as defined in the regulations. Emergency transactions may not last more than 60 consecutive days unless the qualified purchaser has filed a petition requesting waiver for another 60 days and the Commission was not denied the petition. Emergency supplies may be injected into system supply or directly assigned to a pipeline customer. Sales by interstate pipelines shall be made at rates prescribed in their tariffs. Sales by

intrastate pipelines and distribution companies will be rebuttably presumed to be prudent if they do not exceed the maximum lawful price for new gas under § 271.202. Revenues in excess of 1 cent per Mcf must be credited and flowed back except to the extent the revenues (or volumes) have already been taken into account for rate purposes.

The interstate pipeline shall notify the Commission of any deliveries of emergency gas within 48 hours after commencement of the deliveries. They shall also submit reports each period in which emergency gas is delivered which will provide the Commission more extensive information.

Effective Date

The effective date of this rule is December 1, 1978. For the reasons stated with respect to the interim rules under the Natural Gas Policy Act of 1978, and because we are already in the midst of the winter heating season the Commission finds that good cause exists to waive publication of these amendments thirty days prior to their effective date.

III. PUBLIC PROCEDURE

Although the NGPA was not enacted until November 9, 1978, most of its provisions become effective on December 1, 1978. On that date, persons affected by the Act, including a large portion of the natural gas industry not previously regulated by the Federal government, will be subject to a comprehensive and complex new regulatory structure. For reasons set out more fully below, regulations implementing the Act must be effective on December 1, 1978, both for guidance to those regulated and to insure compliance with the new law.

When it became apparent that the period between final enactment of the law and its effective date would not provide sufficient time for the normal rulemaking procedures, the Commission established the following schedule and procedures.

The Commission has been meeting in public session since November 1, 1978, in order to discuss regulations drafted by the staff to implement the NGPA. Prior to the first meeting, the Commission made copies of the various proposals under consideration available to the public. As successive drafts were completed, these too were released prior to Commission discussion. During all of this period, certain members of the Commission staff were publicly designated as contact persons to answer legal and technical questions concerning the implementation of the Act.

The Commission intends to promulgate interim regulations on November 27, 1978. The interim regulations will be effective on December 1. A 60-day comment period will be afforded with respect to the interim regulations and public hearings will be held. The interim regulations will, after the 60-day period and after all views received since November 1, 1978, have been considered, be modified to the extent such comments and the Commission's experience under the interim regulations indicate that modification is appropriate.

The proposal published today provides for a comment period ending on November 20. The Commission is aware that in view of the significance and complexity of these regulations, comments will be extensive. To the extent possible, comments received before November 20 will be reviewed and appropriate changes incorporated into the interim regulations. As stated above, all comments will be retained and considered together with the additional comments received during the 60-day period afforded for comments on the interim regulations. The Commission believes that to the extent practicable, the procedures being followed with respect to these regulations are those best designed to insure maximum public participation prior to the time when the interim regulations must be effective.

In establishing this notice and comment procedure, the Commission has considered a number of factors. Most important, as stated above, is the fact that most of the Act's provisions become effective on December 1, 1978, including provisions establishing maximum lawful prices applicable to first sales of natural gas delivered after November 30, 1978. Some of the prices which may be charged for natural gas deliveries under the Act are established by reference to existing prices. For other categories, pricing determinations must be made by State or Federal agencies with regulatory authority over the production of natural gas. Unless the interim regulations are available on December 1, 1978, members of the public whose sales are governed by provisions of the Act will not be able to ascertain the applicable maximum lawful price governing their sales of natural gas. Indeed, some sellers and transporters of natural gas could unknowingly be in technical violation of the law. Purchasers may be uncertain whether prices requested exceed the prices permitted under the law. Similarly, agencies which must make determinations with respect to eligibility for prices established by the Act must be made aware of Commission requirements applicable to these determinations, including the manner in which the Commission will review such determinations.

After consideration of the problems associated with any delay in promulgating implementing regulations, the Commission has reached the conclusion that because the regulations must be effective by December 1, 1978 good cause exists to limit as described above notice and public procedure on this proposal. Full notice and public procedure on the proposal at this time, which as a practical matter would result in a delay of the effective date of the regulations beyond the effective date of the NGPA, are impractical and contrary to the public interest. It should be emphasized that all of the procedures described above will provide the fullest possible opportunity for public participation during the entire process leading to the promulgation of final regulations.

IV. WRITTEN COMMENTS

Interested persons are invited to submit written comments on the proposed regulations to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426. Comments should reference Docket No. RM79-3 on the outside of the envelope and on all documents submitted to the Commission. In view of the short comment period available on these proposed regulations, and in order that the Commission be able to take into account as many comments as possible, the Commission requests that persons submitting comments assist in three ways. First, persons should identify specifically the section or subpart they are addressing. Second, comments should clearly state whether they involve technical, policy or legal matters. Finally, where comments urge a different approach from one presented, specific alternative language should be proposed to the extent practicable.

Fifteen (15) copies should be submitted. To the extent possible, all comments and related information received by the Commission by November 20, 1978, will be considered prior to the promulgation of interim regulations on November 27, 1978. All comments will be retained and considered prior to the promulgation of final regulations.

(Natural Gas Act, as amended, 15 U.S.C. 717 et seq., Energy Supply and Environmental Coordination Act, 15 U.S.C. 791 et seq., Federal Energy Administration Act, 15 U.S.C. 761 et seq., Natural Gas Policy Act of 1978, P.L. _____, Department of Energy Organization Act, P.L. 95-91, E.O. 12009, 42 F.R. 46267)

In consideration of the foregoing, it is proposed to amend Chapter I of Title 18, Code of Federal Regulations, as set forth below.

By the Commission.
(S E A L)

Kenneth P. Plumb,
Secretary.

THIS IS CERTIFIED TO BE A
TRUE COPY OF THE ORIGINAL

Kenneth F. Plumb

PART 2 - GENERAL POLICY AND INTERPRETATIONS

1. Part 2 is amended by deleting § 2.68 in its entirety.

PART 157 - APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

2. Part 157 is amended by deleting §§ 157.22 and 157.29 in their entirety and by adding new Subparts C (§§ 157.45 through 157.52) and D (§ 157.53), to read as follows:

SUBPART C -- EXEMPTION OF EMERGENCY SALE ARRANGEMENTS FOR NATURAL GAS FROM CERTIFICATE REQUIREMENTS

Sec.
157.45 Purpose.
157.46 Definitions.
157.47 Exemptions from certificate requirements.
157.48 Terms and conditions of emergency transactions.
157.49 Price ceilings for emergency transactions.
157.50 Treatment of revenues from assigned volumes.
157.51 Reporting requirements for emergency transactions.
157.52 Waiver of requirements for emergency transactions.

§ 157.45 Purpose.

(a) The purpose of this subpart is to prescribe the conditions under which certain emergency transactions involving the construction and operation of facilities or the sale or transportation of natural gas in interstate commerce are exempt from the requirements of section 7 of the Natural Gas Act. Requirements relating to certain arrangements for the transportation of natural gas, including transportation in emergency situations, are set forth in

Part 284 of this chapter. Requirements relating to certain arrangements for the transportation of emergency natural gas by interstate pipelines on behalf of another interstate pipeline are set forth in this subpart.

(b) It shall be the policy of the Commission to monitor emergency natural gas transactions to the extent necessary to assure compliance with the requirements of this subpart.

§157.46 Definitions.

For purposes of this subpart:

(a) "Emergency" means:

(1) a situation where the gas supply either available or expected to be available would require the interstate pipeline company or distribution company to impose curtailment on its system;

(2) a sudden unanticipated loss of natural gas supply; or

(3) a situation in which the pipeline purchaser, in good faith, determines that immediate action is required or is reasonably anticipatyed to be required for protection of life or health or for maintenance of physical property.

(b) "Qualified seller" means any intrastate pipeline, interstate pipeline, or distribution company.

(c) "Qualified purchaser" means a distribution company or interstate pipeline.

(d) "Interstate pipeline" means any natural gas company as defined in section 2(6) of the Natural Gas Act which is engaged in the transportation by pipeline of natural gas.

(e) "Distribution company" means any person (or governmental entity) who receives natural gas for local distribution and resale to natural gas users.

(f) "Intrastate pipeline" means any person (other than an interstate pipeline) engaged in the transportation by pipeline of natural gas.

(g) "Emergency natural gas" means natural gas sold or transported to alleviate an emergency in accordance with this subpart.

§ 157.47 Exemptions from certificate requirements.

(a) Any qualified seller or other person engaged in the sale of emergency natural gas, or in the construction and operation of facilities for the sale of emergency natural gas, is exempt from the requirements of section 7 of the Natural Gas Act, to the extent that (1) the sale of emergency natural gas or the construction or operation of facilities is necessary to alleviate an emergency and (2) the sale, construction or operation is conducted in accordance with the provisions of this subpart.

(b) Any interstate pipeline transportating emergency natural gas on behalf of any other interstate pipeline is exempt from any other requirement of section 7 of the Natural Gas Act if such transportation is in accordance with this subpart.

(c) Participation in any transaction described in paragraph (a) of this section shall not subject any person to the jurisdiction of the Commission under the Natural Gas Act except to the extent provided in this subpart.

§ 157.48 Terms and conditions of emergency transactions.

(a) General conditions.

(1) Qualified purchasers may purchase emergency natural gas in accordance with the provisions of this subpart but should make every reasonable attempt to conduct their operations in such a manner as to minimize or, if possible, to avoid continuing reliance upon emergency natural gas supplies.

(2) In applying the definition of emergency, flexibility will be accorded interstate pipelines and distribution companies to account for colder than normal winter weather and to accommodate operations under effective curtailment plans. A reasonable relationship should exist between volumes purchased under this subpart and the volumes which are anticipated to be needed during the emergency.

(3) When a distribution company purchases, or a direct sale customer or distribution company requests assignment of emergency natural gas, a responsible official of the distribution company or direct sale customer shall advise the interstate pipeline which will make the deliveries, before commencement of the deliveries, that the emergency exists or is imminent and shall provide the interstate pipeline with such information as may be required within sufficient time to enable the interstate pipeline to make the reports required in §157.51 of this subpart.

(4) After notice and opportunity for a hearing, the Commission may take appropriate action to insure compliance with this subpart. Upon a determination by the Commission that a person has engaged in emergency transactions and has failed to comply with the conditions of this subpart, the Commission may, in addition to any other remedies, declare the person ineligible to engage in further emergency natural gas transactions without prior Commission approval.

(b) Duration.

Emergency transporation under this subpart shall be limited to a period of not more than 60 consecutive calendar days, except in the following cases:

(1) In the event that the Commission determines that there is a natural gas emergency which is national or

regional in scope, emergency transactions may continue for such period as the Commission may by order prescribe.

(2) Emergency transactions under this subpart may be continued for an additional period of not more than 60 consecutive days where (i) fifteen days prior to the end of the initial 60-day period, the qualified purchaser files a petition requesting a waiver so as to permit one additional 60 day period of exemptions describing fully the continued emergency, and (ii) the Commission does not, within the 15-day period, by order, prohibit continuation of the emergency transactions for such additional period.

(c) Cost of facilities.

No cost associated with facilities installed by interstate pipelines in connection with emergency transactions shall be included in the interstate pipeline's jurisdictional rates unless a certificate of public convenience and necessity has been issued authorizing such facilities.

(d) System supply and direct assignment of supplies.

(1) Interstate pipelines may purchase emergency natural gas for general system supply for an emergency.

(2)(i) Interstate pipelines may purchase emergency natural gas and directly assign volumes and costs associated with such gas, including transportation costs, to

its direct sale and distribution company customers faced with an emergency, if the customer or company complies with paragraph (a)(3) of this section.

(ii) An interstate pipeline, at its discretion, may choose to establish a separate account to cover the cost of all assigned emergency purchases and allocate costs in that account to the individual assignment customers on a weighted average cost oasis. If an interstate pipeline purchases emergency gas supplies for direct assignment in quantities greater than related emergency requirements, then the balance may be used for general system supply. It is expected that such excess emergency natural gas volumes will be small and that pipelines will make every reasonable attempt to balance assignments with supplies. Interstate pipelines may also act as brokers or agents without compensation in acquiring and transporting emergency natural gas for distribution companies faced with an emergency and shall cooperate with these companies in arranging for such acquisition and transportation.

§ 157.49 Price ceilings for emergency transactions.

(a)(1) Rates for transportation by an interstate pipeline under this subpart shall be computed in accordance with subparagraph (2) of this paragraph. Sales by interstate

pipelines shall be made at rates prescribed in their tariffs, except that if the natural gas is purchased for assignment to particular direct customers or distribution companies, the natural gas will be priced to recover the cost of purchased gas plus transportation costs as provided in subparagraph (2) of this paragraph.

(2)(i) If an interstate pipeline has on file with the Commission a transportation rate schedule applicable to transportation arrangements under Subpart A of Part 284, the interstate pipeline shall use the rates contained in that schedule.

(ii) if an interstate pipeline does not have on file with the Commission a transportation rate schedule applicable to transportation arrangements under Subpart A of Part 284, the interstate pipeline may elect either:

(A) to base its rates upon the methodology and cost used in designing rates to recover the transmission and related storage costs included in its then effective sales rate schedules; or

(B) to use the rates contained in a transportation rate schedule on file with the Commission which the interstate pipeline determines covers service comparable to transportation service under Subpart A of Part 284.

(b) The Commission will examine the prudence of emergency purchases by interstate pipelines, except that a rebuttable presumption of prudence shall be accorded to the extent that the rates paid do not exceed the maximum lawful price specified in § 271.202 of this chapter.

§ 157.50 Treatment of revenues from assigned volumes.

An interstate pipeline purchasing emergency natural gas for assignment to particular direct customers or distribution companies shall credit the revenues attributable to the sale of the emergency gas less the cost of the purchased gas plus an allowance of 1.0 cent per Mcf for out-of-pocket costs except where the pipeline can show that:

(a) its currently effective rates are based upon billing determinants which include a representative level of sales associated with assigned volumes; or

(b) its currently effective rates reflect a representative level of revenues associated with sales of assigned volumes which have been credited to the cost of service.

§ 157.51 Reporting requirements for emergency transactions.

(a) Within 48 hours after commencement of deliveries of emergency natural gas, the interstate pipeline shall notify the Commission by telegram of the sale, stating the specific

nature and duration of the emergency; the amount of emergency gency natural gas to be purchased or transported on a daily basis, the name of the seller, transporter, and any person to whom the emergency natural gas is to be assigned; and the price.

(b) For any period during which an interstate pipeline engages in any transaction for emergency natural gas, the interstate pipeline shall file with the Commission, within thirty days after the end of the calendar quarter, whether the transactions are completed or in progress, a sworn statement and four conformed copies thereof, which shall include the following information:

(1) identification of each emergency transaction completed or in progress;

(2) the volumes of emergency natural gas delivered during the quarter under each transaction;

(3) the total revenue or other compensation received by each seller for each emergency transaction during the quarter.

(4) the total amount of revenue or other compensation received for each emergency transaction during the quarter;

(5) the charges and the methods by which the pipeline determined compensation for the transportation of assigned emergency gas;

(6) information relied on to determine eligibility for each transaction;

(7) the volumes of emergency natural gas included in system supply for pipeline emergencies;

(8) a statement from a responsible company official attesting that the activities of the interstate pipeline were carried out in accordance with the requirements of this subpart and to the best of his or her knowledge, an emergency did exist or was reasonably anticipated, and a sworn statement from a responsible company official of each purchasing distribution company or each direct sale customer or distribution company which requested the assignment of mergency supplies describing the emergency circumstances as required by § 157.48(a)(3).

§ 157.52 Waiver of requirements for emergency transactions.

The Commission may by order waive the requirements of this subpart in connection with any emergency transaction to the extent required by the public interest.

SUBPART D - EXEMPTION OF NATURAL GAS SERVICE FOR DRILLING, TESTING, OR PURGING FROM CERTIFICATE REQUIREMENTS

§ 157.53 Drilling of gas or oil wells and testing or purging of new natural gas pipeline facilities.

(a) Construction and operation of facilities necessary to render direct natural gas service for use in the drilling of gas or oil wells or for the use in the testing and purging of new natural gas pipeline facilities are exempted from the certificate requirements of section 7(c) of the Natural Gas Act, when the construction and operation of such facilities are conducted in accordance with paragraph (b) of this section.

(b) Operations undertaken to render direct natural gas service shall be terminated upon the completion of the well or the purging or testing of the pipeline facilities. Persons undertaking any construction or operation of facilities or service under this section shall file an original and two copies of an annual statement, by February 1 of each year, describing their activities hereunder.

3. Chapter I of Title 18 is amended by adding new Subchapters H and I to read as follows:

SUBCHAPTER H - PRODUCER REGULATION UNDER NATURAL GAS POLICY ACT OF 1978

Part

270 - Rules generally applicable to producer regulation.
271 - Ceiling prices.
272 - [Reserved]
273 - Collection authority; refunds.
274 - Determinations by jurisdictional agencies.
275 - Commission determinations and review of jurisdictional agency determinations.
276 - Reports.

PART 270 - RULES GENERALLY APPLICABLE TO PRODUCER REGULATION

Subpart A - General Rules

Sec.
270.101 Application of ceiling prices to first sales of natural gas.
270.102 Definitions.
270.103 Jurisdictional agency.
270.104 Effective date.

§ 270.101 Application of ceiling prices to first sales of natural gas.

(a) Maximum lawful price. It is unlawful for any person to sell natural gas at a first sale price in excess of the highest maximum lawful price applicable to such gas under Part 271.

(b) Effect of maximum lawful price on contract price. If the price established under a contract for the first sale of natural gas does not exceed the applicable maximum lawful

price, then such maximum lawful price does not supersede or nullify the effectiveness of the price established under such contract.

(c) Maximum lawful prices requiring jurisdictional agency determinations. Except to the extent that a seller is authorized to make interim collection under Part 273, the prices specified in the following subparts of part 271 apply to a first sale of natural gas only if the jurisdictional agency determines, in accordance with Parts 274 and 275, that such gas qualifies under such subpart:

(1) Subpart B (relating to new natural gas and certain OCS gas)

(2) Subpart C (relating to new onshore production wells)

(3) Subpart G (relating to high cost natural gas) and

(4) Subpart H (relating to stripper well natural gas)

(d) Other categories of natural gas.

(1) The maximum lawful prices under Subpart D of Part 271 (relating to committed or dedicated gas) apply to a first sale to the extent provided in such subpart, if the applicable filing requirements under §§ 154.92 and 154.94 are met.

(2) The maximum lawful prices under Subparts E, F, and I of Part 271 (relating to existing intrastate contracts, intrastate rollover contracts, and certain other categories of natural gas) apply to first sales of natural gas without requirement of a prior determination by the Commission or a jurisdictional agency.

(e) Refund obligations. Any collection of a first sale price under this subchapter is subject to any refund obligation which may be applicable under Part 273.

§ 270.102 Definitions.

(a) NGPA definitions. Terms defined in the NGPA shall have the same meaning for purposes of this subchapter as they have under the NGPA, unless further defined in this subchapter.

(b) Subchapter H definitions. For purposes of this subchapter:

(1) "NGPA" means the Natural Gas Policy Act of 1978.

(2) "British thermal unit" or "Btu" means the quantity of heat required to raise the temperature of one pound avoirdupois of pure water from 58.5 degrees to 59.5 degrees Fahrenheit. For the purposes of this subchapter, the standard

for measuring the heat value of natural gas is Btu's per cubic foot saturated with water at 60 degrees Fahrenheit and 14.73 psia.

(3) "MMBtu" means million British thermal units.

(4) "Production in commercial quantities" means production of natural gas from a well or reservoir and either sold and delivered to one other than the operator, or retained by the operator or any owner of the production at severance for beneficial economic use, except that natural gas used for the testing of such wells or for other field uses which are production related shall not be considered produced in commercial quantities. Sale and delivery or production for the operator's or other owner's beneficial economic use may be evidenced by any of the following:

(i) payment of severance taxes;

(ii) payment of royalties;

(iii) production reports filed with a jurisdictional agency;

(iv) a sales contract together with verification by a purchaser that gas had been delivered and paid for under the contract; or

(v) any other substantial evidence that production has been sold and delivered or retained for the beneficial use of the operator or other owner of production at severance.

(5) "Crude oil" means a mixture of hydrocarbons that exists in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.

(6) "Surface location" means the point on the earth's surface from which drilling of a well is commenced, except that in the case of a well drilled in permanent surface waters, surface location means the point of penetration of the earth's surface immediately below the water's surface, beneath a floating or fixed drilling structure.

(7) "OCS" means the Outer Continental Shelf as defined in Section 2(35) of the NGPA.

(8) "Existing intrastate contract" means any intrastate contract for the first sale of natural gas in existence on November 8, 1978. A contract is in existence on the date of enactment if on November 8, 1978, there is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty.

(9) "Successor to an existing contract" means any intrastate contract, other than an intrastate rollover contract, entered into on or after November 9, 1978, for the first sale of natural gas which was previously subject to an existing contract, whether or not there is an identity of parties or terms with those of such existing contract. The term "successor to an existing contract" includes a contract the primary term of which has not expired but which has been assigned to a different party in interest. For the purposes of this subchapter "existing intrastate contract" includes "successors to an existing contract" and "successors to an existing intrastate contract".

(10) "Intrastate contract" means any contract applicable to the sale of natural gas which was not committed or dedicated to interstate commerce on November 8, 1978.

(11) "Intrastate rollover contract" means any contract, entered into on or after November 9, 1978, for the first sale of natural gas that was previously subject to an existing intrastate contract which expired at the end of a fixed term (not including any extension thereof taking effect on or after November 9, 1978), specified by the provisions of such existing contract, as such contract was

in effect on November 9, 1978, whether or not there is an identity of parties or terms with those of such existing contract.

§ 270.103 Jurisdictional agency.

(a) Definition. Except as provided in paragraph (b), "jurisdictional agency" means:

(1) With respect to a well on the OCS, the following offices of, the United States Geological Survey:

Area Oil & Gas Supervisor
Suite 336
3301 N. Causeway Blvd.
Metairie, LA 70010

Area Oil & Gas Supervisor
Atlantic OCS Operations
1725 K Street, NW, Suite 204
Wash., DC 20244

(2) With respect to a well on lands within the boundaries of a State (including offshore State lands and Federal lands), tne agency specified in the following table:

State in which well is located	Jurisdictional Agency for wells on	
	Federal	Other lands
Alabama	Area Oil & Gas Supervisor Suite 204 1725 K St., NW Wash., DC 20244	Oil & Gas Supervisor State Oil & Gas Board, Drawer O University, AL 35486
Alaska	Area Oil & Gas Supervisor P.O. Box 259 800 A Street Suite 109 Anchorage, AK 99510	Oil & Gas Conservation Division Department of Natural Resources 3001 Porcupine Drive Anchorage, AK 99504
Arizona	Area Oil & Gas Supervisor 7211 Federal Building 300 N. Los Angeles St. Los Angeles, CA 90012	Oil & Gas Conservation Commission 1645 W. Jefferson Suite 420 Phoenix, AZ 85007
Arkansas	Area Oil & Gas Supervisor 6136 E. 32nd Place Tulsa, OK 74135	Conservation & Commerce Oil and Gas Commission 314 East Oak El Dorado, AR 71730
California	Area Oil & Gas Supervisor 7211 Federal Building 300 N. Los Angeles St. Los Angeles, CA 90012	Department of Conservation Division of Oil & Gas 1416 Ninth St., Rm 1316 Sacramento, CA 95814
Colorado	Area Oil & Gas Supervisor P.O. Drawer 1857 Federal Building & U.S. Courthouse Richardson Ave. at 5th Street Roswell, NM 88201 AND Area Oil & Gas Supervisor P.O. Box 2859 2002 Federal Building & Post Office Casper, WY 82602	Oil & Gas Conservation Commission 1313 Sherman Street Room 721 Denver, CO 80203

State in which well is located	Jurisdictional Agency for wells on Federal	Other lands
Florida	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Administrator of Oil & Gas Bureau of Geology Department of Natural Resources 903 W. Tennessee Street Tallahassee, FL 32304
Georgia	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Natural Resources Geologic & Water Resources Division 19 Martin Luther King Drive, SW Atlanta, GA 30334
Idaho	Area Oil & Gas Supervisor 7211 Federal Bldg. 300 North Los Angeles Street Los Angeles, CA 90012	Idaho Public Utilities Commission Statehouse Mail Boise, ID 83720
Illinois	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Mines and Minerals Oil and Gas Division 704 Stratton Office Building 400 S. Spring Street Springfield, IL 62706
Indiana	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Natural Resources Oil and Gas Division 606 State Office Bldg. 100 N. Senate Avenue Indianapolis, IN 46204

State in which well is located	Jurisdictional Agency for wells on Federal	Other lands
Kansas	Area Oil & Gas Supervisor 6136 East 32nd Place Tulsa, OK 74135	Corporation Commission State Office Building Topeka, KS 66612
Kentucky	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Mines and Minerals Oil and Gas Division Box 680 Lexington, KY 40501
Louisiana	Area Oil & Gas Supervisor 6136 East 32nd Place Tulsa, OK 74135	Office of Conservation Box 44275 Baton Rouge, LA 70804
Maryland	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Energy and Coastal Zone Administration Department of Natural Resources Tawes State Office Bldg. Annapolis, MD 21404
Michigan	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Natural Resources Box 30028 Lansing, MI 48909
Mississippi	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	State Oil and Gas Board Box 1332 Jackson, MS 39205
Montana	Area Oil & Gas Supervisor P.O. Box 2859 2002 Federal Bldg. & Post Office Casper, WY 82602	Oil and Gas Conservation Division Department of Natural Resources and Conservation 15 Poly Drive Billings, MT 59101

State in which well is located	Jurisdictional Agency for wells on Federal	Other lands
Nebraska	Area Oil & Gas Supervisor P.O. Box 2859 2002 Federal Bldg. & Post Office Casper, WY 82602	Oil and Gas Conservation Commission Box 399 Sidney, NE 69162
Nevada	Area Oil & Gas Supervisor 7211 Federal Bldg. 300 North Los Angeles Street Los Angeles, CA 90012	Department of Conservation and Natural Division of Mineral Resources Capitol Complex, 201 S. Fall Street Carson City, NV 89710
New Mexico	Area Oil & Gas Supervisor P.O. Drawer 1857 Federal Bldg. & U.S. Courthouse Richardson Avenue at 5th Street Roswell, NM 88201	Department of Energy and Minerals Oil Conservation Div. Box 2088 Santa Fe, NM 87501
New York	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Environmental Conservation Bureau of Mineral Resources 50 Wolf Road Albany, NY 12233
North Carolina	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Natural Resources and Community Development 512 N. Salisbury Street Raleigh, NC 27611

State in which well is located	Jurisdictional Agency for wells on Federal	Other lands
North Dakota	Area Oil & Gas Supervisor P.O. Box 2859 2002 Federal Bldg. & Post Office Casper, WY 82602	Geological Survey University Station Grand Forks, ND 58202
Ohio	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Ohio Department of Natural Resources 1932 Belcher Drive Fountain Square Columbus, OH 43224
Oklahoma	Area Oil & Gas Supervisor 6136 East 32nd Place Tulsa, OK 74135	Corporation Commission Jim Thorpe Building Oklahoma City, OK 73105
Oregon	Area Oil & Gas Supervisor 7211 Federal Bldg. 300 North Los Angeles Street Los Angeles, CA 90012	Department of Geology & Mineral Industries 1069 State Office Bldg. Portland, OR 97201
Pennsylvania	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Department of Environmental Resources Division of Oil & Gas 1205 Kossman Bldg. 100 Forbes Avenue Pittsburgh, PA 15222
South Carolina	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	South Carolina Public Service Commission P.O. Drawer 11649 Columbia, SC 29211

State in which well is located	Jurisdictional Agency for wells on Federal	Other lands
South Dakota	Area Oil & Gas Supervisor P.O. Box 2859 2002 Federal Bldg. & Post Office Casper, WY 82602	Geological Survey Science Center, University Vermillion, SD 57069
Tennessee	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Tennessee Department of Conservation G-5 State Office Bldg. Nashville, TN 37219
Texas	Area Oil & Gas Supervisor 6136 East 32nd Place Tulsa, OK 74135 AND Area Oil & Gas Supervisor P.O. Drawer 1857 Federal Bldg. & U.S. Courthouse Richardson Avenue at 5th Street Roswell, NM 88201	Railroad Commission Drawer 12967 Austin, TX 78711
Utah	Area Oil & Gas Supervisor P.O. Drawer 1857 Federal Bldg. & U.S. Courthouse Richardson Avenue at 5th Street Roswell, NM 88201 AND	Division of Oil, Gas and Mining Utah Department of Natural Resources 1588 West North Temple Salt Lake City, UT 84116

State in which well is located	Jurisdictional Agency for wells on Federal	Other lands
Utah (Cont.)	Area Oil & Gas Supervisor P.O. Box 2859 2002 Federal Bldg. & Post Office Casper, WY 82602	
Virginia	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Secretary of Commerce and Resources P.O. Box 1475 Richmond, VA 23212
Washington	Area Oil & Gas Supervisor 7211 Federal Bldg. 300 North Los Angeles Street Los Angeles, CA 90012	Oil and Gas Supervisor Department of Natural Resources Olympia, WA 98504
West Virginia	Area Oil & Gas Supervisor Suite 204 1725 K Street, NW Wash., DC 20244	Oil and Gas Division Department of Mines State Capitol Charleston, WV 25305
Wyoming	Area Oil & Gas Supervisor P.O. Box 2859 2002 Federal Bldg. & Post Office Casper, WY 82602	Oil and Gas Conservation Commission Box 2640 Casper, WY 82602

(b) Waiver. In the case of any determination to which a waiver under Subpart C of Part 274 is applicable, "jurisdictional agency" means the Commission.

§ 270.104 Effective date.

The provisions of this subchapter apply to deliveries of natural gas on or after December 1, 1978.

SUBPART B - SPECIAL RULES

Sec.

270.201 First sales of natural gas subject to differing maximum lawful prices.
270.202 Resales.
270.203 First sales of natural gas attributable to pipeline or distributor production.
270.204 Btu content per unit volume of natural gas.

§ 270.201 First sale of natural gas subject to differing maximum lawful prices.

In the case of a first sale of natural gas which is produced from wells, properties, or reservoirs which are subject to differing applicable maximum lawful prices, and which is sold at a single price, the maximum lawful price for such sale shall be the average of the maximum lawful price applicable to each of the wells, properties, or reservoirs (as the case may be) from which such gas is produced, weighted according to the respective volumes of gas from each such well, property, or reservoir.

§ 270.202 Resales.

(a) General rule. Unless a higher maximum lawful price is applicable under paragraph (b), the maximum lawful prices under this subchapter apply to first sales which are resales in the same manner as such maximum lawful prices apply to other first sales.

(b) Ceiling price based on prior sale. A reseller may collect a maximum lawful price for a first sale which is a resale, equal to:

(1) in the case of gas which when sold to the reseller was subject to a single maximum lawful price, the maximum lawful price applicable to the gas sold to the reseller, or

(2) in the case of gas which when sold to the reseller was subject to more than one maximum lawful price, the average of the maximum lawful price applicable to the gas sold to the reseller (weighted according to the volumes of the purchased gas that are subject to the different maximum lawful prices).

(c) Special rule for interim collections.

(1) If the price charged and collected for a sale to a reseller is charged and collected under the authority of Part 273 (relating to interim collection), then:

(i) the price authorized to be collected by Part 273 shall be treated as a maximum lawful price for purposes of paragraph (b), and

(ii) the price charged and collected by the reseller shall be subject to the same refund conditions as are imposed

on the person who sold the natural gas to the reseller under Part 273.

(2) The reseller is not obligated by Part 273 to make any filings with the Commission if the person who sold the natural gas to the reseller has made the filings required by Part 273.

(d) Allowances. A resale of natural gas shall not be considered to exceed any maximum lawful price established in paragraph (a) or (b) of this section if it exceeds such price to the extent necessary to recover State severance taxes or production-related costs approved by the Commission pursuant to Subpart K of Part 271.

(e) Adjustments. Pursuant to section 502(c) of the NGPA, any person may apply to the Commission for an adjustment of the maximum lawful price in paragraph (a) or (b) of this section on the grounds that such price results in special hardship, inequity or an unfair distribution of burdens.

(f) Definition. For purposes of this section, a "resale" of natural gas is the sale of natural gas, all or a portion of which was both purchased and resold in transactions which are first sales as defined in the NGPA.

A "reseller" of natural gas is the seller in a resale of such gas.

(g) Record retention. Resellers shall maintain such records as are sufficient to demonstrate that prices charged in connection with resales of natural gas do not exceed the maximum lawful prices prescribed in this section. Such records shall include:

(1) a record of each resale by the reseller, including the identity of the purchaser and the volume and price of such sale;

(2) a record of all volumes purchased by the reseller for resale and the prices paid for such volumes;

(3) a copy of each contract covering the purchase and sale of natural gas resold; and

(4) a record of the method by which the reseller computes the maximum lawful price applicable to each resale and the documents relied on to make the computations.

(h) Period for keeping records. Each reseller required to maintain records under this section shall maintain and preserve such records for at least three years after the date of the relevant transaction or event.

§ 270.203 First sales of natural gas attributable to pipeline or distributor production.

(a) Attribution rule. For purposes of applying section 2(21)(B) of the NGPA, a sale by a pipeline or distributor shall not be considered to be attributable to volumes of natural gas produced by such pipeline or distributor (or any affiliate thereof), if:

(1) such pipeline or distributor is subject to rate regulation by the Commission or by a state agency; and

(2) the Commission or state agency, in regulating the rates of such pipeline or distributor, either:

(i) regulates the costs of such volumes of gas on a cost-of-service basis, or

(ii) sets the price at which such pipeline or distributor sells such volumes by reference to the average cost of gas acquired by such pipeline or distributor, and allows the costs of such volumes of gas as purchased gas cost, or operating expenses, only to the extent that such costs do not exceed the applicable maximum lawful price under the NGPA.

(b) Definitions. For purposes of this section:

(1) "Pipeline or distributor" means an interstate pipeline, an intrastate pipeline, a local distribution company, or an affiliate of any of the above.

(2) "State agency" means a State, a political subdivision of a State, or an agency or instrumentality of either.

§ 270.204 Btu content per unit volume of natural gas.

For purposes of determining the number of Btu's per unit volume of natural gas, the Btu content of one cubic foot of natural gas is the number of Btu's produced by the combustion, at constant pressure, of the amount of gas which would occupy a volume of 1.0 cubic foot at a temperature of 60 degrees Fahrenheit, saturated with water vapor and under a pressure equivalent to that of 30.00 inches of mercury at 32 degrees Fahrenheit, and under standard gravitational force (980.665 centimeters per second squared) with air of the same temperature and pressure as the gas, when the products of combustion are cooled to the initial temperature of the gas and air and when the water formed by combustion is condensed to the liquid state.

PART 271 - CEILING PRICES

SUBPART A - SUMMARY TABLES AND CALCULATIONS

Sec.

271.101 Ceiling prices for certain categories of natural gas.
271.102 Calculation of inflation adjustment for certain maximum lawful prices.

§ 271.101 Ceiling prices for certain categories of natural gas.

(a) Subparts B through J of this part specify maximum lawful prices applicable to first sales of natural gas. Maximum lawful prices for Subparts B, C, G, H, and I, and for certain categories of natural gas to which Subparts D and F apply, are determined in accordance with price tables which appear in those subparts and which are summarized in the following tables:

Table I - Certain gas not committed or dedicated to interstate commerce on November 8, 1978.

(Prices in $/MMBtu)

Subpart A of Part 271	NGPA Section	Category of Gas	Month of Delivery: December 1978	Month of Delivery: January 1979
B	102	New Natural Gas, Certain OCS Gas	$2.078	$2.096
C	103	New Onshore Production Wells	1.969	1.980
G	107	High Cost (below 15,000 only)	2.078	2.096
H	108	Stripper	2.224	2.243
I	109	Not Otherwise Covered	1.630	1.639

Table II - Certain gas committed or dedicated to interstate commerce on November 8, 1978.

(Prices in $/MMBtu)

Subpart of Part 271	NGPA Section	Category of Natural Gas		Price for Month of Delivery: December 1978	Price for Month of Delivery: January 1979
D	104, 109(a)(2)	Post-1974 gas	All producers	1.630	1.639
D	104	1973-1974 biennium gas	Small producer	1.379	1.387
			Large producer	1.058	1.064
D	106(a)	Rollover contract gas	Small producer	0.702	0.715
			Large producer	0.603	0.607
		Replacement contract gas or recompletion gas	Small producer	0.771	0.775
			Large producer	0.593	0.596
		Flowing gas	Small producer	0.393	0.395
			Large producer	0.332	0.334
D	104	Permian Basin gas	Small producer	0.462	0.465
			Large producer	0.405	0.407
		Rocky Mountain gas	Small producer	0.462	0.465
			Large producer	0.393	0.395
		Appalachian Basin gas (Large Producers only)	North subarea contracts dated prior to 10-8-69	0.344	0.346
			North subarea contracts dated after 10-7-69	0.368	0.370
			South subarea contracts dated after 10-7-69	0.344	0.346

(b) Caveat. The above tables are summaries of applicable maximum lawful prices and may not be relied upon to establish qualification for a particular price. The seller should examine the other provisions of this subchapter in order to ascertain whether the natural gas in question qualifies for the price appearing in the table or some other price.

§ 271.102 Calculation of inflation adjustment for certain maximum lawful prices.

(a) Monthly equivalent of the annual inflation adjustment factor. Maximum lawful prices for certain categories of natural gas to which Subparts D, E, and F apply are determined in accordance with the calculation method described in paragraph (b).

(b) Calculation.

(1) In order to determine the price for a month (after November, 1978) in which natural gas is delivered under a first sale, a calculation is made in the following manner:

(i) Determine the base price applicable in the base month.

(ii) For the month following the base month, multiply the inflation adjustment for such following month by the base price.

(iii) For each succeeding month (through the month of delivery), multiply the inflation adjustment for such succeeding month by the price calculated under this paragraph for the prior month.

(2) The price determined for each month under subparagraph (1) shall be rounded to the nearest mill (rounding to the next highest mill only that fraction which is one-half a mill or greater).

(c) Monthly equivalent of annual inflation adjustment factor. The following table contains the monthly equivalent of the annual inflation adjustment factor for each month beginning with May, 1977, and ending with January, 1979:

Table III - Monthly equivalent of the annual inflation adjustment factor.

Month of Delivery	Factor by which price in preceeding month is multiplied
1977	
May	1.00636
June	1.00636
July	1.00431
August	1.00431
September	1.00431
October	1.00463
November	1.00463
December	1.00463
1978	
January	1.00597
February	1.00597
March	1.00597
April	1.00889
May	1.00889
June	1.00889
July	1.00581
August	1.00581
September	1.00581
October	1.00581
November	1.00581
December	1.00581
1979	
January	1.00581

(d) Definitions. For purposes of this section,

(1) "base price" means:

(i) for maximum lawful prices to be calculated under § 271.402(c)(1) (relating to certain committed or dedicated gas), the just and reasonable rate for April 20, 1977;

(ii) for maximum lawful prices to be calculated under § 271.502(b)(2) (relating to certain existing intrastate contracts), the contract price per MMBtu on November 9, 1978;

(iii) for maximum lawful prices to be calculated under § 271.602(a)(1) (relating to certain rollover contracts), the contract price per MMBtu under the expired contract for the month in which the effective date of the rollover contract occurs.

(2) "base month" means:

(i) April, 1977, for maximum lawful prices under § 271.402(c)(1),

(ii) November, 1978, for maximum lawful prices under § 271.502(b)(2), and

(iii) the month in which the effective date of the rollover contract occurs, for maximum lawful prices under § 271.602(a)(1).

(3) "inflation adjustment" means the monthly equivalent of the annual inflation adjustment factor.

SUBPART B - NEW NATURAL GAS AND CERTAIN NATURAL GAS PRODUCED FROM THE OUTER CONTINENTAL SHELF

Sec.
271.201 Applicability.
271.202 Maximum lawful price.
271.203 Definitions.
271.204 Special rules.

§ 271.201 Applicability.

This subpart implements section 102 of the NGPA and applies to the first sale of:

(a) new natural gas; or

(b) natural gas produced from a new OCS reservoir on an old OCS lease.

§ 271.202 Maximum lawful price.

The maximum lawful price, per MMBtu, for natural gas to which this subpart applies shall be the amount determined in accordance with the following table:

If delivery occurred in the calendar month of:	The maximum lawful price is:
December 1978	$ 2.078
January 1979	$ 2.096

§ 271.203 Definitions.

For purposes of this subpart:

(a) "New natural gas" means natural gas which a jurisdictional agency has determined, in accordance with Parts 274 and 275, to be new natural gas (as defined in section 102(c) of the NGPA).

(b) "Natural gas from a new OCS reservoir on an old OCS lease" means natural gas which the jurisdictional agency determines, in accordance with Parts 274 and 275 and under section 102(d)(2), (3), (4) and (5) of the NGPA, to be natural gas produced from a reservoir which is on an old lease on the OCS and which was not discovered before July 27, 1976.

(c) "OCS lease" means a lease of submerged acreage which is entered into with the Secretary of the Interior under the Outer Continental Shelf Lands Act, as amended, (43 U.S.C. 1331, et seq.).

(d) "New OCS lease" means an OCS lease entered into by the Secretary of the Interior on or after April 20, 1977.

(e) "Old OCS lease" means an OCS lease other than a new OCS lease.

§ 271.204 Special rules.

(a) Special rule for vertical measurement of 1,000 feet between completion locations. For the purpose of determining under section 102(c)(1)(B)(ii) of the NGPA the vertical distance between the deepest marker well completion location and a new well completion location, for which a determination is sought, measurement shall be the true vertical depth from the highest perforation point of such marker well completion location to the highest perforation point in the new well completion location. In the case of any well which is an open-hole completion, measurement shall be from the highest elevation point of the reservoir being produced.

(b) Capable of producing in paying quantities. For purposes of section 102(d)(2)(B)(i) and (ii) of the NGPA, a reservoir is capable of producing in paying quantities if a well completed therein can reasonably be expected to produce natural gas in quantities sufficient to yield revenues in excess of operating costs.

(c) Commercially producible. For purposes of section 102(d)(2)(B)(iii) of the NGPA, a reservoir is commercially producible if a well completed therein can reasonably be expected to produce natural gas in commercial quantities as defined in § 270.102(b)(4).

(d) Suitable facilities. For purposes of section 102(c)(1)(C)(iii)(II) of the NGPA, suitable facilities for the production and delivery of natural gas described in section 102(c)(1)(C)(iii)(I) of the NGPA were in existence on April 20, 1977, if on that date facilities for the production and delivery of natural gas to a pipeline were:

(1) installed; or

(2) substantially installed and additional facilities necessary for such production and delivery were readily available.

SUBPART C - NEW ONSHORE PRODUCTION WELLS

Sec.
271.301 Applicability.
271.302 Maximum lawful price.
271.303 Definition of new, onshore production well.
271.304 Special rule.

§ 271.301 Applicability.

This subpart implements section 103 of the NGPA and applies to the first sale of natural gas produced from a new, onshore production well.

§ 271.302 Maximum lawful price.

The maximum lawful price, per MMBtu, for natural gas to which this subpart applies shall be the amount determined in accordance with the following table:

If delivery occurred in the calendar month of:	The maximum lawful price is:
December 1978	$ 1.969
January 1979	$ 1.980

§ 271.303 Definition of new, onshore production well.

For purposes of this subpart, the term "new, onshore production well" means a well which a jurisdictional agency has determined, in accordance with Parts 274 and 275, to be a new onshore production well (as defined in section 103(c) of the NGPA).

§ 271.304 Special rule.

(a) Applicability. This section applies to jurisditional agency determinations with respect to a new well drilled within an existing proration unit.

(b) Waivers. If a jurisdictional agency alters or grants a waiver of any applicable well-spacing requirements prior to the commencement of surface drilling of the well for which a determination is sought, the new well shall be deemed to satisfy any applicable Federal or State well-spacing requirements as required by section 103(c)(2) of the NGPA.

(c) Wells spudded after November 30, 1978. In order for natural gas from a well to qualify for the maximum lawful price under this subpart, the jurisdictional agency must find, prior to commencement of drilling, that the new well is necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which cannot be effectively and efficiently drained by any existing well within the proration unit. Such finding must be explicit and must involve either a redefinition of the boundaries of the previously existing proration unit or an alteration of or exception to otherwise applicable spacing rules.

(d) Wells spudded between February 19, 1977 and November 30, 1978. Upon request of an applicant for a determination for a well subject to this paragraph, the jurisdictional agency shall review the record which was developed prior to the drilling of the well for which the determination is sought. In order for natural gas from such well to qualify for the maximum lawful price under this subpart the jurisdictional agency must demonstrate to the Commission that in proceedings before such agency prior to the commencement of drilling of the well, the jurisdictional agency:

(1) explicitly found that the drilling of the new well was necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which could not be effectively and efficiently drained by any existing well within the proration unit; or

(2) in the absence of an explicit finding, implicitly found that the drilling of the new well was necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which could not effectively and efficiently drained by any existing well within the proration unit.

(e) Notice of findings. If the jurisdictional agency makes a finding under paragraph (c) or (d)(1) of this

section it shall notify the Commission of such a determination in accordance with § 274.104. If the jurisdictional agency makes a finding under paragraph (d)(2) of this section, it must be based upon the record developed by the jurisdictional agency prior to the commencement of drilling which contains facts which would have supported an explicit finding that the new well was necessary to effectively and efficiently drain a portion of the reservoir covered by the proration unit which could not be effectively and efficiently drained by any existing well within the proration unit. Notice of such a determination shall be forwarded to the Commission in accordance with § 274.104.

SUBPART D - NATURAL GAS COMMITTED OR DEDICATED TO INTERSTATE COMMERCE

Sec.
271.401 Applicability.
271.402 Maximum lawful prices.
271.403 Special rule regarding carrying charge adjustment for advance payments.

§ 271.401 Applicability.

This subpart implements sections 104, and 106(a) of the NGPA and applies to the first sale of natural gas committed or dedicated to interstate commerce on November 8, 1978, and for which a just and reasonable rate under the Natural Gas Act was in effect on November 8, 1978 for the sale of such gas.

§ 271.402 Maximum lawful prices.

(a) Ceiling prices. Unless a higher rate is applicable under paragraph (c), the maximum lawful price for natural gas to which this subpart applies shall be the amount determined in accordance with the following table:

Table II - Certain gas committed or dedicated to interstate commerce on November 8, 1978.

Subpart of Part 271	NGPA Section	Category of Natural Gas		Price per MMBtu in Month of Delivery December 1978	January 1979
D	104	Post-1974 gas	All producers	1.630	1.639
	104	1973-1974 biennium gas	Small producer	1.379	1.387
			Large producer	1.058	1.064
	106(a)	Rollover contract gas	Small producer	0.702	0.715
			Large producer	0.603	0.607
		Replacement contract gas or recompletion gas	Small producer	0.771	0.775
			Large producer	0.593	0.596
	104	Flowing gas	Small producer	0.393	0.395
			Large producer	0.332	0.334
		Permian Basin gas	Small producer	0.462	0.465
			Large producer	0.405	0.407
		Rocky Mountain gas	Small producer	0.462	0.465
			Large producer	0.393	0.395
		Appalachian Basin gas (large producers only)	North subarea contracts dated prior to 10-8-69	0.344	0.346
			North subarea contracts dated after 10-7-69	0.368	0.370
			South subarea contracts dated after 10-7-69	0.344	0.346

(b) Definitions. For the purposes of this section:

(1) "Post-1974 gas" means natural gas to which this subpart applies which is produced from a well the surface drilling of which commenced on or after January 1, 1975.

(2) "1973-1974 biennium gas" means natural gas, to which this subpart applies, other than natural gas described in subparagraph (1)(ii), from a well the surface drilling of which commenced on or after January 1, 1973, and prior to January 1, 1975.

(3) "Interstate rollover gas" means

(i) natural gas to which this subpart applies; and

(ii) natural gas to which to this subpart applies which is sold under a contract which would have been a rollover contract but for the fact that the expiration of the previous contract occurred prior to November 9, 1978.

(4) "Replacement contract gas or recompletion gas" means natural gas to which this subpart applies which is:

(i) sold under a replacement contract which was executed on or after January 1, 1973, but prior to November 9, 1978, where the prior contract expired by its own terms prior to January 1, 1973; or

(ii) sold under a replacement contract executed prior to November 9, 1978, where the prior contract expired by its own terms after January 1, 1973; or

(iii) sold under a contract for the sale of natural gas from a well commenced prior to January 1, 1973, and not sold in interstate commerce prior to January 1, 1973,

(excluding gas sold prior to such date under §§ 2.68, 2.70, 157.22 or 157.29 of this chapter); or

(iv) produced as a result of a completion operation into a different formerly nonproductive reservoir, commenced on or after January 1, 1973, and produced through a well commenced prior to January 1, 1973.

(5) "Permian Basin gas" means natural gas (other than replacement contract or recompletion gas) to which this subpart applies and which is produced in the Permian Basin Area, as defined in FPC Opinion No. 662 (50 F.P.C. 390 at 400-401) and which is sold pursuant to a contract executed on or after October 1, 1968.

(6) "Rocky Mountain gas" means natural gas (other than replacement contract or recompletion gas) to which this subpart applies and which is produced in the Rocky Mountain Area, as defined in § 154.109(b) of this chapter and which is sold pursuant to a contract executed on or after October 1, 1968.

(7) "Appalachian Basin gas" means natural gas (other than replacement contract or recompletion gas) to which this subpart applies and which is produced in either the north subarea or the south subarea of the Appalachian Basin Area, as defined in § 154.107 of this chapter.

(8) "Flowing gas" means natural gas to which this subpart applies (other than natural gas described in the preceding

subparagraphs of this paragraph) produced from a well the surface drilling of which commenced prior to January 1, 1973.

(9) "Small producer" means an independent producer who is not affiliated with a Class A natural gas pipeline company and whose total sales for resale in interstate commerce on a nationwide basis, together with such sales by affiliated parties, did not exceed 10,000,000 Mcf at 14.73 psia during the preceding calendar year.

(10) "Independent producer" means a person who is engaged in the production or gathering of natural gas but who is not engaged in the transportation of natural gas by pipeline (other than gathering).

(11) "Large producer" means an independent producer other than a small producer.

(c) Applicable higher rates.

(1) Any just and reasonable rates applicable to a sale of natural gas higher than those established in paragraph (a) which has been established by the Commission prior to April 20, 1977, under §§ 2.56a(g), 2.56b(h), 2.76, or 2.77 of this chapter, plus the inflation adjustment from April 20, 1977, determined in accordance with § 271.102, shall be the maximum lawful price for such sale.

(2) Any just and reasonable rate for a sale of natural gas which was established by the Commission after April 20, 1977 and before November 9, 1978, shall be the maximum lawful price applicable to such sale if higher than the otherwise applicable rate prescribed under paragraph (a) or (c)(1).

(3) Any seller seeking to charge a rate in excess of the applicable maximum lawful price described in paragraphs (a), or (c)(1) or (c)(2) of this section must first file a petition seeking special relief pursuant to § 1.7(b) of this chapter fully justifying the relief sought. Such seller may not file a rate increase for, or charge or collect any rate in excess of the maximum lawful price otherwise applicable under this section unless the Commission grants its petition for special relief.

§ 271.403 Special rule regarding carrying charge adjustment for advance payments.

The rate prescribed in § 271.402 for post-1974 gas to which Opinion No. 770-A applies shall be subject to a deduction of 83 cents per MMBtu as a carrying charge adjustment if the seller has accepted advance payments on or after 1:00 p.m., EST, November 5, 1976, under an advance payments contract with an interstate pipeline company and such pipeline company has received rate base treatment of such advance payments made.

The resulting adjusted rate shall be employed in the discharge of the obligations of any advance payments after 1:00 p.m. EST, November 5, 1976, for all deliveries until an amount of natural gas has been delivered at the adjusted rate such that the total carrying charge credits equal the amounts lawfully collected by the jurisdictional pipeline company as a result of including the advance payments in rate base.

SUBPART E - SALES UNDER EXISTING INTRASTATE CONTRACTS.

Sec.
271.501 Applicability.
271.502 Maximum lawful prices.
271.503 Filing requirements.
271.504 Definition.
271.505 Special rule.

§ 271.501 Applicability.

This subpart implements section 105 of the NGPA and applies to the first sale of natural gas under an existing intrastate contract or under a successor to an existing contract. This subpart is not applicable to sales made under an intrastate rollover contract as defined in Subpart A.

§ 271.502 Maximum lawful prices.

(a) November 9, 1978, contract price at or below $2.060 per MMBtu. In the case of a first sale of natural gas to which this subpart applies, if the contract price applicable on November 9, 1978, was not more than $2.060 per MMBtu, the maximum lawful price for natural gas delivered in any month shall be the lower of:

(1) the contract price per MMBtu for such month under the terms of the existing intrastate contract in effect on November 9, 1978, or

(2) the maximum lawful price per MMBtu for such month under § 271.202 (relating to new natural gas).

(b) November 9, 1978, contract price greater than $2.060 per MMBtu. In the case of a first sale of natural gas to which this subpart applies, if the contract price applicable on November 9, 1978, was greater than $2.060 per MMBtu, the maximum lawful price for natural gas delivered in any month shall be the higher of:

(1) the maximum lawful price per MMBtu for such month under § 271.202 (relating to new natural gas); or

(2) the contract price per MMBtu on November 9, 1978, adjusted for inflation in accordance with § 271.102 of this subchapter.

§ 271.503 Filing requirements.

Any person who collects a price under this subpart shall file reports required by § 276.101.

§ 271.504 Definition.

For purposes of this subpart "contract price," when used with respect to any specific date and contract, means (a) the price paid per MMBtu under a contract for deliveries of natural gas occurring on that date; or (b) if no deliveries of natural gas occurred under such contract on that date, the price per MMBtu that would have been paid had such deliveries occurred on that date. If the contract contains a take-or-pay

clause, the contract price shall be determined as if volumes obligated to be taken were taken.

§ 271.505 Special rule.

For purposes of this subchapter:

(a) No modification of an existing contract or successor to an existing contract executed after November 9, 1978, may:

(1) alter the terms of the existing contract in a manner which has the effect of requiring the purchaser to bear any greater costs than the purchaser would have borne under the existing contract, or

(2) provide for an earlier date for deliveries than provided for under the existing contract.

(b) Except as provided in paragraph (a), any agreement or alteration of terms or legal obligations of the parties to an existing intrastate contract or to a successor to an existing contract may change the non-price terms from those in the existing contract or change the identity of the parties; but no such agreement or alteration may result in the alteration of the contract price from that of the existing contract so as to provide a higher contract price.

SUBPART F - INTRASTATE ROLLOVER CONTRACTS

Sec.
271.601 Applicability.
271.602 Maximum lawful price.
271.603 Filing requirements.
271.604 Special rule.

§ 271.601 Applicability.

This subpart implements section 106(b) of the NGPA and applies to the first sale of natural gas under an intrastate rollover contract.

§ 271.602 Maximum lawful price.

(a) The maximum lawful price for a first sale of natural gas under an intrastate rollover contract to which section 106(b)(1) of the NGPA applies shall be the higher of:

(1)(i) the maximum lawful price paid under the expired contract, per MMBtu, in the case of the month in which the effective date of such rollover contract occurs; and

(ii) in the case of any month thereafter, the maximum lawful price, per MMBtu, prescribed under this paragraph for the preceding month adjusted for inflation in accordance with § 271.102; or

(2) the amount determined under the following table:

If delivery occurs in:	The maximum lawful price per MMBtu is:
December, 1978	$1.121
January, 1979	1.128

(b) The maximum lawful price per MMBtu, for natural gas to which section 106(b)(2) of the NGPA (relating to certain State or Indian natural gas production interests) applies shall be the amount determined in accordance with the following table in lieu of the amount determined under the table under paragraph (a)(2):

If delivery occurs in the calendar month of:	The maximum lawful price is:
December 1978	$2.078
January 1979	2.096

§ 271.603 Filing requirements.

Any person who collects a price under this subpart shall file reports required by § 276.102.

§ 271.604 Special rule.

Except in the case of an increase in the contract price to the maximum lawful price specified in § 271.602(a)(2) or (b), for purposes of this subchapter, no intrastate rollover contract may:

(i) contain terms which differ from the terms of the expired contract and which have the effect of requiring the purchaser to bear any greater costs than the purchaser would have borne under the expired contract; or

(ii) provide for deliveries at an earlier date than would have been provided for under the existing contract.

SUBPART G - HIGH COST NATURAL GAS

Sec.

271.701 Applicability.
271.702 Maximum lawful price.
271.703 Definition of deep, high-cost natural gas.
271.704 Special rule.

§ 271.701 Applicability.

This subpart implements section 107(a) of the NGPA and applies to the first sale of natural gas produced from deep high-cost wells.

§ 271.702 Maximum lawful price.

The maximum lawful price, per MMBtu, for natural gas to which this subpart applies shall be the amount determined in accordance with the following table:

If delivery occurred in the calendar month of:	The maximum lawful price is:
December 1978	$ 2.078
January 1979	$ 2.096

§ 271.703 Definition of deep, high-cost natural gas.

For purposes of this subpart, natural gas is produced from a deep, high-cost well if a jurisdictional agency determines, in accordance with Parts 274 and 275, that such natural gas is produced from any well the surface drilling of which began on or after February 19, 1977,

if such production is from a completion location which is located at a depth of more than 15,000 feet.

§ 271.704 Special rule.

For purposes of determining depth under section 107(c)(1) of the NGPA, measurement shall be the true vertical depth from the surface of the ground to the highest perforation point in the completion location.

SUBPART H - STRIPPER WELL NATURAL GAS

Sec.
271.801 Applicability.
271.802 Maximum lawful price.
271.803 Definitions.
271.804 Special rules.
271.805 Continuing qualification.
271.806 Jurisdictional agency determinations and Commission review.

§ 271.801 Applicability.

This subpart implements section 108 of the NGPA and applies to any first sale of natural gas which a jurisdictional agency determines is produced from a stripper well.

§ 271.802 Maximum lawful price.

The maximum lawful price, per MMBtu, for natural gas to which this subpart applies shall be the amount determined in accordance with the following table:

If delivery occurred in the calendar month of:	The maximum lawful price is:
December 1978	$2.224
January 1979	$2.243

§ 271.803 Definitions.

For purposes of this subpart:

(a) "Recognized enhanced recovery techniques" means processes or equipment, or both, which when performed or installed, increase the ultimate recovery of gas from a well.

Processes qualifying as enhanced recovery techniques include mechanical as well as chemical stimulation of the reservoir formation. Equipment may include items installed in the well bore or on the surface. Normal well maintenance, repair, or replacement of equipment or facilities does not qualify as enhanced recovery techniques.

(b) "Nonassociated natural gas" means natural gas produced from a well which a jurisdictional agency determines produced an average of no more than one barrel of oil per production day during the production period upon which the determination is based.

§ 271.804 Special rules.

(a) Rate of production. For purposes of determining the rate of production from a well for which a stripper well determination is sought, the total volume of natural gas produced from the well shall constitute its daily production regardless of whether the well is completed in more than one interval or the production is separately metered from separate intervals.

(b) Averaging of production. If a determination of stripper well status is sought with respect to wells which are not individually metered, rates of production of natural gas and oil may, in the absence of other reliable evidence, be averaged equally among the non-metered wells.

(c) Applications for determinations. Applications under this subpart shall be based on a 90-day production period ending within 120 days prior to the date on which the application is filed.

(d) Maximum efficient rate of flow. (1) In the absence of applicable recognized conservation practices established by a jurisdictional agency for determining the maximum efficient rate of flow of wells producing natural gas, a well which has produced nonassociated natural gas at an average rate of 60 Mcf per day or less for a 90-day production period is presumed to have produced at its maximum efficient rate of flow if during the 12-month period ending concurrently with the 90-day production period which is the basis for the application under paragraph (c), such well produced nonassociated natural gas at a rate which did not exceed an average of 60 Mcf per production day; or

(2) If the production data described in subparagraph (1) of this paragraph are not available, the jurisdictional agency shall, if the well has produced nonassociated natural gas at an average rate of 60 Mcf or less for a 90-day production period:

(i) make the determination as to whether the well produced at its maximum efficient rate of flow based upon other substantial evidence such as flow tests which measure the capability of the well to produce natural gas under normal operating conditions; or

(ii) defer making an affirmative determination and designate a 12-month period during which the applicant can secure the data described in subparagraph (1) of this paragraph, allowing the applicant 30 days from the end of such period to submit the data.

(3) The jurisdictional agency shall make a negative determination as to eligibility and give notice thereof to the applicant, any identified purchasers and the Commission if:

(i) the applicant fails to submit production data pursuant to subparagraph (2)(ii) of this paragraph, within the time allowed; or

(ii) the production data submitted by the applicant indicate that for the 12-month period, the well produced nonassociated natural gas at a rate which exceeded an average of 60 Mcf per production day.

(4) Upon submission of an application which is to be considered pursuant to subparagraph (2)(ii) of this paragraph, the applicant, if permitted to do so by contract, may collect the maximum lawful price provided in § 271.802 from the date of filing until the date of a final determination pursuant to this subpart, subject to the interim collection requirements in Part 273.

(e) Seasonally affected wells. (1) If together with a petition for qualification as a stripper well, the applicant submits to the jurisdictional agency production reports for a period of at least 24 months ending concurrently with the 90-day production period which is the basis for the application under paragraph (c), and if such reports demonstrate that the well is subject to seasonal fluctuations which temporarily increase average production above 60 Mcf per production day, the jurisdictional agency may, upon request, designate the well as "seasonally affected." Such designation shall be granted by the jurisdictional agency only if it finds that the seasonal fluctuations have not and cannot reasonably be expected to increase production levels above an average of 60 Mcf per production day for any 12-month period.

(2) If at any time subsequent to a final determination of stripper well status, the operator acquires production reports for a period of 24 consecutive months which demonstrate that the well is seasonally affected, a petition may be filed with the jurisdictional agency for designation as a seasonally affected well unless the average rate of production exceeds 60 Mcf per production day for any 12-month period.

(3) If a well is designated as seasonally affected, the operator of such well and the purchaser of production

from such well are exempt from the filing requirements of § 274.805 unless the average rate of production exceeds 60 Mcf per day for a 12-month period.

§ 271.805 Continuing qualification.

(a)(1) Unless exempt under § 271.804(e)(3), the operator or any purchaser of natural gas shall give written notice if:

(A) such well produces nonassociated natural gas at a rate exceeding an average of 60 Mcf per production day for any 90-day production period; or

(B) such well which has been designated a seasonally affected well produces at an average rate in excess of 60 Mcf per day for a 12-month production period.

(2) Such notice shall, as appropriate, be given to the jurisdictional agency, the Commission, and any purchaser. Except as provided in paragraph (b) of this section, such notice shall terminate the right of any seller to continue the collection of the maximum lawful price set forth in § 271.802 for natural gas from the well identified in the notice.

(b) The operator may, at the same time the notice described in paragraph (a)(1) of this section is filed, file a petition with the jurisdictional agency for a determination under § 271.806 that the increased production of

nonassociated natural gas is the result of the application of enhanced recovery techniques or, if the well has not been designated as seasonally affected, the result of seasonal fluctuations. A copy of the petition shall be provided to the jurisdictional agency, the Commission, and the purchaser together with the notice under paragraph (a)(1) of this section.

(c) Any notice required by this section shall be made within 45 days after the last day of the 90-day or the 12-month production period in which the increased production of natural gas occurred.

(d) If the notice pursuant to paragraph (a)(1) of this section is filed by a purchaser, an operator shall have 30 days from the date of the notice within which to oppose the allegation or to seek a determination from the jurisdictional agency that the increase in production is the result of recognized enhanced recovery techniques or seasonal fluctuations. Unless the operator of a well, within 30 days of such notice, files a petition with a jurisdictional agency as provided in paragraph (b) of this section, a well for which notice is given under paragraph (a)(1) of this section shall immediately be disqualified as a stripper well and the right of any seller to collect the maximum lawful price set forth in § 271.802 shall terminate as of the last

day of the 90-day or the 12-month production period described in the notice.

(e) If an operator files a petition with a jurisdictional agency as pursuant to paragraphs (b) or (d) of this section, further collection of the maximum lawful price set forth in § 271.802 shall be made subject to refund from the last day of the 90-day or the 12-month production period described in the notice under paragraph (a)(1) of this section.

(f) If subsequent to the filing of a petition it is determined that an increase in production of natural gas is the result of recognized enhanced recovery techniques, neither the operator nor the purchaser shall be obligated to report average production levels above 60 Mcf per day during any 90-day production period unless the increased production results from a cause other than recognized enhanced recovery techniques determined to have been used.

§ 271.806 Jurisdictional agency determinations and Commission review.

(a) Upon receipt of a petition to designate a well as a seasonally affected well pursuant to § 271.804(c) or an application to determine that production in excess of an average of 60 Mcf per production day for any 90-day production period was due to enhanced recovery techniques, the

jurisdictional agency shall treat the petition or application as if it were an application for an initial determination and follow the applicable provisions of Subpart A of Part 274.

(b) Upon receipt of notice of a determination under paragraph (a), the Commission will review such a determination pursuant to the applicable provisions of Subpart B of Part 275.

(c) A jurisdictional agency, when making a determination under § 271.806 (relating to production in excess of 60 Mcf per production day resulting from the application of recognized enhanced recovery techniques), may seek a declaratory order from the Commission that a process (or type of process) or the installation of equipment (or type of equipment) qualifies as recognized enhanced recovery techniques as defined in § 271.803(a) of this subpart.

SUBPART I - OTHER CATEGORIES OF NATURAL GAS

Sec.
271.901 Applicability.
271.902 Maximum lawful price.
271.903 Filing requirements.
271.904 Special rule.

§ 271.901 Applicability.

This subpart implements section 109 of the NGPA and applies to a first sale of natural gas that is not covered by any maximum lawful price under section 102, 103, 104, 105, 106, 107, or 108 of the NGPA.

§ 271.902 Maximum lawful price.

The maximum lawful price, per MMBtu, for natural gas to which this subpart applies shall be the amount determined in accordance with the following table:

If delivery occurred in the calendar month of:	The maximum lawful price is:
December, 1978	$1.630
January, 1979	1.639

§ 271.903 Filing requirements.

Any person who collects a price under this subpart shall file reports required by § 276.103.

§ 271.904 Special rule.

This subpart applies to the following classes of first sales of natural gas only to the extent such first sales

are not covered by any maximum lawful price under section 102, 103, 104, 105, 106, 107, or 108 of the NGPA if such natural gas:

(a) is produced from any new well not otherwise qualifying for a higher maximum lawful price under this Title I of the NGPA;

(b) is committed or dedicated to interstate commerce on November 8, 1978, and for which a just and reasonable rate under the Natural Gas Act was not in effect on such date for the first sale of such natural gas;

(c) was not committed or dedicated to interstate commerce on November 8, 1978, and was not subject to an existing contract on such day; or

(d) is produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transportation system approved under the Alaska Natural Gas Transportation Act of 1976.

SUBPART J - [RESERVED]

SUBPART K - ADJUSTMENTS FOR STATE SEVERANCE TAXES AND CERTAIN PRODUCTION-RELATED COSTS

Sec.
271.1100 Scope and applicability.
271.1101 Definitions.
271.1102 State severance taxes.
271.1103 Record retention.
271.1104 Production-related costs.
271.1105 Adjustments.

§ 271.1100 Scope and applicability.

(a)(1) This subpart prescribes regulations under which a price for a first sale of natural gas shall not be considered to exceed the applicable maximum lawful prices set forth in Part 271 if such first sale price exceeds the maximum lawful price to the extent necessary to recover:

(1) State severance taxes; and

(2) production-related costs approved by order of the Commission.

(b) Sections 271.1104 and 271.1105 shall not apply to any natural gas produced from the Prudhoe Bay Unit of Alaska and transported through the natural gas transportation system approved under the Alaska Natural Gas Transportation Act of 1976.

§ 271.1101 Definitions.

(a)(1) Except as provided in subparagraph (2), the term "State severance tax" as used in this subpart means any severance, production, or similar tax, fee, or other levy imposed on the production of natural gas:

(i) by any State;

(ii) by any Indian tribe recognized as eligible for services provided by the Secretary of the Interior to Indians; or

(iii) by any political subdivision of a State if the authority to impose such tax, fee, or other levy is granted to such political subdivision under State law.

(2) The term "State severance tax" does not include any amount of tax which results from a provision of state law enacted on or after December 1, 1977, unless such provision of law is equally applicable to natural gas produced in such State and delivered in interstate commerce and to natural gas produced in such State and not so delivered.

(b) The term "production-related costs" as used in this subpart means costs of compressing, gathering, processing, treating, liquifaction, conditioning, or transporting natural gas, or other similar costs.

§ 271.1102 State severance taxes.

(a) Except as provided in paragraph (b) of this section, the price for any first sale of natural gas shall not be considered to have exceeded the maximum lawful price applicable to that sale as set forth in this part if such first sale price exceeds the maximum lawful price to the extent necessary to recover State severance taxes borne by the seller.

(b) The maximum lawful prices prescribed under this part for natural gas produced from the Permian Basin area include State severance taxes in the amount of 2.6 cents for large producers and 3.05 cents for small producers. To tne extent maximum lawful prices are established by reference to the Permian Basin area rate, only amounts of State severance tax in excess of those amounts already included may be considered under paragraph (a) of this section.

§ 271.1103 Record retention.

A seller in a first sale in which the price includes State severance taxes permitted under this section shall retain a record of the sale which shall identify the seller, and shall retain such other records as are necessary to demonstrate that such seller has borne the amount of State

severance taxes included in the sale price. Such records shall be preserved for at least three years from the date on which the sale occurred.

§ 271.1104 Production-related costs.

(a) General rule. The Commission will entertain applications for a determination that the maximum lawful price applicable to a first sale of natural gas shall not be considered to be exceeded as a result of the addition to such price of an amount expended for production-related costs only as permitted by this section.

(b) Exclusion of certain natural gas.

Applications under paragraph (a) of this section will not be considered by the Commission if the natural gas for which the determination is sought:

(1) was committed or dedicated to interstate commerce on November 8, 1978, and is gas for which there was a just and reasonable rate in effect on that date; or

(2) is subject to an existing intrastate contract, an intrastate rollover contract or a successor to an existing contract.

(c) Costs for gathering, liquifaction, transportation, and compression. Except as provided in paragraph (b) of this section, applications under paragraph (a) of this

section will be entertained by the Commission respecting costs incurred:

(1) compression; and

(2) gathering, liquification, or transportation if such activities take place off-lease.

(d) Other production-related costs.

(1) Except as provided in paragraph (b) of this section and in subparagraph (2) of this paragraph, the Commission will entertain applications under paragraph (a) of this section only with respect to production-related costs which exceed any amount expended to meet the following standards:

(i) total sulphur (grains per 100 cf.) 20

(ii) hydrogen sulphide (grains per 100 cf.) . . 1

(iii) water (pounds per MMcf) 7

(iv) carbon dioxide (percent by volume) 3

(v) impurities including oxygen, nitrogen, dust, dirt, gum, or other impurities in sufficient amounts to require the buyer to incur costs to eliminate such impurities to meet pipeline requirements.

(2) Subject to paragraph (b) of this section, the Commission will entertain applications for costs necessary to meet or exceed the standards in subparagraph (1) of this

paragraph with respect to first sales of natural gas to any person for use by such person.

(e) Applications. Applications made to the Commission pursuant to this section shall be under oath and shall include the following information:

(1) identification of the maximum lawful price applicable to the first sale of the natural gas under Part 271;

(2) documents supporting the identification of the applicable maximum lawful price, including copies of any determinations by a jurisdictional agency or the Commission or copies of applications made for such determinations;

(3) a summary of the contract provisions which contain the obligations of the parties with respect to production-related costs.

(4) to the extent that the applicant has purchased the natural gas which is the subject of an application under this paragraph, documentation of the price paid by the applicant for such gas;

(5) the specific costs sought to be recovered by the applicant and a description of the method used to compute such costs; and

(6) the circumstances which make it necessary for the applicant to collect any amount in excess of the maximum lawful price provided for under Part 271.

(f) Additional information. The Commission may, upon receipt of an application made under this section, require the submission of additional information and hold or cause to be held such other proceedings as it deems necessary or appropriate.

§ 271.1105 Adjustments.

Pursuant to section 502(c) of the NGPA, any person may apply to the Commission for an adjustment on the grounds that the operation of § 271.1103 results in special hardship, inequity, or an unfair distribution of costs to such person.

PART 273 - COLLECTION AUTHORITY; REFUNDS

SUBPART A - GENERAL PROVISIONS

Sec.
273.101 Private contractual rights.
273.102 Definition of final determination.
273.103 Annual report of collections and refunds.

§ 273.101 Private contractual rights.

Authorization by this part to collect a price for natural gas does not affect any person's contractual right to purchase natural gas at a lower price.

§ 273.102 Definition of final determination.

For purposes of this part, a determination by a jurisdictional agency of eligibility to collect a maximum lawful price under Subparts B, C, G, or H of Part 271 is final at such time as such determination is no longer subject to:

(a) remand or reversal (other than on grounds specified in section 503(d)(1)(A) or (B) of the NGPA) by the Commission under Part 275; or

(b) judicial review in the Court of Appeals under section 503(b)(4)(B) of the NGPA.

§ 273.103 Annual report of collections and refunds.

(a) General rule. A seller which makes any first sale of natural gas for which a price authorized by this part is charged or collected shall file an annual report of all collections and refunds under this part for all such first sales, beginning with the period from December 1, 1978 through December 31, 1979, and for each calendar year thereafter until all collections and refunds under this part for such first sales have been reported fully. An original and 14 copies of each annual report shall be filed with the Commission on or before April 1st of the next year.

(b) Contents. The annual report shall be filed in accordance with forms and instructions prescribed by the Commission and shall include:

(1) all collections for each first sale for which a price authorized by this part is charged or collected, identifying the well from which such sale is made and the application for or determination of eligibility for that well;

(2) the portions of such collections which are subject to the refund undertaking required by § 273.302(b) and those portions which were secured by surety bond or placed in escrow as required by § 273.302(c); and

(3) for each first sale, the amount of any refunds paid to each purchaser and the basis for computation of that amount, together with releases signed by each purchaser to indicate payment and full satisfaction of the seller's refund obligation or a statement that the purchaser did not sign such a release.

SUBPART B - INTERIM COLLECTION AUTHORITY

Sec.
273.201 Transitional rule for certain new wells.
273.202 Collection pending jurisdictional agency determination of eligibility.
273.203 Collection pending review of jurisdictional agency determination.
273.204 Retroactive collection after final determination.

§ 273.201 Transitional rule for certain new wells.

(a) General rule.

(1) The price determined under the following table may be charged and collected for any first sale of natural gas from a new well to which this section applies:

If delivery occured in the calendar montn of:	The price per MMBtu which may be charged and collected is:
December 1978	$ 1.630
January 1979	$ 1.639

(2) This section does not apply to a first sale if the seller is collecting a price under the authority of §§ 273.202 or 273.203.

(b) Period of collection. The price authorized by paragraph (a) may be charged and collected for natural gas deliveries:

(1) beginning on the date on which the seller first meets the requirements of paragraph (c); and

(2) ending March 1, 1979.

(c) Filing requirements. (1) Prior to making any collection under the authority of this section, the seller shall file with the Commission a statement under oath that:

(i) the natural gas for which the collection is made is produced from a new well;

(ii) the seller believes in good faith that such natural gas is eligible under the NGPA to be sold at a price not less than the price specified in paragraph (a); and

(iii) the seller has filed, or will file not later than March 1, 1979, an application with the jurisdictional agency for a determination of qualification under Subpart B, C, G, or H of Part 271.

(2) The statement shall include any well identification number assigned to the well by the jurisdictional agency, or if none has been assigned, other information sufficient to identify the well, and shall specify the extent to which such natural gas was "committed or dedicated to interstate commerce" (as defined in section 2(18) of the NGPA) on November 8, 1978, the maximum lawful price applicable to such gas on November 8, 1978, and any rate schedules for such gas on file with the Commission on November 8, 1978.

§ 273.202 Collection pending jurisdictional agency determination of eligibility.

(a) General rule. If an application has been filed with the jurisdictional agency for a determination of eligibility under Subpart B, C, G, or H of Part 271 (relating to new natural gas and certain OCS gas, gas from new onshore production wells, high cost natural gas or stripper natural gas), the price specified in § 273.201(a)(1) or the highest maximum lawful price which is specified in any of the subparts for which application is made may be charged and collected. No collection may be made under this section unless the jurisdictional agency to which the application is made has filed a report under § 274.105.

(b) Period of collection. The price authorized by paragraph (a) may be charged and collected for natural gas deliveries:

(1) beginning on the date on which the seller complies with the requirements of paragraph (c); and

(2) ending on the earlier of:

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

(ii) the date on which the Commission receives a notice of jurisdictional agency determination under § 275.201.

(c) Filing requirements. Prior to making any collection under the authority of this section with respect to a first sale of natural gas, the seller shall file with the Commission:

(1) a statement under oath that he believes in good faith that such natural gas is eligible under the NGPA and this subchapter for a maximum lawful price not less than that to be collected;

(2) a duplicate of the NGPA form submitted to the jurisdictional agency;

(3) a certificate of service of this filing upon any purchasers in the form required by §§ 1.17 and 1.51 of this chapter;

(4) a statement certifying that collections under this section will be placed in escrow or secured by a surety bond to the extent required by § 273.302(c); and

(5) A statement of the extent to which such natural gas was "committed or dedicated to interstate commerce" (as defined in section 2(18) of the NGPA) on November 8, 1978, the maximum lawful price applicable to such gas on November 8, 1978, and any rate schedules for such gas on file with the Commission on November 8, 1978.

(d) Piling limitation. Upon termination of the interim collection authority under this section for any sale, further filings under this section cannot be made for any sale from the same well.

§ 273.203 Collection pending review of jurisdictional agency determination.

(a) General rule. If the jurisdictional agency has determined in accordance with Part 274 that natural gas qualifies for a maximum lawful price under Subpart B, C, G, or H of Part 271, the seller may charge and collect such price during the period described in paragraph (b).

(b) Period of collection. The price authorized by paragraph (a) may be charged and collected for natural gas deliveries:

(1) beginning on the date on which the Commission receives notice under § 275.201 of a jurisdictional agency determination with respect to such gas; and

(2) ending 15 days after the jurisdictional agency's determination becomes final, or if the determination of the jurisdictional agency is remanded by final finding of the Commission, six months after the date of such remand.

(c) Piling requirements. No later than ten days after commencement of collection under this section, the seller shall file with the Commission a notice of interim collection of the applicable price established by a determination of the jurisdictional agency and a certificate of service of this notice upon any purchasers in the form required by §§ 1.17 and 1.51 of this chapter.

§ 273.204 Retroactive collection after final determination.

(a) General rule. If (1) a jurisdictional agency determination that first sales of natural gas from a well qualify for a maximum lawful price under Subpart B, C, G, or H of Part 271 becomes final, and (2) such maximum lawful price exceeds the price collected for deliveries of such gas for any period between the date of filing for the determination and the date on which the determination become final, then the seller may retroactively charge and collect for such period the amount of such excess. If the application for determination was filed by March 1, 1979, then the amount of such excess may be computed, charged and collected for first sales of natural gas delivered after November 30, 1978.

(b) Conditions. Collections may be made under this section only in accordance with the following conditions:

(1) Retroactive collections may be made only to the extent and in the manner specified by the applicable sales contract (or amendment thereto) and may not begin until 15 days after a determination of eligibility under Subpart B, C, G, or H of Part 271 becomes final pursuant to § 275.202.

(2) A seller may not make any collections under this section for any first sale unless the seller has fully complied with all requirements under this part and other regulations of the Commission applicable to each first sale made by such seller.

(3) A seller may not collect any amount under this section from any purchaser unless the seller has paid to such purchaser all amounts that are due to be refunded by the seller to such purchaser on or before any date on which retroactive collections are made.

(4) Within 15 days after retroactive collection begins for any first sale, the seller shall file with the Commission:

(i) a notice specifying the total amount to be collected;

(ii) a statement that the seller has paid all refunds then due to each purchaser; and

(iii) a statement of concurrence in the filing signed by each purchaser from whom retroactive collections are made.

(5) Carrying charges may be collected only to the extent agreed upon by the parties to the applicable sales contract (or amendment thereto). The rate of such charges may not exceed nine percent per annum.

SUBPART C - REFUND OBLIGATION

Sec.
273.301 General refund obligation.
273.302 Refunds of interim collections.

§ 273.301 General refund obligation.

Any price collected with respect to a first sale of natural gas to which this subchapter applies is collected subject to a general obligation promptly to refund any portion of such price which is in excess of the maximum lawful price or collection of which is not authorized by this subchapter. Compliance with the specific refund requirements of § 273.302 shall not terminate the general refund obligation under this section.

§ 273.302 Refunds of interim collections.

(a) Applicability. The provisions of this section apply to any interim collections made under the authority of Subpart B of this part.

(b) General undertaking.

(1) Except as provided for in subparagraph (2), any notice of collection which is filed with the Commission pursuant to Subpart B for a first sale of natural gas shall include an undertaking with respect to particular first sales in the following form:

AGREEMENT OF
(Name of Applicant) TO COMPLY WITH REFUND
PROVISIONS OF PART 273 OF THE COMMISSION'S REGULATIONS
UNDER THE NATURAL GAS POLICY ACT

_____

(Name of Applicant) hereby agrees and undertakes to comply with the refund provisions of Part 273 of the Commission's Regulations under the Natural Gas Policy Act insofar as they are applicable to the collections for the wells identified in the annex to this agreement, and has executed and sealed this agreement or caused this agreement to be executed and sealed in its name by a duly authorized officer (of this corporation) or a duly authorized member (of this unincorporated association) on this _____ day of _____, 19__.

(Name of Respondent)

By_____

Attest:

_____

(2) In lieu of filing a general undertaking with respect to particular first sales as provided in subparagraph (1), a seller may elect to file a general undertaking applicable to all first sales made by the seller in the following form:

AGREEMENT OF
(Name of Applicant) TO COMPLY WITH REFUND
PROVISIONS OF PART 273 OF THE COMMISSION'S REGULATIONS
UNDER THE NATURAL GAS POLICY ACT AND PART 154
OF THE COMMISSION'S REGULATIONS UNDER THE
NATURAL GAS ACT

(Name of Applicant) hereby agrees and undertakes to comply with the refund provisions of Part 273 of the Commission's Regulations under the Natural Gas Policy Act insofar as they are applicable to any collections made by or for the applicant under these regulations and has executed and sealed this agreement or caused this agreement to be executed and sealed in its name by a duly authorized officer (of this corporation) or a duly authorized member (of this unincorporated association) on this _____ day of _____, 19__.

(Name of Respondent)

By_____

Attest:

_____

(3) Additional refund assurance may at any time be required by order of the Commission.

(c) Escrow. In the case of interim collections under § 273.202, the following additional requirements apply:

(1) Any amount (i) which is collected under § 273.202 and (ii) which (A) in the case of a new well, is in excess of the price specified in § 273.201(a)(1); or (B) in the case of any other well, is in excess of the otherwise applicable maximum lawful price, shall be secured by a surety bond or held in escrow.

(2) Any amount held in escrow under subparagraph (1) shall be deposited in a segregated interest-bearing account at a financial institution which is chartered and supervised by a state or federal agency and in which deposits are insured by a state or federal agency.

(d) Records. If any collection is made under Subpart B, the seller shall keep accurate accounts of all amounts so collected for each billing period and for each purchaser; the billing determinants of each sale to each such purchaser and resulting revenues as computed under the price being charged pursuant to this part; the price charged immediately prior to any interim collections; and the price prescribed by § 273.201 of this part (or any other maximum lawful price used to compute the amount bonded or escrowed under this paragraph), together with the differences in revenues so computed for each sale.

(e) Refund payment.

(1) Within 15 days after a determination that a first sale is not eligible for the price collected under this part becomes final, the seller shall refund to the purchaser by cash or check the refund amount computed under paragraph (g) together with interest at the rate of nine percent per annum on the excess charges that have been collected from the date of payment until the date of refund.

(2) No interest is required to be paid on any portion of a refund:

(i) which represents payments of royalties or taxes to federal or state governmental authorities, except to the extent that such authorities pay interest to the seller when refunding overpayments of royalties or taxes; or

(ii) which is paid from escrow (but interest which accrued in the escrow account on the amount required to be refunded shall be paid at the time of refund).

(f) Discharge of obligation. If a determination that natural gas is eligible for the price collected becomes final, then upon receipt of such final determination, the bond, escrow, or undertaking shall be discharged to the extent it applies to first sales from the well for which the determination was made. If any refunds required by this section are

made in conformity with the terms and conditions of the bond, escrow, or undertaking, the bond, escrow, or undertaking shall be discharged insofar as it applies to such refund obligation.

(g) Refund computation.

(1) Where the final determination that the sale is not eligible for the price collected under Subpart B also includes a final determination of the maximum lawful price for that sale, that finally determined price, to the extent permitted by the applicable sales contract, shall be used to compute the excessive interim collections and refund amount.

(2) In any other case, the appropriate maximum lawful price specified under Subpart D, E, F, or I of Part 271, to the extent permitted by the applicable sales contract, shall be used to compute the excessive interim collections and refund amount.

PART 274 - DETERMINATIONS BY JURISDICTIONAL AGENCIES

SUBPART A - GENERAL PROVISIONS

Sec.
274.101 Applicability.
274.102 Definition of determination.
274.103 Determinations by jurisdictional agencies.
274.104 Notice to the Commission.
274.105 Reports of determination process.

§ 274.101 Applicability.

This part applies to determinations of jurisdictional agencies (as defined in § 270.103) made under the following subparts of Part 271:

(a) Subpart B (relating to new natural gas and certain OCS gas);

(b) Subpart C (relating to new onshore production wells);

(c) Subpart G (relating to high cost gas); and

(d) Subpart H (relating to stripper well gas).

§ 274.102 Definition of determination.

For purposes of this part and Part 275, a determination has been made by a jurisdictional agency when such determination is administratively final before such agency.

§ 274.103 Determinations by jurisdictional agencies.

(a) A jurisdictional agency shall make determinations to which this part applies in accordance with procedures applicable to it under the law of its jurisdiction for making such determinations or for making comparable determinations.

(b) A jurisdictional agency determination is not effective if made with respect to an application which the Commission determines, within 45 days after the date on which the Commission received notice of the determination, does not comply with the filing requirements set forth in Subpart B of this part, or with the alternative requirements approved pursuant to § 274.207 of Subpart B.

§ 274.104 Notice to the Commission.

(a) Within 15 days after making a determination that natural gas qualifies for a maximum lawful price under this part, the jurisdictional agency shall give written notice of such determination to the Commission. Such notice shall include the following:

(1) a copy of the NGPA form filed by the applicant;

(2) a list of all participants in the proceeding as well as any persons who submitted or who sought an opportunity to submit written comment (whether or not such persons participated in the proceeding);

(3) a statement indicating whether the matter was opposed before the jurisdictional agency;

(4) the information set forth in § 274.105 as applied to the determination in question, unless the jurisdictional agency has on file with the Commission, a report describing its determination process under that section; and

(5)(i) if the application was opposed, the complete record of the proceeding resulting in the determination by the jurisdictional agency; or

(ii) if the application was unopposed, those records relied on by the jurisdictional agency in making the determination.

(b) Within 15 days after making a determination that natural gas does not qualify for a maximum lawful price under this part, the jurisdictional agency shall give written notice of such determination to the Commission. Such notice shall include the information specified in paragraph (a)(1) and (2) of this section; except that if the applicant or any aggrieved party so requests within the 15 days following the determination, the notice shall include all of the information specified in paragraph (a) of this section.

§ 274.105 Reports of determination process.

(a) A jurisdictional agency may file with the Commission a report which states that it will diligently undertake to consider and decide determinations to which this part applies describing the method by which such agency will make determinations to which this part applies. The report shall be in narrative form and shall include:

(1) any filing requirements, imposed by the jurisdictional agency in addition to those required by Subpart A of this part including specific forms; as well as any more specific identification of documents listed as minimum requirements as provided in Subpart B;

(2) the type of notice of filing that applicants will be required to give;

(3) the public or specific notice that will be given by the agency of filings, hearings, and determinations;

(4) the internal procedures applicable to such determinations, including specific references to the use of hearings, examiners, and formal consideration by the agency;

(5) the extent to which applicable rules permit interested parties to intervene, participate, or express views in proceedings before the agency;

(6) a description of the relevant data contained in the official records of the agency or contained in the official records of other agencies to which the jurisdictional agency has access; and

(7) a detailed explanation of the manner in which the agency will review applications including identification of the official records which will be examined to verify the information in applications.

(b) The jurisdictional agency shall give written notice to the Commission of any change in procedures described in the report filed pursuant to this section.

(c) Reports and any changes thereto filed by the jurisdictional agency will be placed in the public files of the Commission.

SUBPART B - REQUIREMENTS FOR FILINGS WITH JURISDICTIONAL AGENCIES

Sec.

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§ 274.201 General requirements.

(a) Filing requirements applicable if alternative requirements are not adopted. The provisions of §§ 274.201 through 274.206 this subpart apply to the extent not superseded by alternative filing requirements which have taken effect under § 274.207.

(b) Who may file. An application to which this subpart applies shall be filed with the jurisdictional agency by the person authorized by State law to make filings with respect to the well for which the application is made.

(c) Attestation. If the person filing an application under this part is an individual, the filing shall be signed and attested to by such individual, or in the case of a minor or other legally disabled person, his duly qualified legal representative. If the person making such filing is a

corporation, partnership, or trust, the filing shall be signed and attested to by a responsible officer of the corporation, a general partner of the partnership, or the trustee of the trust. An operator under a joint operating agreement may sign and attest to an application for a well covered by the operating agreement if notice of the application is given by the operator to all other parties participating in the particular well and that fact is certified in the application. In the case of any other legal entity, the operator of the well may sign and attest to the application.

(d) Additional information. The documents required by this subpart are the minimum required in support of a request for a determination. The jurisdictional agency may require additional support as it deems appropriate, and may more specifically identify the documents indicated as the minimum required.

(e) Notice to purchasers. Where an application for a determination is sought for natural gas for which the applicant has an identified purchaser, the application shall include a statement that the applicant has delivered or mailed, postage prepaid, a copy of the application to the purchaser.

§ 274.202 New natural gas.

(a) Applications for determination. A person seeking a determination for purposes of Subpart B of Part 271 that production from a well qualifies as new natural gas shall file an application with the jurisdictional agency for a determination that:

(1) such production is from a new OCS lease, in accordance with paragraph (b);

(2) such production is from a new onshore well, in accordance with paragraph (c); or

(3) such production is from a new onshore reservoir, in accordance with paragraph (d).

(b) New OCS lease. For purposes of demonstrating that natural gas is or is to be produced from a new OCS lease, the applicant shall file:

(1) NGPA Form No. 1;

(2) a statement by the applicant under oath:

(i) that he has made, or has caused to be made pursuant to his instructions, a diligent search of available public records including records maintained by the Department of Interior;

(ii) describing the search made, the records reviewed, the location of such records, and any records which he

believes may contain information relevant to the determination but which he has determined are not reasonably available to him;

(iii) that on the basis of the results of this search and examination, he has concluded that to the best of his information, knowledge and belief, the natural gas is, or is to be produced from a new OCS lease which is a lease of submerged acreage, entered into on or after April 20, 1977;

(iv) that he has no knowledge of any other information which is inconsistent with his conclusion; and

(3) if the jurisdictional agency so requires, certified copies of all records relied on by the applicant including copies of the agency's official files.

(c) New onshore wells. An application for a determination that a well is a new onshore well may be filed under subparagraph (1) or (2) of this paragraph, or both.

(1) 2.5 mile test. For purposes of demonstrating that a new onshore well is not within 2.5 miles of any marker well, the applicant shall file:

(i) NGPA Form No. 1;

(ii) the well completion report;

(iii) a location plat locating and identifying the well for which the determination is sought and all wells within the 2.5 mile radius;

(iv) the directional drilling survey, if the jurisdictional agency requires such a survey to be conducted;

(v) a statement by the applicant under oath:

(A) that he has made, or has caused to be made pursuant to his instructions, a diligent search of available public records including production, severance tax, and royalty records as well as any other records reasonably available to him;

(B) describing the search made, the records reviewed, the location of such records, and any records which he believes may contain information relevant to the determination but which he has determined are not reasonably available to him;

(C) that on the basis of the results of this search and examination, he has concluded that to the best of his information, knowledge and belief, there is no marker well within 2.5 miles of the well for which he seeks a determination; and

(D) that he has no knowledge of any other information which is inconsistent with his conclusion; and

(vi) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

(2) 1,000 feet deeper test. For purposes of demonstrating that the completion location of a new onshore well is at least 1,000 feet deeper than the deepest completion location of each marker well within a 2.5 mile radius of the well for which a determination is sought, the applicant shall file:

(i) NGPA Form No. 1;

(ii) the well completion report;

(iii) a location plat which locates and identifies the well for which the determination is sought and all wells within the 2.5 mile radius, including specific identification of all marker wells within the 2.5 mile radius;

(iv) a list of the deepest completion locations for all marker wells shown on the location plat;

(v) the directional drilling survey, if the jurisdictional agency requires such survey to be conducted;

(vi) a statement by the applicant, under oath:

(A) that he has made, or has caused to be made pursuant to his instructions, a diligent search of available public records including production, severance tax and royalty records as well as any other records reasonably available to him;

(B) describing the search made, the records reviewed, the location of such records, and any records which he believes may contain information relevant to the determination but which he has determined are not reasonably available to him;

(C) that on the basis of the results of this search and examination, he has concluded that to the best of his information, knowledge and belief, there is no marker well within 2.5 miles of the well for which he seeks a determination which has a completion location less than 1,000 feet above the completion location of the new well; and

(D) that he has no knowledge of any other information which is inconsistent with his conclusion; and

(vii) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

(d) New onshore reservoir.

(1) For purposes of demonstrating that production is from the new onshore reservoir, the applicant shall file:

(i) NGPA Form No. 1;

(ii) geological information sufficient to support a determination that the reservoir is a new onshore reservoir. Such information shall include to the extent reasonably available to the applicant at the time of the determination:

(A) well logs;

(B) bottom hole pressure surveys;

(C) well potential tests;

(D) formation structure maps;

(E) a subsurface cross-section chart; and

(F) a gas analysis;

(iii) the well completion report;

(iv) the directional drilling survey if the jurisdictional agency requires such survey to be conducted; and

(v) a statement by the applicant, under oath:

(A) that he has made or has caused to be made, pursuant to his instructions, a diligent search of available public records including production, severance tax, and royalty records as well as any other records reasonably available to him;

(B) describing the search made; the records reviewed; the location of such records; and a description of any records which are described in (ii) (or which he believes may otherwise contain information relevant to the determination) but which he has determined are not reasonably available to him;

(C) that on the basis of the results of this search and examination, he has concluded that to the best of his information, knowledge and belief the natural gas to be produced and for which he seeks a determination is from a new onshore reservoir; and

(D) that he has no knowledge of any other information which is inconsistent with his conclusion; and

(vi) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

(2) the applicant in his statement under oath shall also answer, to the best of his information, knowledge and belief and on the basis of the results of the search and examination, the following questions:

(i) Was natural gas produced in commercial quantities from the reservoir prior to April 20, 1977?

(ii)(A) Was the reservoir penetrated before April 20, 1977 by an old well from which natural gas or crude oil was produced in commercial quantities from any reservoir?

(B) If the question in clause (ii)(A) is answered in the affirmative, could natural gas have been produced in commercial quantities from the reservoir before April 20, 1977, from any old well described in clause (ii)(A)?

(C) If the natural gas is to be produced through an old well, were suitable facilities for the production and delivery to a pipeline of such natural gas in existence on April 20, 1977?

(D) If the applicant is unable to answer the questions in clauses (B) and (C) in the negative, the

applicant shall provide the information upon which he bases his conclusion that the natural gas for which he seeks a determination is to be produced from a new onshore reservoir.

§ 274.203 New reservoirs on old OCS leases.

A person seeking a determination for purposes of Subpart B of Part 271 that natural gas is produced from a new reservoir on an old OCS lease (as defined in § 271.203(b)), shall file an application with the jurisdictional agency which contains the following items:

(a) NGPA Form No. 1 ;

(b) the date the reservoir was penetrated;

(c) geological information sufficient to support a determination that the reservoir is a new reservoir on an old OCS lease. Such information shall include to the extent reasonably available to the applicant at the time of the determination:

(1) well logs;

(2) bottom hole pressure surveys;

(3) well potential tests;

(4) formation structure maps;

(5) a subsurface cross-section chart; and

(6) a gas analysis;

(d) the well completion report;

(e) if the date of penetration of the reservoir is prior to July 27, 1976:

(1) the results of any production test meeting the requirements of OCS Order No. 4 demonstrating that, as of the time of such test, the reservoir was not capable of producing in paying quantities;

(2) any production capability evidence meeting the requirements of OCS Order No. 4 demonstrating that, as of the time such evidence was obtained, the reservoir was not capable of producing in paying quantities; or,

(3) an induction-electric log, sidewall cores and core analysis, or a wire line formation test indicating that, as of the time of such tests, the reservoir was not capable of producing in commercial quantities;

(f) a statement by the applicant, under oath, that no such production tests were performed and that no evidence existed on the date the reservoir was penetrated that the reservoir was capable of producing in paying quantities;

(g) a statement by the applicant, under oath:

(1) that he has made, or has caused to be made pursuant to his instructions, a diligent search of available public records including production, severance tax, and royalty records, as well as any other records reasonably available to him;

(2) describing the search made, the records reviewed, the location of the records, and any records which he believes may contain information relevant to the determination but which he has determined are not reasonably available to him;

(3) that on the basis of the results of this search and examination, he has concluded that to the best of his information, knowledge and belief, the natural gas for which he seeks a determination is produced on an old lease on the OCS from a reservoir which was not discovered before July 27, 1976; and

(4) that he has no knowledge of any other information which is inconsistent with his conclusion; and

(h) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

§ 274.204 New onshore production wells.

A person seeking a determination for purposes of Subpart C of Part 271 that a well is a new, onshore production well, shall file an application with the jurisdictional agency which contains the following items:

(a) NGPA Form No. 1 ;

(b) the well completion report;

(c) a location plat which locates and identifies the well for which a determination is sought and all other wells within the proration unit in which the subject well is located; and

(d) a statement by the applicant, under oath:

(1) that he has made, or has caused to be made pursuant to his instructions, a diligent search of available public records including production, severance tax, and royalty records, as well as any other records reasonably available to him;

(2) describing the search made, the records reviewed, the location of the records, and any records he believes may contain information relevant to the determination but which he has determined are not reasonably available to him;

(3) that on the basis of this search and examination, he has concluded that to the best of his information, knowledge and belief the surface drilling of the well for which he seeks a determination was begun on or after February 19, 1977;

(4) that the well satisfies any applicable federal or state well-spacing requirements; and that the well is not within a proration unit:

(i) which was in existence at the time the surface drilling of the well began;

(ii) which was applicable to the reservoir from which natural gas is produced; and

(iii) which applied to any other well which either produced natural gas in commercial quantities or the surface drilling of which began on or after February 19, 1977, and
was thereafter capable of producing natural gas in commercial quantities; and

(iv) that he has no knowledge of any information which is inconsistent with his conclusions.

(e) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

§ 274.205 High-cost gas.

A person seeking a determination for purposes of Subpart G of Part 271 that natural gas is produced from a well which is a deep, high-cost well shall file an application with the jurisdictional agency which contains the following items:

(a) NGPA Form No. 1;

(b) all well completion reports for this well;

(c) well logs;

(d) directional drilling surveys if available; and

(e) a statement by the applicant, under oath, that the surface drilling of the well for which he seeks a determination began on or after February 19, 1977 and that the well completion location is below a true vertical depth of 15,000 feet; and that he has no knowledge of any information which is inconsistent with his conclusions.

§ 274.206 Stripper gas.

A person seeking a determination for purposes of Subpart B of Part 271 that a well either qualifies or continues to qualify as a stripper well shall file an application with the jurisdictional agency which contains the following items:

(a) Application for determination. For purposes of initially qualifying a stripper well, the applicant shall file:

(1) NGPA Form No. 1;

(2) a copy of the results of any test establishing the maximum efficient rate of flow for the well; and, if the maximum efficient rate of flow has not been previously established:

(i) production records, if available, and if not, tax records, if available, or verified copies of billing statements for the 12 months immediately preceding November 9, 1978, including any part of the 90-day

production period upon which the application is based, which demonstrate that the well produced nonassociated natural gas at a rate which did not exceed an average of 60 Mcf per production day during such period;

(ii) if the well for which a determination is sought, has produced nonassociated natural gas at an average rate not in excess of 60 Mcf per production day for a 90-day production period within 120 days of the date of filing, but such an average rate of production has not been experienced for a 12-month period, the applicant shall file, as soon as practicable but in no event later than 10 months after the date the application is filed with the jurisdictional agency, either production records, if available, and if not, tax records, if available, or verified copies of billing statements for the 12-month period, including any part of the 90-day production period upon which the application is based, which demonstrates that such well produced nonassociated natural gas at a rate which did not exceed an average of 60 Mcf per production day during such period; or

(iii) such other evidence as the applicant may submit upon which the jurisdictional agency could establish the maximum efficient rate of flow;

(3) production records, if available, and if not, tax records, if available, or verified copies of billing statements upon which the average production for the 90-day production period is based;

(4) a list of the dates natural gas was not produced during the 90-day production period and a description of the state law or conservation practice recognized or approved by the state agency having regulatory jurisdiction over the production of natural gas which prohibited production;

(5) a list of the dates not included in the 90-day production period and a statement of the reasons why each day was excluded except to the extent they are covered under subparagraph (4);

(6) the production records for oil produced from the well for the 12-month period immediately preceding the date of filing;

(7) an inventory of the lease and production equipment used for the well for the past 24 months or for such lesser period as the well has been in production prior to date of filing, as well as the identification of any enhancement equipment or processes used during the completion of the well or during production subsequent to the completion of the well but prior to the filing for a determination;

(8) a statement by the person signing the applica-

tion, under oath, that he has made, or has caused to be made pursuant to his instructions, a diligent search of available public records as well as any other records reasonably available to him; a description of the search made, the records reviewed, the results of this search and examination he has concluded that to the best of his information, knowledge and belief, the well qualifies as a stripper well; and that he has no knowledge of any other information which is inconsistent with his conclusion.

(9) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

(b) Notice by an operator or purchaser of an increase in production. For purpose of the notices required under § 271.805, the person filing shall include:

(1) the names and addresses of the operator and purchaser(s) with a designation of who is filing the notice;

(2) identification of the subject well and accurate record reference to the original determination qualifying the well as a stripper well;

(3) the monthly production reports, tax records or billing statements for the period of production in question;

(4) a statement of the average production per production day for the period in question; and

(5) a statement that all of the information contained in the notice is true to the best of his information, knowledge and belief; and that the notice has been served on the appropriate entities specified in § 271.805.

(6) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

(c) Determination of increased production resulting from enhanced recovery techniques. For purposes of a determination that increased production resulted from the use of enhanced recovery techniques, the applicant shall file:

(1) the names and addresses of the applicant and purchaser;

(2) an identification of the well and accurate record reference to the original determination qualifying the well as a stripper well and the notice, if any, filed by a purchaser pursuant to § 271.805;

(3) a description of all processes used or equipment installed together with all dates of use or installation; and

(4) a statement, under oath, that to the best of his information, knowledge and belief, the information supplied and the conclusions drawn are true; that the operator has

no knowledge of any information inconsistent with any of his conclusions; and that the notice has been served on the appropriate entities specified in § 271.805.

(5) if the jurisdictional agency so requires, certified copies of records relied on by the applicant including copies of the agency's official files.

(d) Designation that a well is seasonally affected. For purposes of a designation that a well is seasonally affected, applicant shall file:

(1) the names and addresses of the applicant and purchaser(s);

(2) an identification of the well and accurate record reference to the original determination qualifying the well as a stripper well and any notice filed by a purchaser pursuant to § 271.805;

(3) production records, tax records or billing statements for a period of 24 months, including the 90-day or 12-month production period which is the subject of the notice by the operator or the purchaser;

(4) a description of the nature of the seasonal fluctuations as inferred from the data supplied; and

(5) a statement, under oath, that the production records, tax records or billing statements are correct; that the operator is in possession of no knowledge of any information contrary to any conclusions drawn by him; and

that the notice has been served in the appropriate entities specified in § 271.805.

(6) if the jurisdictional agency so requires, certified copies of the records relied on by the applicant including copies of the agency's official files.

§ 274.207 Alternative filing requirements.

(a) General. Upon written application by a jurisdictional agency pursuant to this section, the Commission may approve filing requirements which differ from those in §§ 274.201 through 274.206 of this subpart.

(b) Contents of applications. Applications for approval of alternative filing requirements shall include:

(1) each requirement of this subpart for which an alternative is proposed;

(2) a description of the specific requirements which will replace the requirements in subparagraph (1), including copies of any forms to be used by the agency;

(3) the reasons for requesting approval of each alternative requirement, which may include the fact that such information is not available; and

(4) the basis for the belief that filings under the alternative requirements provide substantial evidence on which the jurisdictional agency may base a determination.

(c) Commission review of applications. Upon receipt of an application pursuant to this section, the Commission shall give public notice of such application and after review of any written comments, may issue an order approving the alternative requirements. The Commission will publish the order in the Federal Register.

(d) Effective date of alternative filing requirements. With respect to applications received by a jurisdictional agency after the effective date of approval of alternative filing requirements, such alternate requirements as are specified in the approval shall apply in lieu of the provisions of §§ 274.201 through 274.206 of this subpart.

(e) Termination of alternative filing requirements.

(1) A jurisdictional agency may, upon notice to the Commission, discontinue the use of any alternative filing requirements approved under this subpart.

(2) The Commission may, after public comment, give notice to a jurisdictional agency that the Commission has terminated its approval of alternative filing requirements, if it finds that the alternative filing requirements:

(i) are not sufficient to carry out the purpose of the NGPA; or

(ii) the jurisdictional agency is not requiring compliance with the alternative requirements.

(3) Applications for determinations received by jurisdictional agencies after notice of termination of the applicability of alternative filing requirements pursuant to this section shall be subject to the filing requirements set forth in §§ 274.201 through 274.206 of this subpart.

APPENDIX TO SUBPART B
NGPA Form No. 1
APPLICATION FOR DETERMINATION
(Secs. 102, 103, 107, 108 and 109)

1. API Well No.: _____

2. Applicant: _____

   Address: Street: _____

   City: _____ State: _____ Zip: _____

3. Well Name and No.: _____

4. Location of Well: _____
   Field County State

5. OCS Lands: _____ _____ _____ _____
   Lease Date OCS No. Block No. Area

6. Purchaser: _____

7. Contract Date: _____ 8. Est. Annual Prod. _____ MMcf

9. Contract Price on filing date:

Base (¢/MMBtu)	
Tax	
Other	
Total	

10. Max. Lawful Price on filing date:

Base (¢/MMBtu)	
Tax	
Other	
Total	

11. Reservoir: _____

12. Category of gas for which determination is sought:
    Section of NGPA _____
    Category: _____
    Depth of Completion Location _____

13. Remarks:

Name: _____ Title: _____
(Name and title of person responsible for application)

_____ _____ _____
Signature Date Phone No.

SUBPART C - WAIVERS

Sec.
274.301 Applicability.
274.302 Requests for waiver.
274.303 Termination or revocation of agreements.
274.304 Notice.

§ 274.301 Applicability.

This subpart contains the procedures by which jurisdictional agencies and the Commission may enter into agreements under which jurisdictional agencies waive to the Commission authority to make the determinations set forth in Subpart A of this part.

§ 274.302 Requests for waiver.

(a) General. A jurisdictional agency may file with the Commission a request to enter into a written agreement waiving, in whole or in part, the authority of the jurisdictional agency to make determinations pursuant to Subpart A of this part.

(b) Contents of requests. Requests filed pursuant to this section shall include:

(1) the name of the jurisdictional agency;

(2) each class of determination for which a waiver is sought;

(3) the reasons the jurisdictional agency believes a waiver is necessary; and

(4) the length of time any waiver is to remain in effect.

(c) Commission action on requests. After consideration of any request under this section, the Commission may execute a written agreement which shall provide:

(1) that upon written acceptance of the agreement by the jurisdictional agency, the Commission, in lieu of such agency, will make the determinations waived in the agreement, and

(2) any terms and conditions, including the date(s) on which the waiver shall terminate, the Commission deems should be applicable to such waiver; and

(3) the effective date of the waiver.

§ 274.303 Termination or revocation of agreements.

Agreements pursuant to this subpart shall remain in effect until the earlier of:

(a) the expiration of the period specified in the agreement of waiver;

(b) receipt by the Commission of written notice from the jurisdictional agency that such agency terminates the agreement and assumes the authority to make determinations under Subpart A of this part; or

(c) the date on which the Commission pursuant to a term or condition of the waiver agreement, gives public notice that it has revoked the agreement.

§ 274.304 Notice.

The Commission shall cause public notice to be made of agreements of waiver and of any termination or revocation of a waiver.

SUBPART D - DELEGATIONS TO STATE AGENCIES

§ 274.401 Delegation of reporting requirements for certain first sales under sections 105 and 106(b) of the NGPA.

(a) Applicability. Section 276.101(b) provides that the Commission may delegate to a state agency the authority to receive the reports required to be filed by an interstate pipeline listing all first sales made to the pipeline pursuant to sections 105 and 106(b) of the NGPA. The filing requirements for the intrastate pipeline are set forth in sections 276.102(e) and 276.103(e). This section delineates the conditions under which the delegation may occur.

(b) State agency. A delegation pursuant to this section may be made only to a state agency having rate regulatory jurisdiction over all the intrastate pipelines that would be making the required filing. A state agency having rate jurisdiction is defined as one with regulatory jurisdiction over the rates and charges of the intrastate pipelines.

(c) Terms of the delegation. Such delegation shall be contained in an agreement executed between the Commission and the state agency, and shall contain such terms and conditions as the parties deem appropriate. Notice of the delegation agreement will be published in the Federal Register.

PART 275 - COMMISSION DETERMINATIONS AND REVIEW JURISDICTIONAL AGENCY DETERMINATIONS

SUBPART A - [RESERVED]

SUBPART B - PROCEDURE FOR COMMISSION REVIEW OF JURISDICTIONAL AGENCY DETERMINATIONS

Sec.

275.201 Publication of notice from jurisdictional agency.
275.202 Commission review of final determinations.
275.203 Protests to the Commission.
275.204 Contents of protests to the Commission.
275.205 Procedure for reopening determinations.

§ 275.201 Publication of notice from jurisdictional agency.

Upon receipt of a notice of determination by a jurisdictional agency under § 274.104, the Commission shall publish notice of such determination in the Federal Register. Such notice shall include:

(a) the date on which the jurisdictional agency notice was received;

(b) the information contained in Part I of the appropriate NGPA form;

(c) a statement that the record on which such determination was made is available for inspection at the offices of the Commission; and

(d) a statement that persons objecting to the final determination may, in accordance with this subpart, file a protest with the Commission within 15 days of the publication.

§ 275.202 Commission review of final determinations.

(a) Review by Commission. Except as provided in paragraph (b) of this section, determinations submitted to the Commission by jurisdictional agencies shall become final 45 days after the date on which the Commission received notice of the determinations, unless within 45 days, the Commission:

(1) makes a preliminary finding that:

(i) the determination is not supported by substantial evidence in the record on which the determination was made; or

(ii) the determination is not consistent with information which is contained in the public records of the Commission and which was not part of the record on which the jurisdictional agency made the determination, and

(2) provides written notice of such preliminary finding to the jurisdictional agency which made the determination, to those parties identified in the notice of such determination, to the Commission, and to any persons who have filed a protest.

(b) Noncompliance with filing requirements. Within 45 days after receipt of notice of a determination by a jurisdictional agency, if the Commission finds that the application to the jurisdictional agency on which the determination was based did not conform to the filing requirements of Part 274 or alternative filing requirements approved pursuant to § 274.207, it shall notify the jurisdictional agency that, because of such nonconformity, the determination is ineffective. Unless, within 45 days of such notification, the jurisdictional agency notifies the Commission that such agency has received a conforming application, the applicant's right to make interim collections under Part 273 shall terminate.

(c) Notice. Written notice by the Commission pursuant to paragraph (a)(2) of this section shall include the reasons for the preliminary finding.

(d) Procedures following notice of preliminary finding. The jurisdictional agency and persons receiving notice pursuant to paragraph (a)(2) may, within 20 days after issuance of the preliminary finding, submit written comments and request an informal conference with the Commission staff. All timely requests for conferences will be granted and notice given to, and attendance permitted by, those persons identified in § 275.202(a)(2).

(e) Commission review. In any case in which a protest was filed with the Commission pursuant to this subpart and a preliminary finding was issued, the Commission will issue a final order within 120 days after issuance of the preliminary finding, either affirming, reversing, or remanding the determination of the jurisdictional agency. Such order shall state the specific basis for the Commission's action. In the event that the Commission fails to issue a final order within such time, the determination of the jurisdictional agency shall become final.

§ 275.203 Protests to the Commission.

(a) Who may file. Any person may file a protest with the Commission with respect to a determination of a jurisdictional agency.

(b) Grounds. Protests may be based only on the grounds that the final determination is:

(1) not supported by substantial evidence;

(2) not consistent with information which is contained in the public records of the Commission and which was not part of the record on which the determination was made;

(3) not consistent with information submitted with the protest for inclusion in the public records of the Commission,

which information was not part of the record on which the determination was made; or

(4) not based on an application which complied with the filing requirements set forth in Subpart B of Part 274, or alternative filing requirements approved pursuant to § 274.207.

§ 275.204 Contents of protests to the Commission.

Each protest shall include:

(a) an identification of the determination protested;

(b) the name and address of the person filing the protest;

(c) a statement of whether or not the person filing the protest participated in the proceeding before the jurisdictional agency, and if not, the reason for his non-participation;

(d) a statement of the effect the determination will have on the protestor;

(e) a statement of the precise grounds under § 275.202 for the protest, and all supporting documents or references to any information relied on which is in or to be inserted in the public files of the Commission or in the record of the determination; and

(f) a statement that the protestor has served, in accordance with §§ 1.17 and 1.51 of this chapter a copy of the protest together with all supporting documents on the jurisdictional agency and all persons who participated in the proceeding before the jurisdictional agency.

§ 275.205 Procedure for reopening determinations.

(a) Grounds. At any time subsequent to the time a determination becomes final pursuant to this subsection, the Commission, on its own motion, or in response to a petition filed by any person aggrieved or adversely affected by the determination, may reopen the determination if it appears that:

(1) in making the determination, the Commission or the jurisdictional agency relied on any untrue statement of material fact; or

(2) there was omitted a statement of material fact necessary in order to make the statements made not misleading, in light of the circumstances under which they were made to the jurisdictional agency or the Commission.

(b) Contents of petition. A petition to reopen the determination proceedings shall contain the following information, under oath:

(1) the name and address of the person filing the petition;

(2) the interest of the petitioner in the outcome of the determination proceeding;

(3) the statement of material fact that is alleged to be untrue or omitted;

(4) a statement explaining why the outcome of the determination proceeding would have been different had the statement or omission not occurred; and

(5) copies of all documents relied on by the petitioner, or references to such documents if they are contained in the public files of the Commission.

(c) Procedures after reopening. In the event the Commission reopens a determination pursuant to this section it shall:

(1) give notice to the jurisdictional agency and all persons who participated, before both that agency and the Commission, in the proceedings resulting in the determination in question;

(2) permit the jurisdictional agency and other persons receiving notice pursuant to subparagraph (1) to submit whatever documentary evidence such agency or persons deem relevant; and

(3) take such other action or hold or cause to be held such proceedings as it deems necessary or appropriate for a full disclosure of the facts.

(d) Final order of Commission. Within 150 days after issuance of the notice under paragraph (c)(1) of this section, the Commission shall issue a final order. If the Commission finds that the grounds referred to in paragraph (a) of this section exist, it shall vacate the determination, and order refund or other appropriate action, and the right to collect the previously determined maximum lawful price shall terminate.

PART 276 - REPORTS

SUBPART A - REPORTS FOR SALES OF NATURAL GAS UNDER SECTIONS 105, 106(b) AND 109, OF THE NGPA

Sec.

276.101 Reporting entities.
276.102 Existing intrastate contracts.
276.103 Intrastate rollover contracts.
276.104 Other categories of natural gas.
276.105 Elective filing for small producers.

§ 276.101 Reporting entities

(a) General rule. Except as provided in paragraph (b), any person who makes a first sale of natural gas with respect to which the maximum lawful prices under sections 105, 106(b) or 109 of the NGPA apply, shall file with the Commission reports in accordance with the provisions of this subpart.

(b) Exceptions. In the case of reports to be filed with respect to existing intrastate contracts and intrastate rollover contracts, any person who, in the 12 month period which began on December 1, 1977 and ended on November 30, 1978, sold less than a total of 10,000 MMcf of natural gas

(including the sales by any affiliate of such person and including all sales whether such sales occurred in inter- or intrastate commerce) may, in lieu of the reports otherwise required under this subpart, elect to file the oath statement and undertaking described in §276.105 of this subpart.

(2) In the case of a first sale under sections 105 and 106(b) of the NGPA to an interstate pipeline or an intrastate pipeline, the provisions of paragraphs (a) and (b)(1) of this section shall not apply and the reports required to be filed under §§ 276.102 and 276.103 of this subpart shall be filed by the purchasing interstate pipeline or intrastate pipeline. Such reports shall be filed with the Commission except in the case of a delegation of functions which has been made to a state regulatory agency pursuant to Subpart D of Part 274. With regard to such first sales, the person making the first sale must file an oath statement with the Commission in accordance with §§ 276.102(f) and 276.103(f).

§ 276.102 Existing intrastate contracts.

(a) Any person who makes a first sale of natural gas under an existing intrastate contract or a successor to an existing intrastate contract shall file with the Commission on

March 1, 1979 and annually thereafter a report which contains:

(1) NGPA Form No. _____;

(2) with respect to each existing intrastate contract and each successor to an existing intrastate contract under which first sales of natural gas occurred in the reporting period, a statement identifying;

(i) the date the existing intrastate contract or the successor to an existing intrastate contract was entered into;

(ii) the contract price as defined in Subpart E on November 8, 1978;

(iii) if the contract price on November 8, 1978, is less than $2.060 per MMBtu, a copy or summary of the contract price escalator terms, if any;

(iv) the duration of the contract;

(v) the identity of all purchasers under the contract;

(vi) the contract price on December 31, 1984, if such price is less than $1.00 per MMBtu; and

(3) a statement under oath to be filed by a responsible officer of such person that to the best of such officer's information, knowledge and belief;

(i) all information submitted in the report is true; and

(ii) any first sales of natural gas occurring in the reporting period were made in compliance with the maximum lawful prices specified in section 105 of the NGPA and the Commission's regulations under Subpart E of Part 271.

(b) In the case of a report filed with the Commission on March 1, 1979, the report shall include the volumes sold under each existing intrastate contract or successor contract in the months of December 1978 and January 1979 and, in the case of the annual reports beginning with the reports to be filed on March 1, 1980 the report shall include volumes sold under each existing intrastate contract or successor contract for the 12 month period ending on January 31 of the reporting year.

(c) Any person filing annual reports with the Commission under this subpart may exclude from his report any information which had been previously reported to the Commission under an earlier report filed by such person under paragraphs (a) or (b) of this section.

(d) For the purposes of the statement under paragraph (a)(3), the reporting period shall mean (1) in the case of the March 1, 1979 reporting period which begins on December 1, 1978 and ends on January 31, 1979, and (2) in the case of annual reports filed beginning with March 1, 1980, the period which begins on February 1 of the preceding calendar year and ending on January 31 of the reporting year.

(e) An interstate or intrastate pipeline purchasing natural gas under an existing intrastate contract shall file a report with the Commission or the appropriate state regulatory agency where a delegation of functions has been made to such state regulatory agency pursuant to Subpart D of Part 274. Such report shall contain all of the information required in this section for all purchases by the reporting pipeline under existing intrastate contracts except:

(1) in lieu of the oath filing required under subparagraph (a)(3), the reporting pipeline shall make a statement under oath by a responsible officer of such pipeline that to the best of such officer's information, knowledge and belief all of the information contained in the report is true; and

(2) paragraph (d) is not applicable.

(f) Any person who makes a first sale of natural gas to any interstate or intrastate pipeline under an existing intrastate contract shall file with the Commission by March 1, 1979 and annually thereafter a statement by a responsible officer of such person under oath which contains:

(1) a statement that to the best of such officer's information, knowledge and belief, any first sales of natural gas occurring in the reporting period under existing intrastate contracts were made in compliance with applicable maximum lawful prices specified in section 105 of the NGPA and the Commission's regulations under Subpart E of Part 271; and

(2) a statement that books and records kept and maintained by such person reflect all the information required to be reported by the purchasing and reporting pipeline under paragraph (e) of this section and that such person undertakes to retain such records for a period of 3 years after the expiration of any contract under which any first sales have occurred during the reporting period.

§ 276.103 Intrastate rollover contracts.

(a) Any person who makes a first sale of natural gas

under an intrastate rollover contract shall file with the Commission on March 1, 1979 and annually thereafter a report which contains:

(1) NGPA Form No. _____;

(2) with respect to each intrastate rollover contract under which first sales of natural gas occurred in the reporting period, a statement identifying:

(i) the effective date on which first sales began under the intrastate rollover contract;

(ii) identification of the expired contract;

(iii) the identity of all parties to the existing intrastate contract which expired and to the intrastate rollover contract;

(iv) a specification of all changes, if any, in price related terms in the intrastate rollover contract from those contained in the existing intrastate contract which expired;

(v) the contract price paid, or which would have been paid, under the existing intrastate contract for the month in which first sales began under the rollover contract;

(vi) the price charged for the month in which first sales began under the intrastate rollover contract; and

(3) A statement under oath to be filed by a responsible officer of such person that to the best of such officer's information, knowledge and belief:

(i) all information submitted in the report is true; and

(ii) any first sales of natural gas occurring in the reporting period were made in compliance with the maximum lawful prices specified in section 106(b) of the NGPA and the Commission's regulations under Subpart F of this part.

(b) In the case of a report filed with the Commission on March 1, 1979, the report shall include the volumes sold under each intrastate rollover contract in the months of December 1978 and January 1979 and, in the case of the annual reports beginning with the report to be filed on March 1, 1980, the report shall include volumes sold under each intrastate rollover contract for the 12 month period ending on January 31 of the reporting year.

(c) Any person filing annual reports with the Commission under this subpart may exclude from his report any information which had been previously reported to the Commission under an earlier report filed by such person under paragraphs (a) and (b).

(d) For the purposes of the statement under paragraph (a)(3), the reporting period shall mean (1) in the case of the March 1, 1979 reporting period which begins on

December 1, 1978 and ends on January 31, 1979, and (2) in the case of annual reports filed beginning with March 1, 1980, the period which begins on February 1 of the preceding calendar year and ending on January 31 of the reporting year.

(e) An interstate or intrastate pipeline purchasing natural gas under an intrastate rollover contract shall file a report with the Commission or the appropriate state regulatory agency where a delegation of functions has been made to such state regulatory agency pursuant to Subpart D of Part 274. Such report shall contain all of the information required in this section for all purchases by the reporting pipeline under intrastate rollover contracts except:

(1) in lieu of the oath filing required under paragraph (a)(3), the reporting pipeline shall make a statement under oath by a responsible officer of such pipeline that to the best of such officer's information, knowledge and belief all of the information contained in the report is true; and

(2) paragraph (d) is not applicable.

(f) Any person who makes a first sale of natural gas to any interstate or intrastate pipeline under an intrastate rollover contract shall file with the Commission by March 1,

1979 and annually thereafter a statement by a responsible officer of such person under oath which contains:

(1) a statement that to the best of such officer's information, knowledge and belief, any first sales of natural gas occurring in the reporting period under intrastate rollover contracts were made in compliance with applicable maximum lawful prices specified in section 106(b) of the NGPA and the Commission's regulations under Subpart E of this part; and

(2) a statement that books and records kept and maintained by such person reflect all the information required to be reported by the purchasing and reporting pipeline under paragraph (e) of this section and that such person undertakes to retain such records for a period of 3 years after the expiration of any contract under which any first sales have occurred during the reporting period.

§ 276.104 Other categories of natural gas.

(a) A person who makes a first sale of natural gas which qualifies under Subpart I of Part 271 shall file a report with the Commission on March 1, 1979 and annually thereafter which contains the following items:

(1) NGPA Form No. 1;

(2) the volumes of gas sold in the reporting period;

(3) a statement that:

(i) the natural gas sold in the reporting period was not committed or dedicated to interstate commerce on November 8, 1978; or if such as was so committed or dedicated, a just and reasonable rate was not in effect under the Natural Gas Act on such date for the natural gas (including the basis for such conclusion); and with respect to any natural gas sold in the reporting period which was not committed or dedicated to interstate commerce on November 8, 1978, the natural gas sold in the reporting period is not subject to an existing intrastate contract as defined in §271.504 or intrastate rollover contract as defined in §271.604;

(4) a statement that, to the best of his information, knowledge and belief, the natural gas does not qualify for a maximum lawful price under any Subpart of Part 271 that is lower than the maximum lawful price permitted under §271.902;

(5)(i) if the natural gas was committed or dedicated to interstate commerce on November 8, 1978, a statement that a notice of change in rate schedule pursuant to §154.94 of this chapter has been filed;

(ii) if the natural gas was not committed or dedicated to interstate commerce on November 8, 1978, a statement identifying the well, reservoir and acreage from which the natural gas is produced.

(6) a statement under oath to be filed by a responsible officer of such person that to the best of such officer's information, knowledge and belief:

(i) all information submitted in the report is true; and

(ii) any first sales of natural gas occurring in the reporting period were made in compliance with the maximum lawful prices specified in section 109 of the NGPA and the Commission's regulations under Subpart I of this part.

(b) For the purposes of the statement under paragraph (a)(6), the reporting period shall mean (1) in the case of the March 1, 1979 reporting period which begins on December 1, 1978 and ends on January 31, 1979, and (2) in the case of annual reports filed beginning with March 1, 1980, the period which begins on February 1 of the preceding calendar year and ending on January 31 of the reporting year.

§ 276.105 Elective filing for small producers.

(a) Any person described in paragraph (b)(1) of §276.101

who elects, in lieu of reports otherwise required under this Subpart under §276.102 and §276.103, to file a general oath statement of undertaking shall no later than March 1, 1979, and annually thereafter, file with this Commission a report containing the following:

(1) NGPA Form No. _____;

(2) a statement that such person in the 12 month period which began December 1, 1977 and ended on November 30, 1978, sold less than a total of 10,000 MMcf of natural gas (including the sales of any affiliate of such person and including all sales which occurred in either inter- or intrastate commerce);

(i) a statement under oath to be filed by a responsible officer of such person that to the best of such officer's information, knowledge and belief, any first sales of natural gas made or to be made will comply with applicable maximum lawful prices specified in sections 105 and 106(b) of the NGPA and the Commission's regulations under Subparts E and F of this part; and

(ii) a statement under oath to be filed by a responsible officer of such person that books and records kept and maintained by such person reflect all the information

required to be reported under §§ 276.102, 276.103 and 276.104 of this Subpart and that such person undertakes to retain such records for a period of 3 years after the expiration of any contract under which any first sales have occurred in the reporting period.

(b) In the case of a general oath statement filed with the Commission on March 1, 1979, such statement shall apply to the volumes sold under each existing contract, successor contract, or intrastate rollover contract in the months of December 1978 and January 1979 and, in the case of the annual statements beginning with the statements to be filed on March 1, 1980, the statement shall apply to volumes sold under each existing contract, successor contract, or intrastate rollover contract for the 12 month period ending on January 31 of the reporting year.

(c) Any person filing annual statements with the Commission under this Subpart may exclude from his report any information which had been previously reported to the Commission under an earlier statement filed by such person under paragraph (a) of this section.

(d) For the purposes of the statement under paragraph (a) of this section, the reporting period shall mean (1) in

the case of the March 1, 1979 reporting period which begins on December 1, 1978 and ends on January 31, 1979, and (2) in the case of annual reports filed beginning with March 1, 1980, the period which begins on February 1 of the preceding calendar year and ending on January 31 of the reporting year.

APPENDIX TO PART 276

NGPA CONTRACT SUMMARY FORM FOR
SECTIONS 105 and 106(b)

1. Applicant: _____

   Address: Street: _____

   City: _____ State: _____ Zip: _____

2. Purchaser: _____

3. Contract Date: _____

4. Effective Date of Contract: _____

5. Estimated Annual Production: _____ (Mcf)

6. Duration of Contract: _____

7. Contract Price per MMBtu
   as of November 9, 1978: _____

Name: _____ Title: _____
(name and title of person responsible
for application)

_____ _____ _____
Signature Date Phone No.

APPENDIX TO PART 276

For Pipeline Purchasers
Summary Report For Existing Sales Not Committed
or Dedicated on 11-8-78 (Section 276.102)

Producer	Contract Date	Effective Date of Contract	Duration of Contract	Estimated Annual Production (MMcf)	Contract Price as of 11-8-78 (¢/MMBtu) 1/	Contract Price on 12-31-84 (¢/MMBtu)

1/ If price is less than $2.060/MMBtu, include a copy or summary of contract price escalator terms.

APPENDIX TO PART 276

For Pipeline Purchasers
Summary Report For Intrastate Rollover Contracts
(Section 276.103)

Producer 1/	Date Sales Commenced Under Rollover Contract	Date of Expired Contract	Date of Rollover Contract	Last Price Under Expired Contract (¢/MMBtu)	Initial Price Under Rollover Contract (¢/MMBtu) 2/

1/ List all parties to the existing contract which expired and identify any change in parties.

2/ Identify all changes in price related terms from those in existing contract.

SUBCHAPTER I - OTHER REGULATIONS UNDER THIS NATURAL GAS POLICY ACT OF 1978

PART 280 - [RESERVED]
PART 281 - [RESERVED]
PART 283 - [RESERVED]

PART 284 - CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS

SUBPART A - CERTAIN TRANSPORTATION BY INTERSTATE PIPELINES

Sec.
284.101 Applicability.
284.102 Transportation by interstate pipelines.
284.103 Rates and charges.
284.104 Terms and conditions.
284.105 Extensions.
284.106 Reporting requirements.

§ 284.101 Applicability.

This subpart implements section 311(a)(1) of the NGPA and applies to the transportation of natural gas by interstate pipelines on behalf of:

(a) intrastate pipelines; and

(b) local distribution companies.

§ 284.102 Transportation by interstate pipelines.

(a) Subject to the provisions of this subpart, any interstate pipeline may, without prior Commission approval, transport natural gas on behalf of:

(1) any intrastate pipeline; and

(2) any local distribution company.

(b) Rates charged for transportation under this subpart may not exceed just and reasonable rates as provided in § 284.103.

(c) Transportation arrangements under this subpart shall be subject to terms and conditions as provided in § 284.104.

(d) Transportation arrangements under this subpart may be extended as provided in § 284.105.

(e) Interstate pipelines engaging in transportation arrangements under this subpart shall file reports as provided in § 284.106.

§ 284.103 Rates and charges.

(a) Rates and charges for transportation of natural gas by interstate pipelines under this subpart shall be determined as provided in paragraphs (b) through (d) of this section.

(b) If an interstate pipeline has on file with the Commission a transportation rate schedule applicable to transportation arrangements under this subpart, the interstate pipeline shall use the rates contained in that schedule.

(c) If an interstate pipeline does not have on file with the Commission a transportation rate schedule applicable to transportation arrangements under this subpart, the interstate pipeline may elect either:

(1) to base its rates upon the methodology and cost used in designing rates to recover the transmission and related storage costs included in its then effective sales rate schedules; or

(2) to use the rates contained in a transportation rate schedule on file with the Commission which the interstate pipeline determines covers service comparable to transportation service under this subpart.

(d) All revenues in excess of one cent per Mcf received for transportation rendered pursuant to an arrangement under this subpart shall be credited to Account No. 191 and flowed back to the interstate pipeline's customers except:

(1) to the extent revenues attributable to such services fall within representative levels which have been credited in arriving at a test period cost of service; or

(2) to the extent that volumes transported fall within representative levels which have been included in billing determinants for the purpose of establishing rates.

§ 284.104 Terms and conditions.

(a) Contracts for the transportation of natural gas pursuant to this subpart shall provide:

(1) that service under the contract shall be conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to the interstate pipeline's existing customers who are dependent on the pipeline's general system supply; and

(2) that the transportation arrangement complies with the provisions of this subpart.

(b) Transportation arrangements pursuant to this subpart may be for a period not exceeding two years and may be extended as provided in § 284.105.

(c) The Commission may, by rule or order, impose further terms and conditions as it deems appropriate and in the public interest.

§ 284.105 Extensions.

(a) Interstate pipelines seeking to extend transportation arrangements under this subpart shall file an extension report as required in § 284.106(c).

(b) The proposed extension may take effect unless the Commission, prior to the beginning of the proposed extension, after opportunity for the oral presentation of data, views and arguments, and for written comments, determines by order that the proposed extension is not approved or is approved as modified.

(c) Extensions may be for a period not exceeding two years unless otherwise ordered by the Commission.

§ 284.106 Reporting requirements.

(a) Initial report. Within 30 days of commencing transportation under this subpart, an interstate pipeline shall file with the Commission an initial report, under oath, signed by a senior official of the company, containing the following information:

(1) the exact legal name of the interstate pipeline and the name, title and mailing address of the person or persons to whom communications concerning the transportation arrangement pursuant to this subpart should be addressed;

(2) a description of the transportation service, including:

(i) the identity of the parties;

(ii) the dates of commencement and termination of the service;

(iii) the estimated total and daily volumes of natural gas to be transported;

(iv) the points between which the natural gas is to be transported; and

(v) the rate to be charged, and with respect to the rate:

(A) if the interstate pipeline is charging a rate contained in a rate schedule under § 284.103(b), the identity of the rate schedule;

(B) if the interstate pipeline is charging a rate computed pursuant to § 284.103(c)(1), an explanation of how the rate is computed; or

(C) if the interstate pipeline is charging a rate contained in a rate schedule under § 284.103(c)(2), a statement of the basis upon which the interstate pipeline determined that the rate schedule used was for comparable service;

(3) a statement that the contract provides that:

(i) service under the contract is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to the interstate pipeline's existing customers who are dependent on the pipeline's general system supply; and

(ii) the transportation arrangement complies with the provisions of this subpart.

(b) Subsequent reports. If any significant change occurs with respect to the information filed under paragraph (a) of this section, the interstate pipeline shall file with the Commission, under oath, appropriate amendments

to its initial report, signed by a senior official of the company.

(c) Extension report. Not less than 90 days prior to the expiration of a contract for the transportation of natural gas pursuant to this subpart, an interstate pipeline seeking to extend the transportation arrangement beyond the initial two-year period or any period of extension shall file with the Commission an extension report, under oath, signed by a senior official of the company stating:

(1) current information with respect to any matters required to be reported under paragraph (a) of this section; and

(2) the proposed terms of the extension.

(d) Final report. Within 30 days after the termination of any transportation arrangement or extension under this subpart, the interstate pipeline shall file with the Commission a report, under oath, signed by a senior official of the company, stating:

(1) current information with respect to the matters required to be reported under paragraph (a) of this section;

(2) actual total and daily volumes of natural gas transported pursuant to the arrangement;

(3) total revenues received and a complete statement of the manner in which the revenues were treated.

SUBPART B - CERTAIN TRANSPORTATION BY INTRASTATE PIPELINES

Sec.
284.121 Applicability.
284.122 Transportation by intrastate pipelines.
284.123 Rates and charges.
284.124 Terms and conditions.
284.125 Extensions.
284.126 Reporting requirements.

§ 284.121 Applicability.

This subpart implements section 311(a)(2) of the NGPA and applies to the transportation of natural gas by intrastate pipelines on behalf of interstate pipelines and local distribution companies served by interstate pipelines.

§ 284.122 Transportation by intrastate pipelines.

(a) Subject to the provisions of this subpart, any intrastate pipeline may, without prior Commission approval, transport natural gas on behalf of:

(1) any interstate pipeline; and

(2) any local distribution company served by an interstate pipeline.

(b) Rates charged for transportation under this subpart may not exceed fair and equitable rates as provided in § 284.123.

(c) Transportation under this subpart shall be subject to terms and conditions as provided in § 284.124.

(d) Transportation arrangements under this subpart may be extended as provided in § 284.125.

(e) Intrastate pipelines engaging in transportation arrangements under this subpart shall file reports as required by § 284.126.

§ 284.123 Rates and charges.

(a) Rates and charges for transportation shall be fair and equitable as determined in accordance with paragraph (b) of this section.

(b) The intrastate pipeline may elect either:

(1) to base its rates upon the methodology and cost used in designing rates to recover the transmission and related storage costs included in its then effective firm sales rate schedules on file with the appropriate state regulatory agency; or

(2) to use the rates contained in a transportation rate schedule for intrastate service on file with the appropriate state regulatory agency which the intrastate pipeline determines covers service comparable to service under this subpart.

(c) The Commission presumes that all revenues received by an intrastate pipeline in connection with transportation arrangements pursuant to this subpart have been

or will be taken into account for purposes of establishing rates charged by the intrastate pipeline for service to intrastate customers.

§ 284.124 Terms and conditions.

(a) Transportation arrangements pursuant to this subpart may be for a period not exceeding two years and may be extended for periods not exceeding two years.

(b) The Commission may, by rule or order, impose further terms or conditions as it deems appropriate and in the public interest.

§ 284.125 Extensions.

(a) An intrastate pipeline seeking to extend a transportation arrangement under this subpart shall file an extension report as provided by §284.126(c).

(b) The proposed extension may take effect unless the Commission, prior to the beginning of the proposed extension, after opportunity for the oral presentation of data, views and arguments, and for written comments, determines by order that the proposed extension is not approved or is approved as modified.

§ 284.126 Reporting requirements.

(a) Initial report. Within thirty days of commencing

transportation service pursuant to this subpart as intrastate pipeline shall file with the Commission an initial report, under oath, signed by a senior official of the company, containing the following information:

(1) the exact legal name of the intrastate pipeline; and the name, title and mailing address of the person or persons to whom communications concerning the transportation arrangement pursuant to this subpart should be addressed;

(2) a general description of the intrastate pipeline's existing operations;

(3) a description of the transportation service, including:

(i) the identity of the parties;

(ii) the dates of commencement and projected termination of the service;

(iii) the estimated total and daily volumes of natural gas to be transported;

(iv) the points between which the gas is to be transported; and

(v) the rate to be charged, and with respect to the rate:

(A) if the intrastate pipeline is charging a rate computed pursuant to § 284.123(b)(1), an explanation of how the rate is computed; or

(B) if the intrastate pipeline is charging a rate contained in a rate schedule under § 284.123(b)(2), a statement of the basis upon which the intrastate pipeline determined that the service provided is comparable to service provided for under the rate schedule.

(b) Subsequent reports. If any significant change occurs with respect to the information filed under paragraph (a) of this section, the intrastate pipeline shall file with the Commission, under oath, appropriate amendments to its initial report, signed by a senior official of the company.

(c) Extension report. Not less than 90 days prior to the expiration of a contract for the transportation of natural gas pursuant to this subpart, an intrastate pipeline seeking to extend the transportation arrangement beyond the initial two-year period or any period of extension shall file with the Commission under oath, an extension report, signed by a senior official of the company stating:

(1) current information with respect to any matters required to be reported under paragraph (a) of this section; and

(2) the proposed terms of the extension.

(d) Final report. Within thirty days after the termination of any transportation arrangement or extension under this subpart, the intrastate pipeline shall file with the Commission and with the appropriate regulatory agency a report, under oath, signed by a senior official of the company, providing:

(1) current information with respect to any matters required to be reported under paragraph (a) of this section;

(2) actual total and daily volumes of natural gas transported;

(3) total revenues received and a complete statement of the manner in which such revenues were treated;

(4) the actual rate charged, and with respect to the rate:

(i) if the intrastate pipeline computed a rate pursuant to § 284.123(b)(1), the rate and an explanation of how it was computed; or

(ii) if the intrastate pipeline used a rate pursuant to § 284.123(b)(2), the rate and the basis upon which the

interstate pipeline determined that the service provided for under the rate schedule was comparable to service under this subpart; and

(5) a statement that the appropriate state regulatory agency has been notified that the Commission has presumed that all revenues received by an intrastate pipeline in connection with the transportation arrangement that is the subject of the report have been or will be taken into account by the appropriate state regulatory agency for purposes of establishing transportation rates for intrastate service.

SUBPART C - CERTAIN SALES BY INTRASTATE PIPELINES

Sec.
284.141 Applicability.
284.142 Sales by intrastate pipelines.
284.143 Definition.
284.144 Rates and charge.
284.145 Terms and conditions.
284.146 Extensions.
284.147 Terminations.
284.148 Reporting requirements.

§ 284.141 Applicability.

This subpart implements section 311(b) of the NGPA and applies to certain sales of natural gas by intrastate pipelines to:

(a) interstate pipelines; and

(b) local distribution companies served by interstate pipelines.

§ 284.142 Sales by intrastate pipelines.

Any intrastate pipeline may, without prior Commission approval, sell natural gas to any interstate pipeline or any local distribution company served by an interstate pipeline, in accordance with the provisions of this subpart.

§ 284.143 Definition.

"Weighted average acquisition cost of natural gas" means the cost of natural gas to an intrastate pipeline computed by:

(a) determining the actual volumes of natural gas purchased by the intrastate pipeline from each source of supply during a 12-month period ending no more than 90 days prior to the commencement of deliveries pursuant to the sale;

(b) multiplying the volume attributable to each source of supply by the price with respect to each source of supply on the last day of the 12-month period; and

(c) dividing the sum of the products computed under paragraph (b) by the sum of the volumes determined under paragraph (a).

§ 284.144 Rates and charges.

(a) Basic rate. The rates and charges by an intrastate pipeline pursuant to this subpart may not exceed:

(1) its weighted average acquisition cost of natural gas; plus

(2) an amount to recover the costs of gathering, treating and transporting the natural gas associated with the sale, based upon the methodology and costs used in designing rates to recover those costs under firm sales rate schedules in effect at the time of the sale; plus

(3) an adjustment as determined under paragraph (b).

(b) With respect to natural gas sold pursuant to this subpart which:

(1) is acquired under an existing contract;

(2) is in excess of volumes which the intrastate pipeline would otherwise acquire; and

(3) the price of which exceeds the intrastate pipeline's weighted average acquisition cost of natural gas, the intrastate pipeline may add to the basic rate under paragraph (a) an amount sufficient to offset the increase in its weighted average acquisition cost of natural gas.

§ 284.145 Terms and conditions.

(a) No sale pursuant to this subpart or extension thereof may be for a period exceeding two years.

(b) Any sale pursuant to this subpart shall be subject to interruption to the extent that natural gas subject to the sale is required by the intrastate pipeline to provide adequate service to the pipeline's customers at the time of the sale.

(c) No sale pursuant to this subpart may involve natural gas acquired by the intrastate pipeline solely or primarily for the purpose of resale pursuant to this subpart.

(d) The Commission may by rule or order impose other terms and conditions as it deems appropriate and in the public interest.

(e) The Commission presumes that the gathering, treating and transportation costs recovered under § 284.144 will be considered by the state regulatory authority in arriving at sales and transportation rates to enable the intrastate pipeline company to recover its gathering, treating and transportation costs and earn its allowed rate of return.

§ 284.146 Extensions.

(a) An intrastate pipeline seeking to extend a sale pursuant to this subpart shall file an extension report as provided by § 284.148(c).

(b) The proposed extension may take effect unless the Commission, prior to the beginning of the proposed extension, after opportunity for the oral presentation of data, views and arguments, and for written comments, determines by order that the proposed extension is not approved, or is approved as modified.

§ 284.147 Terminations.

(a) Upon complaint of any interested person or upon the Commission's own motion, the Commission may by order terminate a sale pursuant to this subpart.

(b) Prior to issuing an order under paragraph (a) of

this section, the Commission shall afford an opportunity for the oral presentation of data, views and arguments, and for written comments.

(c) A sale under this subpart may be terminated if the Commission determines that:

(1) the termination is required to enable the intrastate pipeline to provide adequate service to its customers at the time of the sale;

(2) the sale involves natural gas acquired by the intrastate pipeline solely or primarily for the purpose of resale pursuant to this subpart;

(3) the sale violates any provision of this subpart or any term or condition established by rule or order of the Commission applicable to the sale; or

(4) the sale circumvents or violates any provision of the NGPA.

(d) Upon complaint of any interested person or upon its own motion, the Commission may, prior to a hearing as provided in paragraph (b) of this section, suspend a sale pursuant to this subpart pending the hearing if it determines that any of the findings under paragraph (c) of this section is likely to be made following the hearing.

§ 284.148 Reporting requirements.

(a) Initial report. Within 30 days after commencing a sale pursuant to this subpart, an intrastate pipeline shall file with the appropriate state regulatory agency and with the Commission an initial report, under oath, signed by a senior official of the company, containing the following information:

(1) the exact legal name of the intrastate pipeline and the name, title and mailing address of the person or persons to whom communications regarding the sale pursuant to this subpart should be addressed;

(2) a description of the sale, including:

(i) the identity of the parties;

(ii) the dates of commencement and termination of the sale;

(iii) the estimated total and daily volumes of natural gas; and

(iv) the rate to be charged;

(3) the computation of the weighted average acquisition cost of natural gas under this subpart;

(4) the computation of any rate charged to recover the cost of gathering, treating and transporting the natural gas associated with the sale;

(5) The computation of adjustment, if any, under § 284.165(b), including:

(i) the basis for attributing certain additional acquisitions of natural gas to a sale pursuant to this subpart;

(ii) the identity of the existing contract under which the additional acquisitions are made and the price of natural gas purchased under the contract; and

(iii) each point of delivery of additional acquisitions of natural gas to the intrastate pipeline; and

(6) an affidavit that service pursuant to the sale is subject to interruption to the extent that natural gas subject to the sale under this subpart is required to enable the intrastate pipeline involved to provide adequate service to its customers at the time of the sale.

(b) Subsequent report. If any significant change occurs with respect to the information filed under paragraph (a) of this section, the intrastate pipeline shall file with the Commission and the appropriate state regulatory agency, under oath, appropriate amendments to its initial report, signed by a senior official of the company.

(c) Extension report. Not less than 90 days prior

to the expiration of a contract for the sale of natural gas pursuant to this subpart, an intrastate pipeline seeking to extend the sale beyond the initial two-year period or any period of extension shall file with the Commission and the appropriate state regulatory agency an extension report signed by a senior official of the company, under oath, stating:

(1) current information with respect to any matters required to be reported under paragraph (a) of this section; and

(2) the proposed terms of the extension.

(d) Final report. Within 30 days after the termination of any transportation arrangement or extension under this subpart, the interstate pipeline or local distribution company served by an interstate pipeline which purchased natural gas pursuant to this subpart shall file with the Commission and the appropriate state regulatory agency, under oath, a final report signed by a senior official of the company, stating:

(1) the actual volumes of natural gas purchased, on a daily and total basis;

(2) the actual rate charged and the total amount paid; and

(3) the points of delivery.

SUBPART D - ASSIGNMENT OF CONTRACTUAL RIGHTS TO RECEIVE SURPLUS NATURAL GAS

Sec.
284.161 Applicability.
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§ 284.161 Applicability.

This subpart implements section 312 of the NGPA and applies to assignment by any intrastate pipeline to any interstate pipeline or local distribution company of its contractual right to receive surplus natural gas.

§ 284.162 General rule.

(a) Except as provided in § 284.163, no assignment pursuant to this subpart may take place unless the Commission in its discretion authorizes by order an application for assignment filed in accordance with § 284.165(a) upon a determination that the assignment is consistent with the NGPA and this subpart and is necessary or appropriate in the public interest.

§ 284.163 Special rule.

An intrastate pipeline may assign, without compensation, to any interstate pipeline or local distribution company

all or any portion of its contractual right to receive surplus natural gas at any first sale without prior approval of the Commission, if:

(a) a state agency having regulatory jurisdiction over the intrastate pipeline which would be entitled to receive the natural gas in the absence of the assignment has determined that such natural gas exceeds the then current demands on such pipeline for natural gas;

(b) the price per MMBtu for the natural gas under the contract to be assigned does not and will not exceed the maximum lawful price per MMBtu prescribed under § 271.202; and

(c) the reports required under § 271.165(e) are filed with the Commission within 60 days of the commencement of deliveries under the assignment.

§ 284.164 Terms and conditions.

Upon approval under § 284.162 or compliance with § 284.163, an intrastate pipeline may assign, without compensation, to any interstate pipeline or local distribution company all or any portion of its contractual right to receive surplus natural gas at any first sale. Rates charged for any gathering, processing and transportation service in connection with an assignment under this sub-

part shall be computed in accordance with Subpart B of this part. The assignment shall be subject to any terms or conditions that the Commission determines by rule or order are appropriate and in the public interest.

(a) Upon receipt and review of reports required under § 284.165(e) for assignments without prior Commission approval, the Commission reserves the right to order termination of the assignment or compliance with any terms and conditions as it may determine by rule or order are appropriate and in the public interest.

§ 284.165 Filing requirements.

(a) An application for authorization of an assignment pursuant to this subpart shall be filed by the intrastate pipeline, under oath, with the Commission, and shall set forth the following information:

(1) a description of the proposed assignment, including:

(i) the identity of the parties;

(ii) the estimated volumes of natural gas, on a total and daily basis;

(iii) The price per MMBtu applicable to volumes to be delivered pursuant to the assignment and any other terms of the assignment relating to price; and

(iv) the point of delivery;

(2) a copy of the contract which covers the natural gas being assigned as surplus natural gas and any ancillary agreements;

(3) a copy of the determination by the state agency having regulatory jurisdiction over the intrastate pipeline that the quantity of natural gas to be assigned is in excess of the volume of natural gas available to the intrastate pipeline and needed to satisfy then current demands;

(4) a statement of the basis for assigning the right to receive particular supplies of natural gas, including an attestation that the particular supplies of natural gas were not committed or dedicated to interstate commerce on November 8, 1978; and

(5) the computation of any rates to be charged for gathering, processing or transportation services associated with the assigment.

(b) An interstate pipeline or local distribution company to which an intrastate pipeline would make an assignment under this subpart shall file, under oath, with the Commission a statement in support of the application under paragraph (a) that to the best of its knowledge, information and belief the price of the natural gas to

be assigned does not exceed the applicable maximum lawful price estabished under Part 271 of this chapter.

(c) An interstate pipeline to which an intrastate pipeline would make an assignment under this subpart shall file, under oath, with the Commission a statement in support of the application under paragraph (a) containing the following:

(1) the extent of curtailment, if any, anticipated to occur in the period in which the natural gas is to be delivered pursuant to the assignment;

(2) the effect which the price of the natural gas is expected to have on the interstate pipeline's average purchased gas cost in the period in which the natural gas is to be delivered pursuant to the assignment; and

(3) the reasons why in the opinion of the interstate pipeline the assigment should be authorized as necessary or appropriate in the public interest.

(d) The intrastate pipeline shall notify the appropriate state regulatory agency that the Commission has presumed that all revenues received in connection with gathering, processing or transporting the assigned natural gas have been or will be taken into account for purposes of establishing the intrastate pipeline's rates.

(e) Within 60 days of the commencement of deliveries under an assignment pursuant to § 284.163, the following information shall be filed, under oath, with the Commission:

(1) by the intrastate pipeline:

(i) a description of the proposed assignment, including:

(A) the identity of the parties;

(B) the estimated volumes of natural gas, on a total and daily basis;

(C) the price per MMBtu applicable to volumes to be delivered pursuant to the assignment and any other terms of the assignment relating to price; and

(D) the point of delivery;

(ii) a copy of the contract which covers the natural gas being assigned as surplus natural gas and any ancillary agreements;

(iii) a copy of the determination by the state agency having regulatory jurisdiction over the intrastate pipeline that the quantity of natural gas to be assigned is in excess of the volume of natural gas available to the intrastate pipeline and needed to satisfy then current demands;

(iv) a statement of the basis for assigning the right to receive particular supplies of natural gas, including an

attestation that the particular supplies of natural gas were not committed or dedicated to interstate commerce on November 8, 1978; and

(v) the computation of any rates to be charged for gathering, processing or transportation services associated with the assignment.

(2) by the interstate pipeline or local distribution company to which an intrastate pipeline is assigning the contract under this subpart shall file, under oath, with the Commission a statement in support of the assignment that to the best of its knowledge, information and belief the price of the natural gas to be assigned does not exceed the applicable maximum lawful price established under Part 271.202 of this chapter.

(3) by the interstate pipeline to which an intrastate pipeline would make an assignment under this subpart shall file, under oath, with the Commission a statement containing the following:

(i) the extent of curtailment, if any, anticipated to occur in the period in which the natural gas is to be delivered pursuant to the assignment;

(ii) the effect which the price of the natural gas is except to have on the interstate pipeline's average

purchased gas cost in the period in which the natural gas is to be delivered pursuant to the assignment; and

(iii) the reasons why in the opinion of the interstate pipeline the assignment is necessary or appropriate in the public interest.

(4) The intrastate pipeline shall notify the appropriate state regulatory agency that the Commission has presumed that all revenues received in connection with gathering, processing or transporting the assigned natural gas have been or will be taken into account for purposes of establishing the intrastate pipeline's rates.

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