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MONDAY, FEBRUARY 5, 1979



highlights

RED CROSS MONTH
Presidential proclamation 6893

MEDICARE
HEW/HCFA adopts rules clarifying existing policy concerning certain effects of capital stock transactions; effective 2-5-79 6912

MEDICARE AND MEDICAID
HEW/HCFA proposes to conform rules on beginning effective date of nursing home provider agreements and effect of change in ownership on Federal payments; comments by 4-6-79 6958

BANKS
Treasury/Comptroller proposes rules of practice and procedure relative to financial institutions regulatory control; comments by 3-7-79 6922

FEDERAL SECURITIES
Treasury/Sec'y invites tenders for designated Treasury Notes of February 15, 1987, Series B-1987 and 8¾% Treasury Bonds of 2003-2008 (2 documents) 7006, 7008

BUDGET RESCISSIONS AND DEFERRALS
OMB issues report to Congress (Part VI of this issue) 7076

TRANSPORTATION OF HIGHLY VOLATILE LIQUIDS
DOT/MTB solicits views on proposed means to reduce potential for accidents on pipelines; comments by 5-4-79 6961

PETROLEUM
DOE/ERA exempts kerosene-base jet fuel and aviation gasoline from mandatory allocation and price regulations (Parts IV and V of this issue) (2 documents) 7064-7070

LIQUID PETROLEUM SUBSTITUTES
DOE/ERA adopts guidelines for inclusion of in entitlements program 6895

STATE PLANNING AGENCY GRANTS
Justice/LEAA announces availability of final change 4 to Guideline Manual M 4100.1 F 6992

AIR FORCE RECORDS
DOD/AF proposes to rewrite rules governing operation of Privacy Act program; comments by 3-21-79 6944

ADVANCED AUTOMOTIVE TECHNOLOGY
DOT changes comment procedure for conference and publishes discussion paper; meetings 2-13 and 2-14-79 7047

PESTICIDES
EPA issues notice of intent to cancel registrations of certain products; effective 3-7-79 6986

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA//FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
CSA	MSPB*/OPM*		CSA	MSPB*/OPM*
	LABOR			LABOR
	HEW/FDA			HEW/FDA

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 January 1, 1979, the Merit Systems Protection Board (MSPB) and the Office of Personnel Management (OPM) will publish on the Tuesday/Friday schedule. (MSPB and OPM are successor agencies to the Civil Service Commission.)**

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Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-5235
Code of Federal Regulations (CFR)	523-3419 523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law numbers and dates	523-5266 523-5282
Slip Law orders (GPO)	275-3030
U.S. Statutes at Large	523-5266 523-5282
Index	523-5266 523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

TOXIC SUBSTANCES CONTROL
EPA announces availability of explanatory appendix to proposed forms implementing premanufacture notification requirements, comments by 3-26-79; meetings on 3-7 and 3-9-79 ..... **6957**

ENDANGERED OR THREATENED WILDLIFE
Interior/FWS announces intention to review status of American crocodile and estuarine crocodile; comments by 5-7-79 (Part III of this issue) **7060**

MARINE SANCTUARIES
Commerce/NOAA revises regulations regarding nomination and designation procedures and establishment and enforcement of management systems; comments by 4-6-79 ..... **6930**

MARINE SANITATION DEVICES
DOT/CG issues notice granting certifications **7039**

CERTAIN CARBON STEEL PLATE FROM POLAND
Treasury/Sec'y determines sale of imports at less than fair value and withholds appraisement; effective 2-5-79 ..... **7005**

IMPROVING GOVERNMENT REGULATIONS
DOT/FAA prescribes procedures for publishing petitions and grants and denials of petitions for rule making or exemptions; effective 3-20-79 ..... **6897**

IMPROVING GOVERNMENT REGULATIONS
VA publishes final report; effective 1-30-79 ..... **7026**

HEARING—
Commerce/NOAA: Mid-Atlantic and New England Fishery Management Councils, 2-20 through 2-23; comments by 2-28-79 ..... **6961**

CHANGED MEETING—
CRC: Montana Advisory Committee, 2-6 and 2-7-79 ..... **6967**

MEETINGS—
USDA/AMS: Flue-Cured Tobacco Advisory Committee, 2-21-79 ..... **6964**
FS: Committee of State Foresters Advisory Committee, 3-6 through 3-8-79 ..... **6964**
CRC: Maine Advisory Committee, 2-27-79 ..... **6967**
New Hampshire Advisory Committee, 2-20-79 ..... **6967**
Ohio Advisory Committee, 2-23-79 ..... **6967**

Vermont Advisory Committee, 2-28-79 6967
DOD/Sec'y: Working Group A of DOD Advisory Group on Electron Devices, 3-1-79 6979
HEW/OE: National Advisory Committee on Black Higher Education and Black Colleges and Universities, 3-5 and 3-6-79 6987
Interior/Sec'y: Outer Continental Shelf Advisory Board, South Atlantic Regional Policy Committee, 2-26-79 6990
National Commission on Social Security, 2-16-79 6993
NFAH: National Council on the Humanities, 2-22 and 2-23-79 6993
SBA: Region IV Advisory Council, 3-2-79 7004
DOT/FAA: Light Transport Airplane Airworthiness Review Discussion Forum, 3-5 through 3-9-79 (Part II of this issue) 7055
Radio Technical Commission for Aeronautics Special Committee 137 on Airborne Area Navigational Systems (2D & 3D), 2-27 through 3-1-79 7045

SUNSHINE ACT MEETINGS 7050

SEPARATE PARTS OF THIS ISSUE

Part II, DOT/FAA 7055
Part III, Interior/FWS 7060
Part IV, DOE/ERA 7064
Part V, DOE/ERA 7070
Part VI, OMB 7076

reminders

(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.)

Rules Going Into Effect February 4, 1979

SEC—Beneficial ownership; filing and disclosure requirements 2114; 1-9-79

Rules Going Into Effect Today

CAB—Denied boarding compensation provisions; exemption of foreign carriers ... 2165; 1-10-79

FCC—FM broadcast station in Aberdeen, Wash.; change in table of assignments 1737; 1-8-79

FCC—TV broadcast station in Alexandria, La.; change in table of assignments..... 1738; 1-8-79

SEC—Filing and reporting requirements relating to institutional investment managers 3033; 1-15-79

List of Public Laws

NOTE: No public laws have been received by the Office of the Federal Register for assignment of law numbers and inclusion in today's listing.

[Last Listing Jan. 24, 1979]

contents

THE PRESIDENT

Proclamations

Red Cross Month (Proc. 4636) .. 6893

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules

Onions grown in Tex 6895

Notices

Meetings:
Flue-Cured Tobacco Advisory Committee 6964

AGRICULTURAL DEPARTMENT

See Agricultural Marketing Service; Forest Service; Soil Conservation Service.

AIR FORCE DEPARTMENT

Proposed Rules

Air Force Privacy Act program; revision of text 6944

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
Humanities National Council Advisory Committee 6993

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:
American Airlines, Inc., et al .. 6965
Former large irregular air service investigation 6965

CIVIL RIGHTS COMMISSION

Notices

Meetings; State advisory committees:
Maine 6967
Montana 6967
New Hampshire 6967
Ohio 6967
Vermont 6967
Meetings; Sunshine Act 7050

COAST GUARD

Rules

Anchorage regulations:
Maryland 6910

Proposed Rules

Anchorage regulations:
Louisiana; correction 6956
Vessel traffic management:
Marine safety information system; tank vessel ownership information, etc.; withdrawn 6956

Notices

Marine sanitation devices; certifications 7039

COMMERCE DEPARTMENT

See also Industry and Trade Administration; National Oceanic and Atmospheric Ad- ministration.

Notices

Committees; establishment, renewals, terminations, etc.:
Exporters' Textile Advisory Committee 6979
Management-Labor Textile Advisory Committee 6979
Organization and functions:
Congressional Affairs, Assistant Secretary 6976
Consumer Affairs Office 6977
National Bureau of Standards 6976
Program Coordination Office. 6977
Regional Affairs Office 6977
State and Local Government Assistance Office 6978

COMMUNITY SERVICES ADMINISTRATION

Proposed Rules

Grantees, funding:
Due process rights for applicants denied funding; correction 6960

COMPTROLLER OF CURRENCY

Proposed Rules

Practice and procedure rules 6922

DEFENSE DEPARTMENT

See also Air Force Department.

Notices

Meetings:
Electron Devices Advisory Group 6979

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances:
McConkey, James Hancock, N.D 6992

ECONOMIC REGULATORY ADMINISTRATION

Rules

Petroleum allocation and price rules:
Kerosene-base jet fuel and aviation gasoline; exemption documents) 7064, 7070
Petroleum substitutes, liquid; inclusion in entitlements program; guidelines 6895

EDUCATION OFFICE

Notices

Meetings:
Black Higher Education and Black Colleges and Universities National Advisory Committee 6987

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Hearings and Appeals Office.

Notices

Interpretation requests filed with General Counsel's Office 6980

ENVIRONMENTAL PROTECTION AGENCY

Rules

Air and water pollution control:
Clean Air Act and Clean Water Act, administration of grants and loans; reorganization 6910
Air quality implementation plans; delayed compliance orders:
Missouri 6911

Proposed Rules

Toxic substances:
Premanufacture or importation notification requirements and review procedures; availability; meetings 6957

Notices

Environmental statements; availability, etc.:
Agency statements; weekly receipts 6981
Pesticide registration, cancellation, etc.:
Entrada Industries, Inc. et al 6986

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notices

Meetings; Sunshine Act 7050

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Agusta 6902
Cessna 6902
Lockheed 6903
Rule-making procedures:
Petitions for rulemaking and exemptions; publication in Federal Register 6897
Transition areas 6904

Proposed Rules

Airworthiness directives:
Boeing 6929
Airworthiness review:
Transport airplane, light; discussion forum 7055

Notices

Meetings:
Aeronautics Radio Technical Commission 7045

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

Practice and procedure:
International record carriers; scope of operations in continental U.S.; extension of time 6960

Notices

Meetings; Sunshine Act 7050, 7051

FEDERAL ELECTION COMMISSION

Notices

Meetings; Sunshine Act 7051

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Meetings; Sunshine Act 7051

FEDERAL HIGHWAY ADMINISTRATION

Notices

Bridge tolls, etc.:
Bayonne Bridge et al 7046

FEDERAL HOME LOAN BANK BOARD

Notices

Applications, etc.:
First Savings and Loan Association 6986

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood insurance; communities eligible for sale:
Alabama et al 6905
Flood insurance; special hazard areas:
Arkansas et al 6907
Nebraska et al 6909

Proposed Rules

Flood elevation determinations:
New Jersey (3 documents) 6934, 6935
New York (4 documents) .. 6936–6938
North Dakota 6939
Ohio (3 documents) 6939, 6940
Oregon (2 documents) 6941, 6942
Vermont 6943
Wisconsin 6943
Wyoming 6944

FEDERAL RAILROAD ADMINISTRATION

Notices

Petitions for exemptions, etc.:
Illinois Central Gulf Railroad 7046

FISH AND WILDLIFE SERVICE

Proposed Rules

Endangered and threatened species:
Crocodile, American 7060

Notices

Endangered and threatened species permits; applications (9 documents) 6988, 6989
f0
Marine mammal applications, etc.:
National Fish & Wildlife Laboratory 6990

FOREST SERVICE

Notices

Meetings:
State Foresters Advisory Committee 6964

GENERAL ACCOUNTING OFFICE

Notices

Regulatory reports review; proposals, approvals, etc. (CAB, FCC) 6986

GENERAL SERVICES ADMINISTRATION

Notices

Authority delegations:
Defense Department Secretary (2 documents) 6987

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Education Office; Health Care Financing Administration.

HEALTH CARE FINANCING ADMINISTRATION

Rules

Aged and disabled, health insurance for (Medicare):
Capital stock transactions, provider; revaluation of assets 6912

Proposed Rules

Medicare and medicaid programs:
Nursing home provider agreements; effective dates and effect of change in ownership 6958

HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT

Notices

Application for exceptions:
Chevron U.S.A. Inc.; hearing . 6980

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INDUSTRY AND TRADE ADMINISTRATION

Notices

Scientific articles; duty free entry:
Agriculture Department et al 6968
DHHR-Division of Health Louisiana 6970
Illinois Institute of Technology 6971
Medical College of Wisconsin, Inc., et al 6971
National Institutes of Health et al 6969
University of California (4 documents) 6972, 6973
University of Texas 6973

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau.

Notices

Meetings:
Outer Continental Shelf Advisory Board 6990

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:
Apparatus for continuous production of copper rod 6991

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:
Freight car movement 6919
Freight cars, repair and retirement 6919
Railroad car service orders; various companies:
Atlanta and West Point Rail Road Co. et al 6916
Chicago and Northwestern Transportation Co. (2 documents) 6918, 6919

Notices

Hearing assignments 7031
Motor carriers:
Operating rights applications; policy statement 7030
Temporary authority applications 7032
Transfer proceedings 7038
Petitions filing:
Atchison, Topeka & Santa Fe Railway Co 7031
Reports:
Corporate disclosure 7032

JUSTICE DEPARTMENT

See Drug Enforcement Administration; Law Enforcement Assistance Administration.

LAND MANAGEMENT BUREAU

Notices

Applications, etc.:
New Mexico (2 documents) 6990
Environmental statements; availability, etc.:
Seven Lakes Area, South Central Wyoming Rawlins District, Wyo 6991

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Notices

State Planning Agency Grants; guidelines manual; revisions and issuance 6992

MANAGEMENT AND BUDGET OFFICE

Notices

Budget rescissions and deferrals 7076
Clearance of reports; list of requests (2 documents) 6997

MATERIALS TRANSPORTATION BUREAU

Rules

Cylinders, compressed gas; visual inspection procedures, record retention, etc.; correction 6915

Proposed Rules

Pipeline transportation of liquids; highly volatile liquids; advance notice 6961

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Motor vehicle safety standards:
Occupant crash and exterior protection; correction 6915

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules

Fishery conservation and management:
Surf clam and ocean quahog fisheries; hearing 6961
Marine sanctuaries 6930

Notices

Marine mammal permit applications, etc.:
Hubbs-Sea World Research Institute 6974
Marine Animal Productions, Inc 6974
Marineland Cote d'Azur 6974
Mattila, David, et al 6975
Murphy, Edward C., et al 6975
Refuge Manager, San Francisco Bay, National Wildlife Refuge Complex 6975

NATIONAL SCIENCE FOUNDATION

Notices

Committees, establishment, terminations, renewals, etc.:
Science Education Advisory Committee 6994
Science Education Minority Programs Advisory Committee 6994

NUCLEAR REGULATORY COMMISSION

Notices

Applications, etc.:
Florida Power Corp. et al 6995
Niagara Mohawk Power Corp 6995
Texas Utilities Generating Co. et al 6995
Rulemaking petitions:
Eckert, Seamans, Cherin and Mellot 6994

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

Notices

Meetings; Sunshine Act 7051

POSTAL RATE COMMISSION

Notices

Carrier-route presorted mail; prehearing conference 6999

SECURITIES AND EXCHANGE COMMISSION

Notices

Hearings, etc.:
Arkansas-Missouri Power Co. (2 documents) 6999, 7000
Georgia Power Co 7001
Ohio Edison Co. et al 7001
Union Gas Ltd 7002
Meetings; Sunshine Act 7051
Privacy Act; systems of records 7002

SOCIAL SECURITY NATIONAL COMMISSION

Notices

Meetings 6993

SMALL BUSINESS ADMINISTRATION

Notices

Applications, etc.:
Crocker Ventures, Inc 7003
Pines Venture Captial Corp ... 7003
Super Market Investors, Inc .. 7004
Tennessee Equity Capital Corp 7004
Vanguard Investment Co., Inc 7004
Meetings, advisory councils:
Birmingham 7004
Small Business Conference Commission; White House Conference on Small Business; meeting; cancellation 7004

SOIL CONSERVATION SERVICE

Notices

Environmental statements; availability, etc.:
Upper Elk Creek Watershed project, Okla 6964
Watershed planning assistance; authorization to local organizations:
Maine (2 documents) 6964

TRANSPORTATION DEPARTMENT

See also Coast Guard; Federal Aviation Administration; Federal Highway Administration; Federal Railroad Administration; Materials Transporation Bureau; National Highway Traffic Safety Administration.

Notices

Advanced automotive technology conference; change in public comment procedure 7047

TREASURY DEPARTMENT

See also Comptroller of Currency.

Notices

Antidumping:
Carbon steel plate from Poland 7005
Bonds, Treasury:
8¾ percent 7008
Notes, Treasury:
Series B-1987 7006
Privacy Act; systems of records 7009

VETERANS ADMINISTRATION

Notices

Improving Government regulations 7026

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month.

A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR

PROCLAMATIONS:

4636 6893

7 CFR

959 6895

10 CFR

210 (2 documents) 7064, 7070
211 (2 documents) 6895, 7064
212 7070

12 CFR

PROPOSED RULES:

19 6922
24 6922

14 CFR

11 6897
39 (3 documents) 6902, 6903
71 6904

PROPOSED RULES:

23 7057
25 7057
39 6929
135 7057

15 CFR

PROPOSED RULES:

922 6930

24 CFR

1914 6905
1915 (2 documents) 6907, 6909

PROPOSED RULES:

1917 (16 documents) 6934–6944

32 CFR

PROPOSED RULES:

806b 6944

33 CFR

110 6910

PROPOSED RULES:

110 6956
161 6956

40 CFR

15 6910
65 6911

PROPOSED RULES:

720 6957

42 CFR

405 6912

PROPOSED RULES:

405 6958
442 6958

45 CFR

PROPOSED RULES:

1067 6960

47 CFR

PROPOSED RULES:

1 6960

49 CFR

171 6915
173 6915
571 6915
1033 (5 documents) 6916–6919

PROPOSED RULES:

195 6961

50 CFR

PROPOSED RULES:

17 7060
652 6961

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING FEBRUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during February.

1 CFR

Ch. I 6349

3 CFR

PROCLAMATIONS:

4635 6347
4636 6893

5 CFR

213 6705

7 CFR

905 6349
907 6350
910 6705
928 6706
959 6895
1421 6351
1803 6352
1823 6353
1888 6353
1901 6353
1933 6353
1942 ..... 6353, 6354
1980 6354

9 CFR

PROPOSED RULES:

318 6735
381 6735

10 CFR

210 ..... 7064, 7070
211 ..... 6895, 7064
212 7070
456 6378

12 CFR

PROPOSED RULES:

19 6922
24 6922
26 6421
238 6421
348 6421
563f 6421
711 6421

14 CFR

11 6897
39 ..... 6379, 6902, 6903
71 ..... 6379, 6904
207 6645
208 6645
212 6645
215 6646
244 6646
249 6646
296 6634
385 6647
389 6647

PROPOSED RULES:

23 7057
25 7057
39 6929
71 6428
135 7057

15 CFR

PROPOSED RULES:

922 6930

16 CFR

13 6380

17 CFR

PROPOSED RULES:

9 6428
31 6737

20 CFR

PROPOSED RULES:

416 6429

21 CFR

184 6706
522 6707
556 6707

23 CFR

655 6708
922 6380

24 CFR

1914 ..... 6381, 6905
1915 ..... 6382, 6383, 6907, 6908
1917 6386-6388

PROPOSED RULES:

1917 ..... 6441-6464, 6934-6944

26 CFR

9 6715

27 CFR

PROPOSED RULES:

4 6740
5 6740
7 6740

28 CFR

4 6890
4a 6890

PROPOSED RULES:

47 6752

29 CFR

552 6715

30 CFR

715 6682

31 CFR

PROPOSED RULES:

14 6753

32 CFR

705 6389
1453 6716

PROPOSED RULES:

806b 6944

33 CFR

110 6910

PROPOSED RULES:

110 6956
161 6956

39 CFR

10 6392

40 CFR

15 6910
65 6911
81 6395

PROPOSED RULES:

65 ..... 6465-6469, 6754
86 6650
720 6957

42 CFR

50 6716
405 6912
441 6717

PROPOSED RULES:

124 6842
405 6958
442 6958

43 CFR

405 6395

PROPOSED RULES:

3300 6471
3800 6481

45 CFR

220 6718
222 6718
228 6718
1067 6396

PROPOSED RULES:

1067 6960

46 CFR

512 ..... 6718, 6719

47 CFR

73 ..... 6721, 6722

PROPOSED RULES:

1 ..... 6755, 6960
25 6755
73 ..... 6757, 6758
95 6759
97 6759

49 CFR

171 6915
173 6915
571 6915
1033 ..... 6416, 6728-6731, 6916-6919

PROPOSED RULES:

195 6961
1033 6759
1132 6759

50 CFR

26 6417
32 6418
33 6417-6419
651 6732

PROPOSED RULES:

17 7060
611 6761
652 6961

FEDERAL REGISTER PAGES AND DATES—FEBRUARY

Pages	*Date*
6347-6704	Feb. 1
6705-6892	2
6893-7102	5

presidential documents

Title 3—
The President

Proclamation 4636 of February 1, 1979

Red Cross Month, 1979

By the President of the United States of America

A Proclamation

Since its founding in 1881, the American Red Cross has had one basic purpose: The concern for others in distress. Indicative of this concern is the fact that over five million people successfully completed Red Cross safety courses last year. Many of them received instructions in cardiopulmonary resuscitation and first aid techniques for choking. Exemplifying this concern is the Certificate of Merit, which is presented to our fellow Americans who have saved or sustained a human life with the skills learned in a Red Cross first aid, small craft or water safety training program. Since 1928, well over 6,000 persons have received this award.

The Red Cross also operates its Blood Services, which collects and processes half of the supply of blood needed by the Nation's medical facilities. Red Cross is continuously seeking new and more economical uses for blood and blood products. And there is always a need for more volunteer blood donors to meet the ever-increasing need for this lifesaving gift.

The Red Cross serves members of the armed forces, their families and veterans through financial assistance, counselling and emergency communications. Thousands of disaster victims each year receive a variety of Red Cross services, including emergency food, shelter and clothing, first aid and medical help, replacement of occupational tools and other vital services.

And Red Cross volunteers may be found each day performing compassionate, personal tasks to aid the elderly, the handicapped and the homebound. Young people develop leadership skills as they assist in Red Cross programs in their schools and communities.

Each year, March is observed as Red Cross Month. Although the American Red Cross works closely with government, there are no Federal funds appropriated for its support. The Red Cross depends upon the American people for membership and voluntary contributions to carry out the functions of its Congressional Charter.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America and Honorary Chairman of the American Red Cross, designate March 1979, as Red Cross Month. I urge all Americans to give generous support to the work of their local Red Cross chapter.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-nine, and of the Independence of the United States of America the two hundred and third.

Jimmy Carter

[FR Doc. 79-3980
Filed 2-1-79; 2:31 pm]

Billing code 3195-01-M

EDITORIAL NOTE: The President's memorandum for the heads of executive departments and agencies, dated Feb. 1, 1979, on Red Cross Month, is printed in the Weekly Compilation of Presidential Documents (vol. 15, no. 5).

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.

[3410-02-M]

Title 7—Agriculture

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

PART 959—ONIONS GROWN IN SOUTH TEXAS

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses for the functioning of the South Texas Onion Committee. It will enable the committee to collect assessments from first handlers on all assessable onions and to use the resulting funds for its expenses.

EFFECTIVE DATE: During fiscal period ending July 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Acting Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: (202) 447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to Marketing Order No. 959, as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the committee, established under the marketing order, and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is further found that it is impracticable and contrary to the public interest to provide 60 days for interested persons to file comments, engage in public rulemaking procedure, and that good cause exists for not postponing the effective date until 30 days after publication (5 U.S.C. 553), as the order requires that the rate of assessment for a particular fiscal period shall apply to all assessable onions handled from the beginning of such period. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

This regulation has not been determined significant under USDA criteria for implementing Executive Order 12044.

The regulation is as follows:

§ 959.218 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1979, by the South Texas Onion Committee for its maintenance and functioning and for such other purposes as the Secretary may determine to be appropriate will amount to $126,632.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be two cents ($0.02) per 50-pound container or equivalent quantity, of onions handled by him as the first handler thereof during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

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

Dated: January 30, 1979.

D. S. KURYLOSKI,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 79-3810 Filed 2-2-79; 8:45 am]

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-77-6]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Guidelines for Including Petroleum Substitutes in the Entitlements Program

AGENCY: Economic Regulatory Administration.

ACTION: Notice of Adoption of Guidelines.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") hereby adopts guidelines to be used in submitting and evaluating applications for inclusion of liquid petroleum substitutes in the entitlements program under the provisions of 10 CFR 211.67(a)(5).

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, Room 110-B, 2000 M Street NW., Washington, D.C. 20461, (202) 634-2170.

David A. Welsh (Entitlements Program Office), Economic Regulatory Administration, Room 6125, 2000 M Street NW., Washington, D.C. 20461, (202) 254-3336.

Jack O. Kendall (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-6749.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose.
II. Discussion of Comments.

I. BACKGROUND AND PURPOSE

On May 12, 1978, the ERA issued a final rule which amended the Mandatory Petroleum Allocation Regulations to include liquid synthetic fuels in the entitlements program (43 FR 21429, May 18, 1978). The purpose of the final rule was to eliminate the inconsistencies that had previously existed in the regulations regarding the differ-

ing treatment under the entitlements program of synthetic liquid fuels and imported crude oil. This inconsistency was intended to be redressed by providing for the issuance of entitlements with respect to certain synthetic fuels, thus allowing these synthetic fuels to receive the same treatment under the program that imported crude oil receives.

The final rule provides that shale oil produced from domestic oil shale and used in a refinery as a feedstock or fuel automatically will receive entitlement benefits on the same per barrel basis as crude oil. The rule also provides that the ERA may, on a case-by-case basis, grant entitlements benefits for liquid petroleum substitutes produced from domestic sources of biomass, coal, solid waste, and tar sands, as well as shale oil used outside a refinery, to promote the development of petroleum substitutes from non-petroleum domestic resources and thus reduce our dependence on imported crude oil.

On August 24, 1978, the ERA issued proposed guidelines to be used in the evaluation of applications for designation as a producer, marketer, or consumer of a petroleum substitute (43 FR 38844, August 31, 1978). The purpose of that notice was to propose and receive public comments on the guidelines. The purpose of this notice is to discuss those comments and to advise the public of our adoption of the guidelines appended to this notice.

The guidelines are intended to advise potential applicants as to the general procedures and criteria that will be applied in determining when and how the ERA will provide for entitlement issuances with respect to a petroleum substitute. They are not intended to create any fixed and absolute rules. The criteria established in the guidelines are intended to operate as flexible decisional standards, and the ultimate determination of whether or not entitlement issuances should be provided will depend upon all the relevant facts and circumstances of the particular case.

II. Discussion of Comments

There were a total of twenty-three (23) comments submitted on the guidelines. The majority of the comments favored the inclusion of liquid petroleum substitutes under the entitlements program.

Two main questions were raised in a number of comments. First, eleven of the twenty-three commenters stated that the guidelines should be expanded to included both solid and gaseous petroleum substitutes, as well as liquid petroleum substitutes, within the program. However, we have concluded that to expand the guidelines to grant entitlements to other than liquid petroleum substitutes would be beyond the scope of the rule adopted on May 12, 1978, and would necessitate a change in the current rule which these guidelines are intended to implement. In the process of reviewing all comments and information available to us, we are attempting to determine the necessity for and benefits of such a regulatory modification.

The second area that generated substantial comment concerned the decisional criteria set forth in the guidelines for the evaluation of applications, specifically the criteria concerning "net energy gain" and "higher valued fuel." In particular, some commenters contended that the production of alcohol for blending into gasohol may involve a net energy loss and should therefore be excluded from the program. Others, however, contended that the alcohol is, when blended into gasohol, a higher-valued fuel than that consumed in the process of manufacture, and should therefore be included in the program. It is not our purpose, and it would not be appropriate, for us to make a broad categorical determination here concerning gasohol or any other liquid synthetic fuel. We intend to evaluate applications on a case-by-case basis, balancing the net energy gain or loss against the question of whether the process results in a higher-valued fuel, without precribing a particular priority among these potentially competing criteria. Our decisions will be based upon the exercise of sound discretion and will depend upon all of the relevant facts available to us at the time of the decision on the particular application. Therefore, no *a priori* categorical determination can or should be made with respect to whether a particular fuel should or should not receive entitlements. The guidelines adopted have therefore preserved our flexibility to decide these matters on the basis of the totality of the facts presented in a particular case. The flexibility of these guidelines will also provide for an ability on our part to respond to changing circumstances in the future.

We should also note that, in general, any grant of entitlements pursuant to this program would not be intended to create vested rights in the recipient to continue to receive entitlements, regardless of changes in relevant circumstances or in the general regulatory program. Prior grants would therefore in principle be subject to review and possible modification, if warranted.

A few commenters expressed the viewpoint that petroleum substitutes should not be included in the entitlements program at all. We believe, however, that the thrust of these comments is beyond the purposes and scope of this proceeding, which is to provide guidelines for the implementation of the final rule previously adopted.

Given that no other substantial objections or concerns were mentioned in the comments, and in view of the foregoing, the ERA is adopting the guidelines essentially as proposed, as set forth below.

Issued in Washington, D.C. January 19, 1979.

Hazel R. Rollins,
Deputy Administrator,
Economic Regulatory Administration.

Guidelines for Evaluation of Applications for Designation as a Producer, Marketer or Consumer of Petroleum Substitutes in the Entitlements Program

1. Background and Purpose

On May 12, 1978, the Economic Regulatory Administration (ERA) issued a final rule amending the Mandatory Petroleum Allocation Regulations to include petroleum substitutes[1] in the entitlements program (43 FR 21429, May 18, 1978). The final rule provides for the automatic inclusion in the entitlements program of petroleum substitutes made from domestic oil shale and used by a refiner in a domestic refinery as feedstock or fuel. The final rule also provides that the ERA may, *on a case-by-case basis,* grant entitlement benefits for petroleum substitutes made from domestic biomass, coal, solid waste or tar, sands, and for non-refinery uses of domestic shale oil. These guidelines set forth the procedures and criteria under which ERA will review each application and determine an applicant's eligibility to participate in the program.

2. Who May Apply

If you are currently producing a petroleum substitute, constructing a facility to produce a petroleum substitute, or planning, designing, or otherwise considering the development of a facility to produce a petroleum substitute from domestic biomass, coal, oil shale, solid waste, or tar sands, you may apply for designation as a producer of a petroleum substitute that is eligible to receive entitlements. If you are a marketer or consumer (including a refiner) of a petroleum substitute, you may apply for entitlements whenever the producer (and any other entity through which you directly or indirectly obtain the substitute) does not desire to apply. However, you must obtain and provide ERA with the written agreement of the producer and any other entity preceding you in the distribution chain not to claim entitlements with respect to such substitute. After review of the application, if ERA determines that the petroleum substitute qualifies for entitlements, it will designate the entity in the production and distribution chain that will participate in the entitlements program with respect to that petroleum substitute. The direct entitlement benefit will be given to only one member in the production and distribution chain, although other entities in the production and distribution chain may receive

[1] A petroleum substitute is any synthetic liquid fuel produced from designated domestic resources and used in the United States as a substitute for petroleum as a refinery feedstock, as a fuel blendstock, or as a fuel.

the benefits indirectly in their cost for raw materials or for the petroleum substitute. Each designee (whether a producer, marketer, or consumer of a petroleum substitute) will, if qualified, receive the entitlement benefits when the petroleum substitute is actually produced and sold or consumed as a petroleum substitute. Benefits will be granted only for the volume of petroleum substitute being sold or consumed by the designee.

3. CONTENTS OF APPLICATION

The application will consist of a completed Form ERA-83 and any supplementary information requested in the instructions to the form.

4. WHERE TO MAIL YOUR APPLICATION

If you want ERA to designate you as a producer, marketer, or consumer of a petroleum substitute for inclusion in the entitlements program, submit a completed Form ERA-83 to the following address:

Economic Regulatory Administration, Fuels Regulation, Petroleum Substitutes, P.O. Box 19326, Washington, D.C. 20036.

5. CRITERIA FOR REVIEW OF APPLICATION

ERA will review applications to determine that each of the following criteria are met:

(a) *Liquid Form.* The petroleum substitute produced in the described process is in liquid form.

(b) *Source—Domestic.* The petroleum substitute produced must be derived from *domestic* sources of *biomass, coal, oil shale, solid waste,* or *tar sands.* Petroleum substitutes derived from oil shale and used by a refiner in a domestic refinery as feedstock or fuel are automatically included in the entitlements program and no application is needed. Under no conditions will imported supplies of biomass, coal, oil shale, tar sands or solid waste be considered eligible sources of petroleum substitutes for purposes of this program.[2]

(c) *Usage—Fuel, Feedstock.* Once produced the petroleum substitute must be consumed or marketed for consumption and used in one or more of the following manners before the ERA can designate it as a petroleum substitute:

(1) Refinery feedstock;
(2) Fuel blendstock;
(3) Boiler or engine fuel; or
(4) Any other direct use as a fuel.

(d) *Net Energy Gain and/or Higher-Valued Fuel.* The determination to grant the entitlements will be in part dependent upon whether production of the substitute results in a net gain of energy and/or whether the substitute is a higher-valued fuel than that consumed in the process. The description of the process by which the petroleum substitute is manufactured should demonstrate the relative energy value (in BTUs) of the petroleum substitute produced compared to the energy value (in BTUs) of the fuel consumed by the process. The process description should further demonstrate why the petroleum substitute produced is a higher-valued fuel than those fuels consumed in its production.

The primary factors in the determination of whether a fuel is a higher-valued fuel are: (1) The availability in the United States of the fuels consumed in production, and the degree of dependency of consumers upon such fuels; and (2) the availability in the United States of fuels which the petroleum substitute will supplant, and the degree of dependency of consumers upon such fuels. Fuels which are in short supply will ordinarily be considered higher-valued fuels, and consumption of substantial quantities of such fuels to manufacture the petroleum substitute will be less likely to result in a determination that the resultant product is a higher-valued fuel.

(e) *Environmental impact of the petroleum substitute.* You should identify the particular components of the petroleum substitute that differ from those of the crude oil-based fuel that the petroleum substitute will replace, and identify the incremental environmental effects of burning or evaporating the petroleum substitute or of its production. You should assess the environmental effects in light of the quantities and expected uses of the substitute. If prior studies or determinations concerning the environmental effects of the substitute have been made, you should provide a copy of the relevant portions of these studies or determinations. If you do not know the environmental effects of your project, indicate this in your application and ERA will assist you.

(f) *Petroleum substitution.* You should describe how, when and the circumstances under which the petroleum substitute will be substituted for the use of crude oil or refined petroleum products. A showing that such a substitution will occur is necessary in order to obtain entitlements benefits.

(g) *Who will receive entitlements benefits.* The entitlements benefits will be given to only one person, group, firm or corporate entity in the distribution chain from the producer of the petroleum substitute to the consumer of the final product. The producer of the petroleum substitute will in many cases be the recipient of the entitlements issuances, although the ERA may issue the entitlements to any refiner in the chain that is already a participant in the entitlements program for reasons of administrative simplicity.

(h) *Entitlement benefits.* Petroleum substitutes derived from oil shale, and petroleum substitutes having a gross heating value of 5.7 million BTUs or more per barrel, will receive entitlement benefits on the same per barrel basis as crude oil. For all other petroleum substitutes, entitlements will be granted to each barrel on the basis of the same ratio to a full entitlement as the gross per barrel heating value of the substitute bears to 5.7 million BTUs.

6. PROCESSING PROCEDURES

As the applicant, you must identify and notify all parties involved in the production and distribution chain of the substitute of the pendency of the application. If you are unable to identify all such parties, you should indicate this in the application. ERA reserves the right to make available to such parties copies of the application and supporting documentation (except to the extent that information contained therein may be withheld from the public under 5 U.S.C. 552(b)(4)), for the verification of any information submitted and the receipt of their views concerning the granting of the application. As the applicant, you must follow the general and formal filing procedures provided in Subpart G of Part 205 of Title 10 of the Code of Federal Regulations (10 CFR 205.9 and 205.90 *et seq.*). We recognize that some applicants may not have had any previous experience with government regulations. Consequently, our Office of Fuels Regulation will, in addition to receiving the applications, render assistance to any small enterprises that need help in completing these filing requirements.

Applicants must submit two copies of the application. One copy (the "confidential" version) should contain all relevant information. The other copy (the "non-confidential" version) should not contain any information which you believe is confidential or non-disclosable to the public under 5 U.S.C. 552(b)(4). ERA may consult with other offices of the Department of Energy or other agencies of the Federal or State governments on certain aspects of the application in order to verify the energy consumption or determine any potential environmental effects of the production process or the use of the substitute. ERA also reserves the right to make any additional consultations it deems necessary. Normally, the applicant will be advised of such consultations.

7. DECISIONS AND ORDERS

All decisions and orders will be issued by the Assistant Administrator for Fuels Regulation. All decisions and orders will set forth the relevant facts, the criteria applied, and the decision made, together with a concise statement of the analysis used in reaching the decision.

The order shall identify the recipient of the entitlement benefits (if granted) and shall specify the manner in which the amount of the entitlements will be determined.

A decision and order issued under this program may be appealed to the Office of Hearings and Appeals in accordance with the procedures set forth in 10 CFR 205.97 and 205.100 *et seq.*

[FR Doc. 79-3853 Filed 2-2-79; 8:45 am]

[2] Certain synthetic crude oil made from tar sands and imported from Canada is already included in crude oil runs to stills for purposes of the entitlements program. See 10 CFR 211.67(d)(3), and 40 FR 39847, August 29, 1975. However, petroleum substitutes made in the United States from imported tar sands are not included.

[4910-13-M]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 18142; Amdt. No. 11-16]

PART 11—GENERAL RULEMAKING PROCEDURES

Publication of Petitions for Rulemaking and for Exemptions in the Federal Register

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment prescribes procedures for the publication in the FEDERAL REGISTER, in each appropriate case, of (1) petitions, or sum-

maries of petitions, for rulemaking or exemptions; (2) denials of petitions for rulemaking, and grants or denials of petitions for exemptions. The amendment enhances the public's ability to comment on any published petition, or summary of a petition. Public participation before the initiation of rulemaking procedures and in the exemption process, is expected to improve the quality of administrative decision making. Further, the publication of denials of petitions for rulemaking and grants or denials of petitions for exemptions should increase public awareness of agency actions. As a result, this amendment furthers the intent of Executive Order 12044. This amendment is not applicable to rules concerning airspace assignment and use and to petitions for medical exemptions.

EFFECTIVE DATE: March 20, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Edward P. Faberman, Regulations and Enforcement Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3073.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This amendment is based on a Notice of Proposed Rulemaking (Notice No. 78-10) published in the FEDERAL REGISTER on July 24, 1978 (43 FR 3936). That Notice invited comment by all interested persons. All persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all matters presented.

This amendment is part of the FAA's continuing effort to expedite its rulemaking and exemption programs and to make them more responsive to the public. This amendment increases early public participation in the agency's rulemaking process and enhances public awareness of agency actions.

DISCUSSION OF COMMENTS

The FAA received twenty comments from members of the general public, aviation industry, organizations representing consumer groups, and organizations representing pilots and flight attendants. The majority of the comments received were on the overall rule. These comments will be discussed first with a discussion of comments received on specific sections of the amendment to follow.

Those in support of the proposal and their comments were the following:

Avco Lycoming Williamsport Division (Avco) states that they were in "full agreement" with the NPRM if it will facilitate FAA action. As to the publication of summaries, they stated that this "will fill a current gap in public information."

The County of Los Angeles Department of Consumer Affairs states "with regular publication and invitations to comment, the public will be provided with improved opportunity to express its thoughts * * *."

The Association of Flight Attendants (AFA) states that the FAA "is to be congratulated for its efforts to open its rulemaking procedure to the public."

The Air Line Pilots Association states that it concurs with the basic intent of the NPRM which is in keeping with the Administration's policies to increase public participation in the regulatory process.

The Town-Village Aircraft Safety & Noise Abatement Committee (Town-Village Committee) stated "it is gratifying to see that steps are being considered to let the public become aware of change at the beginning and not after it is too late to alter decisions."

Both the Council on Environmental Alternatives, Inc., and the Independent Federation of flight Attendants both "strongly" supported the proposal. Letters supporting the proposal were also received from New York State Department of Transportation (NYDOT), Aircraft Owners and Pilots Association (AOPA), Flight Engineers' International Association, Independent Union of Flight Attendants (IUFA) and Mr. Jay Lewin.

Those opposed to the proposal were the following:

M. Richard Berryman states that the proposal concerning exemptions would have the effect of interfering with the leasing of U.S.-registered aircraft to foreign carriers which would impede the optimum utilization of U.S. aircraft, detract from U.S. trade, and adversely impact the U.S. balance of payments.

Cathay Pacific Airways Limited (Cathay) states that as a result of the proposal, the FAA's existing timetable for processing exemptions would be lengthened which would lead to a severe reduction in the lease of U.S.-registered transport aircraft from U.S. sources. Itavia Airlines objected for a similar reason.

The New Hampshire Aeronautics Commission states that it is not in favor of any further enlargement of the FEDERAL REGISTER.

The Air Transport Association (ATA) states that the proposal is not adequately justified, would provide no significant improvement to the existing rulemaking process, would needlessly complicate the process for obtaining exemptions, and that it would cause additional delays to the current procedures.

The Aerospace Industries Association of America (AIA) states the information made available to the public is unlikely to provide a response from the public that will contribute to reasonable and objective rulemaking and exemptions and will have an adverse effect upon the exemption processing time.

In discussing these proposals, it must be noted that under current Part 11, individuals can submit comments on petitions for rulemaking and exemptions (14 CFR 11.31). Comments received are reviewed in connection with the disposition of the petition. Although the FAA has not received a substantial number of comments on petitions, it has been our experience that analysis of the comments received has not delayed consideration of these petitions.

The effect of this amendment, therefore, would not be to create a new comment procedure but to expand it so that all interested parties are notified of petitions pending before the agency and are given the opportunity to submit comments on petitions for rulemaking or exemption.

Section 1 of Executive Order 12044 (March 23, 1978) states that "regulations shall be developed through a process which ensures that * * * opportunity exists for early participation and comment by other Federal agencies, State and local governments, business, organizations and individual members of the public."

The FAA believes that this amendment is consistent with the President's directive. The number of comments received in support of this proposal is evidence that the public will submit comments under the new procedures and does want to participate in the development of agency regulations and exemptions. In addition, this early public and industry participation will assist the FAA in meeting other objectives contained in Executive Order 12044 including consideration and analysis of meaningful regulatory alternatives.

The FAA believes that the benefits to the public and the agency as a result of this increased participation in the agency's rule-making process far outweigh the additional material that will be published in the FEDERAL REGISTER or the fact that processing time for certain petitions might be increased. The FAA further believes that this amendment will result in a lessening of the time required to process many petitions as a result of increased public awareness of the type of exemptions granted by the agency and of the information required to be submitted in support of those peti-

tions. The cost and time involved in the submission of petitions by the public should be lessened by making readily available all petitions previously denied or granted. This should further result in fewer petitions submitted which are identical to ones previously denied. In addition, the amount of time spent by agency officials in assisting petitioners in the submission of documentation should also be lessened. As a result of this and since the quality of petitions submitted to the agency should be improved, the FAA believes that this amendment will accelerate the decisionmaking process involved in the review of petitions.

The FAA is concerned by the amount of time expended on processing petitions. Petitions must be submitted in accordance with the requirements of § 11.25(b)(1) which requires that petitions "be submitted at least 120 days before the proposed effective date of the exemption." The FAA will closely monitor these procedures to ensure that delays do not develop as a result of these new procedures. If necessary, adjustments will be made to eliminate any problems encountered.

It must be emphasized that submittal of all information required by these procedures by petitioners will assist the FAA in the handling of petitions in a timely manner. Failure to submit all required information, particularly summaries as required by § 11.25(c) and (d), will increase FAA processing time and delay publication.

Specific Comments

AVAILABILITY OF INFORMATION

The Town-Village Committee suggests that since many individuals do not receive the Federal Register, then notices should be mailed to individuals on a mailing list. The FAA does have a Notice of Proposed Rulemaking (NPRM) Distribution system in which members of the public can obtain copies of specific NPRMs or to receive copies of NPRMs relating to a specific FAR Part. Persons interested in obtaining copies of NPRMs in accordance with these procedures should contact:

Federal Aviation Administration, Office of Public Affairs, Attn.: Public Information Center, APA-440, 800 Independence Avenue, SW., Washington, D.C. 20591.

The FAA is reviewing the possibility of including distribution of information submitted to the Federal Register pursuant to this amendment in a similar manner.

AFA suggests that a summary of rulemaking actions maintained in the Offices of the Regional Counsel for each region should be maintained in the Office of the Chief Counsel. The Office of Chief Counsel does maintain dockets for regional actions, however, these actions will not be included in summaries maintained under this amendment. As a result of the number of actions handled by the regions, summarizing them might create an undue administrative burden on the agency. The FAA will reexamine this decision based upon experience with the operation of this amendment.

PROPOSED EFFECTIVE DATE

AFA suggests that since petitions for exemptions are submitted without a proposed effective date, it is difficult for interested parties to know when their comments must be submitted. Therefore, they suggest that § 11.25(b) should clearly specify that a proposed effective date of the exemption is required. Under new § 11.27(c), twenty days will be allowed for public comment. Final action will not be taken until the comment period has been completed. Thus, the public will know the specific date by which their comments must be submitted.

COMMENT PERIOD

AFA suggests that subsections (b) and (c) of Section 11.27 should be amended to state that summaries will be published within 7 days after receipt. While the FAA will make every effort to publish the summaries when received, priorities and staffing limitations may prevent publication of these summaries immediately. In addition, FAA documents are only published twice a week as a result of Federal Register requirements. Therefore, the FAA believes that requiring publication of these summaries within a certain time frame would create an undue administrative burden on the agency.

Section 11.27(c) states that 20 days will be allowed for public comment after publication of a petition for exemption. The IUFA states that "as NPRMs will be allowed 60 days, so should the petitions for exemptions." NYDOT suggests that 30 days rather than 20 days should be allowed for public comment petitions for exemptions. In determining the time period allowed for the submission of comments, the need to provide adequate time for public response must be balanced against the continued handling of petitions in a timely manner. The FAA believes that a 20 day comment period will enable the agency to meet both of these objectives. In this connection, it must be noted that § 11.47(a) states that comments submitted after the closing date "are considered so far as possible without incurring expense or delay."

ACAP recommended in its comments that the proposal be modified to state that the agency has 120 days after the close of the initial comment period to initiate rulemaking or else deny the petition. They state that "by acting in this time frame, the Administrator can assure the petitioner and the public at large that it is moving swiftly on the resolution of important safety questions." Although the agency does respond to most petitions for rulemaking within this time frame, the response to a particular petition is dependent upon regulatory priorities within the agency (many involving safety issues), staffing limitations, and the complexity of the issues raised. Since these factors vary and to a large extent are not under the agency's control, a time limitation such as the one proposed by ACAP would not be beneficial and in fact would in many cases result in the premature denial of petitions.

The agency is aware, however, that as a result of these priorities agency action on a particular petition is often delayed without the petitioner having knowledge of its current status. The FAA does believe that a person who has submitted a petition for rulemaking should be kept apprised as to where it is in the regulatory process. Therefore, a paragraph (k) is added to § 11.27 which will require that a petitioner be advised of the status of a petition for rulemaking 120 days after it is published in the Federal Register and every 120 days thereafter until it is denied or issued as a notice of proposed rulemaking.

CONTENT OF SUMMARY

The AFA suggests that the following information be contained in the published summary:

1. If the Administrator determines to reduce the public comment period, deviations should be published in the Federal Register as should the basis of the Administrator's determination.

2. The basis upon which the disposition was made and the reasons why contrary comments submitted to the FAA were rejected.

3. FAA's findings on each safety issue to be stated with the justification for those findings.

As to the suggestion that deviations to the length of the public comment period be published, if a period other than stated in the regulation is utilized, that information will be included in the summary. The purpose of the publication of the summaries is to keep the public advised as to FAA rulemaking activities. The summary is not intended to be a complete synopsis of agency documents. Instead, it is intended that parties interested in a particular petition for exemption or rulemaking will write to the FAA or go to the FAA docket section to obtain a copy of the document which interests them. Therefore, it is not necessary to publish the basis upon which the disposition was made or why certain public comments were rejected since

that information will be contained in the final disposition.

DOCUMENTS TO BE PUBLISHED

AFA suggests that "emergency exemptions" be published as required by § 11.27(e), (f), (g) and (h). They state that publication, although after the fact, would inform the public of the FAA's actions in emergency situations. The FAA concurs. The provisions of § 11.27(f), (g), and (h) will apply to emergency actions.

AFA suggests that petitions for rulemaking and exemptions involving Airworthiness Directives and those involving Part 139 should be subject to the same publication and comment requirements as are other petitions. ALPA states that exemptions from the requirements of Part 139 and deviations allowed by the Administrator from the provisions of Part 121 "should be made subject to the formal processing," since they raise questions concerning such matters as the adequacy of the crash, fire and rescue status at airports, and operating requirements such as survival equipment aboard aircraft.

Exemptions processed under Part 139 and exceptions to airworthiness directives are processed by FAA regional offices and basically concern local situations which are of limited interest to the general public. To subject these regional actions to the publication requirements of § 11.27(c) would create an undue administrative delay which would slow down the regulatory process. After further review, however, the FAA agrees that exemptions granted or denied under Part 139 or airworthiness directives should be published in accordance with § 11.27 (f) and (g). Accordingly, § 11.27 (i) and (j) are amended to require publication of these summaries.

As to ALPA's suggestion that regulatory deviations be included in the exemption process, the FAA does not believe that deviations are analogous to the regulatory actions included in this amendment. Deviation authority is contained in specific regulations. The public was given the opportunity to comment on the deviation authority when the regulation in which it was contained was promulgated. As a result of this and since deviations are granted at the local level primarily for specific factual situations, the FAA does not believe that they should be included within the publication requirements of this amendment.

The FAA does agree that deviation requests should be documented and available to the public. Therefore, the FAA is instituting a new procedure whereby deviation requests submitted by a carrier will be maintained in a docket by the FAA certificate holding office having jurisdiction over the carrier's operations. Individuals wishing to examine a particular docket should contact the certificate holding office in order to make arrangements to review the docket.

The NPRM specifically solicited comments on the usefulness of publishing medical exemptions from Part 67. The only comments received on this issue were from NYDOT and AOPA. NYDOT stated that they did not see any value in publishing summaries of FAA actions on medical exemptions. AOPA stated that if action is taken to insure that the published exemptions do not violate the airman's privacy, then they feel that publication of these exemptions will be particularly helpful. As a result of the large number of these petitions processed monthly (75-100), the FAA does not believe that it would be beneficial to publish summaries of agency action on medical exemptions at this time. The FAA will reexamine this decision after experience is gained with this amendment.

Several commenters have expressed the view that the proposed procedures might interfere with the leasing of U.S.-registered aircraft to foreign carriers. They state that timely processing of these petitions for exemption is essential to insure optimum utilization of U.S. aircraft, develop U.S. trade, improve relations with foreign governments, and stabilize U.S. balance of payments. These commenters state that in order to complete such a lease agreement, it is often necessary to obtain exemptions from various sections of the Federal Aviation Regulations relating to issuance of U.S. airman certificates, maintenance requirements, and minimum equipment lists. They further state that expeditious handling of a petition for exemption in these situations is essential before the lease agreement can be completed.

As previously stated, the FAA believes that these procedures will not delay the agency's exemption process. In this connection, it must be noted that a petitioner seeking expedited handling of a petition for exemption is obligated under § 11.25(b)(1) to submit the petition at least 120 days before the proposed effective date of the exemption unless good cause is shown. The FAA does agree, however, that in certain circumstances, such as in foreign lease arrangements, a one or two day period may be critical to the consummation of the lease. In a situation where a petitioner has met the obligation to show why the petition is not submitted 120 days before the proposed effective date and where any delay might be detrimental, the FAA believes the public comment procedures of § 11.27(c) should not apply. A situation in which detriment to the petitioner is shown would fall within the "good cause" provision of § 11.27(j)(3).

In order to maximize public involvement in the exemption process, however, the types of petitions to which this exception is applicable will be strictly limited. Section 11.27(j)(3) is amended to set forth these limitations. The factors considered in this "good cause" determination are (1) whether the relief sought is routine and similar to other exemptions issued in the past or would set a precedent; (2) whether the time required for publication would be detrimental to the petitioner, and (3) whether the petitioner has filed the petition in a timely manner. It must be emphasized that the burden to show that "good cause" exists under § 11.27(j)(3) is on the petitioner. The petitioner must present sufficient information in the petition, so that a determination under this section can be made.

Although in these cases, a summary of the petition for exemption will not be published in accordance with § 11.27(c), a summary of a grant of exemption (§ 11.27(e)) or a denial of exemption (§ 11.27(g)) will be published. In this connection, it must also be noted that under new § 11.55 (a) and (b), effective November 9, 1978 (43 FR 52203) there are procedures for reconsideration of denials or grants of petitions for exemption. Therefore, the public will have an opportunity to submit their views if they contest the grant of an exemption and submit a petition for reconsideration.

VI. REVIEW OF COMMENTS

ACAP states that proposed § 11.27(g) is broadly written and could be interpreted as permitting the Administrator to deny a petition solely on the basis of adverse initial reaction during the comments phase. Under this section, the agency is required to make a determination as to whether the petition justifies the relief requested. This determination must satisfy judicial requirements. Therefore, the FAA does not believe that this section need be amended.

ADOPTION OF AMENDMENT

Accordingly, the Federal Aviation Administration amends Part 11 of the Federal Aviation Regulations (14 CFR Part 11) as follows:

1. By revising the first sentence of § 11.11 to read as follows:

§ 11.11 Docket.

Official FAA records relating to rule-making actions, including (a) proposals, (b) notices of proposed rule making, (c) written material received in response to notices, (d) petitions for rule making and exemptions, (e) written material received in response to summaries of petitions for rule

making and exemptions, (f) petitions for rehearing or reconsideration, (g) petitions for modification or revocation, (h) notices denying petitions for rule making, (i) notices granting or denying exemptions, (j) summaries required to be published under § 11.27, (k) reports of proceedings conducted under § 11.47, (l) notices denying proposals, and (m) final rules or orders are maintained in current docket form in the Office of the Chief Counsel.

* * * * *

§ 11.15 [Amended]

2. By amending the second sentence of § 11.15 to read: "The procedural requirements of §§ 11.53, 11.71, and 11.91, and the publication and comment procedures of § 11.27 need not be followed."

3. By revising § 11.25 by adding new paragraphs (c) and (d) to read as follows:

§ 11.25 Petitions for rule making or exemptions.

* * * * *

(c) A petition for rule making filed under this section must contain a summary, which may be published in the FEDERAL REGISTER as provided in § 11.27(b), which includes—

(1) A brief description of the general nature of the rule requested; and

(2) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures.

(d) A petition for exemption filed under this section must contain a summary, which may be published in the FEDERAL REGISTER as provided in § 11.27(c), which includes—

(1) A citation of each rule from which relief is requested; and

(2) A brief description of the general nature of the relief requested.

4. By revising § 11.27 to read as follows:

§ 11.27 Action on petitions for rule making or exemptions.

(a) *General.* Except for the publication and comment procedures provided for in this section, no public hearing, argument, or other formal proceeding is held directly on a petition, filed under § 11.25, before its disposition by the FAA.

(b) *Publication of summary of petition for rule making.* After receipt of a petition for rule making, except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the petition in the FEDERAL REGISTER which includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A brief description of the general nature of the rule requested;

(4) A brief description of the pertinent reasons presented in the petition for instituting rule-making procedures; and

(5) In appropriate situations, a list of questions to assist the FAA in obtaining comment on the petition.

Comments on the petition for rule making must be filed, in triplicate, within 60 days after the summary is published in the FEDERAL REGISTER unless the Administrator, for good cause, finds a different time period appropriate. Timely comments received will be considered by the Administrator before taking action on the petition.

(c) *Publication of summary of petition for exemption.* After receipt of a petition for exemption, except as otherwise provided in paragraphs (i) and (j) of this section, the FAA publishes a summary of the petition in the FEDERAL REGISTER which includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) A citation of each rule from which relief is requested; and

(4) A brief description of the general nature of the relief requested.

Comments on the petition for exemption must be filed, in triplicate, within 20 days after the summary is published in the FEDERAL REGISTER unless the Administrator, for good cause, finds a different time period appropriate. Timely comments received will be considered by the Administrator before taking action on the petition.

(d) *Instituting rule-making procedures based on a petition.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for rule making, that the petition discloses adequate reasons, the FAA institutes rule-making procedures.

(e) *Grant of petition for exemption—summary.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for exemption, that the petition is in the public interest, the Administrator grants the exemption and, except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the grant of the petition for exemption in the FEDERAL REGISTER. A summary of a grant of a petition for exemption includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) a citation of each rule from which relief is requested;

(4) A brief description of the general nature of the relief granted; and

(5) The disposition of the petition.

(f) *Denial of petition for rule making.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for rule making, that the petition does not justify instituting rule-making procedures, the FAA notifies the petitioner to that effect. Except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the denial of the petition for rule making in the FEDERAL REGISTER in accordance with paragraph (h) of this section.

(g) *Denial of petition for exemption.* If the Administrator determines, after consideration of any comments received in response to a summary of a petition for exemption, that the petition does not justify granting the requested exemption, the FAA notifies the petitioner to that effect. Except as otherwise provided in paragraph (i) of this section, the FAA publishes a summary of the denial of the petition for exemption in the FEDERAL REGISTER in accordance with paragraph (h) of this section.

(h) *Summary of denial of petition for rule making or exemption.* A summary of a denial of a petition for rule making or exemption includes—

(1) The docket number of the petition;

(2) The name of the petitioner;

(3) In the case of a denial of a petition for exemption, a citation of each rule from which relief is requested;

(4) A brief description of the general nature of the rule or relief requested; and

(5) The disposition of the petition.

(i) *General exceptions.* The publication and comment procedures of paragraphs (b) through (h) of this section do not apply to the following:

(1) To petitions for rule makings or exemptions processed under § 11.83.

(2) To petitions for exemptions from the requirements of Part 67 of this chapter.

(j) *Exceptions to publication of summary of petition for exemption.* The publication and comment procedures of paragraph (c) of this section do not apply to the following:

(1) To petitions for emergency exemptions processed under § 11.15.

(2) To petitions for exemptions processed under Part 139 of this chapter.

(3) Whenever the head of the Office or Service concerned, subject to the approval of the Chief Counsel with respect to form and legality, finds for good cause shown in a petition for exemption that action on the petition should not be delayed by the publication and comment procedures. Factors that may be considered in determining whether good cause exists, include—

(i) Whether a grant of exemption would set a precedent or whether the petition for exemption and the rea-

sons presented in it are identical to exemptions previously granted;

(ii) Whether the delay in acting on the petition for exemption that would result from publication would be detrimental to the petitioner; and

(iii) Whether petitioner acted in a timely manner in filing the petition for exemption.

(k) *Status of petition for rule making.* Within 120 days after publication in the FEDERAL REGISTER of a summary of petition for rule making and every 120 days thereafter, unless sooner denied under § 11.51 or issued as a notice of proposed rule making under § 11.65, the Office or Service concerned shall advise petitioner in writing of the status of the petition.

(l) *Additional specific provisions.* Specific provisions covering actions on petitions are set forth in Subpart C of this part.

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

The Federal Aviation Administration has determined that this document is not significant in accordance with the criteria required by Executive Order 12044, and set forth in the proposed "Department of Transportation Regulatory Policies and Procedures" published in the FEDERAL REGISTER June 1, 1978 (43 FR 23925). In addition, this amendment is procedural in nature and the Federal Aviation Administration has determined that the expected impact of it is so minimal that it does not require an evaluation.

Issued in Washington, D.C., on January 30, 1979.

LANGHORNE BOND,
Administrator.

[FR Doc. 79-3832 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Docket No. 17937, Amdt. 39-3407]

PART 39—AIRWORTHINESS DIRECTIVES

Augusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that would require the installation of nuts of improved design on the tailboom attachment bolts of Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters. The AD is prompted by the reported failure of a nut, which possibly could result in excessive deflection of the tailboom and inflight contact with the main rotor blades.

DATES: Effective March 5, 1979.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

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

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of nuts, bolts, and washers attaching the tailboom of Agusta Model A109A helicopters was published in the FEDERAL REGISTER at 43 FR 24849.

The proposal was prompted by the reported failure of a tailboom attachment nut and a determination by FAA that failure of such attachment nuts could result in excessive deflection of the tailboom and possible inflight contact with the main rotor blades.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and one comment was received. That comment stated that the proposed airworthiness directive is not required because Service Bulletin 109-8 has been accomplished on the three Agusta A109A helicopters on the U.S. Register, and will be accomplished on all other applicable helicopters prior to delivery from the factory, therefore negating the need for an AD. However, voluntary compliance with a manufacturer's service bulletin does not relieve the FAA from taking airworthiness directive action, as appropriate.

Upon further review, the FAA has determined that certain changes are needed to convey its original intent—full compliance with the service bulletin. Consequently the AD also requires that the removed hardware be discarded, and provides that the bolts be torqued, checked for torque, and retorqued and rechecked, if necessary, in accordance with the service bulletin.

The amendment is adopted as proposed with the exception of minor clarifying changes and the additions noted above.

Since a situation exists that requires immediate adoption of the additions, further notice and public procedure thereon are considered impracticable.

ADOPTION OF THE AMENDMENT

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

COSTRUZIONI AERONAUTICHE GIOVANNI AGUSTA. Applies to Model A109A helicopters, certificated in all categories, serial numbers 7135 and below.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the tailboom attachment provisions, remove and discard the nuts MS 21042-L6, the bolts NAS 626-20, and washers MS 20002-C6 and AN 960-616, and install in their place new nuts 42-FLW-624, bolts NAS 626-20, washers MS 20002-C6 and, as needed, one or more washers AN 960-616 and AN 960-616L, torque bolts, inspect bolts for torque, and retorque and re-inspect torque, if necessary, all in accordance with Agusta Bollettino Tecnico No. 109-8, dated February 6, 1978, or an FAA-approved equivalent approved by the Chief, Aircraft Certification Staff, Federal Aviation Administration, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York, N.Y. 09667.

This amendment becomes effective March 5, 1979.

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

Issued in Washington, D.C., on January 29, 1979.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 79-3800 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Docket No. 79-CE-2-AD; Amdt. 39-3406]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models TU206G, T207A, and T210M Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adds a new Airworthiness Directive (AD) applicable to Cessna Models TU206G, T207A and T210M airplanes equipped with an AiResearch turbocharger (Cessna P/N C295001-0101, AiResearch P/N 406610-5), having a serial number HE0101 through HE0160. On airplanes so equipped it requires re-

placement of either the turbocharger center housing or the complete turbocharger. This replacement is necessary because it has been determined that the specified serial numbers of the aforementioned turbochargers which may be installed on the above aircraft have thrust bearing anti-rotation pins which have failed or may fail and be ingested into the turbocharger oil scavenge pump. This may cause failure of the oil pressure and scavenge pump drive shaft with resultant loss of engine oil pressure.

EFFECTIVE DATE: February 12, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3146.

SUPPLEMENTARY INFORMATION: The FAA has determined that the problem described in the summary is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. The agency also determined that an emergency situation existed, that immediate corrective action was required, and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known registered owners of the airplanes affected by the AD by airmail letters dated December 21, 1978. The AD became effective as to these individuals upon receipt of the letter. Since the unsafe condition described herein may still exist on other Cessna Models TU206G, T207A and T210M airplanes, the AD is being published in the FEDERAL REGISTER as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective to all persons who did not receive the letter notification.

ADOPTION OF THE AMENDMENT

§ 39.13 [Amended]

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

CESSNA: Applies to Model TU206G, (S/Ns U20604459, U20604465, U20604473, U20604474, U20604480, U20604482 thru U20604484, U20604486, U20604487, U20604491, U20604493, U20604507, U20604567), Model T207A (S/Ns 20700453, 20700455, 20700456), and Model T210M (S/Ns 21062673, 21062699 thru 21062702, 21062704 thru 21062708,21062711, 21062712, 21062715, 21062717 thru 21062722, 21062724, 21062726, 21062728 thru 21062730, 21062732, 21062734 thru 21062736, 21062738 thru 21062741, 21062746, 21062747 thru 21062752, 21062766, 21062767, 21062818) airplanes certificated in all categories.

Compliance: Required as indicated unless already accomplished.

To preclude failure of the engine oil pressure and scavenge pump drive shaft and resulting oil pressure loss caused by turbocharger oil scavenge pump ingestion of failed turbocharger thrust bearing anti-rotation pins, within the next 10 hours' time-in-service after the effective date of this AD, accomplish the following:

(A) Check the Cessna P/N C295001-0101 (AiResearch P/N 406610-5) turbocharger nameplate to determine if the serial number is HE0101 through HE0160.

(B) If the serial number on the turbocharger nameplate is not one of those specified in Paragraph (A), make an entry in the aircraft maintenance records indicating compliance with this AD and no further action is required.

(C) If the serial number on the turbocharger nameplate is one of those specified in Paragraph (A) replace the turbocharger or replace the turbocharger center housing in accordance with applicable Cessna or AiResearch service instructions.

(D) Airplanes may be flown in accordance with FAR 21.197 to a location where replacement required by Paragraph (C) may be accomplished.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on February 12, 1979, to all persons except those to whom it has already been made effective by an airmail letter from the FAA dated December 21, 1978.

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

NOTE.—The FAA has determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978).

Issued in Kansas City, Missouri on January 26, 1979.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 79-3711 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Docket No. 79-SO-1; Amdt. No. 39-3404]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Aircraft Corp.; Model 382 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: A telegraphic airworthiness directive (AD) was adopted on December 29, 1978, and made effective immediately upon receipt of the telegram to all known U.S. operators of Lockheed Model 382 series airplanes. This directive required repetitive visual checks by the flight crew of the Main Landing Gear Ballscrew Assembly, P/N 8353, manufactured by the Calco Company and replacement, if necessary, prior to further flight. This AD was needed to prevent the collapse of the Main Landing Gear which could result in loss of the aircraft. On January 5, 1979, this AD was amended to include a Rockwell hardness test of the Main Landing Gear Ballscrew Assembly, P/N 8353, with a lower mounting flange (-25) casting only, manufactured by the Calco Company.

DATES: This amendment is effective February 5, 1979, and was effective upon receipt for all recipients of the telegram dated December 29, 1978, as amended by the telegram dated January 5, 1979, which contained this amendment.

ADDRESSES: The Lockheed Alert Service Bulletin, A382-32-28, may be obtained from the Lockheed-Georgia Company, Marietta, Georgia 30063, (404) 424-3560 (Model 382 Field Service). A copy of the Bulletin is also located in Room 275, Engineering and Manufacturing Branch, FAA, Southern Region, 3400 Whipple Street, East Point, Georgia 30320.

FOR FURTHER INFORMATION CONTACT:

Don Buckley, Aerospace Engineer, Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320, telephone (404) 763-7407.

SUPPLEMENTARY INFORMATION: There was a report of a failure of the Main Landing Gear (MLG) Ballscrew Assembly, P/N 8353-25, lower mounting flange manufactured by the Calco Company and used on Lockheed Model 382 series aircraft. Failure of the MLG P/N 8353-25 flange would result in the collapse of the MLG and possible loss of the aircraft. Since this condition was likely to exist or develop in other aircraft of the same type

design, a telegraphic AD was issued on December 29, 1978, which required repetitive visual checks by the flight crew of the MLG P/N 8353 assembly lower mounting flange for cracks and its replacement, if cracks were detected, prior to further flight. Subsequent to the issuance of the initial telegraphic AD, it was determined that visual inspection of the P/N 8353-25 flange was not reliable due to restricted accessibility. Consequently, on January 5, 1979, the telegraphic AD was amended to include a Rockwell hardness test of the Calco P/N 8353-25 lower mounting flange in addition to the repetitive visual checks. Also, at this time the initial AD was clarified to make the AD applicable to the Calco P/N 8353-25 flange made from a casting and not a forging. Both the Calco cast and forged lower mounting flange are stamped with the same part number, P/N 8353-25.

Since a situation existed that required immediate corrective action, it was found that notice and public procedure thereon were impractical and contrary to the public interest, and good cause existed for making the AD effective immediately to all known U.S. operators of Lockheed Model 382 series aircraft by the initial telegram dated December 29, 1978, and the January 5, 1979, amendment. This condition still exists and the telegraphic AD as amended, and with further additional clarification, is hereby published in the FEDERAL REGISTER.

ADOPTION OF THE AMENDMENT

§ 39.13 [Amended]

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

LOCKHEED: Applies to all Model 382 series aircraft with Calco manufactured ballscrew assembly, P/N 8353, installed in the main landing gear (MLG). Compliance required as indicated.

To prevent the collapse of the MLG due to a failure of the ballscrew P/N 8353 lower mounting flange and consequently possible loss of the aircraft, accomplish the following:

Within 10 hours time in service after the effective date of this AD and at each preflight thereafter on all airplanes with suspect P/N 8353 ballscrew assemblies, lower mounting flange P/N 8353 (castings only, not forgings), perform the repetitive visual check of the MLG Calco P/N 8353 Ballscrew Assembly in accordance with Lockheed Alert Service Bulletin A328-32-28.

NOTE.—Four (4) ballscrew assemblies per airplane).

The checks required by this AD may be performed by the flight crew. If cracks are detected or suspected in the lower mounting flange of the P/N 8353 ballscrew assembly as a result of the above service bulletin inspection requirements, replace the P/N 8353-25 casting with a serviceable forging prior to further flight. In addition to the above repetitive visual checks the following inspection of the P/N 8353-25 casting is required:

1. Prior to 50 hours time in service from the effective date of this AD, perform a Rockwell hardness test to determine that the P/N 8353-25 casting is within acceptable hardness limits to RC-35 of RC-45. If these limits are exceeded the P/N 8353-25 casting must be replaced prior to further flight except that if only one casting per aircraft is determined to be outside these limits, a ferry flight to a place of repair is permissible.

2. If the Rockwell hardness test confirms that the P/N 8353-25 casting is within the prescribed above limits, the casting must be replaced with a serviceable forging within 25 landings or 150 flight hours, whichever occurs first.

NOTE.—The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 553(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Lockheed-Georgia Company, Marietta, Georgia 30063. These documents may also be examined at FAA, Southern Region Office, 3400 Whipple Street, East Point, Georgia, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C. and at the Southern Regional Office.

This amendment is effective Feb. 5, 1979.

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

The incorporation by reference provisions in this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

Issued in East Point, Georgia, on January 22, 1979.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 79-3710 Filed 2-2-79; 8:45 am]

[4910-13-M]

[Airspace Docket No. 79-RM-01]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Amendment to Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment revises the legal description of the Ogallala, Nebraska 1,200' transition area. Subsequent to final rule (issued on August 24, 1978, 43 FR 37682), it was revealed the name of Ogallala VOR should be Searle VOR. This amendment deletes the Ogallala VOR and adds the Searle VOR (latitude 41°07'08.3" N., longitude 101°46'32.6" W.) to the description of the Ogallala, Nebraska 1,200' transition area within the State of Colorado.

EFFECTIVE DATE: 0901 G.m.t., April 19, 1979.

FOR FURTHER INFORMATION CONTACT:

Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On Thursday, August 24, 1978, the FAA issued final rule for the Ogallala, Nebraska 1,200' transition area within the State of Colorado (43 FR 37682). Subsequent to the final rule, it was revealed that the name of the VOR used in the description of the Ogallala transition area was Searle rather than Ogallala. Therefore, it is necessary to change the legal description of the transition area. It was further determined that issuance of a notice of proposed rulemaking for this amendment would be impractical and not within the interest of the public.

RULE

This amendment to subpart G of Part 71 of the Federal Aviation Regulations (FAR's) deletes the Ogallala VOR and adds Searle VOR (latitude 41°07'08.3" N., longitude 101°46'32.6" W.) to the legal description of the Ogallala 1,200' transition area within the State of Colorado.

DRAFTING INFORMATION

The principal authors of this document are Joseph T. Taber/Pruett B. Helm, Operations, Procedures and Airspace Branch, Air Traffic Division, and Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

§ 71.181 [Amended]

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective April 19, 1979, as follows:

By amending subpart G, section 71.181 (44 FR 442) to read:

OGALLALA, NEBR.

"* * * and that airspace within the State of Colorado extending upward from 1,200' above the surface within 9.5 miles south of the Searle VOR (latitude 41°07'08.3" N., longitude 101°46'32.6" W.) 258 radial extending to 18.5 miles west."

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

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colorado on January 26, 1979.

I. H. HOOVER,
Deputy Director,
Rocky Mountain Region.

[FR Doc. 79-3713 Filed 2-2-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 5085]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Suspension of Community Eligibility

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where the sale of flood insurance, as authorized under the National Flood Insurance Program (NFIP), will be suspended because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATE: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, DC 20410, (202) 755-5581 or Toll Free Line 800-424-8872.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (24 CFR Part 1901 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date subsidized flood insurance is no longer available in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since publication of a flood insurance map. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 1914.6 List of Suspended Communities.

State	County	Location	Community Number	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Alabama	Tuscaloosa	Tuscaloosa, City of	010203-A	Apr. 5, 1973, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Oct. 24, 1975	Feb. 15, 1979
California	San Diego	National City, City of	060293-B	Jan. 28, 1972, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Mar. 22, 1974 July 18, 1975	Do.
Colorado	Boulder	Unincorporated Areas	080023-A	May 14, 1971, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Delaware	Sussex	Seaford, City of	100048-B	Oct. 2, 1974, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 21, 1974	Do.
Georgia	Rockdale	Unincorporated Areas	130384-A	Mar. 6, 1975, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Apr. 16, 1976	Do.
Florida	Palm Beach	Unincorporated Areas	120192-A	June 19, 1970, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 17, 1970	Do.
Do	Walton	Unincorporated Areas	120317-A	Oct. 16, 1970, emergency, Nov. 16, 1977, regular, Feb. 15, 1979, suspended.	Feb. 21, 1975	Do.
Illinois	Douglas	Villa Grove, City of	170196-B	Feb. 27, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	May 17, 1974	Do.

State	County	Location	Community Number	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Indiana	Dearborn	Aurora, City of	185172-A	Jan. 19, 1973, emergency, Apr. 6, 1973, regular, Feb. 15, 1979, suspended.	Apr. 6, 1973	Do.
Do	Jay	Portland, City of	185178-A	Sept. 24, 1971, emergency, May 12, 1972, regular, Feb. 15, 1979, suspended.	May 13, 1972	Do.
Do	St. Joseph	Roseland, Town of	185179-A	May 5, 1972, emergency, May 4, 1973, regular, Feb. 15, 1979, suspended.	May 4, 1973	Do.
Maryland	Worcester	Unincorporated Areas	240083-A	Jan. 29, 1971, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Dec. 13, 1974	Do.
Minnesota	Washington	Afton, City of	275226-A	Mar. 19, 1971, emergency, Apr. 21, 1972, regular, Feb. 15, 1979, suspended.	Apr. 20, 1972	Do.
Do	Dakota	Lilydale, City of	275241-A	Apr. 9, 1971, emergency, Feb. 9, 1973, regular, Feb. 15, 1979, suspended.	Feb. 9, 1973	Do.
Do	Nicollet	North Mankato, City of	275245-D	Nov. 6, 1970, emergency, Apr. 28, 1972, regular, Feb. 15, 1979, suspended.	Apr. 28, 1972	Do.
Missouri	Jackson and Clay	Independence City	290172-A	Oct. 15, 1971, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Apr. 12, 1974	Do.
New Jersey	Monmouth	Asbury Park, City of	340285-B	Nov. 6, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	July 13, 1974 Apr. 30, 1976	Do.
New York	Monroe	Chili, Town of	360412-A	Mar. 16, 1973, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Do	Delaware and Broome	Deposit, Village of	360043-B	May 30, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 14, 1974 Oct. 24, 1975	Do.
Do	Cattaraugus	Ellicottville, Village of	360070-B	Apr. 2, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	May 24, 1974 July 30, 1976	Do.
Do	Westchester	Pleasantville, Village of	360927-B	Apr. 4, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Apr. 12, 1974	Do.
Do	....do	Tuckahoe, Village of	360934-B	July 2, 1975, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	May 10, 1974 June 18, 1976	Do.
Oklahoma	Pittsburg	McAlester, City of	400170-B	Mar. 15, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Feb. 15, 1974 May 28, 1976	Do.
Oregon	Grant	Unincorporated Areas	410074-A	Feb. 18, 1972, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Oct. 18, 1974	Do.
Pennsylvania	Delaware	Middletown, Township of	420422-B	Dec. 1, 1972, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Apr. 12, 1974 May 28, 1976	Do.
	Northumberland	Ralpho, Township of	421027-B	Nov. 19, 1973, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	June 28, 1974 June 4, 1976	Do.
South Carolina	Lexington	West Columbia, City of	450140-C	Dec. 6, 1973, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	June 28, 1974 July 9, 1976	Do.
South Dakota	Davison	Mitchell, City of	460021-B	Dec. 23, 1974, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Mar. 22, 1974 Feb. 6, 1976	Do.
Utah	Utah	Provo, City of	490159-B	Jan. 16, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 15, 1974 June 4, 1976	Do.
Virginia	Pittsylvania	Chatham, Town of	510114-B	June 10, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	May 31, 1974 June 4, 1976	Do.
Do	Cumberland	Unincorporated Areas	510043-A	Mar. 12, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Oct. 18, 1974	Do.
Vermont	Lamoille	Johnson, Town of	500063-B	May 13, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	June 21, 1974 Jan. 28, 1977	Do.
Do	....do	Johnson, Village of	500232-C	June 10, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Apr. 5, 1974 Nov. 26, 1976	Do.
Do	Windsor	Woodstock, Village of	500161-B	Mar. 27, 1974, emergency, Feb. 15, 1979, regular, Feb. 15, 1979, suspended.	Sept. 13, 1974 Dec. 10, 1976	Do.
Washington	King	Redmond, City of	530087-B	Oct. 15, 1974, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Mar. 22, 1974 July 9, 1976	Do.
Wisconsin	Marathon	Unincorporated Areas	550245-A	Apr. 9, 1971, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Do	Crawford	Ferryville, Village of	555553-A	Apr. 16, 1971, emergency, May 26, 1972, regular, Feb. 15, 1979, suspended.	May 26, 1972 Oct. 31, 1975	Do.

State	County	Location	Community Number	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Wyoming	Fremont	Unincorporated Areas	560080-A	July 8, 1975, emergency, Feb. 1, 1979, regular, Feb. 15, 1979, suspended.	Feb. 1, 1979	Do.
Mississippi	Lafayette	Oxford, City of	280094-A	Aug. 30, 1973, emergency, Sept. 29, 1978, regular, Feb. 15, 1979, suspended.	June 7, 1974 Feb. 27, 1976	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3412 Filed 2-2-79; 8:45 am]

[4210-01-M]

[Docket No. 5083]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With Minimal Flood Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities' Special Flood Hazard Areas are small in size, with minimal flooding problems. Because existing conditions indicate that the area is unlikely to be developed in the foreseeable future, there is no immediate need to use the existing detailed study methodology to determine the base flood elevations for the Special Flood Hazard Areas.

Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program (NFIP) without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or toll free line 800-424-8872, room 5270, 451 Seventh St., S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, the full limits of flood insurance coverage are available at actuarial, non-subsidized rates. The rates will vary according to the zone designation of the particular area of the community.

Flood insurance for contents, as well as structures, is available. The maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program.

Flood insurance coverage for property located in the communities listed can be purchased from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program. The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.9 List of Communities with Minimal Flood Hazard Areas.

State	County	Name of community	Date of conversions to the regular program
Arkansas	Quachita	City of Bearden	June 20, 1978
Nebraska	Hall	Village of Alda	June 20, 1978
Nebraska	Hall	Village of Cairo	June 20, 1978
Kansas	Sedgwick	City of Mount Hope	June 27, 1978
Louisiana	Morehouse	Village of Mer Rouge	June 27, 1978
Missouri	St. Louis	City of Dellwood	June 27, 1978
Maine	Penobscot	Town of Bradford	July 4, 1978
Washington	Yakima	City of Sunnyside	July 4, 1978
Illinois	Cook	Village of Worth	July 7, 1978
Ohio	Ashtabula	Village of Rock Creek	July 7, 1978
Wisconsin	Milwaukee	City of St. Francis	July 7, 1978
Iowa	Black Hawk	City of Raymond	July 11, 1978
Kansas	Sedgwick	City of Colwich	July 11, 1978
Vermont	Addison	Town of Waltham	July 25, 1978
California	Alameda	City of Alameda	August 1, 1978
California	Orange	City of Yorba Linda	August 1, 1978
Iowa	Black Hawk	City of Gilbertville	August 1, 1978
Nebraska	Hall	Village of Doniphan	August 1, 1978
Washington	Whitman	City of Colfax	August 1, 1978
Arkansas	Chicot	City of Lake Village	August 8, 1978
California	Orange	City of Westminster	August 8, 1978
Iowa	Pottawattamie	City of Carter Lake	August 8, 1978
New Mexico	San Juan	City of Bloomfield	August 8, 1978
Oklahoma	Coal	City of Coalgate	August 8, 1978

State	County	Name of community	Date of conversions to the regular program
Oklahoma	Muskogee	Town of Wainwright	August 8, 1978
Texas	Erath	City of Dublin	August 8, 1978
Texas	Kaufman	City of Forney	August 8, 1978
Texas	Navarro	Town of Frost	August 8, 1978
Texas	Kaufman	City of Kaufman	August 8, 1978
Texas	Kaufman and Henderson.	City of Mabank	August 8, 1978
Washington	Snohomish	City of Edmonds	August 8, 1978
Illinois	Cook	Village of Maywood	August 11, 1978
Illinois	Cook	Village of River Forest	August 11, 1978
Minnesota	Dakota	City of Egan	August 11, 1978
New Jersey	Monmouth	Borough of Neptune City.	August 11, 1978
New Jersey	Ocean	Borough of Pine Beach	August 11, 1978
New Jersey	Bergen	Borough of Wood-Ridge	August 11, 1978
New York	Suffolk	Village of Dering Harbor.	August 11, 1978
New York	Rensselaer	Village of Nassau	August 11, 1978
New York	Nassau	Village of Plandome Heights.	August 11, 1978
Ohio	Mahoning	Village of Sebring	August 11, 1978
Wisconsin	Milwaukee	Village of Shorewood	August 11, 1978
Idaho	Benewah	City of Tensed	August 15, 1978
Oklahoma	Hughes	City of Holdenville	August 15, 1978
Arkansas	Dallas	City of Carthage	August 22, 1978
Louisiana	Iberia	City of New Iberia	August 22, 1978
New Mexico	Lea	City of Eunice	August 22, 1978
Texas	Navarro	City of Dawson	August 22, 1978
Texas	Ellis and Dallas	City of Ferris	August 22, 1978
Idaho	Clearwater	City of Pierce	August 29, 1978
Utah	Davis	City of North Salt Lake	August 29, 1978
Utah	Davis	City of Woods Cross	August 29, 1978
Maryland	Garrett	Town of Accident	September 1, 1978
New Jersey	Camden	Borough of Mount Ephraim.	September 1, 1978
New York	Nassau	Village of Lattingtown	September 1, 1978
New York	Renssalaer	Town of Petersburg	September 1, 1978
Ohio	Erie and Huron	Village of Milan	September 1, 1978
Ohio	Sandusky	Village of Lindsey	September 1, 1978
Pennsylvania	Franklin	Township of Lurgan	September 1, 1978
Pennsylvania	Bedford	Township of Mann	September 1, 1978
South Carolina	Florence	Town of Scranton	September 1, 1978
Arkansas	Lonoke	City of Ward	September 5, 1978
Kansas	Reno	City of Hutchinson	September 5, 1978
Missouri	Cass	City of Archie	September 12, 1978
Oklahoma	Cotton	Town of Randlett	September 12, 1978
Oregon	Umatilla	City of Milton-Freewater.	September 12, 1978
Utah	Davis	City of South Weber	September 12, 1978
Oklahoma	Okmulgee	City of Beggs	September 19, 1978
Florida	Marion	City of Ocala	September 22, 1978
Illinois	Cook	Village of East Hazel Crest.	September 22, 1978
Illinois	Cook	Village of Forest Park	September 22, 1978
New York	Rockland	Village of New Square	September 22, 1978
Ohio	Lucas	Village of Holland	September 22, 1978
Ohio	Lorain	Village of Kipton	September 22, 1978
Pennsylvania	Delaware	Township of Lower Chichester.	September 22, 1978
Pennsylvania	Delaware	Borough of Millbourne	September 22, 1978
Pennsylvania	Allegheny	Township of Pine	September 22, 1978
Pennsylvania	Allegheny	Township of Richland	September 22, 1978
Oklahoma	Noble	City of Perry	October 10, 1978
New Jersey	Camden	Bourough of Audobon	October 13, 1978
New York	Rensselaer	Town of Grafton	October 13, 1978
Pennsylvania	Center	Township of Halfmoon	October 13, 1978
Pennsylvania	Cambria	Borough of Westmont	October 13, 1978
Massachusetts	Hampshire	Town of Goshen	October 17, 1978
Maine	Aroostook	Town of Mars Hill	October 24, 1978
Maine	Aroostook	Town of New Sweden	October 24, 1978
Oklahoma	Craig	Town of Bluejacket	October 24, 1978
Texas	Navarro	City of Blooming Grove	October 24, 1978
Texas	Henderson	City of Chandler	October 24, 1978
Texas	Austin	City of Wallis	October 24, 1978
Utah	Weber	City of Roy	October 24, 1978
Arkansas	Baxter	City of Grassville	October 31, 1978
Maine	Oxford	Town of Sweden	October 31, 1978
Oklahoma	Lincoln	Town of Davenport	October 31, 1978
Texas	Eastland	City of Rising Star	October 31, 1978

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2030, this rule has been granted waiver of Congressional review rquirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3410 Filed 2-2-79; 8:45 am]

[4210-01-M]

[Docket No. 5084]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities With No Special Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the communities, that these communities would not be inundated by the 100-year flood. Therefore, the Administrator is converting the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date listed in fourth column of List of Communities with No Special Flood Hazards.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, (202) 755-5581 or Toll Free 800-424-8872, Room 5279, 451 Seventh St., S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: In these communities, there is no reason not to make full limits of coverage available. The entire community is now classified as zone C. In a zone C, insurance coverage is available on a voluntary basis at low actuarial nonsubsidized rates. For example, under the Emergency Program in which your community has been participating the rate for a one-story 1-4 family dwelling is $.25 per $100 of coverage. Under the Regular Program, to which your community has been converted, the equivalent rate is $.01 per $100 of coverage. Contents insurance is also available under the Regular Program at low actuarial rates. For example, when all contents are located on the first floor of a residential structure, the premium rate is $.05 per $100 of coverage.

In addition to the less expensive rates, the maximum coverage available under the Regular Program is significantly greater than that available under the Emergency Program. For example, a single family residential dwelling now can be insured up to a maximum of $185,000 coverage for the structure and $60,000 coverage for contents.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.8 List of communities with no special flood hazard areas.

State	County	Community Name	Date of Conversion to Regular Program
Nebraska	Cheyenne	Village of Gurley	July 14, 1978
Kansas	Doniphan	City of Elwood	July 28, 1978
Missouri	St. Charles	City of Wentzville	July 28, 1978
Ohio	Paulding and Van Wert.	Village of Scott	July 28, 1978
Michigan	Oakland	City of Oak Park	September 28, 1978
Pennsylvania	Adams	Borough of Biglerville.	September 28, 1978
Wisconsin	Milwaukee	Village of West Milwaukee.	September 28, 1978
California	Los Angeles	City of Lawndale	October 30, 1978
Pennsylvania	Allegheny	Township of Baldwin.	October 30, 1978
Pennsylvania	Cambria	Borough of Brownstown.	October 30, 1978
Pennsylvania	Allegheny	Borough of Chalfant	October 30, 1978
Pennsylvania	Washington	Borough of East Washington.	October 30, 1978

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 F.R. 7719.

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has

been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3411 Filed 2-2-79; 8:45 am]

[4910-14-M]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD DEPARTMENT OF TRANSPORTATION

[CGD 78-026]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Areas, Cabin Creek, Grasonville, Md., and Wye River, Wye, Md.

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: This rule establishes special anchorages at Cabin Creek, Grasonville, Md., and Wye River, Wye, Md. This regulation is needed to provide anchorage space for small fishing and recreational vessels. Vessels not more than 65 feet in length, when at anchor in any special anchorage area are not required to carry or exhibit anchor lights. Establishing these two special anchorages will safely accommodate small vessel desiring to anchor without the necessity of carrying or displaying anchor lights.

EFFECTIVE DATE: This amendment is effective on March 7, 1979.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander H. E. Snow, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202-426-1934.

SUPPLEMENTARY INFORMATION: On September 28, 1978, the Coast Guard published a proposed rule (43 FR 44550) concerning this amendment. Interested persons were given until November 13, 1978, to submit comments. No comments were received.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Lieutenant Commander H. E. Snow, Project Manager, Office of Marine Environment and Systems, and Lieutenant J. W. Salter, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 110, Title 33, Code of Federal Regulations, is amended by adding § 110.71a and § 110.71b to read as follows:

§ 110.71a Cabin Creek, Grasonville, Maryland.

The waters of Cabin Creek, Maryland, enclosed by a line drawn from latitude 38°56'34"N., longitude 76°12'49"W., on the western shore to latitude 38°56'28"N., longitude 76°12'29"W., on the eastern shore; thence following the general line of the shore to the point of beginning.

§ 110.71b Wye River, Wye, Maryland.

The waters of a cove on the western shore of Wye River opposite Drum Point enclosed by a line drawn from latitude 38°53'17"N., longitude 76°11'23"W., to latitude 38°53'18"N., longitude 76°11'23"W., to latitude 38°53'18"N., longitude 76°11'13"W.; thence following the shoreline to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); sec. 6(g)(1)(B), 80 Stat. 937; (49 U.S.C. 1655(g)(1)(B), 49 CFR 1.46(c)(2)).

Dated: January 30, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc. 79-3919 Filed 2-2-79; 8:45 am]

[6560-01-M]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[FRL 1050-5]

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE CLEAN WATER ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

AGENCY: Environmental Protection Agency.

ACTION: Final Rule.

SUMMARY: Executive Order 11738 (September 10, 1973) establishes a program for compliance with clean air and water standards by recipients of Federal contracts, grants, loans and subagreements and directs EPA to identify to Federal agencies certain facilities violating air or water standards, in order for the Federal taxpayer to avoid subsidizing seriously violating facilities.

Section 5 of E.O. 11738 authorizes EPA to issue regulations necessary to implement this program. These regulations were promulgated on April 16, 1975 (40 FR 11724). These regulations assigned responsibility for the maintenance of a list of Violating Facilities ineligible for use in new Federal contracts or assistance to EPA's Office of Federal Activities.

On September 8, 1978, an Environmental Protection Agency (EPA) organizational change became effective. This change transferred the responsibility for administration within EPA of the Executive Order 11738 Program from the Office of Federal Activities to the Office of the Assistant Administrator for Enforcement. The regulations are amended to reflect that internal reorganization.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Richard Kuntz, Special Assistant for Contractor Listing, Office of Enforcement (EN-329), U.S. Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460, (202) 245-3006.

SUPPLEMENTARY INFORMATION: Due to the internal reorganization mentioned above, the regulations must be amended to reflect the replacement of the Director, Office of Federal Activities by the Assistant Administrator for Enforcement. Since these amendments merely change references in the regulation from one EPA official to another and do not change any substantive rules, they are being promulgated today as technical amendments to the existing regulation. These amendments are considered minor and do not meet the criteria for significant EPA regulations.

Additionally, EPA is appending to these regulations a procedural statement explaining the decision-making process within EPA relating to the placement of facilities on the list.

Dated: January 29, 1979.

MARVIN B. DURNING,
Assistant Administrator for Enforcement.

Part 15 of 40 Code of Federal Regulations is amended as follows:

1. Section 15.2 is deleted and a new § 15.2 is inserted:

§ 15.2 Administrative Responsibility.

The Assistant Administrator for Enforcement is hereby delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under the Order, except the power to issue rules and regulations. All correspondence regarding the Order or the regulations in this Part should be addressed to the Assistant Administrator for Enforcement (EN-329), U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 15.3 [Amended]

2. Section 15.3(l) is deleted and a new § 15.3(l) inserted:

Section 15.3(l) The term "Assistant Administrator" means the Assistant Administrator for Enforcement, U.S. Environmental Protection Agency, or any person to whom he delegates authority under the regulations in this part.

§ 15.4 [Amended]

3. In § 15.4 All references to "Director" shall be changed to "Assistant Administrator."

§ 15.5 [Amended]

4. (In § 15.5 All references to "Director" shall be changed to "Assistant Administrator."

§ 15.20 [Amended]

5. In § 15.20(a) All references to "Director" shall be changed to "Assistant Administrator."; in § 15.20(a)(2) The following sentence shall be stricken from this paragraph: "Upon request from the Assistant Administrator for Enforcement, EPA, the Director shall defer listing of a facility."; in § 15.20(c) All references to "Director" shall be changed to "Assistant Administrator." and The clause "or if the Assistant Administrator for Enforcement, EPA, requests removal," shall be stricken from the first sentence.

§§ 15.22, 15.23, 15.24, 15.25, 15.41 [Amended]

8. In § 15.22, § 15.23, § 15.24, § 15.25, and § 15.41 all references to "Director" shall be changed to "Assistant Administrator."

9. In the table of contents, the heading of § 15.41 shall be changed to "Delegation of Authority by the Assistant Administrator."

10. An Appendix A is added to Part 15 of 40 CFR to read as follows:

APPENDIX A

Statement of Procedures for the placement of facilities on the U.S. Environmental Protection Agency List of Violating Facilities.

A. PURPOSE

This statement describes the internal procedures used by the Environmental Protection Agency relating to the listing of facilities pursuant to 40 CFR 15.20(a) and § 15.20(b). The statement is intended as a supplement to that regulation.

B. RECOMMENDATIONS FOR LISTING

Recommendations of facilities for placement on the list may come from any of these individuals:

1. Regional Administrators (authority for which may be delegated to Regional Enforcement Division Directors);

2. The Deputy Assistant Administrator for Water Enforcement or for General Enforcement;

3. Governors (see State participation, 40 CFR 15.23(b)); or

4. Citizens (see public participation, 40 CFR 15.22).

C. LISTING OFFICIAL

A Listing Official shall be designated by the Assistant Administrator for Enforcement to receive recommendations to list. The Listing Official shall review the recommendations and may return the recommendation to the recommending official for deficiencies or for more information; otherwise he shall place the case on the Listing Docket.

Cases in the Listing Docket will be scheduled for Listing Proceedings and are assigned Case Examiners by the Assistant Administrator for Enforcement. The Listing Official will prepare a Notice of Proposed Listing for each case in the Docket, and will answer any requests from the facility or the recommending official prior to the Listing Proceeding. At any point prior to a Listing decision, the Recommending Official may request the Listing Official to withdraw the Notice of Proposed Listing due to a change in circumstances, e.g., settlement of the enforcement action.

D. CASE EXAMINER

The Listing Proceeding (40 CFR 15.20(a)(3)) will be chaired by the Case Examiner. A Case Examiner will be appointed for each case on the docket by the Assistant Administrator for Enforcement. The Case Examiner will be an EPA official familiar with pollution control in the media in question, subject to the following restraints:

1. He or she may not be the Listing Official;

2. He or she may not be the Recommending Official or anyone subordinate to the recommending official;

3. He or she may not have been closely involved in the preparation of the enforcement case.

E. LISTING REVIEW PANEL

The Listing Review Panel shall consist of the Assistant Administrator for Enforcement, who will serve as Chairman, the Assistant Administrator for Planning and Management, the General Counsel, and a representative from the Office of the Deputy Administrator who shall serve as a non-voting member. The panel members or their designees should attend and participate in the Listing Proceeding. No later than thirty working days after the close of the record of the Listing Proceeding, the Panel shall review the recommended decision of the Case Examiner and issue a final decision based on a majority vote of the three voting Panel members.

[FR Doc. 79-3745 Filed 2-2-79; 8:45 am]

[6560-01-M]

[FRL 1043-4]

PART 65—DELAYED COMPLIANCE ORDERS

Delayed Compliance Order for the City of Independence Power and Light Department, Independence, Mo.

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Administrator of EPA hereby issues a Delayed Compliance Order to the City of Independence Power and Light Department. The Order requires the company to bring air emissions from its Blue Valley Station at Independence, Missouri into compliance with certain regulations contained in the federally-approved Missouri State Implementation Plan (SIP). The City of Independence Power and Light Department's compliance with the Order will preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation(s) of the SIP regulations covered by the Order during the period the Order is in effect.

DATES: This rule takes effect on February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter J. Culver or Renelle Rae, Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108—Telephone 816/374-2576.

ADDRESSES: The Delayed Compliance Order, supporting material, and any comments received in response to a prior FEDERAL REGISTER notice proposing issuance of the Order are available for public inspection and copying during normal business hours at:

Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Missouri 64108.

SUPPLEMENTARY INFORMATION: On December 6, 1978, the Regional Administrator of EPA's Region VII Office published in the FEDERAL REGISTER, 43 FR 57163, a notice setting out the provisions of a proposed delayed compliance order for the City of Independence Power and Light Department. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments or requests for a public hearing were received in response to the proposal notice.

Therefore, a delayed compliance order effective this date is issued to the City of Independence Power and Light Department by the Administrator of EPA pursuant to the authority

of Section 113(d)(1) of the Clean Air Act, 42 U.S.C. 7413(d)(1). The Order places the City of Independence Power and Light Department on a schedule to bring its Blue Valley Station, Units 1, 2, and 3 at Independence, Missouri into compliance as expeditiously as practicable with Missouri Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area Regulation III (10 CSR 10-2.040), a part of the federally-approved Missouri State Implementation Plan. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and reporting requirements. The inclusion in the Order of emission monitoring requirements would be unreasonable. If the conditions of the Order are met, it will permit the City of Independence Power and Light Department to delay compliance with the SIP regulations covered by the Order until June 30, 1979. The company is unable to immediately comply with these regulations.

EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place the City of Independence Power and Light Department on a schedule for compliance with the applicable requirement(s) of the Missouri State Implementation Plan.

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

Dated: January 26, 1979.

DOUGLAS M. COSTLE,
Administrator.

In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By amending § 65.300 to read as follows:

§ 65.300 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
City of Independence Power & Light Department.	Independence, Missouri.	VII-78-DCO-17 ..	Dec. 6, 1978...	Regulation III (10CSR10.2.040).	June 30, 1979

[FR Doc. 79-3917 Filed 2-2-79; 8:45 am]

[4110-35-M]

Title 42—Public Health

CHAPTER IV—HEALTH CARE FINANCING ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—MEDICARE PROGRAM

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

EFFECT OF CAPITAL STOCK TRANSACTIONS

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final rule.

SUMMARY: These final regulations clarify existing Medicare program policy concerning certain effects of capital stock transactions. Specifically, these rules make clear that if a provider's capital stock is acquired, the provider's assets will not be revalued for purposes of computing depreciation, nor will interest expenses incurred in acquiring the stock be recognized as allowable costs. However, they do allow for assets to be revalued when there is a statutory merger or a consolidation between unrelated corporations. The intent is to ensure clarity and uniform interpretation of these policies.

DATE: Effective on February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

William Goeller, Division of Provider Reimbursement and Accounting Policy Medicare Bureau, Room 405 East Building, Baltimore, Maryland 21235, (301) 594-9820.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Since the inception of Medicare, it has been the policy of the program administrators that: (1) The acquisition of a provider's capital stock is not in itself a basis for revaluation of the provider's assets for purposes of computing depreciation; (2) interest expenses incurred in acquiring such stock are not allowable costs; and (3) statutory mergers between related corporations do not justify revaluation of assets. Although no single provision of the Medicare regulations explicitly set forth these policies, our position has been based on the interaction of three regulations: 42 CFR 405.415 concerning allowance for depreciation based on asset costs; 42 CFR 405.427, concerning cost related organizations, and 42 CFR 405.626(c), Concerning change of ownership. We continue to believe that our interpretation and application of these regulations are reasonable and consistent with our statutory mandate to determine the scope of reasonable costs for Medicare providers.

However, the Provider Reimbursement Review Board has not adopted the same view. In several decisions, the Board has considered provider stock transactions to be in substance a purchase of assets and has accordingly allowed revaluation for purposes of computing depreciation. The Commissioner of Social Security and the Administrator of the Health Care Financing Administration have reversed the Board's rulings. The issue is being litigated in various Federal courts. We, therefore, find it necessary to adopt these regulations. Our intent is not to change existing Medicare policy, but merely to state explicitly in the Code of Federal Regulations that which has been stated in the past in less formal settings. (See, for example, Health Care Financing Administration Ruling 78-33, MBR-1(11/78) at page 82; "Wolkstein Letter" of January 24, 1974.)

We have, therefore, amended regulatory provisions in § 405.415 by adding a new paragraph (l), entitled "Transactions involving provider's capital stock," and have amended § 405.419 to indicate that interest expense incurred as a result of transactions described in paragraph (l) are not allowable.

Paragraph (l) of § 405.415 now specifies Medicare treatment of provider capital stock acquisitions, statutory mergers, and consolidations, as they relate to revaluation of assets for purposes of computing depreciation. When the capital stock of a provider is acquired (even if 100% of that stock), the provider's assets may not be revalued. Since assets are properly revalued only if there has been a change of ownership, this rule follows from the basic principle of corporate law that a transfer of corporate stock does not constitute a change of ownership of the corporate assets. A corporation and its stockholders are distinct legal

entities, with title to the corporate property vested in the corporation itself, and not in the stockholders. Only if the assets are transferred by means of a bona fide transaction between unrelated parties would revaluation be proper. Medicare regulations are consistent with this view. 42 CFR 405.626(c) states that a transfer of corporate stock does not in itself constitute a change of ownership for purposes of terminating a provider agreement. The existing provider agreement continues in effect and we, therefore, see no valid reason to change the basis for determining Medicare reimbursement to the provider.

With regard to statutory mergers, the new paragraph (l) provides that if the merger is between unrelated parties, the assets of the merged corporation may be revalued. This rule differs from the rule for provider stock transactions because, while the acquisition of capital stock does not affect the legal status of the corporation, in a merger, the merged corporation ceases to exist as a corporate entity. In a merger, the surviving corporation does not become a mere stockholder of the merged corporation but takes over the merged corporation entirely. Since the merged corporation no longer exists, there has indeed been a transfer of ownership and revaluation is proper. Of course, the basis of the assets already owned by the surviving corporation would not be affected by the transaction. The assets of the merged corporation could be revalued regardless of whether the merged corporation was a provider before the merger. The regulation makes clear that if the merged corporation was a provider, it is subject to the provisions of § 405.415(d)(3) and (f) concerning recovery of accelerated depreciation and the realization of gains and losses.

If the statutory merger is between related parties, the rule provides that no revaluation of assets is permitted. This is consistent with § 405.427 which states that costs applicable to facilities furnished to the provider by organizations related to the provider by common ownership or control are includable in the allowable cost of the provider *at the cost to the related organization.* Thus, the assets of the merged corporation would be included in the allowable cost of the surviving corporation, but at the cost to the merged corporation, not at a revalued market price. In determining what is a related party, the criteria specified in § 405.427 will be used.

A particularly important example of this form of transaction is one in which one corporation purchases the capital stock of a second corporation and a statutory merger of the two corporations follows. No revaluation of assets would be allowed. The two parts of the transaction must be viewed separately. In accordance with § 405.415(l)(1), revaluation is not allowed upon acquisition of a provider's stock. With regard to the second part of the transaction, under § 405.415(l)(2)(ii), revaluation is not allowed after statutory merger between related parties. (The parties would be related in that one corporation would be the sole shareholder of the other.)

This rule also provides that assets may be revalued if two or more unrelated corporations consolidate to form a new corporation, but revaluation is not allowed if related corporations consolidate. The reasoning underlying this distinction is the same as our reasons for adopting a like rule with regard to statutory mergers. The rule would apply only if at least one of the consolidating corporations was a provider and would apply only to the assets of those consolidating corporations that have been providers. Assets of non-provider corporations have never been valued for Medicare purposes, so "*re*valuation" would be impossible.

The rule also amends § 405.419(d) to provide that loans made to finance capital stock acquisitions, mergers, or consolidations for which revaluation of assets is not allowed under § 405.415(l) are not reasonably related to patient care and are not a basis for allowable interest costs.

The final rule does not differ in substance from the proposed rule published in the FEDERAL REGISTER on April 1, 1977 (42 FR 17485). However, we have made the following changes. The part of the rule that pertains to interest expense was transferred from § 405.415, which deals with depreciation, to § 405.419, which properly deals with interest expense. We have deleted that part of the proposed rule that stated, with reference to capital stock transactions, that any excess paid over the book value of the provider's assets may not be included in equity capital. The deleted portion did accurately reflect program policy and we are not changing that policy. However, since no goodwill at all is recognized, under any circumstances, for transactions occurring on or after August 1, 1970 (see 42 CFR 405.429(b)(2)), we do not consider it necessary at this date to adopt a regulation denying goodwill in a specific instance. For those transactions which occurred before August 1, 1970, the program policy of not recognizing goodwill in connection with provider stock transactions is still applicable. That policy, however, is effected through the Bureau's interpretation of regulations effective at that time, not through this regulation.

Clarifying nonsubstantive changes are made in section 405.415 (a), (b), (d), and (g). the date is indicated in each paragraph to eliminate the cross references to paragraph (h), which is vacated. Captions are provided in paragraph (g).

DISCUSSION OF COMMENTS

Comments on the April 1, 1977 notice of proposed rulemaking were received from a few major provider chain organizations, from the major hospital organizations such as the American Hospital Association and the Federation of American Hospitals, and from a few Medicare intermediaries and independent accountants. None of the comments or recommendations was accepted. A summary of these comments and our responses follow:

1. *Postpone the final rule pending resolution of existing litigation.* This rule clarifies policy and is expected to minimize additional litigation. To postpone the effective date of the rule pending the resolution of existing litigation would unnecessarily extend the period of time during which providers would not have the benefit of this clarification of policy. We have no way of knowing when pending cases will be finally decided and we do not wish to postpone the effective date of this rule for an indeterminate, possibly lengthy, period of time.

2. *Make this policy prospective only.* This rule is effective on the date of publication. The rule itself will not be applied retroactively. However, the policy which this rule clarifies has always been Medicare policy, and we are not changing that policy. Thus, for transactions occurring before the effective date of this regulation, the policy will be based on our interpretation of three related sections of the Medicare regulations, i.e., 42 CFR 405.415, 405.427, and 405.626.

3. *The policy is contrary to generally accepted accounting principles, specifically Accounting Principles Board Opinion No. 16, which calls for the revaluation of assets pursuant to certain business combinations.* Generally accepted accounting principles are considered in the development of Medicare reimbursement policy, but are not the controlling factor. Medicare reimbursement regulations are based on and designed to implement title XVIII of the Social Security Act. The situations referred to in the comment typically involve the purchase of one corporation by another, followed some time later by a liquidation of the assets of the purchased corporation. In our view, the purposes of title XVIII are not served by allowing the purchasing corporation to revalue the assets and, thus, obtain a higher level of Medicare reimbursement. The increased expenditures charged to the

Medicare program in this instance do not appear to us to be necessary for the efficient delivery of needed health services.

4. *The Medicare program should recognize the substance of the transaction over form and allow revaluation of the assets based on the intent of the parties.* Substance is not being subordinated to form because this policy conforms with the legal principle that a corporation is considered an entity separate and apart from its owners (stockholders), and transactions involving the capital stock of a corporation generally have no bearing upon the operation or assets of the corporation. The assets are owned by the corporation and in turn the stockholders are not responsible for corporate liabilities.

Furthermore, the Medicare program reimburses only those costs related to the furnishing of care to Medicare patients. A transaction involving a provider's capital stock generally has no bearing on the operation of the provider and, therefore, for Medicare program purposes, is not related to patient care.

5. *The phrase "in itself" in § 405.626(c) indicates that there may be exceptions to the general rule that a purchase of stock does not give rise to a revaluation of assets.* Section 405.626(c) provides that a transfer of corporate stock would not, in itself, constitute a change of ownership. This means that a transaction that involves a transfer of stock does not, by virtue of that transfer, constitute a change of ownership. However, a transaction in which a transfer of stock is part of a larger arrangement (e.g., one including a transfer of assets) might constitute a change of ownership. In any case, with the adoption of this rule, reference need no longer be made to § 405.626 to determine Medicare treatment of provider stock transactions.

6. *The rule denies a reasonable rate of return on equity capital.* The rules as adopted concern only the revaluation of assets for purposes of computing depreciation and the recognition of interest expense. No mention is made of return on equity capital. However, these rules will necessarily affect the computation of equity capital, since § 405.429(b)(1)(ii) provides that in computing the amount of equity capital upon which a return is allowable, investment in facilities is recognized on the basis of historical cost, or other basis, used for depreciation and other purposes under the health insurance program. Strickly speaking, the rule affects only the determination of the total amount of equity capital upon which the return is based, not the rate of return itself. (See § 405.429(a)(1), which specifies how the rate itself is determined.) However, we acknowledge that the limitation on revaluation will result in a lower valuation of the equity capital, and accordingly, a lower return. We consider this return to be reasonable since the assets in question have been valued at their full fair market value at the time of their original acquisition.

7. *The rule will discourage business combinations.* It is not clear what effect this rule will have on business combinations, although it is clear that the rule will be one of a great number of considerations which businessmen will take into account when making professional judgments. Certainly the rule will not discourage statutory merger and consolidations between unrelated parties, since it allows the revaluation of assets for those transactions. If the rule does serve to discourage, to some extent, the purchase of a corporation through the acquisition of its stock, we consider this result to be a necessary consequence of our implementation of our mandate to reimburse only those costs which are reasonable, necessary, and related to patient care.

42 CFR Part 405 is amended as set forth below:

1. Section 405.415 is amended as follows:

a. Paragraph (a)(3)(ii) is amended by deleting the phrase "the date specified in paragrah (h) of this section" each time it appears and inserting the phrase "August 1, 1970".

b. Paragraph (b)(1) is amended by deleting the phrase "the date specified in paragraph (h) of this section" (lines 5 and 6) and inserting the phrase "July 31, 1970."

c. Paragraph (d)(2) is amended by deleting the phrase "the date specified in paragraph (h) of this section" (line 3) and the phrase "with the date specified in paragraph (h) of this section" (lines 13 and 14) and inserting in both places the phrase "August 1, 1970".

2. Section 405.415 is further amended by revising paragraph (g), vacating paragraph (h), and adding a new paragraph (l) to read as follows:

§ 405.415 Depreciation: Allowance for depreciation based on asset costs.

* * * * *

(g) *Establishment of cost basis on purchase of facility as an ongoing operation.*—(1) *Assets acquired after July 1, 1966 and before August 1, 1970.* The cost basis for the assets of a facility purchased as an ongoing operation after July 1, 1966, and before August 1, 1970, shall be the lowest of:

(i) The total price paid for the facility by the purchaser, as allocated to the individual assets of the facility; or

(ii) The total fair market value of the facility at the time of the sale, as allocated to the individual assets; or

(iii) The combined fair market value of the individually identified assets at the time of the sale.

(2) *Assets acquired after July 31, 1970.* For depreciable assets acquired after July 31, 1970, in addition to the limitations specified in paragraphs (g)(1) of this section, the cost basis of the depreciable assets shall not exceed the current reproduction cost depreciated on a straightline basis over the life of the assets to the time of the sale.

(3) *Transactions other than bona fide.* If the purchaser cannot demonstrate that the sale was bona fide, in addition to the limitations specified in paragraphs (g) (1) and (2) of this section, the purchaser's cost basis shall not exceed the seller's cost basis, less accumulated depreciation.

(h) [Reserved]

* * * * *

(l) *Transactions involving provider's capital stock.*—(1) *Acquisition of capital stock of a provider.* If the capital stock of a provider is acquired, the provider's assets may not be revalued. For example, if Corporation A purchases the capital stock of Corporation B, the provider, Corporation B continues to be the provider after the purchase and Corporation A is merely the stockholder. Corporation B's assets may not be revalued.

(2) *Statutory merger.* A statutory merger is a combination of two or more corporations under the corporation laws of the State, with one of the corporations surviving. The surviving corporation acquires the assets and liabilities of the merged corporation(s) by operation of State law. The effect of a statutory merger upon Medicare reimbursement is as follows:

(i) *Statutory merger between unrelated parties.* If the statutory merger is between two or more corporations which are unrelated (as specified in §405.427), the assets of the merged corporation(s) acquired by the surviving corporation may be revalued in accordance with paragraph (g) of this section. If the merged corporation was a provider before the merger, then it is subject to the provisions of paragraphs (d)(3) and (f) of this section concerning recovery of accelerated depreciation and the realization of gains and losses. The basis of the assets owned by the surviving corporation are unaffected by the transaction. An example of this type of transaction is one in which Corporation A, a nonprovider, and Corporation B, the provider, are combined by a statutory merger, with Corporation A being the surviving corporation. In such a case the assets of Corporation B acquired by Corporation A may be revalued in accordance with paragraph (g) of this section.

(ii) *Statutory merger between related parties.* If the statutory merger is between two or more related corporations (as specified in § 405.427), no revaluation of assets is permitted for those assets acquired by the surviving corporation. An example of this type of transaction is one in which Corporation A purchases the capital stock of Corporation B, the provider. Immediately after the acquisition of the capital stock of Corporation B, there is a statutory merger of Corporation B and Corporation A, with Corporation A being the surviving corporation. Under these circumstances, at the time of the merger the transaction is one between related parties and is not a basis for revaluation of the provider's assets.

(3) *Consolidation.* A consolidation is the combination of two or more corporations resulting in the creation of a new corporate entity. If at least one of the original corporations is a provider, the effect of a consolidation upon Medicare reimbursement for the provider is as follows:

(i) *Consolidation between unrelated parties.* If the consolidation is between two or more corporations which are unrelated (as specified in § 405.427), the assets of the provider corporation(s) may be revalued in accordance with paragraph (g) of this section.

(ii) *Consolidation between related parties.* If the consolidation is between two or more related corporations (as specified in § 405.427), no revaluation of provider assets is permitted.

3. Section 405.419 is amended by revising paragraph (d) to read as follows:

§ 405.419 Interest expense.

(a) *Principle.* Necessary and proper interest on both current and capital indebtedness is an allowable cost. However, interest cost incurred as a result of judicial review by a Federal court (as described in § 405.454(l) is not an allowable cost.

(b) *Definitions.* * * *

(2) *Necessary.* Necessary requires that the interest:

(i) Be incurred on a loan made to satisfy a financial need of the provider. Loans which result in excess funds or investments would not be considered necessary.

(ii) Be incurred on a loan made for a purpose reasonably related to patient care.

* * * * *

(d) *Loans not reasonably related to patient care.* (1) The following types of loans are not considered to be for a purpose reasonably related to patient care:

(i) For loans made to finance acquisition of a facility, that portion of the cost that exceeds:

(A) Historical cost as determined under § 405.415(b); or

(B) The cost basis determined under § 405.415(g); and

(ii) Loans made to finance capital stock acquisitions, mergers, or consolidations for which revaluation of assets is not allowed under § 405.415(l).

(2) In determining whether a loan was made for the purpose of acquiring a facility, we will apply any owner's investment or funds first to the tangible assets, then to the intangible assets other than goodwill and lastly to the goodwill. If the owner's investment or funds are not sufficient to cover the cost allowed for tangible assets, we will apply funds borrowed to finance the acquisition to the portion of the allowed cost of the tangible assets not covered by the owner's investment, then to the intangible assets other than goodwill, and lastly to the goodwill.

* * * * *

(Secs. 1102, 1814(b), 1833(a), 1861(v), and 1871 of the Social Security Act (42 U.S.C. 1302, 1395(b), 1395(a), 1395x(v) and 1395hh)).

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: December 22, 1978.

LEONARD D. SCHAEFFER,
Administrator, Health Care Financing Administration.

Approved: January 28, 1979.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 79-3911 Filed 2-2-79; 8:45 am]

[1505-01-M]

Title 49—Transportation

CHAPTER I—RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-22; Amdt. Nos. 171-43, 173-126]

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Matter Incorporated by Reference

Correction

In FR Doc. 79-1482 appearing at page 3707 in the issue of Thursday, January 18, 1979, in the first column of page 3708, under "Effective Date", instead of the words "Upon publication in the FEDERAL REGISTER" insert the date "January 18, 1979".

[4910-59-M]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Corrections of Safety Standard No. 208 and Safety Standard No. 215

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Correction

SUMMARY: The purpose of this notice is to make several corrections to Safety Standard No. 208, *Occupant Crash Protection*, and Safety Standard No. 215, *Exterior Protection*, as they are currently codified in 49 Code of Federal Regulations at Part 571. The corrections include the additon of § 7.1.3 and its accompanying chart to Standard No. 208 and the addition of section headings for S7 of Standard No. 208 and S5.3 of Standard No. 215. These corrections were made in the May 9, 1972, issue of the FEDERAL REGISTER (37 FR 9322), but were never codified in subsequent publications of Title 49 of the Code of Federal Regulations.

DATES: These corrections are effective immediately.

FOR FURTHER INFORMATION CONTACT:

Hugh Oates, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, (202-426-2992).

In consideration of the foregoing, the following corrections are made to Safety Standard No. 208 (49 CFR 571.208) and Safety Standard No. 215 (49 CFR 571.215):

§ 571.208 [Amended]

1. In Safety Standard No. 208, the following heading is added between the end of the text of S6.4 and S7.1: "S7. *Seatbelt assembly requirements—passenger cars.*"

2. In Safety Standard No. 208, the following section and its accompanying chart are added following the text of S7.1.2: "S7.1.3. The weights and dimensions of the vehicle occupants specified in this standard are as follows:

	50th-percentile 6-year-old child	5th-percentile adult female	50th-percentile adult male	95th-percentile adult male
Weight	47.3	102 pounds	164 pounds	215 pounds.
Erect siting height	25.4 inches	30.9 inches	35.7 inches	38 inches.
Hip breadth (siting)	8.4 inches	12.8 inches	14.5 inches	16.5 inches.
Hip circumference (siting)	23.9 inches	36.4 inches	42 inches	47.2 inches.
Waist circumference (siting)	20.8 inches	23.6 inches	33 inches	42.5 inches.
Chest depth		7.5 inches	9 inches	10.5 inches.
Chest circumference:				
(nipple)		30.5 inches	37.7 inches	44.5 inches.
(upper)		29.8 inches		
(lower)		26.6 inches		

§ 571.215 [Amended]

3. In Safety Standard No. 215, the following heading is added between the text of S5.2.3 and S5.3.1: "S5.3. *Protective criteria.*"

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

Issued on January 29, 1979.

JOAN CLAYBROOK,
Administrator.

[FR Doc. 79-3618 Filed 2-2-79; 8:45 am]

[7035-01-M]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amendment No. 2 to Service Order No. 1340]

PART 1033—CAR SERVICE

Atlanta and West Point Rail Road Co., Clinchfield Railroad Co., Georgia Railroad, Seaboard Coast Line Railroad Co., and Western Railway of Alabama To Deliver Locomotives to Louisville and Nashville Railroad Co.; Regulations for the Use of Locomotives

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 2 to Service Order No. 1340.

SUMMARY: On September 22, 1978, the Commission ordered the Seaboard Coast Line Railroad and other lines members of its system collectively to furnish 100 locomotives to the Louisville and Nashville Railroad Company, also a system railroad. Amendment No. 2 allows the LN to return fifty locomotives to the SCL subject to immediate return to the LN should the LN in any week furnish less than forty percent of the cars ordered for coal loading by its single-car shippers located in Eastern Kentucky and Eastern Tennessee. The order is printed in full in Volume 43 of the FEDERAL REGISTER at page 44536. Amendment No. 2 of the order extends the expiration date of the order until April 30, 1979.

DATE: Expires 11:59 p.m., April 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 30, 1979.

Upon further consideration of Service Order No. 1340 (43 FR 44536, 44606; 44 FR 874 and 3717), and good cause appearing therefor:

On August 3, 1979, the Commission entered an order requiring the six railroads named above (collectively known as the Family Lines), all of which are owned or controlled by the Seaboard Coast Line Railroad Company (SCL), to show cause why the Commission should not issue two proposed service orders. One proposed service order, entitled *Regulations For The Use Of Locomotives,* would have ordered the other five members of the Family Lines collectively to deliver 100 locomotives to the Louisville and Nashville Railroad Company (LN). The other proposed service order, entitled *Regulations For The Distribution Of Hopper Cars,* would have ordered the LN to supply weekly each coal mine ordering cars for single-car or non-unit-train shipments a minumum of forty percent of its daily mine rating multiplied by the number of working days in the week. The order to show cause was entered as a result of the Commission's conclusion that an acute shortage of locomotives and hopper cars for transporting single-car shipments or coal originating at stations on the LN in Eastern Kentucky existed.

Numerous responses to the show cause order were filed by the Family Lines, by producers and receivers of coal and other commodities, and by public officials in the States served by the Family Lines. The Commission held oral argument on the show cause order on September 7, 1978.

In a decision served September 22, 1978, the Commission ordered that the proposed service order entitled *Regulations For The Use Of Locomotives* be issued in modified form. The Commission deferred issuance of the proposed service order entitled *Regulations For The Distribution Of Hopper Cars.*

On October 11, 1978, the Commission denied an appeal of the Family Lines railroads seeking a stay of the order.

A subsequent appeal of the Family Lines seeking revocation of the order and of Tesoro Coal seeking broadening of the reporting requirements imposed upon the Family Lines by the order were denied on December 27, 1978. In that order the Commission stated that it would accept additional pleadings at any time up to ten days prior to the January 15, 1979, expiration date of the order.

Five such pleadings have been received. However, because of holiday delays in the distribution of the order dated December 27, 1978, and in the publication of that order in the FEDERAL REGISTER (Publication in the FEDERAL REGISTER was not accomplished until the issue date January 3, 1979), all petitions in this proceeding received in the Commission's offices on or before January 10, 1979, will be accepted.

To provide sufficient time to evaluate the varied opinions expressed in these petitions the Commission, on January 12, 1979, ordered a brief extension until January 31, 1979, of Service Order No. 1340.

The Family Lines request that Service Order No. 1340 either be vacated or allowed to expire. A similar request is made by The Fertilizer Institute (TFI). Tesoro Coal Company requests the extension of Service Order No. 1340. A group of petitioners comprising both of Kentucky's United States Senators, its two Congressmen from Eastern Kentucky, the governor of the Commonwealth of Kentucky and the Hazard and Harlan Coal Operators Association, hereafter described as the joint petitioners, seek both extension and modifications to the order.

In its pleading, the Family Lines stated that the fifty locomotive units which the parent SCL has leased from the Southern Pacific Transportation Company (SP) and sub-leased to LN will remain on LN through March 1979, by which time LN will have received approximately forty of seventy new locomotives scheduled to be delivered by the builders during February, March and April. LN argues that it can return fifty locomotives to SCL during the month of January and Feb-

ruary without any appreciable effect on its ability to move its Eastern Kentucky coal traffic. It expects a seasonal increase in coal traffic in March and April which will require eighty more locomotives than it now has, but expects this need largely to be met by the scheduled delivery of seventy new locomotives during February, March and April. SCL itself pledges that if Service Order No. 1340 is vacated or allowed to expire, it will see that the LN has available at least the eighty locomotives which LN says it will need.

The Family Lines argue that although the percentage of cars furnished to single-car shippers of coal to cars ordered has improved since Service Order No. 1340 became effective, this improvement is a result of a decrease in the number of cars ordered rather than the result of an increase in the number of cars furnished. The weekly car distribution reports furnished by the LN do indeed reflect a decrease in car orders commencing in the week starting November 19, 1978, the week containing the Thanksgiving holiday. However these reports also disclose an erratic but increasing car supply both in the Eastern Kentucky coal fields and on the LN as a whole. We are not convinced that the increased availability of locomotives to move coal cars, both loaded and empty, has had no beneficial effect on the supply of cars to single-car coal shippers served by the LN.

The LN asserts that it can operate at present traffic levels with eighty fewer locomotives than it now has. However its weekly reports of trains held for power would indicate otherwise. During the seven-day period ending January 13, 1979, the LN reported that a total of 109 trains were released after being held 12 or more hours awaiting the availability of locomotives. During the two immediately preceding reporting periods 92 trains were reported held during the week ending January 6 and 103 during the week ending December 31. A total of 123 trains were released after locomotive delays of 12 hours or more during the week ending October 15, 1978. The latter date is the date the first 24 additional SCL units were reported in service on the LN. During each period substantially more trains were reported as being held for shorter periods. We cannot accept as valid the LN's belief that it can operate at existing traffic levels with eighty fewer locomotives than it is now using without excessive delays to trains and cars and consequent aggravation of shortages of cars for coal loading.

Subsequent to the issuance of this order, 54 locomotives were returned by the LN at the request of non-Family Line owners. Numerical replacement of these locomotives with locomotives furnished by SCL was not accomplished until some time between November 1 and November 15, 1978. At the time the "Show-Cause" order in this proceeding was served, on August 4, 1978, the LN was operating 120 leased locomotives, including 26 furnished voluntarily by SCL. As a result of the recall of fifty locomotives by Consolidated Rail Corporation and the Norfolk and Western the number of leased units had declined to 96 on October 15, in spite of the furnishing by SCL of 24 additional units as required by the order. On November 1, the LN was operating 103 leased locomotives, including eleven SP units.

On November 15, it was operating 127 leased locomotives including 37 SP units. (Four Detroit, Toledo and Ironton locomotives were recalled and returned between October 15 and November 15). On January 1, 1979, the LN was operating a total of 130 leased locomotives, ten more than the number operated when the proceeding was opened and 34 more than were operated on October 15, 1978, when the first report of trains held for power was due.

Although the reports received from the LN reveal that substantial progress has been made in reducing the number of trains and cars held for power, the large numbers of trains currently being reported as held for power indicates a continuing need for the locomotives furnished to it by the SCL as required by the order.

The Family Lines argue at length with respect to a "National Energy Policy" which they conceive as one which emphasizes the substitution of coal for other fuels in the generation of electricity and in major industrial uses. They allege that problems related to the implementation of this policy as it affects the producers and users of Eastern Kentucky coal, rather than deficiencies of the LN are the causes of its shortages of cars for coal loading and of shortages of locomotives for the prompt movement of coal, and that the LN should not be expected to furnish all of the cars and service required by its Eastern Kentucky coal shippers until the National Energy policy is clarified and the role of the Eastern Kentucky single-car coal shippers is more precisely determined. The LN contends that, with the exception of the Tennessee Valley Authority, all major utilities have received in a timely manner all of the coal they require.

Recent car distribution reports received from the LN for the two weekly periods ending January 6, 1979, and January 13, 1979, indicate that all orders for cars placed by non-unit-train coal shippers in the three Eastern Kentucky car distribution districts and in the Eastern Tennessee area were filled.

The level of car orders in the four eastern districts mentioned has declined steadily from the peak of 29,942 cars ordered during the week ending November 11, 1978, had decreased to 5,527 cars during the week ending January 13, 1979. Of significance was a decrease of 1,350 cars ordered between the holiday week ending January 6 and the normal week ending January 13, 1979.

Under ordinary circumstances we would consider the continuing decline in car orders and the recent ability of the LN to fill all orders for cars for coal loading as sufficient grounds for terminating our order. However, we are disturbed by the continued excessive delays to large numbers of trains attributed by the railroad to a lack of motive power and by the adverse effect such delays have on the availability of freight cars for placement for loading.

In its petition the LN states that if Service Order No. 1340 is vacated or allowed to expire it will retain fifty of the sixty SP locomotives leased by the SCL and sub-leased by that line to LN until replaced by new LN locomotives received from builders or until recalled by SP whichever occurs first.

We will extend Service Order No. 1340 until April 30, 1979. However, in view of the present ability of the LN to fill all orders for cars for coal loading by single-car shippers we will authorize the temporary return of fifty SCL locomotives to that line. The LN and other Family Lines railroads will be required to continue to furnish reports of trains held for power and the LN additionally will be required to continue its weekly reports of cars ordered by and furnished to single-car coal shippers and its bi-monthly report of locomotives operated on its line.

Should the LN, during any weekly reporting period, furnish less than 40 percent of the number of cars ordered by single-car shippers of coal served by its lines in Eastern Kentucky, and Eastern Tennessee, the SCL shall, no later than Wednesday of the following week return to the LN the locomotives it has recalled. Thereafter the base requirement of this order that the SCL furnish 100 locomotives to the LN shall remain fully in effect unless otherwise ordered by the Commission.

The Fertilizer Institute (TFI) asks that we vacate Service Order No. 1340. TFI asserts that SCL needs all of its locomotives in order to provide adequate service to shippers of phosphate and phosphate fertilizer who are predominately served by the SCL's network of lines in the vicinity of Mulberry, Florida. Although SCL is required by the order to furnish 100 locomo-

tives to LN it has, in fact, transferred only fifty of its own locomotives to LN. It has successfully sought and leased fifty locomotives from SP and sub-leased these units to LN in order to complete its obligation to furnish a total of 100 locomotives to that line. Further SCL was given credit for twenty-six locomotives it had leased to LN prior to the issuance of this order. The net effect is that SCL transferred only 24 of its locomotives to LN as a result of this order.

By our action today we are authorizing the temporary return to SCL of the fifty locomotives it has leased to LN subject to possible return to that line should it again encounter severe car supply problems attributed to its inability to move car promptly because of a shortage of locomotives. We are also requiring that each of the Family Lines continue its weekly reporting of trains delayed because of a shortage of locomotives as suggested by TFI.

In a joint petition the Honorable Walter D. Huddleston and the Honorable Wendell H. Ford, United States Senators from Kentucky, Congressmen Carl D. Perkins and Tim Lee Carter, the Honorable Julian M. Carroll, Governor the Commonwealth of Kentucky, The Hazard Coal Operators Association and the Harlan Coal Operators Association (joint petitioners) ask that the Commission extend Service Order No. 1340 until June 15, 1979, and that SCL be required to furnish 100 of its own locomotives to LN. The joint petitioners argue that SCL's lease of locomotives from SP for sublease to LN does not constitute compliance with the order.

We do not agree. The order directed SCL and its affiliates other than LN to furnish a total of 100 locomotives to LN. No constraints were placed on the SCL's method of compliance. The SCL properly in our opinion, located and arranged for the lease, repair and subsequent sub-lease to LN of a group of locomotives owned by SP which that line was unable to repair and use on its own lines. SCL temporarily interrupted its own locomotive repair program in order to restore the SP locomotives to operating condition. By its action SCL successfully met the Commission's requirement that it furnish 100 additional locomotives to LN while at the same time minimizing the effects of the order on its own operations and upon the shippers dependent upon it for rail transportation.

Tesoro Coal Company also asks that Service Order No. 1340 be continued in effect, but offers no suggestions as to a new expiration date.

Shamrock Coal Company requested that the Commission extend and modify this order but subsequently withdrew its request because of errors in its initial petition. Shamrock now takes no position with respect to the continuance of Service Order No. 1340.

It is ordered, That Service Order No. 1340 is extended to expire at 11:59 p.m., April 30, 1979.

The Louisville and Nashville Railroad is authorized to return to the SCL, subject to recall, fifty SCL locomotives furnished by the SCL to the LN in accordance with the requirements of Section (a) of Service Order No. 1340. These locomotives must be returned to the LN no later than Wednesday of the week immediately following any week during which the LN furnishes less than 40 percent of the cars ordered by single-car coal shippers served by its lines located on its Corbin and Knoxville divisions in Eastern Kentucky and Tennessee. A week is defined as the period Sunday through Saturday inclusive.

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

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. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman O'Neal, Vice Chairman Brown, and Commissioners Stafford, Gresham, and Christian; Commissioner Clapp not participating.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-3916 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Amendment No. 2 to Service Order No. 1352]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Fond du Lac, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 2 to Service Order No. 1352.

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Fond du Lac, Wisconsin, are inoperable because of heavy snow at this location, which is depriving industries located adjacent to the MILW tracks at this location of railroad service. Service Order No. 1352 authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of the MILW in Fond du Lac in order to restore railroad service to these shippers. The order is printed in full in Volume 44 of the Federal Register at page 3715. Amendment No. 2 extends the expiration date of the order until February 15, 1979.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 30, 1979.

Upon further consideration of Service Order No. 1352 (44 FR 3715 and 4953), and good cause appearing therefor:

It is ordered, That § 1033.1352 *Chicago and North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at Fond du Lac, Wisconsin*, Service Order No. 1352 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

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

This amendment 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. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-3914 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Amendment No. 1 to Service Order No. 1353]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co. Authorized To Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. at Oshkosh, Wis.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Amendment No. 1 to Service Order No. 1353.

SUMMARY: The lines of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) serving Oshkosh, Wisconsin, are inoperable because of heavy snow at this location, which is depriving industries located adjacent to the MILW tracks at this location of railroad service. Service Order No. 1353 authorizes the Chicago and North Western Transportation Company (CNW) to operate over tracks of the MILW in Oshkosh, Wisconsin, in order to restore railroad service to these shippers. The order is printed in full in Volume 44 of the FEDERAL REGISTER at page 5137. Amendment No. 1 extends the expiration date of the order until February 15, 1979.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., February 15, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275-7840, telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 30, 1979.

Upon further consideration of Service Order No. 1353 (44 FR 5137), and good cause appearing therefor:

It is ordered, That § 1033.1353 *Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Oshkosh, Wisconsin,* Service Order No. 1353 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., February 15, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

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

This amendment 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. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member John R. Michael not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3915 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Amendment No. 2 to Second Revised Service Order No. 1332]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Amendment No. 2 to Second Revised Service Order No. 1332.

SUMMARY: There are severe shortages of freight cars throughout the country. Second Revised Service Order No. 1332 requires all railroads to place, remove, forward, weigh, clean or repair cars within 60 hours in order to expedite the handling of freight cars and to increase their availability for reloading. Boxcars, hopper cars and covered hopper cars are covered by this order. Amendment No. 2 extends the order until March 31, 1979. This order is published in full in Volume 43 of the FEDERAL REGISTER at page 45863.

DATES: Effective 11:59 p.m., January 31, 1979. Expires 11:59 p.m., March 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION:

Decided January 26, 1979.

Upon further consideration of Second Revised Service Order No. 1332 (43 FR 45863 and 56674), and good cause appearing therefor:

It is ordered, That § 1033.1332 Railroad operating regulations for freight car movement, Second Revised Service Order No. 1332, is hereby amended by substituting the following paragraph (g) for paragraph (g) therefor:

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1979, unless otherwise modified, changed or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1979.

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

This amendment 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. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Chairman O'Neal, Vice Chairman Brown, and Commissioners, Stafford, Gresham, Clapp, and Christian.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3912 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Service Order No. 1335-A]

PART 1033—CAR SERVICE

Repair and Retirement of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Service Order No. 1335-A.

SUMMARY: On September 7, 1978, the Commission ordered each railroad owning plain forty-foot boxcars to show cause why they should not be required to repair and restore certain such cars to service and why certain restrictions should not be placed on the retirement of these cars. Replies were filed by sixty railroads. Recent changes in the Interstate Commerce Act by Public Law 95-607 nullified the previous action of the Commission in this matter.

Service Order No. 1335 is vacated and set aside effective upon date of service of this order.

DATE: Effective upon date of service of this order.

FOR FURTHER INFORMATION CONTACT:

Charles C. Robinson, Chief, Utiliza-

tion and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTAL INFORMATION: The Order is printed in full below.

Decided January 29, 1979.

On September 7, 1978, the Commission ordered all railroads owning plain forty-foot boxcars to show cause why they should not be required to repair and restore such cars to service within specified time periods and why certain restrictions should not be placed on the retirement of these cars. Each railroad was requested to furnish detailed information in response to ten questions propounded by the Commission. Replies were due on September 23, 1978. Upon petition of the Association of American Railroads (the Association), the time for the filing of replies was extended until October 13, 1978, (43 F.R. 40891 and 43719). Replies were timely filed by the Association and by sixty railroads.[1] In addition, comments were submitted by eighteen non-carrier interested parties.[2]

On November 30, 1978, The Consolidated Rail Corporation (Conrail) filed a motion to dismiss the proceeding citing recent changes in the Interstate Commerce Act made by Public Law 95-607, enacted November 8, 1978, which, in its opinion, nullified the previous action of the Commission in this matter.

The language cited by Conrail is contained in Public Law 95-607 § 402. The pertinent portion of Public Law 95-607 reads:

Section 1(14) of the Interstate Commerce Act (49 U.S.C. 1(14) is amended by redesignating subdivision (b) as subdivision (c), and by inserting immediately after subdivision (a) the following new subdivision:

"(b) If the Commission finds, upon petition of an interested party and after notice and a hearing on the record, that a common carrier by railroad subject to this part has materially failed to furnish safe and adequate car service as required by paragraph (11) of this section, the Commission may require such carrier to provide itself with such facilities and equipment as may be reasonably necessary to furnish such service, if the evidence of record establishes, and the Commission affirmatively finds that—

"(i) the provisions of such facilities or equipment will not materially and adversely affect the ability of such carrier to otherwise provide safe and adequate transportation services;

"(ii) the expenditure required for such facilities or equipment including a return which equals such carrier's current cost of capital, will be recovered; and

"(iii) the provision of such facilities or equipment will not impair the ability of such carrier to attract adequate capital".

The newly enacted provisions clearly give the Commission authority to require a railroad found to be deficient in the furnishing of safe and adequate car service, to provide itself with such additional facilities and equipment as may be necessary to overcome its car service deficiencies. While the statute does not specifically refer to the repair of freight cars, an order requiring a railroad having a severe shortage of freight cars of any type to acquire additional cars while at the same time allowing that railroad indefinitely to defer repairs to existing cars of the same type would be ineffective. It requires from eight to eighteen months to receive new cars from the date orders are placed with the car builders for the purchase of cars, whereas an effective program for repairs to unserviceable cars can be started within a few weeks. Further, the operation of an adequate repair program will maintain the railroad's serviceable car fleet at the maximum level. For most railroads reporting severe car shortages, a combination of new car purchases and an adequate repair program will be required if an adequate supply of cars is to be made available to transport the level of traffic presently being offered.

The Commission's authority to require a carrier to provide itself with adequate facilities and equipment to enable it to furnish safe and adequate car service is more explicitly stated in Public Law 95-607 § 402 than it was before the enactment of that law. However, that law clearly authorizes such action only after petition of an interested party and only upon a finding by the Commission that:

"(i) the provision of such facilities or equipment will not materially and adversely affect the ability of such carrier to otherwise provide safe and adequate transportation services;

"(ii) the expenditure required for such facilities or equipment including a return which equals such carrier's current cost of capital, will be recovered; and

"(iii) the provisions of such facilities or equipment will not impair the ability of such carrier to attract adequate capital".

This proceeding was opened by the Commission on its own motion on September 7, 1978, two months prior to the enactment of Public Law 95-607,

[1] Replies were received from the Association of American Railroads, and from the following railroads: Angelina and Neches River Railroad Company; Ann Arbor Railroad System, Michigan Interstate Railway Company, Operator; The Atchison Topeka and Santa Fe Railway Company; Bangor and Aroostook Railroad Company; Bessemer and Lake Erie Railroad Company; Birmingham Southern Railroad Company; Boston and Maine Corporation, Robert W. Meserve and Benjamin H. Lacy, Trustees; Burlington Northern Inc.; Cambria and Indiana Railroad Company; Carbon County Railway Company; Chessie System (The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company and Western Maryland Railway Company); Chicago & Illinois Midland Railway Company; Chicago and North Western Transportation Company; Chicago, Milwaukee, St. Paul and Pacific Railroad Company; Chicago, Rock Island and Pacific Railroad Company; Chicago, South Shore and South Bend Railroad; Clinchfield Railroad Company; The Colorado & Wyoming Railway Company; Conemaugh & Black Lick Railroad Company; Consolidated Rail Corporation; The Denver and Rio Grande Western Railroad Company; Duluth, Missabe and Iron Range Railway Company; Elgin, Joliet and Eastern Railway Company; Galveston Wharves; Grand Trunk Western Railroad Company; High Point, Thomasville & Denton Railroad Company; Illinois Central Gulf Railroad Company; Illinois Terminal Railroad Company; Johnstown and Stony Creek Rail Road Company; Lake Erie, Franklin & Clarion Railroad Company; The Lake Terminal Railroad Company; Louisville and Nashville Railroad Company; Louisville, New Albany & Corydon Railroad Company; Maine Central Railroad Company; McKeesport Connecting Railroad Company; Mississippi Export Railroad Company; The Newburgh and South Shore Railway Company; Norfolk and Western Railway Company; Northhampton and Bath Railroad Company; Patapsco & Back River Railroad Company; Philadelphia, Bethelehem and New England Railway Company; The Pittsburgh and Lake Erie Railroad Company; St. Louis-San Francisco Railway Company; Seaboard Coast Line Railroad Company; Soo Line Railroad Company; South Buffalo Railway Company; Southern Pacific Transportation Company and St. Louis Southwestern Railway Company; Southern Railway Company; Steelton & Highspire Railroad Company; The Texas Mexican Railway Company; Toledo, Peoria & Western Railroad Company; Union Pacific Railroad Company; Union Railroad Company; The Western Pacific Railroad Company; Winston-Salem Southbound Railway Company; and The Youngstown and Northern Railroad Company.

[2] The following non-carriers submitted comments. Statements in support of the proposed Service Order were received from The United States Department of Agriculture; American Farm Bureau Federation; National Cotton Council of America; National Farmers Organization. Statements seeking modification of the proposed order to include additional car types were submitted by American Paper Institute, Inc.; General Mills Inc.; Grocery Manufacturers of America; Hunt Wesson Foods Inc.; Southern Hardwood Traffic Association. Statements in opposition to the proposed order were filed by the Honorable Henry S. Reuss, House of Representatives; Armstrong Cork Company; Bid, Inc.; Canners League of America; Carnation Company; Gerber Products Company; H. J. Heinz Company; The National Association of Shippers Advisory Boards; Pacific Coast Shippers Advisory Board.

which now limits the Commission's authority in this area to proceedings initiated by a petition of an interested party. Since no such petitions had been received urging the Commission to require the carriers to increase their fleets of serviceable freight cars by repairs to defective cars or by limiting retirements of cars based on age and estimated cost of repairs, the Commission believes that this proceeding should be discontinued without prejudice to the reopening of a similar proceeding upon receipt of a petition requesting such action. Any such petition should be supported by evidence indicating a significant deficiency in the carrier's supply of cars, locomotives or other facilities.

It is ordered, That § 1033.1335 *Repair and retirement of freight cars—order to show cause*, Service Order No. 1335 is vacated and set aside, effective upon date of service of this order.

(49 U.S.C. 10304-10305 & 11121-11126); (1(14)(b) P.L. 95-607 § 402, Stat. 3079 (1978).)

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. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission. (Chairman O'Neal, Vice Chairman Brown and Commissioners Stafford, Gresham, Clapp and Christian).

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-3913 Filed 2-2-79; 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.

[4810-33-M]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Parts 19 and 24]

RULES OF PRACTICE AND PROCEDURE

Proposed Rule

AGENCY: Comptroller of the Currency.

ACTION: Proposed rule.

SUMMARY: This proposed revision of 12 CFR Part 19 incorporates changes in the Comptroller's supervisory and adjudicatory authority made by Titles 1 and 8 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630). The proposal also establishes rules of practice and procedure applicable to hearings held by the Comptroller under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) and to formal investigations conducted under 12 U.S.C. 481, 1818(n), and 1820(c). The Comptroller proposes to revoke Part 24, entitled "Procedures and Standards Applicable to Suspensions and Prohibitions, Where A Felony is Charged", because this subject is covered by the Financial Institutions Regulatory and Interest Rate Control Act of 1978 and the proposed implementing provisions of 12 CFR Part 19.

DATES: Written comments must be received on or before March 7, 1979.

ADDRESSES: Comments should be addressed to Mr. John E. Shockey, Chief Counsel, Comptroller of the Currency, Washington, D.C. 20219.

FOR FURTHER INFORMATION CONTACT:

Mr. William B. Glidden, Staff Attorney, Comptroller of the Currency, Washington, D.C. 20219, Tel. No. (202) 447-1880.

SUPPLEMENTARY INFORMATION: The regulation presently obtained in 12 CFR Part 19 is entitled "Rules of Practice and Procedures Applicable to Proceedings Relating to Cease and Desist Orders". The proposed revision is entitled "Rules of Practice and Procedure" and is divided into Subparts A thru H. Subpart A prescribes general rules that will be followed by the Comptroller of the Currency in formal hearings. However, in connection with any particular matter, reference should also be made to specific requirements of practice and procedure that may be contained in the statute involved or the rules found in other subparts of 12 CFR Part 19, which special requirements are controlling. The essential purpose of Subpart A is to state clear procedures that comply with due process concerns of the Administrative Procedure Act (5 U.S.C. 554-557). The Federal Rules of Civil Procedure have also been considered and to some extent incorporated in the proposal.

Subparts B thru E embody changes in the Comptroller's supervisory and adjudicatory authority made by the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. 95-630 ("Act"). Subpart B reflects that section 107(a) of the Act subjects bank-related individuals as well as banks to the Comptroller's cease-and-desist powers. A bank-related individual is any officer, director, employee, agent, or other person participating in the conduct of the affairs of a bank.

Subpart C is based upon sections 101, 103, 107, and 801 of the Act, which provide for the assessment of a civil money penalty against a bank or a bank-related individual for violation of certain laws and regulations or of a cease-and-desist order which has become final.

Subparts D and E prescribe hearing procedures related to suspension and removal of an officer, director or other person participating in the affairs of a bank and are based on sections 107 and 111 of the Act respectively. Subpart E involves suspension or removal where the individual concerned has been charged with or convicted of a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year. In such circumstances, the Comptroller must afford the subject individual an opportunity for an informal hearing. Under Subpart D, on the other hand, the Comptroller conducts a formal hearing and the presiding officer certifies the record to the Federal Reserve Board for a determination of whether a final removal order should be issued.

Subpart F, as authorized by sections 15B(c) and 23 of the Securities Exchange Act of 1934, 15 U.S.C. 78o-4(c) and 78w, prescribes rules applicable to any disciplinary proceedings that may be instituted by the Comptroller against certain banks acting as municipal securities dealers and persons associated with such dealers.

Subparts B through F are relatively brief. They generally set forth the scope of the particular proceeding involved, the nature of any notice or order that might be served on a bank or individual, and incorporate any specific time or other procedural requirements contained in the statute being implemented. The detailed rules of practice and procedure are set forth in Subpart A and cover such items as answers to charges, the filing and service of papers, the designation of a presiding officer and the conduct of formal hearings, access to agency process by parties afforded a hearing, various time requirements, and the certification of the hearing record to the Comptroller for decision.

Subpart G applies to informal hearings afforded a party seeking an exemption from certain provisions of the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* Like Subpart E, which also involves informal hearings, the rules in this subpart establish a different framework from that which is set forth in Subpart A. The thrust of Subpart G is to permit considerable flexibility in the conduct of hearings while at the same time providing for the development of a meaningful record that can assist the Comptroller in arriving at a decision.

Subpart H will govern formal investigations conducted by the Comptroller's Office. Even though no adjudication is involved, these rules are included in 12 CFR Part 19 because they prescribe rules of practice and procedure and because formal investigations will frequently lead to or supplement an adjudicatory proceeding. As already noted, the Comptroller also proposes to revoke 12 CFR Part 24 because the provisions contained therein are rendered obsolete by section 107 and 111 of the Financial Institutions Regulatory and Interest Rate Control Act, amending 12 U.S.C. 1818(e) and (g) respectively.

The comment period on the proposed revisions is limited to 30 days because the effective date of the statute being implemented is March 10, 1979; there is thus a need to issue final regulations as soon as possible.

DRAFTING INFORMATION

The principal drafter of this document was Staff Attorney William B. Glidden.

PROPOSED RULE

For the reasons stated above, the Comptroller proposes to amend 12 CFR Part 19 to read as follows:

PART 19—RULES OF PRACTICE AND PROCEDURE

Subpart A—Rules Applicable to Formal Hearings

Sec.
19.0 Definitions.
19.1 Scope.
19.2 Commencement of proceedings; notice and answer.
19.3 Appearance and practice before the Comptroller.
19.4 Filing and service.
19.5 Form and signature of papers.
19.6 Time.
19.6 Time.
19.7 Motions.
19.8 Subpoenas.
19.9 Depositions.
19.10 Conduct of formal hearing.
19.11 Proposed findings and conclusions; recommended decision.
19.12 Exceptions.
19.13 Oral argument before the Comptroller.
19.14 Notice of submission to the Comptroller.
19.15 Decision of Comptroller.
19.16 Proceedings are confidential.
19.17 Retained authority.

Subpart B—Cease-and-Desist Proceedings

19.18 Scope.
19.19 Notice of charges and answer.
19.20 Temporary cease-and-desist orders.
19.21 Cease-and-desist orders.

Subpart C—Assessment of Civil Money Penalties

19.22 Scope.
19.23 Notice of assessment; request for hearing; answer.
19.24 Notice of hearing.
19.25 Assessment orders.

Subpart D—Removals, Suspensions and Prohibitions Generally

19.26 Scope.
19.27 Notice of intention and answer.
19.28 Suspension or prohibition by notice.
19.29 Removal or prohibition by order.

Subpart E—Removals, Suspensions and Prohibitions Where a Crime Is Charged or Proven

19.30 Scope.
19.31 Suspension or removal.
19.32 Informal hearing.
19.33 Decision of Comptroller

Subpart F—Disciplinary Proceedings Involving Municipal Securities Dealers

19.34 Scope.
19.35 Notice of charges and answer.
19.36 Disciplinary orders.

Subpart G—Exemption Hearings Under Section 12(h) of the Securities Exchange Act of 1934

19.37 Scope.
19.38 Application for exemption.
19.39 Newspaper notice.
Sec.
19.40 Informal hearing.
19.41 Decision of Comptroller.

Subpart H—Formal Investigations

19.42 Scope.
19.43 Formal investigations are confidential.
19.44 Order to conduct formal investigation.
19.45 Rights of witnesses.
19.46 Service of subpoena and payment of witness fees.

AUTHORITY: Secs. 8 and 10 of the Federal Deposit Insurance Act (12 U.S.C. 1818, 1820); secs. 12(i) and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(i), 78w); Administrative Procedure Act (5 U.S.C. 554–57); secs. 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630); sec. 13 of the International Banking Act of 1978 (Pub. L. 95-369).

Subpart A—Rules Applicable to Formal Hearings

§ 19.0 Definitions.

(a) The term "bank" means a national bank, District bank, or a foreign bank having a federal branch or agency.

(b) The Comptroller's "interested division" means those staff members who are engaged in investigative or prosecutorial functions in connection with a Part 19 proceeding.

(c) The term "party" means a bank or person named as a party in any notice which commences proceedings, or any person who is admitted as a party or who has filed a written request and is entitled as of right to be a party. The Comptroller's interested division shall be deemed to be a party to Part 19 proceedings.

(d) The term "presiding officer" means an administrative law judge, or any agency employee or other person designated by the Comptroller to conduct a hearing. Ordinarily an administrative law judge will conduct a formal hearing.

§ 19.1 Scope.

This subpart prescribes rules of practice and procedure followed by the Comptroller of the Currency in formal hearings. In connection with any particular matter, reference should also be made to any special requirements of practice and procedure that may be contained in the statute involved or the rules adopted by the Comptroller in Subparts B, C, D or F of Part 19, which special requirements are controlling. These rules in Subpart A do not apply to the informal hearings described in Subparts E and G of this part or in Part 5 (12 CFR Part 5) or to any other informal hearing that may be ordered by the Comptroller.

§ 19.2 Commencement of proceedings; notice and answer.

(a) *Notice.* Proceedings are commenced by notice served upon the party or parties afforded a formal hearing. The notice may be a notice of charges, described in § 19.19 or § 19.35, a notice of assessment of civil money penalties, described in § 19.23, or a notice of intention to remove from office described in § 19.27. The matters of fact and law alleged in a notice may be amended by the Comptroller at any stage of the proceedings, and such amended notice may require an answer from the party or parties served and may set a new hearing date.

(b) *Answer is required within 20 days.* Except as otherwise provided in this part, a party who does not wish to consent to a final order must file an answer within 20 days after being served with a notice which commences proceedings. Any subsequent notice which contains amended allegations and by its terms requires an answer must similarly be answered within 20 days.

(c) *Answer shall specifically admit or deny.* An answer filed under this section shall concisely state any defenses and specifically admit or deny each allegation in the notice. Any allegation not specifically denied is deemed to be admitted. A party who lacks information or knowledge sufficient to form a belief as to the truth of any particular allegation shall so state and this has the effect of a denial. A party who intends in good faith to deny only a part or a qualification of an allegation shall specify what is true and deny only the remainder.

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the prescribed time constitutes a waiver of the right to appear and contest the allegations contained in the notice and authorizes the presiding officer, without further notice to the party, to find the facts to be as alleged and to file a recommended decision containing such findings and appropriate conclusions. The Comptroller or the presiding officer, for good cause shown, may permit the filing of a delayed answer.

§ 19.3 Appearance and practice before the Comptroller.

(a) *Representation of a party or person.* An attorney who desires to act on behalf of a client shall file a statement that the client has authorized such representation and that the attorney is currently a member in good standing of the bar of the highest court of a state, possession, territory, commonwealth, or the District of Columbia. Any other person desiring to act in a representative capacity may be required to file a power of attorney

showing authority to act in such capacity and to show to the satisfaction of the Comptroller the possession of requisite qualifications. Attorneys and other representatives of parties afforded a hearing shall file a notice of appearance. Except with permission of the presiding officer, only one representative of a party may question a witness or assert objections to questions being propounded by another party at a deposition or a hearing.

(b) *Representation of multiple interests may be prohibited.* An attorney representing a bank which is a party shall not also represent other persons unless the attorney informs such other persons of any actual or potential conflict of interest. The presiding officer shall resolve the issue of multiple representation if it arises when a hearing is in session or is raised by motion of an opposing party.

(c) *Summary suspension.* Contemptuous conduct at any hearing before the Comptroller or a presiding officer shall be grounds for exclusion from the hearing and suspension for the duration thereof.

§ 19.4 Filing and service.

(a) *Filing.* Any notice which commences proceedings, any response or answer thereto, any amended notice and answer thereto, any notice of hearing, every order or ruling except one which is entered during the course of a hearing and is part of the hearing transcript, every paper relating to discovery, every written motion, memorandum, notice, appearance, proof of service or similar paper, every stipulation of the parties, the hearing transcript together with all exhibits accepted into evidence, proposed findings and conclusions by the parties, the findings and conclusions and recommended decision of the presiding officer, parties' exceptions thereto, and the decision and final order of the Comptroller shall be filed with the Deputy Comptroller for Administration or other person designated to receive papers for the agency in a proceeding. Papers required to be filed may be sent by mail or express but must be received at the office of the Comptroller in Washington, D.C., or postmarked by a post office, within the time limit, if any, prescribed for such filing.

(b) *Service.* Except as otherwise provided in these rules, each party who files papers is responsible for serving a copy thereof upon the presiding officer and upon the attorney or representative of record of every other party. A copy of all papers filed by the presiding officer shall be served upon the parties. Service shall be by personal service or by registered, certified or regular first-class mail. If a party is not represented, service shall be made at the last known address of the party or an officer thereof as shown on the records of the Comptroller.

(c) *Proof of Service.* Proof of service of papers filed by a party shall be filed before action is to be taken thereon. The proof shall show the date and manner of service, and may be by written acknowledgement of service, by affidavit of the person making service, or by certificate of an attorney or other representative of record. Failure to make proof of service shall not affect the validity of service. The presiding officer may allow the proof to be amended or supplied, unless to do so would result in material prejudice to a party.

§ 19.5 Form and signature of papers.

All papers filed by a party shall be printed or typewritten, and copies served upon the presiding officer and the parties shall be clear and legible. The original of all papers filed by any party shall be signed by that party's attorney. If a party is not represented by an attorney, the papers shall be signed by the party, an officer thereof, or a duly authorized representative.

§ 19.6 Time.

(a) *Computation.* In computing any period of time prescribed or allowed by this part, the date of the act or event from which the period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday in the District of Columbia, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. Whenever a party is required or permitted to do some act within a prescribed period of time from the date of service, and service has been made by mail, 3 days are added to the prescribed period of time. Any paper that is mailed is timely if postmarked by a post office on or before the last day of the period prescribed for filing or service.

(b) *Change of time limits.* Except as otherwise provided by law, the presiding officer may extend time limits prescribed by these rules or by any notice or order issued in the proceedings. Prior to the appointment of a presiding officer and after the filing of a recommended decision pursuant to § 19.11(b), the Comptroller may grant such extensions. Subject to the approval of the presiding officer, the parties may by stipulation change the time limits specified by these rules or any notice or order issued thereunder.

§ 19.7 Motions.

(a) *How made.* An application or request for an order or ruling, unless made during a hearing session, shall be made by written motion supported by a memorandum which concisely states the grounds therefor.

(b) *Opposition.* Within 7 days after service of any written motion, or within such other period of time as may be fixed by the ruling authority, any party may file a memorandum in opposition thereto. The moving party has no right to reply except as permitted by the ruling authority. No oral argument will be heard on motions except as otherwise directed by the ruling authority. The ruling authority has discretion to waive the requirements of this section as to motions for extension of time and may rule upon such motions ex parte.

(c) *Rulings and orders.* After being designated and until such time as a recommended decision is filed pursuant to § 19.11(b), the presiding officer rules on all motions and may issue appropriate orders, except that the presiding officer for good cause and if unavailable may refer matters to the Comptroller. The Comptroller rules upon motions properly submitted by a party or referred by the presiding officer.

(d) *Interlocutory review.* All orders and rulings on motions become part of the record. the presiding officer shall not certify a ruling for interlocutory review to the Comptroller unless a party so requests and shows good cause.

§ 19.8 Subpoenas.

(a) *Issuance.* Upon written application of a party and a showing of the general relevance and reasonable scope of the testimony or other evidence sought, the presiding officer may issue subpoenas requiring the attendance of witnesses or the production of documents at a designated place of hearing. During sessions of a hearing the applications may be made orally on the record. Where it appears to the presiding officer that a subpoena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the presiding officer has discretion to refuse to issue a subpoena or to issue it only upon such conditions as fairness requires. In making this determination, the presiding officer may inquire of the other parties whether they will concede the facts sought to be proved. Such inquiry shall not disclose the identity of the person sought to be subpoened except with permission of the party requesting the subpoena.

(b) *Motions to quash.* Any person to whom a subpoena is directed may, prior to the time specified therein for compliance but in no event more than 5 days after the date the subpoena was served, with notice to the party requesting the subpoena, apply to the presiding officer to quash or modify

the subpoena, accompanying such application with a brief statement of the reasons therefor. The presiding officer may deny the application or, upon notice to the party in whose behalf the subpoena was issued and after affording that party an opportunity to reply, may quash or modify the subpoena or impose reasonable conditions including, in the case of a subpoena duces tecum, a requirement that the party in whose behalf the subpoena was issued shall advance the reasonable cost of collecting and transporting documentary evidence to the designated place of hearing.

(c) *Service of subpoena.* Service of a subpoena shall be made by personal service or by certified mail addressed to the person named therein and by tendering the fees for one day's attendance and mileage as specified in paragraph (d) of this section, except that when a subpoena is issued in behalf of the Comptroller's interested division the fees and mileage need not be tendered at the time of service.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents at a designated place of hearing may be required from any place in any state or territory subject to the jurisdiction of the United States. Witnesses who are subpoenaed shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. Fees required by this paragraph shall be paid by the party upon whose application the subpoena is issued.

§ 19.9 Depositions.

(a) *Application to take a deposition.* Any party desiring to preserve testimony for use at a hearing by taking a deposition shall make written application to the presiding officer setting forth the name and address of the witness, the subject matter concerning which the witness is expected to testify, its relevance, the time, place, and name and address of the person before whom it is desired the deposition be taken, and the reasons why such deposition should be taken. The application may include a request that specified documents be produced at the deposition. A copy of the application shall be served on the other parties.

(b) *Subpoena; notice to other parties.* Upon a showing that the proposed witness will or may be unable to attend the hearing, the testimony or other evidence sought will be material, and the taking of the deposition will not result in any undue burden to the witness or any party or undue delay of the proceeding, the presiding officer may issue a subpoena or subpoena duces tecum. Notice of the issuance of such subpoena shall be served upon the parties at least 5 days in advance of the date set for deposition.

(c) *Deposition by notice.* The requirements of paragraphs (a) and (b) of this section may be waived by agreement of the parties and the witnesses whose testimony or documentary evidence is sought. Such agreement shall be embodied in a stipulation which becomes part of the record and may provide for the taking of depositions upon notice and without leave of the presiding officer.

(d) *Procedure on deposition.* Each witness whose testimony is taken by deposition shall be sworn or shall affirm before any question is propounded. Examination and cross-examination of deponents may proceed as permitted at the hearing. Objections to questions or documents shall be in short form, stating the ground of objections relied upon, but the person before whom the deposition is taken shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence is deemed a waiver if the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by or under the direction of the person before whom the deposition is taken. The deposition shall be signed by the witness, unless the witness refuses and states the reason therefor on the record, and shall be certified as a true and complete transcript by the person recording the testimony. The person before whom the deposition is taken shall promptly file the transcript and all exhibits. Interested parties shall make their own arrangements with the person recording the testimony for copies of the testimony and the exhibits.

(e) *Introduction as evidence.* Subject to appropriate rulings by the presiding officer on such objections and answers as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying, the deposition or any part thereof may be received in evidence by the presiding officer. Only such part of a deposition as is received in evidence at a hearing shall constitute a part of the record upon which a decision may be based.

(f) *Payment of fees.* Deponents whose depositions are taken and the reporter taking the same shall be entitled to the same fees as are paid for like services in the courts of the United States, which fees shall be paid by the party upon whose application the deposition is taken.

§ 19.10 Conduct of formal hearing.

(a) *Authority of presiding officer.* Formal hearings are subject to the requirements of the Administrative Procedure Act (5 U.S.C. 554-557). The presiding officer designated by the Comptroller has complete charge of a hearing and must conduct it in a fair and expeditious manner.

(b) *Pre-hearing conferences and memoranda.* The presiding officer shall when possible schedule pre-hearing conferences aimed at expediting the proceedings. In this regard, the presiding officer may require the submission of pre-hearing memoranda which, among other things, specify the witnesses to be called, exhibits to be offered in evidence at the hearing, and such other matters as the presiding officer deems advisable. Any agreements reached among the parties, at pre-hearing conferences or otherwise, shall become part of the record and find the parties thereto unless the presiding officer permits otherwise for good cause shown.

(c) *Attendance at hearing.* Unless the Comptroller determines, after considering the views of the party or parties afforded a hearing, that a public hearing is necessary to protect the public interest, a hearing shall be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying and their counsel, and other persons having an official interest in the proceedings.

(d) *Hearing rules.* The Comptroller's interested division shall open and close. Every party has the right to present its case or defense by oral and documentary evidence and testimony and to conduct such cross-examination as may be required for full disclosure of the facts. Irrelevant or unduly repetitious evidence shall be excluded. Objections to the admission or exclusion of evidence shall be concise and, together with rulings thereon, become part of the record. Argument on objections may at the discretion of the presiding officer take place off the record. Failure to object to admission or exclusion of evidence or to any ruling constitutes a waiver of objection.

(e) *Transcript.* A hearing shall be recorded. The transcript shall be duly certified by the official reporter and together with all exhibits accepted into evidence shall be filed. Copies shall be furnished to the presiding officer and the interested division and are available to other parties upon payment of the cost thereof. Parties to the proceeding shall be promptly notified when the hearing transcript has been filed.

§ 19.11 Proposed findings and conclusions; recommended decision.

(a) *Proposed findings and conclusions by parties.* Within 30 days after

the hearing transcript has been filed, any party may file proposed findings of fact and conclusions of law.

(b) *Recommended decision by presiding officer.* Within 30 days after the expiration of time allowed under paragraph (a) of this section, or within such further time as the Comptroller for good cause allows, the presiding officer shall file a recommended decision and findings and conclusions. A copy shall promptly be served upon the parties.

§ 19.12 Exceptions.

Within 15 days after being served with a copy of the findings and conclusions and recommended decision of the presiding officer, any party may file exceptions thereto and to any failure to adopt a proposed finding or conclusion.

§ 19.13 Oral argument before the Comptroller.

Upon the Comptroller's own initiative, or upon the written request of any party made within the time for filing exceptions to the recommended decision of the presiding officer, the Comptroller may order and hear oral argument on the recommended decision and the findings and conclusions on which it is based. Oral argument before the Comptroller shall be recorded unless otherwise ordered.

§ 19.14 Notice of submission to the Comptroller.

Upon the expiration of the time for filing exceptions to the recommended decision of the presiding officer, or after any hearing of oral argument by the Comptroller, the parties shall be promptly be notified that the case has been submitted to the Comptroller for final decision.

§ 19.15 Decision of Comptroller.

Staff who have not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Comptroller in the consideration of the case. Copies of the decision and order of the Comptroller shall be served upon the parties.

§ 19.16 Proceedings are confidential.

Unless and until otherwise ordered by the Comptroller, any information obtained and any papers and documents filed during the course of a proceeding are for the confidential use only of the Comptroller, the presiding officer, and the parties.

§ 19.17 Retained authority.

Nothing in these rules is in derogation of powers of examination and investigation conferred on the Comptroller of the Currency by 12 U.S.C. 481, 1818(n) and 1820(c) or any other provision of law.

Subpart B—Cease-and-Desist Proceedings

§ 19.18 Scope.

The rules in this subpart and in Subpart A apply to cease-and-desist proceedings instituted by the Comptroller of the Currency against a bank or any director, officer, employee, agent or other person participating in the conduct of the affairs of such bank, based upon practices or violations described in section 8(b) of the Federal Deposit Insurance Act (12 U.S.C. 1818(b)).

§ 19.19 Notice of charges and answer.

A cease-and-desist proceeding is commenced by service of a notice of charges. The notice shall specify the violations or practices being complained of and shall fix a time and place for hearing. The hearing date shall be no earlier than 30 days nor later than 60 days after the service of the notice unless an earlier or later date is set by the Comptroller at the request of any party so served. A party served with a notice of charges shall file an answer as prescribed by § 19.2. Any party afforded a hearing who does not appear personally or by a duly authorized representative shall be deemed to have consented to the issuance of a cease-and-desist order.

§ 19.20 Temporary cease-and-desist orders.

Whenever the Comptroller determines that any violation or threatened violation or practice specified in the notice of charges, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely to seriously weaken the condition of the bank or otherwise seriously prejudice the interest of its depositors prior to completion of administrative proceedings, the Comptroller may issue a temporary order requiring the bank or bank-related individuals to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending the completion of the proceedings. A temporary order is effective upon service and, unless set aside, limited or suspended by a court as authorized under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), remains effective and enforceable pending the completion of the administrative proceedings and until the Comptroller dismisses the charges, or if a cease-and-desist order is issued pursuant to § 19.21, until the effective date of any such order.

§ 19.21 Cease-and-desist orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any violation or practice specified in the notice of charges has been established, the Comptroller may issue and serve upon the bank or person concerned an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank or its directors, officers, employees, agents, and other persons participating in the conduct of the affairs of the bank to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice. A cease-and-desist order is effective 30 days after service (except in the case of a cease-and-desist order issued upon consent, which is effective at the time specified therein), and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart C—Assessment of Civil Money Penalties

§ 19.22 Scope.

Pursuant to authority in sections 101, 103, 107, and 801 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630), the Comptroller of the Currency may assess a civil money penalty against a bank or an officer, director, employee, agent, or person participating in the conduct of the affairs of a bank, for a violation of one or more of the following laws, including any regulations issued thereunder: (a) Section 22 or 23A of the Federal Reserve Act (12 U.S.C. 371c, 375, 375a, 376); (b) any provision of the National Bank Act or other law referenced in 12 U.S.C. 93; (c) a cease-and-desist order which has become final and was issued pursuant to section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818); or (d) section 106(b) of the Bank Holding Company Act Amendments of 1970 (12 U.S.C. 1972). The rules in this subpart and in Subpart A apply to assessment proceedings.

§ 19.23 Notice of assessment; request for hearing; answer.

Proceedings are commenced by service of a notice of assessment of civil money penalty. The notice shall contain a statement of the facts constituting the alleged violation or violations, the amount of civil money penalty being assessed, and shall inform the bank or person being assessed of the right to request an agency hearing within 10 days after the notice is served. If a hearing is not requested within the prescribed 10 day period, the assessment constitutes a final and unappealable order. A party request-

ing a hearing shall file an answer as prescribed in § 19.2.

§ 19.24 Notice of hearing.

A bank or person requesting a hearing shall be informed by notice of the time and place set for hearing. The notice of hearing shall be given at least 30 days in advance of the date set for hearing. Any party afforded a hearing who does not appear at the hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of an assessment order.

§ 19.25 Assessment orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any violation specified in the notice of assessment has been established, the Comptroller may serve an order of assessment of civil money penalty upon the bank or person concerned. An assessment order is effective immediately upon service, or upon such other date as may be specified therein, and shall remain effective and enforceable until it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart D—Removals, Suspensions, and Prohibitions Generally

§ 19.26 Scope.

The rules in this subpart and in Subpart A apply to proceedings by the Comptroller of the Currency to remove or suspend any director or officer of a bank or any other person participating in the conduct of the affairs of a bank, and prohibit such officer, director or other person from further participation in any manner in the conduct of the affairs of a bank, upon the grounds set forth in section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)). The Comptroller may by notice suspend from office or prohibit the subject individual from participating in bank affairs until the administrative proceedings are completed. Following the hearing, the findings and conclusions of the presiding officer shall be certified to the Board of Governors of the Federal Reserve System for determination of whether any final order of removal or prohibition should be issued.

§ 19.27 Notice of intention and answer.

Proceedings are commenced by service of a notice of intention to remove from office or prohibit an individual from further participation in any manner in the affairs of a bank. The notice shall state the grounds for removal or prohibition and shall fix a time and place for hearing. The hearing date shall be no earlier than 30 days nor later than 60 days after the notice is served, unless the Comptroller sets an earlier or later date at the request of the subject individual and for good cause shown, or at the request of the Attorney General of the United States. A party served with a notice shall file an answer as prescribed in § 19.2. Any party afforded a hearing who does not appear at the hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of an order of removal or prohibition.

§ 19.28 Suspension or prohibition by notice.

The Comptroller may, by notice served upon the subject individual and the bank, suspend from office or prohibit the individual from further participation in the affairs of the bank pending administrative proceedings which could lead to a final order of removal or prohibition. A suspension or prohibition by notice is effective upon service of the notice and, unless stayed by a court as authorized in 12 U.S.C. 1818(f), shall remain in effect until the charges are dismissed and the administrative proceedings are completed, or until the effective date of any final order of removal or prohibition that is issued by the Federal Reserve Board.

§ 19.29 Removal or prohibition by order.

In the event of consent, or if upon the record certified by the presiding officer the Federal Reserve Board finds that any of the charges has been established, the Board may issue an order of removal from office or prohibition from participation in the affairs of a bank. Such an order is effective 30 days after service (except in the case of an order issued upon consent, which is effective at the time specified therein), and shall remain effective and enforceable until stayed, modified, terminated, or set aside by action of the Federal Reserve Board or a reviewing court.

Subpart E—Removals, Suspensions, and Prohibitions Where a Crime Is Charged or Proven

§ 19.30 Scope.

The rules in this subpart apply to informal hearings afforded to any officer, director or other person participating in the conduct of the affairs of a bank, and who has been suspended or removed from office and prohibited from further participating in bank affairs by a notice or order served by the Comptroller of the Currency, upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)).

§ 19.31 Suspension or removal.

The Comptroller may serve a notice of suspension or order of removal upon a director, officer or other person participating in the conduct of the affairs of a bank. A copy of such notice of order shall be served upon the bank, whereupon the individual concerned shall immediately cease service to the bank or participation in the affairs of the bank. Any notice or order shall indicate the basis for suspension or removal and shall inform the individual of the right to request in writing, within 30 days of being served with such notice or order, an opportunity to show at an informal hearing that continued service to or participation in the conduct of the affairs of the bank does not, or is not likely to, pose a threat to the interest of the bank's depositors or threaten to impair public confidence in the bank.

§ 19.32 Informal hearing.

(a) Upon receipt of a request for hearing, the Comptroller shall notify the individual of the time and place fixed for hearing and shall designate one or more agency employees to preside. The hearing shall be scheduled to be held no later than 30 days from the date when a request for hearing is received unless the time is extended at the request of a party afforded a hearing.

(b) An individual may appear personally or through counsel to submit relevant written materials and oral argument thereon. Oral testimony may be presented only if expressly permitted by the Comptroller.

§ 19.33 Decision of Comptroller.

Within 60 days following the hearing, the Comptroller shall notify the subject individual whether the suspension or removal from office, and prohibition from participation in any manner in the affairs of the bank, will be continued, terminated, or otherwise modified. A removal or prohibition by order remains in effect until terminated by the Comptroller. A suspension or prohibition by notice remains in effect until the criminal charge is finally disposed of or until terminated by the Comptroller. The Comptroller in deciding upon any suspension will not consider the ultimate question of the guilt or innocence of the individual with respect to the criminal charge which is outstanding. A finding of not guilty or other disposition of the charge shall not preclude the Comptroller from thereafter instituting removal proceedings pursuant to section 8(e) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)) and Subpart D of this part.

Subpart F—Disciplinary Proceedings Involving Municipal Securities Dealers

§ 19.34 Scope.

The rules in this subpart and in Subpart A apply to proceedings by the Comptroller of the Currency to determine whether, pursuant to authority contained in section 15B(c)(5) of the Securities Exchange Act of 1934, 15 U.S.C. 78o-4(c)(5) ("Exchange Act"), to take disciplinary action against a bank which is a municipal securities dealer, or any person associated or seeking to become associated with such a municipal securities dealer, upon the grounds specified in section 15B(c) (2) and (4) of the Exchange Act, 15 U.S.C. 78o-4(c) (2) and (4). Nothing in these rules is in derogation of powers conferred on the Comptroller by other provisions of law. In addition to the issuance of disciplinary orders after opportunity for hearing, the Comptroller may serve any notices and temporary or permanent orders and take any actions that are authorized by section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) and other subparts of this part.

§ 19.35 Notice of charges and answer.

Proceedings are commenced by service of a notice of charges upon a bank or associated person. The notice shall indicate the type of disciplinary action being contemplated and the grounds therefor and shall fix a time and place for hearing. The hearing shall be set for a date at least 30 days after service of the notice. A party served with a notice of charges shall file an answer as prescribed in § 19.2. Any party who fails to appear at a hearing personally or by a duly authorized representative shall be deemed to have consented to the issuance of a disciplinary order.

§ 19.36 Disciplinary orders.

In the event of consent, or if upon the record filed by the presiding officer the Comptroller finds that any act or omission or violation specified in the notice of charges has been established, the Comptroller may serve upon the bank or persons concerned a disciplinary order. Such order may impose censure, limit the activities, functions or operations, or suspend or revoke the registration of a bank which is a municipal securities dealer, and may censure, suspend or bar any person associated or seeking to become associated with a municipal securities dealer. A disciplinary order is effective when served upon the party or parties involved and remains effective and enforceable until it is stayed, modified, terminated, or set aside by action of the Comptroller or a reviewing court.

Subpart G—Exemption Hearings Under Section 12(h) of the Securities Exchange Act of 1934

§ 19.37 Scope.

The rules in this subpart apply to informal hearings that may be held by the Comptroller of the Currency to determine whether, pursuant to authority in section 12(h) of the Securities Exchange Act of 1934, 15 U.S.C. 78*l*-h ("Exchange Act"), to exempt in whole or in part an issuer or a class of issuers from the provisions of section 12(g) or from section 13 or 14 of the Exchange Act, 15 U.S.C. 78*l*-g, 78m or 78n, or whether to exempt from section 16 of the Exchange Act, 15 U.S.C. 78p, any officer, director, or beneficial owner of securities of an issuer. The only issuers covered by this subpart are banks whose securities are registered pursuant to section 12(g) of the Exchange Act, 15 U.S.C. 78*l*-g. The Comptroller has discretion to deny an application for exemption without holding any hearing.

§ 19.38 Application for exemption.

An issuer or an individual (officer, director or shareholder) may submit a written application for an exemption order to the Comptroller of the Currency, Washington, D.C. 20219. The application shall specify the type of exemption sought and the reasons therefor, including an explanation of why an exemption would not be inconsistent with the public interest or the protection of investors. An applicant shall be informed in writing whether a hearing will be held to consider the matter.

§ 19.39 Newspaper notice.

Upon being informed that an application will be considered at a hearing, the applicant shall publish a notice one time in a newspaper of general circulation in the community where the issuer's main office is located. The notice shall state: (a) The name and address of the issuer and the name and title of any individual applicants; (b) the type of exemption sought; (c) the fact that a hearing will be held; and (d) a statement that interested persons may submit to the Securities Disclosure Division, Comptroller of the Currency, Washington, D.C. 20219, within 30 days from the date of the newspaper notice, written comments concerning the application and a written request for an opportunity to be heard. The applicant shall promptly furnish a copy of the notice to the Securities Disclosure Division, and to bank shareholders in conformity with 12 CFR Part 11.5(c)(8).

§ 19.40 Informal hearing.

(a) *Notice of hearing.* Following the comment period, the Comptroller shall send a notice which fixes a time and place for hearing to each applicant and to any person who has requested an opportunity to be heard.

(b) *Presiding officer.* The Comptroller shall designate a presiding officer to conduct the hearing. The presiding officer shall determine all procedural questions not governed by this subpart and has the authority to limit the number of witnesses and to impose such time and presentation limitations as are deemed reasonable.

(c) *Attendance.* The applicant and any person who has requested an opportunity to be heard may attend the hearing, with or without counsel. In addition, the applicant and any other hearing participant may introduce oral testimony through such witnesses as the presiding officer shall permit.

(d) *Order of presentation.* (1) The applicant may present an opening statement of a length within the discretion of the presiding officer. Then each of the hearing participants, or one among them selected with the approval of the presiding officer, may present an opening statement. Such opening statements should summarize concisely what the applicant and each participant intends to show. (2) The applicant shall have an opportunity to make an oral presentation of facts and materials or submit written materials for the record. Then one or more of the hearing participants may make an oral presentation or a written submission. (3) After the above presentations have been concluded, the applicant, and then one or more of the hearing participants may make concise summary statements reviewing their position.

(e) *Witnesses.* The obtaining and use of witnesses is the responsibility of the parties afforded the hearing. All witnesses shall be present on their own volition, but any person appearing as a witness may be questioned by each applicant, any hearing participant, and the presiding officer.

(f) *Evidence.* The presiding officer has authority to exclude data or materials deemed to be improper or irrelevant. Formal rules of evidence shall not apply. Documentary material must be of a size consistent with ease of handling and filing. The presiding officer has discretion to determine the number of copies that must be furnished for purposes of the hearing.

(g) *Transcript.* A transcript of each proceeding shall be arranged for by the Comptroller's Office, with all expenses of such service, including the furnishing of a copy to the presiding officer, being borne by the applicant.

§ 19.41 Decision of Comptroller.

Following the conclusion of the hearing and submission of the record, the Comptroller shall notify the applicant and all persons who have so re-

quested in writing of the final disposition of the application. Any exemption granted shall be by an order which specifies the type of exemption granted and its terms and conditions.

Subpart H—Formal Investigations

§ 19.42 Scope.

The rules in this subpart apply to formal investigations initiated by order of the Comptroller of the Currency and pertain to the exercise of powers specified in 12 U.S.C. 481, 1818(n) and 1820(c), and section 21 of the Securities Exchange Act of 1934, 15 U.S.C. 78u. These rules do not restrict or in any way affect the authority of the Comptroller to conduct examinations into the affairs or ownership of banks and their affiliates.

§ 19.43 Formal investigations are confidential.

Information or documents obtained in the course of a formal investigation shall be confidential and shall be disclosed only in accordance with the provisions of Part 4 (12 CFR Part 4).

§ 19.44 Order to conduct formal investigation.

A formal investigation begins with the issuance of an order signed by the Comptroller. The order shall designate the person or persons who will conduct the investigation, which persons are authorized, among other things, to issue subpoenas and subpoenas duces tecum, to administer oaths, and receive affirmations as to any matter under investigation by the Comptroller. Upon application and for good cause shown, the Comptroller may limit, modify, or withdraw the order at any stage of the proceedings.

§ 19.45 Rights of witnesses.

(a) Any person who is compelled or requested to furnish testimony, documentary evidence, or other information with respect to any matter under formal investigation shall upon request to be shown the order initiating such investigation.

(b) Any person who, in a formal investigation, is compelled to appear and testify or who appears and testifies by request or permission of the Comptroller of the Currency may be accompanied, represented, and advised by counsel. The right to be accompanied, represented, and advised by counsel shall mean the right of a person testifying to have an attorney present at all times while testifying and to have this attorney (1) advise such person before, during and after the conclusion of testimony. (2) question such person briefly at the conclusion of testimony to clarify any of the answers given, and (3) make summary notes during the testimony solely for the use of such person.

(c) Any person who has given testimony and counsel who has represented such person may for cause be excluded from the taking of testimony of any other witness.

(d) Any person who is compelled to produce documents for inspection or copying is entitled to retain such documents. Any person who is compelled to give testimony is entitled to inspect any transcript that has been made of the testimony but may not obtain a copy if the Comptroller's representative conducting the proceedings has cause to believe that the contents should not be disclosed pending completion of the investigation.

(e) Any designated representative conducting an investigative proceeding shall report to the Comptroller any instances where any person has been guilty of dilatory, obstructionist or contumacious conduct during the course of the proceeding or any other instance involving a violation of these rules. The Comptroller may thereupon take such further action as the circumstances may warrant, including exclusion of the offending individual or individuals from participation in the proceedings.

§ 19.46 Service of subpoena and payment of witness fees.

Service of a subpoena shall be made by personal service or by certified mail addressed to the person named therein. Witnesses who are subpoenaed shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States. The fees and mileage need not be tendered at the time a subpoena is served.

PROPOSED REVOCATION

PART 24—[REVOKED]

For the reasons stated above, the Comptroller proposes to revoke 12 CFR Part 24.

Dated: January 29, 1979.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 79-3811 Filed 2-2-79; 8:45 am]

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 79-NW-1-AD]

AIRWORTHINESS DIRECTIVES

Boeing 707-300/-400/-300B/-300C

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: It is proposed to adopt an Airworthiness Directive (AD) which would require repetitive inspections of the Boeing aircraft 707-300/-400/300B/300C horizontal stabilizer to detect spanwise stress corrosion cracks in the rear spar upper and lower chords. If cracks exist and go undetected, a safety of flight problem could result.

DATES: Comments must be received on or before March 15, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 78-NW-1-AD, 9010 East Marginal Way South, Seattle, Washington, 98108.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold N. Wantiez, P.E., Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington, 98108, telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communication should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

AVAILABILITY OF NPRM'S

Any person may obain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Northwest Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 79-NW-1-AD, 9010 East Marginal Way South, Seattle, Washington 98108.

DISCUSSION OF THE PROPOSED RULE

Recent inspections of Boeing 707-300 aircraft have detected spanwise stress corrosion cracks in the vertical

leg of the upper end and lower chord of the horizontal stabilizer rear spar. The cracks are located along a rivet line and at the tangent of the radius and have been found as far outboard as stabilizer Sta 265 and inboard to stabilizer Sta 96. To date, cracks have been found on 50% of the aircraft inspected.

The cracks do not pose an immediate safety of flight problem, however, if they should coalesce, the structural capability of the outer portion of the horizontal stabilizer could be compromised. It is proposed that an AD be issued which requires repetitive inspection of the vertical flange rear spar upper and lower chords. The manufacturer is currently preparing Service Bulletin 3356 which will contain approximately the same information contained in Boeing Service Letter 707-SL-55-2 which has been released to all operators.

THE PROPOSED AMENDMENT

§ 39.13 [Amended]

Accordingly, the Federal Aviation Administration proposes to amend Sec. 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

BOEING: Applies to all Boeing 707-300/-400/-300B/-300C airplanes noted in Boeing Service Bulletin 3356:

A. Unless inspected within the last 6 months prior to the effective date of this AD, within the next 6 months at intervals thereafter not to exceed 18 months, eddy current inspect the vertical flange of the horizontal stabilizer rear spar upper and lower chord from station 92 outboard in accordance with Boeing Service Bulletin 3356. If cracks are found, proceed in accordance with paragraph B or C of this AD, or by a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. If cracks do not exceed the limits of Boeing Service Bulletin 3356 Figure 1 Paragraph 2(a) and 2(b), airplanes may continue in service if eddy current inspections are accomplished at intervals not to exceed 400 landings or 6 months, whichever occurs first.

C. If cracks exceed the limits of Figure 1 Paragraph 2(a) and 2(b), Boeing Service Bulletin 3356, repair prior to further flight in accordance with Figure 2 of that service bulletin, or in a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Inspections may revert to normal when the preventive modification of Boeing Service Bulletin 3356 or a modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, has been accomplished.

E. For purpose of complying with this AD subject to acceptance by the assigned FAA Maintenance Inspector, the number of landings may be determined by dividing each airplane's hours time-in-service by the operator's fleet average from takeoff to landing for the airplane type.

F. Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region may adjust the inspection interval if the request contains substantiating data to justify the increase for that operator.

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

NOTE.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by interim Department of Transportation guidelines (43 FR 9582; March 8, 1978.))

Issued in Seattle, Washington, on January 26, 1979.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc. 79-3712 Filed 2-2-79 8:45 am]

[3510-12-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 922]

MARINE SANCTUARY REGULATIONS

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Proposed General Regulations for Marine Sanctuaries.

SUMMARY: These proposed regulations revise existing regulations which prescribe the procedures for nominating and designating marine sanctuaries, establishing appropriate management systems within designated sanctuaries and enforcing compliance with these management systems. The regulations reflect new approaches and interpretations developed by NOAA during the administration of the program to date.

DATE: Comments due: April 6, 1979.

ADDRESS: Send comments to: JoAnn Chandler, Acting Director Sanctuary Programs Office,Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street, N.W., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT:

JoAnn Chandler (202) 634-1672.

SUPPLEMENTARY INFORMATION: On June 27, 1974, NOAA published regulations setting forth the procedures for nominating, designating and managing areas of the oceans and Great lakes as marine sanctuaries under Title III of the Marine Protection Research and Sanctuaries Act of 1972, P.L. 92-532, 16 U.S.C. 1431-1434, (The Act). Four years of experience have revealed a number of areas where criteria and procedures could be refined to ensure greater certainty in the administration of the Program. These are as follows:

MAJOR CHANGES:

I. REVIEW OF RECOMMENDED SITES

During the past year, NOAA has received over 100 recommendations of possible marine sanctuary sites. Many of them are overlapping and only a small percentage of them can be pursued actively at any given time. Moreover, examination may indicate that certain sites already are protected under existing mechanisms so that designation would not provide significant additional protection. Also analysis must be conducted of the effect of designation on other existing or potential uses of an area. As a result of such factors and the limited resources available for the program, relatively few sites may be found to warrant designation.

Those sections of the current regulations which describe review procedures (primarily § 922.20, Nominations, and § 922.21, Analysis of nomination) provide that upon receipt of a nomination for designation as a marine sanctuary, a "preliminary review to determine feasibility" will be undertaken and, if designation appears feasible, and in-depth study leading to the preparation of a draft enviromental impact statement will follow.

The initail reviews conducted under these procedures have indicated areas where additional specificity can be articulated. These include the scope and criteria for the "preliminary review," the time limits within which it and subsequent steps in the designation process should be accomplished and the way in which the public will be kept informed of the progress of any nomination.

Accordingly, these sections have been substantially rewritten and new § 922.22, Effect of Placement on the List, § 922.23.

Selection of Active Candidates, and § 922.24, Review of Active Candidates, have been added to reflect the approach NOAA has developed over the past year, involving generally the following stages:

(1) Placement on the List of Recommended Areas:

Within three months of receiving a recommendation of any site, NOAA will determine whether the site appears to contain any of the significant resources listed in § 922.21(b) (see discussion of Criteria in II below), in which case it will be placed on a master list cataloguing such areas. (§ 922.21(a)) Experience indicates that many areas recommended contain significant resources and will therefore be listed; consequently, the list will contain many more sites than could or

should be designated as marine sanctuaries.

NOAA may or may not consult other Federal agencies and/or outside parties at this stage but in any event the recommendor will be notified of the determination within the prescribed period and a notice of listing published in the FEDERAL REGISTER if listing is determined to be appropriate.

(2) Selection of Active Candidates:

From the comprehensive list of Recommended Areas, those areas which may be most suitable for designation as marine sanctuaries will be identified as Active Candidates from time to time as program resources allow. The criteria on which this selection will be based are set forth in § 922.23(a). (See II below)

(3) Review of Active Candidates and Designation as Marine Sanctuaries Active candidates will be subjected to extensive review procedures including consultation with interested Federal and State and local agencies, Regional Fishery Management Councils and the public at large. (see §§ 922.24(b), 922.25 and 922.26(a)) Ultimately the designation must be approved by the President. Sections 922.24, 922.25 and 922.26 outline the new review procedures, time limits and public notice requirements. The latter will include public workshops prior to issuance of an EIS discussed in § 922.22 of the current guidelines.

During the review of any Active Candidate, NOAA's policy has been to seek the close cooperation of any affected State and this policy is emphasized by new § 922.25.

II. ADDITIONAL CRITERIA

Taken together §§ 922.10 and 922.21(b) of the current regulations suggest a number of factors which are relevant in determining whether or not designation may be appropriate. Questions and suggestions have revealed that additional clarification in some areas would be helpful. The proposed regulations respond to these concerns by defining more precisely the features that must be present for a site to be a potential sanctuary, i.e. on the List of Recommended Areas (§ 922.21(b)) and the priorities for selection of Active Candidates (§ 922.23(a)). The categorization of types of sanctuaries presently found in § 922.10 has not been particularly useful because most sanctuary candidates fall in several categories, and it has been dropped.

New §§ 922.24 and 922.25 incorporate the other requirements of old §§ 922.22 and 922.23 and replace these sections.

III. SPECIFICATION OF REGULATORY SCOPE

New § 922.26 requires specification of the "terms" of the designation in a Designation document, including the geographic area to be included, the character of the area that requires protection, and the types of activities that may be subject to regulation after designation. They make explicit NOAA's interpretation of the Act that not every activity taking place within a sanctuary must be subject to additional control by NOAA. These sections ensure that the only activities that will be subject to additional regulatory control are those identified at the time of designation. Before any additional activities may be regulated, the Designation must be amended through the same review procedure used in making the original Designation.

These amendments also provide that existing regulations of other agencies and any permits and licenses issued pursuant to these regulations will remain unaffected unless specifically provided otherwise by the regulations implementing a particular Designation. Thus, even for those activities included in the Designation, certain licenses or permits issued by other authorities may remain valid until such time as provided otherwise by regulation. The amendment provisions are found in new § 922.25(b) and (c). The new sections replace §§ 922.26 and 922.27.

IV. INTERNATIONAL APPLICATION

The present regulations (§§ 922.12 and 922.13) which describe the effect of designating a sanctuary upon foreign nationals have been combined and reworded slightly to emphasize the nonterritorial nature of any regulation in a sanctuary beyond the territorial sea and that the only basis for their application is consistency with recognized principles of international law or authorization by international agreement.

PUBLIC REVIEW AND COMMENT: NOAA invites public review and comment on this proposed revision to the regulations. Written comments should be submitted to: JoAnn Chandler, Acting Director; Sanctuary Programs Office; Office of Coastal Zone Management; Page Building 1; 3300 Whitehaven Street, N.W., Washington, DC 20235 on or before April 4th, 1979. Following the close of the comment period and review of the comments received final regulations will be published in the FEDERAL REGISTER.

ROBERT L. CARNAHAN,
Acting Assistant Administrator for Administration.

It is proposed to revise 15 CFR Part 922 to read as follows:

PART 922—MARINE SANCTUARIES

Subpart A—General

Sec.
922.1 Policy and objectives.
922.2 Definitions.
922.10 Effect of marine sanctuary designation.

Subpart B—Initial Review of Areas Recommended as Sanctuaries

922.20 Submission of Recommendations.
922.21 Analysis of Recommendations.
922.22 Effect of placement on the list.

Subpart C—Selection of Active Candidates and Designation of Sanctuaries

922.23 Selection of Active Candidates.
922.24 Review of Active Candidates.
922.25 Coordination with States.
922.26 Designation.
922.27 Boundaries.

Subpart D—Enforcement

922.30 Penalties.
922.31 Notice of violation.
922.32 Enforcement hearings.
922.33 Determinations.
922.34 Final action.

Authority: Title III, Public Law 95-632, as amended; 86 Stat. 1061 (16 U.S.C. 1431-1434).

Subpart A—General

§ 922.1 Policy and objectives.

(a) The purpose of the marine sanctuaries program is to identify distinctive areas in the oceans from the shore to the edge of the continental shelf and in the Great Lakes and to preserve and restore such areas for their conservation, recreational, ecological or esthetic values by designating them as marine sanctuaries and providing appropriate regulation and management.

(b) The primary emphasis of the program will be the protection of natural and biological resources and in most cases higher priority will be afforded candidate sites that meet this objective in accordance with Congressional design.

(c) The presence of actual or potential conflicts among existing or potential human uses of a candidate site is not of itself a basis for designating a site as a marine sanctuary. Human activities will be allowed within a designated sanctuary to the extent that such activities are compatible with the purposes for which the sanctuary was established, based on an evaluation of whether the individual or cumulative impacts of such activities may have a significant adverse effect on the resource value of the sanctuary.

(d) The marine sanctuaries program will be conducted in close cooperation with related Federal and State programs, including particularly the coastal zone management and estuarine sanctuary programs under the Coastal Zone Management Act of

1972, as amended, 16 U.S.C. 1451 *et seq.*, the fishery management programs of the Regional Fishery Management Councils under the Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 *et seq.* and leasing programs of the Department of the Interior for the Outer Continental Shelf under the Outer Continental Shelf Lands Act, as amended 43 U.S.C. 1331 *et seq.*

§ 922.2 Definitions.

(a) "Act" means Title III of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431–1434.

(b) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration, United States Department of Commerce.

(c) "Assistant Administrator" means the Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, United States Department of Commerce.

(d) Continental Shelf means the Continental Shelf, as defined in the Convention on the Continental Shelf 15 U.S.T. 74 (TIAS 5578), which lies adjacent to any of the several states or any territory or possession of the United States.

(e) "Ocean waters" means those waters lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1956, TIAS 5689.

(f) "Person" means any private individual, partnership, corporation, or other entity; or any officer, employee, agent, department, agency or instrumentality of the Federal government, or any state, local or regional unit of government.

§ 922.10 Effect of marine sanctuary designation.

The designation of a marine sanctuary and the regulations implementing it are binding on any person subject to the jurisdiction of the United States. In no case does a designation constitute any claim of territoriality on the part of the United States, and the regulations implementing it apply to foreign citizens only to the extent consistent with recognized principles of international law or authorization by international agreement.

Subpart B—Initial Review of Areas Recommended as Sanctuaries

§ 922.20 Submission of recommendations.

(a) Any person may recommend a site to be considered for potential designation as a marine sanctuary. Recommendations should be addressed to:

Director, Sanctuary Programs Office, OCZM, NOAA, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

Further information can be obtained by contacting this office.

(b) Recommendations should be submitted in the following format:

Site recommended:
- General description of area
- Approximate coordinates
- Area in square miles

Name of person or organization submitting recommendation.

Principal Contact:
- Name, Title
- Address
- Telephone number

Detailed description of the feature or features which make the site distinctive (See sec. 922.21).

Available Data on the Resources and Site:
- Summary of existing research and other data to support description
- Principal data deficiencies

Description of present and prospective uses of site.

Impacts of present and prospective uses on site and its distinctive features.

Probable effects of marine sanctuary designation and regulations:
- Present uses of resources
- Future uses of resources
- Uses of adjacent areas (including those on shore).

Management:
- Summary of who should manage area and why
- Summary of activities which must be regulated to ensure protection of distinctive features

(c) The Assistant Administrator may request such additional information as is necessary to make the determination called for by § 922.21.

§ 922.21 Analysis of recommendations.

(a) Within 3 months of receiving a recommendation for any site the Assistant Administrator will review the site in accordance with the criteria of paragraph (b) to determine if it should be placed on the List of Recommended Areas and will notify the recommendor in writing of this determination. Notification of the placement of any site on the List will be published in the Federal Register.

(b) A candidate area shall have one or more of the following resource values to be eligible for placement on the List of Recommended Areas for marine sanctuaries:

(1) A marine ecosystem characterized by the significant presence of one or more species which (i) is rare, endangered or threatened, (ii) has limited geographic distribution, or (iii) is rare in the waters to which the Act applies.

(2) A marine ecosystem of exceptional richness indicated by the abundance and variety of marine species and the productivity of the various trophic levels in the food web.

(3) An important habitat during one or more stages in the life cycle of species described in paragraph (1) or habitat on which one or more commercially or recreationally valuable marine species depends for one or more stages in its life cycle. Life cycle activities include breeding, feeding, and rearing young.

(4) Intensive recreational use growing out of its distinctive marine characteristics.

(5) Historic or cultural remains of widespread public interest.

(6) Distinctive or fragile geologic features of exceptional scientific or educational value.

(c) Where overlapping or adjacent sites are recommended or where the recommended boundaries of an area appear either excessive or inadequate to protect the identified features the Assistant Administrator may prepare a combined or revised description for placement on the List.

(d) All recommendations submitted prior to the effective date of these regulations will be reviewed in accordance with this section and an initial List of Recommended Areas will be published in the Federal Register within 3 months of such date. Thereafter the List will be updated semi-annually and a cumulative list published in the Federal Register.

§ 922.22 Effect of Placement on the list.

(a) Placement of a site on the List is a prerequisite for designation as a marine sanctuary but does not imply that designation will occur and does not establish any regulatory controls. Such controls can be established only after designation in accordance with § 922.26.

(b) The list provides a source of information on recommended sites that may be relevant to federal agencies and others conducting activities that affect these sites.

Subpart C—Selection of Active Candidates and Designation of Sanctuaries

§ 922.23 Selection of active candidates.

(a) Sites on the List will be selected for active consideration for designation as marine sanctuaries based primarily on the significance of the resources identified during listing under § 922.21(b) and the extent to which the means are available to the Assistant Administrator to support full review within the time specified in § 922.24. In addition the following factors will be taken into account:

(1) The severity and imminence of existing or potential threats to the resources including the cumulative effect of various human activities that individually may be insignificant.

(2) The ability of existing regulatory mechanisms to protect the values of the sanctuary and the likelihood that

sufficient effort will be devoted to accomplishing those objectives without creating a sanctuary.

(3) The significance of the area to research opportunities on a particular type of ecosystem or on marine biological and physical processes.

(4) The value of the area in complementing other areas of significance to public or private programs with similar objectives, including approved Coastal Zone Management programs.

(5) The esthetic qualities of the area.

(6) The type and estimated economic value of other natural resources and human uses within the area which may be foregone as a result of marine sanctuary designation, taking into account the economic significance to the nation of such additional resources and uses and the probable impact on them of regulations designed to achieve the purposes of sanctuary designation.

(b) Before selecting a site as an Active Candidate, the Assistant Administrator shall consult on a preliminary basis with relevant Federal agencies, state and local officials, Regional Fishery Management Councils and other interested parties including the recommender to discover if significant objections to designation exist and to gather additional information as necessary to conduct the review process.

(c) Selection of any site as an Active Candidate for designation shall be announced in the FEDERAL REGISTER and all Active Candidates shall be placed on a separate list published and updated concurrently with the List of Recommended Areas as provided in § 922.21(d).

§ 922.24 Review of active candidates.

(a) Within six months of selection as an Active Candidate as specified in § 922.23, the Assistant Administrator shall conduct a Public Workshop to solicit the views of interested persons to aid in determining whether the site should be further considered for designation. This workshop shall be before and in addition to the public hearings required under section 302(e) of the Act.

(b) Based on the views obtained at the Public Workshop and other relevant information, the Assistant Administrator shall determine whether the site should continue to be an Active Candidate and shall announce that decision in the FEDERAL REGISTER within 90 days of the Public Workshop. If appropriate, the Assistant Administrator shall commence preparation of a draft Environmental Impact Statement (DEIS), Designation document, and regulations implementing the Designation, with the participation of relevant Federal, State and local officials, Regional Fishery Management Council members and other interested parties in the preparation of such documents.

(c) No less than 30 days after EPA publishes a Notice of Availability in the FEDERAL REGISTER, the Assistant Administrator shall hold at least one public hearing on the DEIS in the coastal areas most affected by the proposed designation in accordance with section 302(e) of the Act.

§ 922.25 Coordination with states.

(a) The Assistant Administrator shall make every effort to consult and cooperate with affected states through the entire review and consideration process. In particular the Assistant Administrator shall:

(1) Consult with the relevant state officials prior to selection of a candidate for active consideration pursuant to § 922.23(b).

(2) Ensure that any state agency designated under sections 305 or 306 the Coastal Zone Management Act of 1972 and any other appropriate state agency is consulted prior to holding any public workshop pursuant to § 922.24(a) or public hearing pursuant to § 922.24(c).

(3) Ensure that such public workshops and public hearings include consideration of the relationship of a proposed designation to state waters or to an approved state Coastal Zone Management program.

§ 922.26 Designation.

(a) After filing a final environmental impact statement with EPD and after final consultation with all appropriate Federal agencies and Regional Fishery Management Councils, the Administrator may transmit to the President for approval the proposed Designation to make the site a Marine Sanctuary.

(b) The Designation shall specify by its terms the geographic coordinates of the Sanctuary area, its distinctive features that require protection, and the types of activities that may be subject to regulation. The terms of the Designation may be modified only by the same procedures through which the original designation was made.

(c) The Assistant Administrator shall promulgate regulations consistent with and implementing the terms of the Designation. Such regulations shall set forth procedures for the review and certification of permits, licenses or other authorization pursuant to other authorities. All amendments to or revisions of these regulations must remain consistent with the Designation.

(d) If the Governor of a state whose waters are included in the sanctuary certifies that any terms of the Designation are unacceptable, such terms and any regulations implementing them will not become effective for the part of the Sanctuary in state waters until the certification is withdrawn. If the Governor so certifies, the Designation may be withdrawn if the sanctuary, as modified, no longer achieves the objectives specified in the Act, the regulations and the Designation.

§ 922.27 Boundaries.

(a) Sanctuary boundaries should include an area sufficient to provide reasonable assurance that the resource value of the area can be protected against degradation or destruction. The boundary will not include an area greater than that appropriate to protect the resource. The determination of boundaries should consider the following elements, depending on the resource values that justify establishing the sanctuary:

(1) The range and interrelations of key elements of the ecosystem,

(2) The potential for adverse impact from human activities at some distance from where they are conducted, whether as a result of normal operations or foreseeable accidents,

(3) The economic, safety, and other effects of displacing certain human activities to other locations to the extent such displacement is likely to occur.

(4) The feasibility and cost of conducting surveillance and enforcement activities in managing the area.

(b) At any time prior to the designation of any candidate site as a marine sanctuary, the boundary proposed for such site may be revised in conformance with the criteria of this section to reflect new information. Notification of the revision will be made at the next update of the List of Recommended Areas or Active Candidates List, as appropriate.

Subpart D—Enforcement

§ 922.30 Penalties.

Any person subject to the jurisdiction of the United States who violates any regulation issued pursuant to the Act will be liable for a civil penalty of not more than $50,000 for each such violation. Each day of a continuing violation will constitute a separate violation. No penalty will be assessed under this section until the person charged has been given notice and an opportunity to be heard. Upon failure of the offending party to pay an assessed penalty, the Attorney General, at the request of the Administrator will commence action in the appropriate district court of the United States in order to collect the penalty and to seek such other relief as may be appropriate. A vessel used in the violation of a regulation issued pursuant to the Act will be liable in rem for any civil penalty assessed for such violation and may be proceeded against in any district court of the United States having jurisdiction thereof. Pursuant

to section 303(a) of the Act, the district courts of the United States have jurisdiction to restrain a violation of the regulations issued pursuant to the Act, and to grant such other relief as may be appropriate.

§ 922.31 Notice of violation.

Upon receipt of information that any person has violated any provision of this title, the Assistant Administrator will notify such person in writing of the violation with which charged, and of the right to demand a hearing to be held in accordance with § 922.32. The notice of violation shall inform the person of the procedures for demanding a hearing and may provide that, after a period of 30 days from receipt of the notice, any right to a hearing will be deemed to have been waived.

§ 922.32 Enforcement hearings.

Hearings demanded under § 922.31 will be held not less than 60 days after demand. Such hearings shall be on a record before a hearing officer. Parties may be represented by counsel, and will have the right to submit motions, to present evidence in their own behalf, to cross examine adverse witnesses, to be apprised of all evidence considered by the hearing officer, and, upon payment of appropriate costs, to receive copies of the transcript of the proceedings. The hearing officer will rule on all evidentiary matters and on all motions, which will be subject to review pursuant to § 922.33.

§ 922.33 Determinations.

Within 30 days following conclusion of the hearing, the hearing officer normally will make findings of facts and recommendations to the Administrator unless such time limit is extended by the Administrator for good cause. When appropriate, the hearing officer will recommend a penalty, after consideration of the gravity of the violation, prior violations by the person charged, and the demonstrated good faith by such person in attempting to achieve compliance with the provisions of the title and regulations issued pursuant thereto. A copy of the findings and recommendations of the hearing officer shall be provided to the person charged at the same time they are forwarded to the Administrator. Within 30 days of the date on which the hearing officer's findings and recommendations are forwarded to the Administrator, any party objecting thereto may file written exceptions with the Administrator.

§ 922.34 Final action.

A final order on a proceeding under this part will be issued by the Administrator no sooner than 30 days following receipt of the findings and recommendations of the hearing officer. A copy of the final order will be served by registered mail (return receipt requested) on the person charged or his representative.

[FR Doc. 79-3948 Filed 2-2-79; 8:45 am]

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-5070]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Westville, Gloucester County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Westville, Gloucester County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 114 Crown Point Road, Westville, N.J. 08093. Send comments to: Honorable H. V. Laskowski, Mayor, Borough of Westville, Borough Hall, 114 Crown Point Road, Westville, N.J. 08093.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Westville, N.J. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Big Timber Creek .	Conrail—at centerline	10
.....	Interstate 295—at centerline.	10
Tributary No. 1	Intersection of Woodbine Avenue and 4th Avenue.	10
	Intersection of Willow Road and High Street.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-3415 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5069]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Borough of Watchung, Somerset County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Watchung, Somerset County, New Jersey.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Borough Hall, 15 Mountain Boulevard, Watchung, New Jersey.

Send comments to: Honorable Kenneth D. Schmidt, Mayor, Borough of Watchung, Borough Hall, 15 Mountain Boulevard, Watchung, New Jersey 07060.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Watchung, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Green Brook	Raymond Avenue—20 feet*.	129
	Terrill Road—30 feet*	137
	U.S. Route 22—20 feet*	147
	Road Bridge—30 feet*	158
	Park Avenue—20 feet*	159
	Union Avenue—20 feet*	161
	Dam Ruins—20 feet*	193
	New Providence Road—30 feet*.	199
	Valley Road—30 feet*	205
	Oak Way—20 feet*	210
	Private Road—20 feet*	235
	Bonnie Burn Road—20 feet*.	254
	Plainfield Avenue (1st crossing)—20 feet*.	259
	Interstate Highway 78 (1st crossing)—40 feet*.	308
	Plainfield Avenue (2nd crossing)—20 feet*.	349
	Plainfield Avenue (3rd crossing)—30 feet*.	377
	Appletree Road—20 feet*.	398
Stony Brook	Johnston Drive—30 feet*.	116
	Somerset Street—30 feet*.	188
East Branch Stony Brook.	Stirling Road—20 feet*	189
	Private Road downstream of Best Lake Dam—30 feet*.	191
	Best Lake Dam—60 feet**.	191
	Best Lake Dam—20 feet*.	200
	Valley Drive—20 feet*	221
	Private Road (3rd crossing)—30 feet*.	227
	Private Road (6th crossing)—20 feet*.	240
West Branch Stony Brook.	Mountain Boulevard—20 feet*.	189
	Brook Dale Road—20 feet*.	207
	Private Road (2nd crossing)—30 feet*.	217
West Branch Stony Brook Tributary.	Driveway No. 1—20 feet*	211
	Sunlit Drive—20 feet*	224
	Driveway No. 3—20 feet*	234
	Driveway No. 4—30 feet*	248
	Footbridge No. 2—30 feet*.	251
	Mountain Boulevard—20 feet*.	259

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3414 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5068]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Town of Belvidere, Warren County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Belvidere, Warren County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Clerk's Office, Town Hall, Belvidere, New Jersey. Send comments to: Honorble Irene M. Smith, Mayor, Town of Belvidere, Town Hall, 301 Second Street, Belvidere, New Jersey 07823.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood eleva-

tions for the Town of Belvidere, New Jersey, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River.....	U.S. Geological Survey Gage No. 10446500—50 feet*.	254
	Water Street—25 feet* ...	256
Pequest River	Conrail—25 feet*	255
	Hardwick Street—25 feet*.	261
	Weir 3100 feet upstream of Hardwick Street—100 feet*.	275

*Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3413 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5071]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Alfred, Allegany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Alfred, Allegany County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 7 West University Street, Alfred, N.Y. Send comments to: Honorable Gary S. Horowitz, Mayor, Village of Alfred, Village Hall, 7 West University Street, Alfred, N.Y. 14802.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Alfred, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Canacadea Creek ..	Corporate Limits—at centerline.	1,650
	Footbridge—40 feet*	1,704
	Pine Street—80 feet*	1,722
	Terrace Street—50 feet**.	1,796
	Terrace Street—40 feet*.	1,802
	South Main Street (1st crossing)—50 feet*.	1,851
Tributary 15.....	North Main Street—40 feet*.	1,684
	New York State Route 244-55 feet*.	1,717
Tributary 16.....	North Main Street—50 feet*.	1,701
	Hillcrest Drive—80 feet*	1,737
Tributary 17.....	North Main Street—40 feet*.	1,726
	Elm Street—80 feet*	1,756
	Dam—40 feet*	1,769
	West University Street (1st crossing)—60 feet*.	1,812
	West University Street (2nd crossing)—40 feet**.	1,850
	West University Street (2nd crossing)—60 feet*.	1,856
Tributary 18.....	Confluence with Canacadea Creek—at centerline.	1,908
	Corporate Limits—at centerline.	1,929

*Upstream from centerline
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3416 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5072]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Almond, Allegany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Almond, Allegany County, New York. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Municipal Building, Almond, New York. Send comments to: Honorable Lewis Wheeler, Mayor, Village of Almond, Almond Municipal Building, Almond, New York 14804.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Almond, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canacadea Creek ..	Depot Road—10 feet*	1,327
	Canacadea Street-30 feet*.	1,330
	Upstream Corporate Limits.	1,354
Karr Valley Creek	Main Street (State Route 21)-50 feet**.	1,336
	Main Street (State Route 21)-25 feet*.	1,341

*Upstream from centerline
**Downstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3417 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5073]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Cohoes, Albany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Cohoes, Albany County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Engineer's Office, City Hall, Mohawk Street, Cohoes, New York. Send comments to: Honorable Ronald Canestrari, Mayor, City of Cohoes, City Hall, Mohawk Street, Cohoes, New York 12047.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Cohoes, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	112th Street-100 feet*	32
Fifth Branch Mohawk River.	Delaware and Hudson Railroad-100 feet*.	32
	Bridge Avenue-40 feet*	35
First Branch Mohawk River.	Ontario Street-60 feet**.	36
	Ontario Street-60 feet*	39
Second Branch Mohawk River.	Ontario Street-at centerline.	38
Third Branch Mohawk River.	Delaware and Hudson Railroad-40 feet*.	34
Mohawk River	State Highway 32 (Saratoga Street)-100 feet**.	55
	State Highway 32 (Saratoga Street)-200 feet*.	63
	Cohoes Falls-50 feet downstream of the downstream end.	75
	Cohoes Falls-160 feet upstream of the upstream end.	143
Salt Kill	Walkway-50 feet*	29
	Dam upstream from Private Road-20 feet**.	38
	Dam upstream from Private Road-20 feet*.	44

* Upstream from centerline.
** Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-3418 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5074]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Waterford, Saratoga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Waterford, Saratoga County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 65 Broad Street, Waterford, New York. Send comments to: Mr. Paul E. Grattan, Supervisor, Town of Waterford, Town Hall, 65 Broad Street, Waterford, New York 12188.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Waterford, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	U.S. Highway 4-100 feet*.	34
	U.S. Highway 4—100 feet**.	34
Mohawk River	State Highway 32—100 feet*.	55
	State Highway 32—100 feet**.	62
	Cohoes Falls—50 Feet*	75
	Cohoes Falls—50 feet**	141
	Dam upstream from Cohoes Falls—100 feet*.	149
	Dam upstream from Cohoes Falls—50 feet**.	165
	Crescent Dam—150 feet downstream of the downstream end.	167
	Crescent Dam—50 feet upstream of the upstream end.	193
Third Branch Mohawk River.	Delaware and Hudson Railroad—40 feet**.	34
	Falls upstream from Delaware and Hudson Railroad-at centerline.	34
Fourth Branch Mohwak River.	Delaware and Hudson Railroad—20 feet**.	34
	Dam upstream from Erie (Barge) Canal—50 feet*.	35
	Dam upstream from Erie (Barge) Canal—100 feet**.	37
Fourth Branch Mohawk River (Right Channel).	Confluence with Fourth Branch Mohawk River (Middle Channel)—at centerline.	38
Fourth Branch Mohawk River (Middle Channel).	Confluence with Fourth Branch Mohawk River (Right Channel)—at centerline.	38
Fourth Branch Mohawk River (Left Channel).	Confluence with Fourth Branch Mohawk River-at centerline.	38

*Downstream from centerline.
**Upstream from centerline.

(National Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3419 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5075]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Bathgate, Pembina County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Bathgate, Pembina County, N. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Fire Department, Bathgate, North Dakota. Send comments to: Honorable Les Houston, Mayor, City of Bathgate, Bathgate, N. Dak. 58216

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Bathgate, N. Dak. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation feet, national geodetic vertical datum
Tongue River.....	5th Street—at centerline	819
	1st Street—at centerline	821

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3420 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5076]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Ashland, Ashland County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Ashland, Ashland County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mayor's Office, 206 Claremont Avenue, Ashland, Ohio. Send comments to: The Honorable Don M. Richey, Mayor, City of Ashland, 206 Claremont Avenue, Ashland, Ohio 44805.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Ashland, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Town Run Creek...	Downstream corporate limits.	994
	Just upstream from Lee Avenue.	1,005
	230 feet downstream of Holbrook Avenue.	1,017
	Just upstream of Holbrook Avenue.	1,025
	Just downstream of East Main Street.	1,036
	Just upstream of Arthur Street.	1,052

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Center Street.	1,052
	Just upstream of Center Street.	1,058
	Just downstream of Clairmont Avenue.	1,064
	Just upstream of Clairmont Avenue.	1,069
	Just downstream of West Main Street.	1,073
	Just upstream of Race Street.	1,080
	Just upstream of Lindale Avenue.	1,090
	Just upstream of Parkside Drive.	1,112
	Just downstream of Brookside Golf Course entrance.	1,137
	Just upstream of Brookside Golf Course entrance.	1,145
Lang Creek	Downstream corporate limit.	983
	Just upstream of Cleveland Avenue.	985
	Upstream corporate limits.	991
Jamison Creek	Downstream corporate limits.	1,015
	Just downstream of Center Street.	1,050
	1000 feet upstream from Center Street.	1,065
	Upstream corporate limits.	1,082

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMINEZ,
Federal Insurance Administrator.

[FR Doc. 79-3421 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5077]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Geneva-on-the-Lake, Ashtabula County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Geneva-on-the-Lake, Ashtabula County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Mayors Office, 4964 South Spencer Street, Geneva-on-the-Lake, Ohio.
Send comments to: The Honorable John H. Korver, Mayor, Village of Geneva-on-the-Lake, 4964 South Spencer Street, Geneva-on-the-Lake, Ohio 44043.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Village of Geneva-on-the-Lake in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cowles Creek	Mouth at Lake Erie	575
	Just upstream from Park Drive.	577
	Just upstream from confluence of Cowles Creek Tributary.	578
Cowles Creek Tributary.	Just upstream from confluence with Cowles Creek.	578
	1900 feet downstream of Austin Road.	591
	Just upstream from Austin Road.	603
Unnamed Stream No. 1.	550 feet downstream from South Geneva Drive.	584
	Just upstream from South Geneva Drive.	589
	565 feet upstream from South Geneva Drive.	596
Unnamed Stream No. 2.	Mouth at Lake Erie	576
	Just upstream from abandoned bridge 2200 feet upstream from Lake Erie	580
	Just upstream from Lake Road.	582
	Just downstream of Palmer Drive.	585
	Just upstream of Palmer Drive.	596
	1170 feet upstream of Palmer Drive.	597
Unnamed Stream No. 5.	Just upstream from Cart Bridge.	594
	Just upstream from Shadow Brook Road.	596
	Just upstream from Taylor Road.	599
	Just downstream of corporate limits.	601
Lake Erie	Shoreline of community	581

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3422 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5127]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Trotwood, Montgomery County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in The City of Trotwood, Montgomery County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 35 North Olive Street, Trotwood, Ohio. Send comments to: Mr. Robert McNay, City Manager, City of Trotwood, 35 North Olive Street, Trotwood, Ohio 45426.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Trotwood, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wolf Creek	Downstream corporate limit.	804
	Just upstream of Olive Road.	816
	Just upstream of Conrail.	833
	Just downstream of Main Street.	846
	Upstream corporate limit.	856
North Branch Wolf Creek.	Confluence with Wolf Creek.	827
	1600 feet upstream from Free Pike.	833
	Just upstream of Broadway.	839
	Just upstream of Newfields Boulevard.	858
	Upstream corporate limit.	861
Tributary A	Mouth at North Branch Wolf Creek.	845
	500 feet upstream from mouth.	850
	1550 feet upstream from mouth.	864
	Just upstream of Newfields Boulevard.	881
	220 feet upstream of Newfields Boulevard.	894
Tributary B	Mouth at North Branch Wolf Creek.	860
	1200 feet upstream from mouth.	868
	Upstream corporate limit.	870
Dry Run	100 feet downstream from confluence of Tributary E.	825
	East-West corporate limit.	836
	200 feet downstream of Shiloh Springs Road.	844
	Just upstream of Shiloh Springs Road.	845
	150 feet upstream from confluence of Tributary H.	851
	Upstream corporate limit.	854
Tributary F	400 feet upstream of mouth.	844
	1000 feet upstream of mouth.	847
	675 feet downstream from Salem Bend Road.	851
	175 feet upstream of Salem Bend Road.	863
Tributary G	Mouth at Dry Run	844
	700 feet upstream of mouth at Dry Run.	846
	Just upstream of Shiloh Springs Road.	852
	1200 feet upstream of Shiloh Springs Road.	859
	Limit of flooding 250 feet upstream of northern corporate limit.	867
Tributary H	Mouth at Dry Run	850
	Upstream corporate limit.	854

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 24, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3574 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5078]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Jacksonville, Jackson County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Jacksonville, Jackson County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Jacksonville, Oregon. Send comments to: Mr. Curtis Nesheim, Mayor, City of Jacksonville, City Hall, P.O. Box 7, Jacksonville, Oregon.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Jacksonville, Oregon, in accordance with section 110 of the Flood Disaster Protection Act

of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Daisy Creek	Phoenix Canal Gate-90 feet*.	1486
	Phoenix Canal Gate-20 feet**.	1495
	Hueners Lane-30 feet**	1505
	D Street-160 feet*	1535
	D Street-20 feet**	1540
	C Street-140 feet*	1544
	C Street-20 feet**	1549
	California Street-110 feet*.	1554
	California Street-20 feet**.	1559
	Fourth Street-90 feet*	1566
	Fourth Street-90 feet**	1571
	Elm Street-150 feet*	1602
	Elm Street-20 feet**	1608
	Third Street-90 feet*	1621
	Third Street-40 feet**	1632
	2nd Private Drive (upstream from Third Street)-110 feet*.	1657
	2nd Private Drive (upstream from Third Street)-50 feet**.	1664
	3rd Private Drive (upstream from Third Street)-40 feet**.	1679
	Third Street (second crossing)-80 feet*.	1689
	Third Street (second crossing)-20 feet**.	1696
Jackson Creek	Bridge over Phoenix Canal-80 feet**.	1492
	G Street-80 feet*	1511
	G Street-20 feet**	1515
	Blackstone Alley-60 feet*.	1522
	Blackstone Alley-60 feet**.	1528
	E Street-50 feet*	1546
	E Street-20 feet**	1553
	Oregon Street-20 feet**	1557
	California Street-20 feet**.	1583

* Downstream from centerline.
** Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 19, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3423 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5079]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Talent, Jackson County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Talent, Jackson County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Talent, Oregon. Send comments to: Mr. Richard Turnbaugh, Mayor, City of Talent, City Hall, P. O. Box 445, Talent, Oregon 97540.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Talent, Oregon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	Valley View Road—100 feet*.	1568
Wagner Creek	Valley View Road—30 feet*.	1572
	Pacific Highway Bridge—40 feet*.	1587
	Old Pacific Highway Bridge—50 feet*.	1610

* Upstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub.L. 95-557, 92 Stat. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator

[FR Doc. 79-3424 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5080]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Springfield, Windsor County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Springfield, Windsor County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, 96 Main Street, Springfield, Vt. Send comments to: Mr. Michael Valuk, Town Manager, Town of Springfield, Town Office, 96 Main Street, Springfield, Vt. 05156.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Springfield, Vt. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, feet, national geodetic vertical datum
Connecticut River.	Cheshire Bridge (State Route 11)-10 feet*.	302
Black River	U.S. Highway 5-50 feet*.	302
	Black Dam-30 feet**	351
	Black Dam-10 feet*	371
	State Route 106-centerline.	455
Seaver Brook	State Routes 11 and 106-25 feet*.	327
	Seaver Brook Road (downstream crossing)-10 feet**.	431
	Seaver Brook Road (downstream crossing)-15 feet*.	438
	Hard Scrabble Corner Road-10 feet*.	642
Valley Street Brook.	Main Street-30 feet*	414
	Valley Street (upstream crossing)-35 feet*.	570
Chester Road Brook.	State Route 11 (downstream crossing)-10 feet*.	450
	Walker Road-30 feet**	514
	Walker Road-30 feet*	525
	State Route 11 (upstream crossing)-30 feet*.	590
Charley Road Brook.	State Route 106-20 feet*	453
	Charley Road-20 feet*	467
	Fairground Road-20 feet*.	463
Spoonerville Brook.	Spoonerville Road-10 feet*.	515
Great Brook	Elm Street-15 feet*	477
	Main Street (upstream crossing)-20 feet*.	579
Spencer Brook	Spencer Hollow Road-75 feet*.	537
Williams River	At Corporate Limits	512

*Upstream from centerline
**Downstream from centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3425 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5081]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Douglas County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Douglas County, Wisconsin.
These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Zoning Administrator, Douglas County Courthouse, Superior, Wisconsin.
Send comments to: Mr. Harold Olson, County Zoning Administrator, Douglas County, Douglas County Courthouse, Superior, Wisconsin 54880.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Douglas County, Wisconsin, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Croix River	Soo Line Railroad—100 feet*.	1020
	County Trunk Highway A—100 feet**.	1020
Minnesuing Creek.	South Lake Boulevard—50 feet*.	1112
	Private Farm Bridge—50 feet*.	1113
	Fire Lane Road—100 feet*.	1114
	County Trunk Highway P—150 feet**.	1116
Eau Claire River	Areas adjacent to shoreline above the Eau Claire river Dam.	1047
Lake Superior	Areas adjacent to shoreline.	605
Lake Minnesuing	Areas adjacent to shoreline.	1117

*Upstream from centerline.

**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3426 Filed 2-2-79; 8:45 am]

[4210-01-M]

[24 CFR Part 1917]

[Docket No. FI-5082]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Lincoln County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Lincoln County, Wyoming. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Lincoln County Courthouse, Kemmerer, Wyoming. Send comments to: Mr. Richard Jentz, Planning Director, Lincoln County, Unita Association of Governments, Box 389, Kemmerer, Wyoming 83101.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Lincoln County, Wyoming, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hams Fork	Frontier Highway Bridge—100 feet upstream of centerline.	6917

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95-557, 92 STAT. 2080, this proposed rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 22, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-3427 Filed 2-2-79; 8:45 am]

[3910-01-M]

DEPARTMENT OF DEFENSE

Department of the Air Force

[32 CFR Part 806b]

AIR FORCE PRIVACY ACT PROGRAM

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

ACTION: Proposed rule.

SUMMARY: The Department of the Air Force has rewritten its rules for the operation of the Air Force Privacy Act program to reduce their length and complexity. The structure of the proposed rules has been reorganized to follow the process of information collection, maintenance and dissemination. In addition, a section on fees and one on training has been added. This revision is intended to make the program more understandable to persons seeking access to records on themselves which the Air Force is maintaining. It is also intended to reduce operating costs and improve responsiveness

by giving program managers clear and logical instructions on how to operate the program. Except for revising the text, however, these proposed rules do not alter practices and procedures already in effect.

DATE: Comments must be received by March 21, 1979.

ADDRESS: Comments should be submitted to Captain Robert N. Veeder, Chief, Air Force Privacy Act Office, HQ USAF/DAAD(S), Washington, D.C. 20330, phone: 202-694-3431.

FOR FURTHER INFORMATION CONTACT:

Captain Robert N. Veeder at above address.

SUPPLEMENTARY INFORMATION: The Department of the Air Force proposes to revise Part 806b of 32 CFR, Air Force Privacy Act Program. This proposed revision adds decision logic tables for processing requests, appeals, time limits, and disclosure accounting and consent requirements; designates the Chief, Office of Civilian Personnel as Denial Authority for Civilian records; transfers subpart on Privacy Act requirements for forms and regulations to Forms Management Office and Publications Management Office; and adds a subpart on training.

Interested persons are invited to participate in this rulemaking by submitting comments to the above contact person.

The legal authority for this part is 5 U.S.C. 552, as amended by Pub. L. 93-501. The revised part is proposed to read as follows:

PART 806b—AIR FORCE PRIVACY ACT PROGRAM

Sec.

806b.0 Purpose.

Subpart A—General Information

806b.1 Air Force policy.
806b.2 Terms explained.
806b.3 Air Force supplements.
806b.4 Responsibilities assigned.
806b.5 Delegation of authority.
806b.6 Judicial sanctions.

Subpart B—Collecting Personal Information

806b.7 Collecting from the individual.
806b.8 Privacy Act statements.
806b.9 Promises of confidentiality when collecting information about individuals from third parties.

Subpart C—Maintaining Information in Systems of Records

806b.10 Air Force standards.
806b.11 Protecting records.
806b.12 Public notice and reporting requirements.
806b.13 Evaluating systems of records.

Subpart D—Disclosing Information from Systems of Records

806b.14 Disclosures to the subjects of records.
806b.15 Disclosures of third parties and organizations.

Subpart E—Exempting Systems of Records

806b.16 Exemption index and cross reference.
806b.17 General exemptions.
806b.18 Specific exemptions.

Subpart F—Other Administrative Actions

806b.19 Training.
806b.20 Annual Privacy Act Report, RCS: DD-A(A&AR) 1379.
806b.21 Systems Notice Requirements.
806b.22 General and specific exemptions claimed.

AUTHORITY: 5 U.S.C. 552, as amended by Pub. L. 93-501.

§ 806b.0 Purpose.

This part explains policies and outlines procedures that govern collecting personal information and safeguarding, maintaining, using, accessing, amending, and disseminating personal information kept by the Department of the Air Force in systems of records. It implements 5 U.S.C. 552a, Pub. L. 93-579 and DOD Directive 5400.11, August 4, 1975. It is published in Title 32 CFR 806b and applies to all Air Force activities, including the Reserve Components, except for the office of the Chief, National Guard Bureau; Air National Guard technicians; and Army-Air Force Exchange Service activities, including Motion Picture Service Activities. It does not apply to civilian employee records which are maintained by Air Force activities and are covered under the Civil Service Government-wide systems of records, reprinted in AFP 12-36, Part Three. Such records are subject to Parts 293, 294, and 297 of Civil Service Commission regulations and the Federal Personnel Manual and Air Force Supplements. In case of a conflict, this part takes precedence over any existing Air Force directive that deals with the personal privacy and rights of individuals regarding their personal records, except for disclosures of personal information required by the Freedom of Information Act (FOIA), 5 U.S.C. 552, as amended by Pub. L. 93-501 and implemented by AFR 12-30.

Subpart A—General Information

§ 806b.1 Air Force policy.

It is Air Force policy to:

(a) Protect the privacy of individuals from unwarranted invasion as required by the Privacy Act of 1974. Individuals covered by this protection are living citizens of the United States or aliens lawfully admitted for permanent residence. A legal guardian or parent has the same rights as, and may act on behalf of, a minor. (A member of the Armed Forces is not a minor for the purposes of this part.)

(b) Collect, keep, and use only that personal information needed to support Air Force operations and programs as authorized by law or Executive Order. Disclose this information only as authorized by the Privacy Act of 1974 and this part.

(c) Keep only that personal information that is timely, accurate, complete, and relevant to the purpose for which it was collected.

(d) Safeguard personal information to prevent unauthorized use, disclosure, alteration, or destruction.

(e) Let individuals know what records the Air Force is keeping on them, and to let them review or get copies of these records, subject to exemption procedures authorized by law and published in this part.

(f) Let individuals amend records about themselves that they can prove are in error, or are untimely, incomplete, or irrelevant.

(g) Let individuals ask for an administrative review of decisions that deny them access to, or do not let them amend, their records.

(h) Keep personal information only for as long as it is needed to protect the rights of the citizen and the Government, and to provide for the administrative needs of the Air Force.

§ 806b.2 Terms explained.

Terms, and their meanings, used in this part are:

(a) *Access.* Reviewing or obtaining copies by individuals of their own records that are part of a system of records.

(b) *Agency.* For purposes of disclosing records subject to § 806b.15, the Department of Defense is an agency as defined by the Privacy Act. For all other purposes, including applications for access and amendment, appeals from denials, exempting systems of records, etc., the Department of the Air Force is an agency.

(c) *Confidential source.* Any individual or organization that has given information to the Federal Government under:

(1) An express promise that the identity of the source would be withheld, or

(2) An implied promise to withhold the identity of the source made before September 27, 1975.

(d) *Confidentiality.* An explicit promise to withhold the identity of a source. For a promise of confidentiality to be effective, the information furnished must be put into a system of records that is authorized for an exemption under the Privacy Act and for which the Secretary of the Air Force has claimed an exemption.

(e) *Disclosure.* Giving information about an individual, by any means, to an organization or to an individual who is not the subject of the record. In the context of the Privacy Act and this part, this term only applies to personal information that is part of a system of records.

(f) *Individual.* A living citizen of the United States or an alien admitted for permanent residence. The Privacy Act rights of an individual may be exercised by the legal guardian of an incompetent, or by the parent of a minor. (NOTE: The Privacy Act confers no rights on deceased persons, nor may their next of kin exercise any rights for them.)

(g) *Maintain.* Includes "hold," "collect," "use," "control," or "disseminate."

(h) *Minor.* Any individual under the age of majority as determined by state law that governs the location of the facility where the records are kept. If there is no prevailing state law (for example, overseas), a minor is any individual under 18 years of age.

(i) *Official Use.* Any action by a member or employee of the Department of Defense which is prescribed or authorized by a regulation, and is intended to complete a mission or function of the department.

(j) *Personal Information.* Any item of information about a person that is not a matter of public record and is usually considered to be personal to the individual. It includes, for example, information about the individual's financial, family, social, and recreational affairs; his or her medical, educational (except military training), employment, political, or criminal history; or information that identifies, describes, or gives a basis for inferring personal characteristics, such as voice or fingerprints.

(k) *Privacy Act Request.* A request from an individual for information about the existence of, or for access to or amendment of, a record about him or her that is in a system of records. The request must cite or indicate a knowledge of the existence of the Privacy Act of 1974.

(l) *Record.* Any item, collection, or grouping of information about an individual that is kept by the Government.

(m) *Routine Use.* Any use or disclosure of information from a system of records that has been listed in a published systems notice and that is consistent with the purpose for which the information was collected.

(n) *System Manager.* The official responsible for the policies and procedures for operating a system of records. The local systems manager operates and has immediate contact with the system.

(o) *Statistical Record.* A record kept for statistical or reporting purposes which is not used by making judgements about individuals. The identity of specific persons must not be discoverable using usual statistical or data manipulation methods.

(p) *System of Records.* Any group of records from which personal information is retrieved by the name of an individual or by some personal identifier, such as the individual's Social Security Number (SSN). If such retrieval is possible but not actually done, the group does not constitute a system of records. Likewise, if retrieval depends on the operator's memory, no system of records exists. However, the creation of a retrieval index, arranged by personal identifier for a system that is filed at random, makes that system a system of records. Notices for all systems must be published in the FEDERAL REGISTER and no system may be operated or maintained until this is done.

(q) *Workday or day.* An official duty day, not including Saturdays, Sundays, and official Federal holidays.

§ 806b.3 Air Force supplements.

Commands will not change, through supplements or other publications, the policies and procedures set by this part. Send copies of each major command (MAJCOM) or separate operating agency (SOA) publication that implements this part to HQ USAF/DAAD(S), Wash DC 20330.

§ 806b.4 Responsibilities assigned.

(a) The Administrative Assistant to the Secretary of the Air Force (SAF/AA) has overall responsibility for the Privacy Act within the Air Force and is the final decision authority on all appeals.

(b) The Director of Administration, HQ USAF, manages and administers the program through the Air Force Privacy Act Office, HQ USAF/DAAD(S).

(c) HQ USAF Deputy Chiefs of Staff (DCS) (and comparable officials) and SAF offices make sure that their deputates or offices comply with this part and name a Privacy Act Officer to assume the responsibilities in (g) of this subparagraph.

(d) MAJCOM and SOA Commanders implement this part within their commands and ensure compliance with its requirements.

(e) MAJCOM and SOA Directors of Administration monitor and administer the command-wide program. They may give these responsibilities to another staff function, if HQ USAF/DA approves. They name a command Privacy Act Officer within the Documentation staff function, and a Privacy Officer at each installation or tenant unit. They send the name, grade or rank, and telephone number of the current command Privacy Act Officer to HQ USAF/DAAD(S). Privacy Act monitors may be appointed at subordinate organizations and staff elements, if required.

(f) Command Privacy Act Officers:

(1) Serve as the primary point of contact within the command on all Privacy Act matters.

(2) Make sure that appropriate command personnel are trained or oriented in the provisions of the Act.

(3) Develop the command supplement to this part, if required.

(4) Gather material for the annual report and record system notices for HQ USAF/DAAD(S).

(g) Local Privacy Officers:

(1) Act as liaison between the command Privacy Act Officer and individuals who are responsible for operating systems of records.

(2) Implement, administer, and monitor the Privacy Act program within their areas of jurisdiction.

(3) Make sure that personnel are trained or oriented in the provisions of the Act.

(4) Compile material for the annual report, and records system notices for the command Privacy Act Officer.

(h) Record system managers may serve at any level in the Air Force. They determine the content and set rules for operating the system. System managers are responsible for sending public notices for proposed new or changed systems of records to the local Privacy Officer and for evaluating the systems each year, as required by § 806b.13. In many cases, record system managers also operate the system as the local system manager.

(i) Local records system managers or custodians answer requests for information from individuals, keep accountability records of disclosures, and send the Privacy Officer data needed for the annual report.

§ 806b.5 Delegation of authority.

(a) *Access authorities.* (1) The person named or position listed in the record system notice published in the FEDERAL REGISTER, either as the one to whom the request is to be sent or as the system manager.

(2) Reports of the Air Force Office of Special Investigations (AFOSI) released under rules in Part 952. Reports on investigations that are not complete and on which no final action has been made, are released by the commander of the organization that requests the investigation. Reports on completed investigations may only be released by HQ AFOSI.

(3) Inspector General complaint records, released only with the approval of HQ AFISC/IC.

(b) *Denial authorities.* The authority to deny access to, or to refuse to amend records must not be delegated

to levels lower than those shown below, unless approved by SAF/AA. Send requests for waiver, with justification, to HQ USAF/DAAD(S), Wash DC 20330. Only the following officials, or their designees, have the authority to refuse to release or amend records:

(1) At SAF or HQ USAF, Deputy Chiefs of Staff and chiefs of comparable offices or higher level.

(2) At MAJCOM or SOAs, Commanders.

(3) For personnel records on civilian employees, Chief, Office of Civilian Personnel Operations (OCPO/MPK), Randolph AFB TX 78148.

(4) For OSI investigative records, Commander, AFOSI, HQ AFOSI, Wash DC 20314.

NOTE.—The officials named above may designate one alternate denial authority. Send a copy of the letter of appointment to HQ USAF/DAAD(S), Wash DC 20330.

(c) *Authority to request law enforcement records.* The Commander, AFOSI; the Chief, Air Force Office of Security Police; Base Chiefs of Security Police; and AFOSI District Commanders and their designees are authorized to ask for records from any source for law enforcement activities under 5 U.S.C. 552a(b)(7). These requests must be in writing and indicate the particular part of the record desired and the law enforcement activity that is asking for the record.

§ 806b.6 Judicial sanctions.

The Privacy Act has both civil remedies and criminal penalties for violations of its provisions.

(a) *Civil remedies.* An individual may file a civil suit against the Air Force, if Air Force personnel fail to comply with the Privacy Act.

(b) *Criminal Penalties.* A member or employee of the Air Force may be found guilty of a misdemeanor and fined not more than $5,000 for willfully:

(1) Maintaining a system of records without first meeting the public notice requirements. (See § 806b.12.)

(2) Disclosing individually idenitifable information to one not entitled to have it.

(3) Asking for and getting another's record under false pretenses.

Subpart B—Collecting Personal Information

§ 806b.7 Collecting from the individual.

Collect personal information, as much as possible, directly from the individual. Do not collect this information from third parties unless:

(a) The accuracy of information supplied by an individual must be verified with a third party.

(b) The information can only be obtained from a third party, such as information about how an employee performed in an earlier job or assignment.

(c) Getting the information from the individual would present exceptional difficulties or would result in an unreasonable cost.

(d) Other compelling and unusual circumstances make third party involvement necessary.

§ 806b.8 Privacy Act statements.

If the information asked for would be releasable under the FOIA, there is no requirement to give the person a Privacy Act Statement (some examples of this kind of information are name, grade, organization, duty assignment, and official telephone number). In all other cases, give individuals who are asked for information about themselves a Privacy Act Statement. This must be done regardless of how you collect or record the information, whether you use a form in the usual sense (that is, a printed document with a control number and edition date) or a blank page. You may advise individuals orally or display a sign in areas where they are frequently required to supply the same type of information; however, printed copies must be available and given to the individual on request. A Privacy Act Statement, whether given orally or placed on a form, must include:

(a) The number of the statute or executive order that authorizes collecting the information.

(b) The principal purposes for which the information will be used (for example, why the information is requested).

(c) The routine uses to be made of the information (for example, how the information is going to be used).

(d) Whether furnishing the information is mandatory or voluntary. Responding is mandatory, only if the information is essential to the Air Force mission, and if failure to furnish it could make the person liable to some administrative or disciplinary action.

(e) What will happen to the individual, if he or she does not give all or any part of the information requested?

NOTE: If you ask an individual for his or her SSN, you must state whether disclosure is voluntary or mandatory, give the statute or authority for requesting it, and state how it will be used.

(1) An individual may not be denied any right, benefit, or privilege provided by law for refusing to give his or her SSN unless disclosure:

(i) Is required by Federal statutes; or

(ii) Was required under statute or regulation adopted before January 1, 1975 for a system of records operating before that date.

(NOTE: Executive Order 9397, November 22, 1943, authorizes the use of the SSN as a system of numerical identification of individuals.)

(2) The fact that disclosure of the SSN is not required by Federal statute or is not for a system of records operating before January 1, 1975, does not preclude Air Force officials from asking for it. However, the Privacy Act Statement must make clear that disclosure of the SSN is voluntary. If the individual refuses to disclose it, be prepared to use other means for dentification.

NOTE:—The Forms Management office provides information on preparing and processing forms that should have Privacy Act Statements. The Publications Management office ensures that a Privacy Act warning statement is in the preamble of each regulation that calls for collecting personal information.

§ 806b.9 Promise of confidentiality when collecting information about individuals from third parties.

Give these promises rarely, and only for information that could not be obtained by other means. These promises can only be given for information that is put in an exempt system of records (see Subpart E). In order to exempt information under subsections (k)(2), (k)(5), and (k)(7) of the Privacy Act, sources must be given an express promise that their identities will not be revealed.

Subpart C—Maintaining Information in Systems of Records

§ 806b.10 Air Force Standards.

The Air Force must maintain information on individuals with such accuracy, relevancy, timeliness, and completeness as is reasonably necessary to make sure that determinations about them are made fairly.

(a) No record in a system of records will be kept unless it is authorized by statute or by Executive Order and is directed by an Air Force regulation.

(b) No record in a system of records will be kept unless it is relevant and necessary to carry out the mission or a function of the Air Force.

(c) No record will be kept that describes how an individual exercises any right guaranteed by the First Amendment to the Constitution unless expressly authorized by statute, by the individual concerned, or unless authorized for a law enforcement purpose.

(d) No system of records or revised system of records will be operated until the requirements for public notice and report to the Office of Management and Budget have been met. (See § 806b.12.)

(e) An activity must not issue a Request for Proposal or an Invitation to Bid for computer or communications systems and services to support a new or altered system of records until the requirement for a report to the Office

of Management and Budget has been met. (See § 806b.12.)

(f) No record from a system of records will be released except according to Subpart D.

§ 806b.11 Protecting records.

Any activity that operates a system of records must set rules of conduct, operating procedures, and physical safeguards to keep the records safe from unauthorized disclosure. The level of protection should be in line with the level of sensitivity of the information.

(a) *Disposition of Records.* Dispose of records that have personal data and are eligible for disposal (as directed by AFM 12-50, Disposition of Air Force Documentation) by tearing into pieces, shredding, pulping, macerating, or burning.

(1) Dispose of magnetic tapes or other magnetic medium by degaussing or erasing.

(2) Activities may dispose of computer cards and printouts in a volume of 5 cubic feet or more without removing information subject to the Privacy Act from the records. This amount is sufficient to make sure that any one item of information becomes lost in the accumulated whole. It is not a disclosure under the Privacy Act. The carbon paper associated with these products may be disposed of through normal waste disposal methods. Systems managers may ask for a waiver of the required volume from command Privacy Act Officers. Systems managers must give substantial reasons to justify any reduction. Command Privacy Act Officers review the request in consultation with the Staff Judge Advocate. If there is disagreement, the request may be sent to HQ USAF/DAAD(S) for a final determination.

(b) *Safeguarding Personal Information in ADP Systems.* See AFR 300-13, Safeguarding Personal Data in Automatic Data Processing Systems.

§ 806b.12 Public notice and reporting requirements.

The Privacy Act requires that a report on all new or altered systems of records be published for public inspection. In addition, the Office of Management and Budget (OMB) requires a report on new systems and certain kinds of altered systems. Instructions on how to prepare both the OMB report and the systems notice are in § 806b.21. New systems notices, changes to current systems notices, and the OMB report, if required, must reach HQ USAF/DAAD(S), Wash. DC 20330 at least 90 days before the date an activity will begin to operate a new system, change an existing system, issue any data collection forms or instructions, or issue a request for proposal or invitation to bid for computer or communications systems or services to support the new or altered system.

(a) A new system of records is one for which no notice has been published in the FEDERAL REGISTER. It requires both a systems notice and an OMB report.

(b) An altered system of records, requiring both an OMB report and a systems notice, is one that:

(1) Significantly increases the number or changes the types of individuals on whom records are kept.

(2) Expands the categories of information. For example, a system that has physical training records is expanded to include medical records.

(3) Alters the way in which records are organized or in which they are indexed or retrieved so as to change the nature or scope of the records. For example, combining two or more existing systems as a result of centralizing a unit's responsibilities is an alteration.

(4) Alters the purpose for which the information is used.

(5) Alters the computer environment (for example, equipment configuration, software, or procedures) so as to create the possibility for greater or easier access (for example, adding a remote terminal at an office that did not previously have access to a system).

(c) An altered system of records that requires an amended systems notice but not an OMB report, is one that:

(1) Alters or adds routine uses within the scope of the original purpose for which the information was collected.

(2) Decreases the number of persons on whom records are kept.

(3) Adds a new data element clearly within the scope of the existing categories, or decreases the number of categories.

(d) A system manager who decides a system of records must be exempted from some or all of the requirements of the Privacy Act must send a letter through the command Privacy Act officer to HQ USAF/DAAD(S) Wash. DC 20330, giving specific reasons. This request must be processed by the Air Force Privacy Act Office for secretarial approval (see Subpart F).

§ 806b.13 Evaluating systems of records.

Each system manager must evaluate the system of records and each category of information in the system at least once a year to make sure they are still relevant and necessary. Send any amendments or deletions as prescribed in § 806b.12. Take into consideration:

(a) How the system and each item of information in it relate to the program it supports and to the statutory purpose of the program.

(b) What the specific adverse consequences of dropping the system or any item of information in it would be.

(c) The possibility of meeting information requirements by using other than personal data.

(d) The possibility of early purging of any item of information.

(e) The cost of running the system as it is, in relation to the result of discontinuing it.

Subpart D—Disclosing Information from Systems of Records

§ 806b.14 Disclosures to the subjects of records.

Individuals may ask whether the Air Force is maintaining records about them. If such records exist within systems of records, the Privacy Act gives the individual a right of access to the record, and a right to request its amendment.

(a) *How to identify a Privacy Act request.* To be considered under the Privacy Act, a request must:

(1) Come from a person whose records are in the system, or who is a designated agent or legal guardian. The request can be either oral or written.

(2) Cite the Privacy Act or at least show an awareness of the Act's requirements. For example, it could be addressed to the Privacy Act Officer, system manager, or FOIA manager, even if it does not cite the Act in the text of the request. Because people sometimes confuse the Privacy Act and FOIA, a request that cites or implies FOIA will be treated as a Privacy Act request, if it meets all the other criteria in this section.

(3) Pertain to records that are in a system of records. If the records the person wants are not in a system of records, the request falls into a category other than Privacy. The request does not have to name the system, but it should be fairly specific. Do not accept blanket requests for "all records about me." Instead, refer the person to AFP 12-37, Access Guide for Making Freedom of Information Act and Privacy Act Requests, and ask for more details.

(b) *How to identify a functional request.* Other Air Force directives give individuals the right to have access to their records. If an individual asks for his or her records and does not cite, or reasonably imply, the Privacy Act or FOIA, and another prescribing directive authorizes the release of the records, use that directive as authority for the release. Apply the schedule of fees in Part 813. Do not count the request as a Privacy Act request. An example is when an officer asks a personnel clerk for a copy of his or her Officer Effectiveness Report (OER). If the officer does not cite Privacy Act or FOIA, the clerk may give him or her

the record under AFR 36-10, Officer Evaluations, and charge according to Part 813.

(c) *How to process a Privacy Act request for existence or access that cites Privacy Act, FOIA, or both.* Regardless of whether a person cites or implies the Privacy Act or the FOIA, process the request so as to give the most information possible. This may mean processing part of the request under one Act and part under another.

(1) *Verifying identity.* When local systems managers receive a request for information about the existence of, or for access to, records, they must verify the requester's identity, unless the record sought is available to anyone under the FOIA. The person does not have to state a reason for the request, nor can the request be denied, if the person does not give his or her SSN, unless disclosure of the SSN is required by Federal statute or by a regulation adopted before January 1, 1975.

(2) *Notifying the requester.* Once the requester's identity is assured, the local system manager or custodian should:

(i) Within 10 working days from the date the request was received, tell the person if the system of records has a record about him or her, and when and where it may be reviewed.

(ii) Within 30 working days from the date the request was received, let the person review the record, or obtain a copy, unless it is exempt and listed in § 806b.22.

(A) If the requester wants to bring another person, the local manager may ask for written authorization for the other person to be present during any discussion of the content of the record.

(B) There is no requirement to create a record to fulfill a request; the record must be in existence at the time of the request. However, do not deny a record just because it is not readily available in a convenient format. Information in a system of records on magnetic or computer tape should be given in a format the requester can read.

(3) *Assessing fees.* When providing documents under the Privacy Act, charge fees for reproduction only.

(i) Use the following fee schedule:

Office copy (per page)	.10
Microform media (paper copy) (per image)	.25
Microfiche (per fiche)	.95

(ii) Do not charge fees for:

(A) Performing record searches.

(B) Reproducing a document for the convenience of the Air Force.

(C) Reproducing a record only in order to let a requester review it. If he or she wants a personal copy, use the fee in (3)(i) of this subpart.

(D) Reproducing a record for a requester who shows that he or she cannot pay the allowable charge.

(iii) Waive the fee, if the total amount is less than $5.

(4) *Denying access.* If the local systems manager decides the record should not be released, he or she sends a copy of the record (or records), and the reasons for recommending denial, including the exemption being applied, to the Denial Authority, through the command Privacy Act Officer. This must be done within 5 workdays from the date the request was received.

(i) *Evaluation of record.* No record may be withheld just because it is in an exempt system. Before recommending denial, the local manager must:

(A) Make sure the system is covered by an exemption approved by the Secretary of the Air Force and listed in § 806b.22.

(B) Make sure that each document is, in fact, covered by the exemption, since all documents in a system are not automatically exempt.

(C) Determine that no part of the record could be released, either by careful editing or in the form of a summary. If a record has both releasable and exempt material, the releasable part must be separated and made available.

(ii) *Medical records.* If, in the judgment of a physician, releasing a medical record to the subject could harm the subject's mental or physical health, the system manager may require the requester to name a physician to receive the record. This is a denial of the record, only if the subject refuses to name a physician.

(iii) *Third party information.* A record with personal information about someone else can be released after the third party information has been taken out. If the information is releasable under the FOIA, it is not deleted. If the record is one to which the requester has already had access, such as an order or effectiveness report, it is released intact. In all other cases, personal information such as home addresses and SSNs of others should be deleted.

If there is information in the record, the disclosure of which would be a clearly unwarranted invasion of someone else's privacy, that information should be withheld.

(iv) *Information compiled for litigation.* Information in a system of records compiled in reasonable anticipation of a civil action or proceeding may be denied. The requester should be informed of his or her right to appeal this denial.

(v) *Denial Authority action.* (A) The Command Privacy Officer reviews the denial recommendation and consults with the servicing Staff Judge Advocate and the office responsible for the program under which the record was created. He or she makes a recommendation to the Denial Authority, consistent with the results of this review.

(B) The Denial Authority, after examining the case, notifies the requester whether or not access will be granted. If the Denial Authority decides to grant access, he or she instructs the local systems manager to release the record. If the Denial Authority denies access, he or she must tell the requester why, and that the decision may be appealed to the Secretary of the Air Force within 45 days after the denial letter is received. The requester will be told to resubmit the original request and send any supporting material back to the Denial Authority for forwarding to HQ USAF/DA, Washington, D.C. 20330. The requester should be cautioned that failure to follow this procedure may delay the appeal.

(d) *How to process a request for amendment.* Individuals may ask the Air Force to amend records about them that are in a system or records. The amendment sought must change, delete, or add material to make a record factually accurate, timely, relevant, or complete. A request that asks for an amendment of information that is subjective, or involves a matter of opinion or interpretation, is not processed under this part. It is sent back, and the person told to send it to the Air Force Board for the Correction of Military Records under Part 865, Subpart A of this chapter, under grievance procedures in AFR 40-771, Appeal and Grievance Procedures, or any other appropriate directive.

(1) Requests to amend may be made orally or in writing. But, only requests asking for minor corrections are accepted orally. In either case, the local systems manager verifies the identity of the person seeking the amendment.

(2) Local systems managers routinely correct any record, if the requester can conclusively show it is factually in error, or if no lawful purpose would be served by not correcting the record. In these cases, the manager makes the change, notifies all holders of the record, and informs the individual when the correction is made.

(3) If the manager decides not to amend the record, he or she sends a copy of the record, the reasons for denial, and the request to the Denial Authority through the command Privacy Act Officer. The Command Privacy Act Officer reviews the denial recommendation and consults with the servicing Staff Judge Advocate and the office responsible for the program under which the record was created. He or she makes a recommendation to the Denial Authority based on the results of this review. A Denial Authority who decides to support, or partially

support denial, sends the requester a letter stating why the request was denied and how to appeal the decision. If a review does not support denial, the system manager must be told to amend the record and notify all subsequent recipients of the change.

TABLE 1

PRIVACY ACT REQUEST PROCESSING

RULE	A If requester cites or implies (see note 1)	B and asks for	C which are	D then process as a
1	Freedom of Information Act (FOIA)	his or her own records	in a system of records	Privacy Act (PA) request under AFR 12-35 (see note 2).
			not in a system of records	FOIA request under AFR 12-30.
		someone else's records	filed anywhere	
2	Privacy Act (PA)	his or her records	in a system of records	PA request under AFR 12-35 (see note 2).
			not in a system of records	FOIA request under AFR 12-30.
		someone else's records	filed anywhere	
3	neither Act	his or her own records	in a system of records	Functional request. If a regulation provides access, use its procedures. Otherwise, use AFR 12-35
			not in a systems of records	Functional request. If a regulation gives access use its procedures. If the functional regulation would deny access, see AFR 12-30.
		someone else's records	filed anywhere	
4	both acts	his or her own record	in a system of records	PA request under AFR 12-35 (see note 2) or FOIA request under AFR 12-30 or both, whichever gives most information.
			not in a system of records	
		someone else's record	filed anywhere	FOIA request under AFR 12-30.

NOTES: 1. Request for information from subject of an AFOSI investigation should be processed under AFR 12-30.

2. Report as Privacy Act Request in Annual Report.

(e) *Time limits:* Requesters should be told what action will be taken on their request within 10 workdays from the date the first Air Force office receives it. If access is granted or a record is amended, that should usually be done within 30 workdays. Table 2 gives time limits for the persons responsible for these actions. If the 10-day time limit cannot be met, the requester should be sent a letter telling why a delay is needed and giving an approximate response date. That date should be no more than 20 workdays after the first Air Force office receives the request. Send a copy of this letter to HQ USAF/DAAD(S), Washington, D.C. 20330, through Privacy Act channels.

TABLE 2

TIME LIMITS FOR PROCESSING PRIVACY ACT REQUESTS

RULE	A If you	B and you are	C then the time limit is
1	transfer action to another systems manager	Any recipient	2 workdays from receipt.
2	transfer action to Denial Authority	local Systems manager	5 workdays from receipt.
3	acknowledge request and tell requester if record exists		10 workdays*.
4	acknowledge request and tell requester access will be granted	local Systems Manager, or Denial Authority	10 workdays*.
5	acknowledge request and tell requester amendment will be made		
6	Tell requester that access is denied	Denial Authority	
7	tell requester that amendment is denied		
8	grant access or amend record	local System Manager	30 workdays*.

NOTE: Time limits for granting access are recommended only; time limits for amending are required by the Privacy Act.

*From initial receipt by an Air Force activity.

(f) *Appeals of initial refusals to grant access or to amend records.* (1) *Request for secretarial review.* An individual may request a review of the initial refusal by writing to the Secretary of the Air Force within 45 days of the denial. The request should be addressed to the Secretary of the Air Force (SAF/AA), Wash DC 20330 and sent back to the initial Denial Authority for forwarding to HQ USAF/DA, Wash DC 20330. The Denial Authority sends a complete file in the following order:

(i) The request for review.

(ii) The initial request for access or amendment.

(iii) The initial refusal.

(iv) A copy of the record or portions involved.

(v) Any internal records or coordination actions that relate to the initial refusals.

(vi) Denial Authority comments on the appellant's arguments.

(2) *Responsibilities for Review.* (i) The Air Force Privacy Board reviews the initial denial and makes recommendations to the Vice Chief of Staff (CV). Members of the Board are representatives from HQ USAF/DA (Chairperson), the Office of The Judge Advocate General (HQ USAF/JA), and an Air Staff function not having primary responsibility for the record in question. The Chairperson may also call upon subject matter experts to advise the Board. CV may designate another official to serve as Chairperson or, if the record is the primary responsibility of HQ USAF/DA or HQ USAF/JA, may choose a member from another Air Staff organization to sit on the board instead.

(ii) The Office of the CV considers the recommendations of the Board and decides whether to direct the initial Denial Authority to grant access to or amend the record, or to uphold the denial. If the decision is to uphold, this recommendation is passed to SAF/AA through SAF/GC for a final decision.

(iii) SAF/AA considers HQ USAF/CV recommendations to uphold a denial, decides to grant or deny the appeal, and notifies both the individual and the initial Denial Authority of the decision. If SAF/AA upholds the denial, the individual is advised of his or her right to send a statement of disagreement to the system manager.

(3) *Time limits for appeal.* Table 3 shows the necessary actions and time limits for each part of the appeal process.

TABLE 3

APPEAL PROCESSING

RULE	A	B	C	D
	If	Decides to	then	within
1	AF Privacy Board	uphold denial OR overrule denial of access OR overrule denial of amendment	Pass to HQ USAF/CV with recommendations	15 work days.*
2	HQ USAF/CV	uphold denial	pass to SAF/AA through SAF/GC with recommendations	30 work days.*
		overrule denial of access OR overrule denial of amendment	Notify the Individual and instruct Denial Authority to have access granted or record amended	
3	SAF/AA	uphold denial of access	notify the individual, giving reasons with copy to Denial Authority	45 work days.*
		uphold denial of amendment	Notify individual giving reasons. Invite individual to file statement of disagreement with systems manager stating any reasons for disagreeing with the Air Force's decision. Tell individual that statement will become permanent part of record, shown to all subsequent users and sent to prior recipients.	
		overrule denial of access	Notify individual. Instruct Denial Authority to have access granted or record amended	
4		overrule denial of amendment		

*Time from receipt of appeal by HQ USAF/DA.

(g) *Statements of disagreement.* If an individual submits a statement of disagreement with the Secretary of the Air Force's decision not to amend his or her record, the local system manager:

(1) Flags the record so that the disagreement may be seen by anyone who discloses or gains access to the record.

(2) Files the statement with the record. If this is not possible, maintain it to allow ready retrieval when the disputed portion of the record is used.

(3) Advises previous recipients that the record has been disputed and gives them a copy of the disagreement statement, if they can be identified.

(4) Lets subsequent users know that the record is disputed and gives them a copy of the statement along with the record. The manager may include a brief summary of the reasons for not amending the record. Summaries are limited to the reasons SAF/AA gives to the individual. The summary is treated as a part of the individual's record, but is not subject to the amendment procedures.

(h) *Privacy Act case files.* Except for the statement of disagreement, do not file documents used in processing notification, access and amendment requests (including appeals) in or with the system of records to which they pertain. Instead, set up Privacy Act case files. These files should include requests from, and replies to, individuals on whether a system has a record about them; requests for access, approvals, refusals, appeals, and final review action; and coordination actions and related papers. Do not keep copy of the disputed record in the case file.

Use the file solely to process requests and as a source of statistics. Do not use it as a source of precedents for processing similar actions. Do not use it to make any other kind of determination about the individual. Set up Privacy Act case files at each office that processes a request.

§ 806b.15 Disclosures to third parties and organizations.

The fact that the Air Force lets an individual know why we are collecting the information and how it will be used does not mean we have his or her consent to release it. Thus, when we decide to release information as authorized below, we must first consider all the consequences of that disclosure. Before we release any information, we must make a reasonable effort to ensure that it is accurate.

(a) *With subject's consent.* Unless prohibited by other statutes or directives, we may disclose information from a system of records if the subject of the record writes and asks us to, or if he or she has given prior written consent by signing a release form. For example, medical information could be released to an insurance firm with the subject's written authorization. Make sure, however, that there is no statute or directive that prohibits release. For example, drug or alcohol abuse treatment information kept in connection with a drug or alcohol prevention function may be released only as authorized by 21 U.S.C. 1175 and 42 U.S.C. 4582. For this information to be released, the subject's specific consent is needed; general consent is not enough.

(b) *Without subject's consent.* A person's records may be disclosed without his or her consent to:

(1) Department of Defense officials and employees who need the record to perform their duties and who use it for the purpose for which we collected it.

(2) The public, as required by the FOIA. See Part 806 of this chapter.

(i) Some examples of information that can be released for military personnel without an unwarranted invasion of privacy are: name; rank; date of birth; marital status; name, age, number and sex of dependents; date of rank; gross pay; present and past duty assignments and future assignments which are firm; office and unit address and phone number; source of commission; military and civilian education level, including major area of study, school, year of graduation and degree; promotion sequence number; awards and decorations; duty status at any given time; official photograph; and home of record without street address. See Federal Personnel Manual Supplement 990-1, Part 294, on release of civilian personnel information.

(ii) Disclosing a person's home address, SSN, or home telephone number without his or her consent is usually considered to be a clearly unwarranted invasion of privacy. Thus, disclosure under FOIA usually should not be made.

(iii) Apply a balancing test to decide whether disclosure would be clearly unwarranted invasion of the individual's privacy. Weigh the individual's right to privacy versus the public's right to know. Consider the nature of the information to be disclosed; do individuals usually expect this information to be kept private? Are the identi-

ties of the subject and the recipient already in the public eye? What is likely to happen to the individual as a result of the disclosure? How old is the information; is it still relevant? To what degree is the information already in the public domain?

(iv) We may release information, if the balancing test described above weighs in favor of disclosure. For example, we may be permitted to disclose home addresses to a requester who wanted to enforce a court order for alimony or child support payments, or to local and state tax authorities to enforce tax laws.

(v) We may not sell or rent lists with individuals' names and home addresses. Likewise we may not, without individuals' consent, release lists of names and home addresses to the public. We must allow individuals to decide if they want their home addresses and phone numbers included in base directories.

(3) Agencies outside the Department of Defense for a routine use which has been listed in the systems notice describing the system of records and has been published in the FEDERAL REGISTER. The routine use must be compatible with the purpose for which the information was collected and must be within the expectations of the person when he or she furnished it.

(4) The Bureau of the Census to plan or carry out a census or survey under Title 13, U.S.C.

(5) A recipient for statistical research or reporting. The recipient must give us advance written assurance that the record will be used solely as a statistical research or reporting record. The record must not be used, in whole or part, to make any decisions about the individuals' rights, benefits, or entitlements. It must be sent in a form in which the identity of the individual cannot be found out through usual research methods.

(6) The National Archives of the United States has a record with enough value to warrant keeping it, or for evaluation by the Administrator of the General Services Administration to see if the record has such value. However, when we send records to Federal Records Centers for storage, they stay under Air Force control. These transfers are not disclosures under this subpart and do not need an accounting.

(7) An agency outside the Department of Defense for a civil or criminal law enforcement activity authorized by law. The head of the agency or a designee must send a written request to the systems manager. The request must specify the record or part needed and the law enforcement purpose for which it is wanted. A record may also be disclosed to a law enforcement agency by the Air Force office that has it if criminal conduct is suspected. This disclosure is a routine use for all U.S. Air Force records systems and has been published in the FEDERAL REGISTER.

(8) Another person or agency under compelling circumstances affecting the health or safety of an individual. The individual whose records are disclosed does not have to be the one in danger. For example, records on several persons could be disclosed to identify individuals injured in an accident. When individual records are disclosed in this way, we must send the subject a notification at the last known address.

(9) Either House of Congress, a congressional committee or subcommittee, for matters within their jurisdictions.

(10) A congressional office acting for a constituent who is the record subject. This disclosure is allowed by a blanket routine use.

(11) The Comptroller General or any authorized representatives on business of the General Accounting Office.

(12) A court of competent jurisdiction that has ordered us to do so. When a record is disclosed under compulsory legal process and the court makes public the fact that it has issued an order or subpoena for the records we must make reasonable efforts to notify the individual by mailing a disclosure statement to his or her last known address.

(13) A contractor who is operating a system of records under a contract to perform an Air Force function, such as personnel, payroll, or health systems management. In this case, the contractor is considered an employee of the Air Force and the system of records is considered an Air Force system. Disclosure of records to the contractor does not need the subject's consent nor does it require that an accounting be kept.

(c) *Accounting for disclosures.* (1) For those disclosures for which an accounting is required, each local record system manager must keep an accurate record showing the date of the release, the specific information released, the basis for making the disclosure, and the name and address of the recipient (see table 4). Accounting is required, even if the subject gives written consent. Systems managers may file the disclosure accounting record in any way they want, as long as they can reconstruct it to:

(i) Give to the subject on request.

(ii) Pass corrected or disrupted information in the record to previous recipients.

(iii) Provide a cross-reference to show the basis for making the disclosure.

(iv) Provide an audit trail for reviews of Air Force compliance with the conditions of disclosure outlined in this subpart.

(2) For some systems of records, subsections (j)(2) and (k) of the Privacy Act permit withholding the accounting record from the subject. § 806b.22 lists those systems. Also, an accounting of disclosures that were made for law enforcement purposes may be withheld.

(3) Dispose of the accounting record according to AFM 12-50.

TABLE 4

DISCLOSURE ACCOUNTING AND CONSENT REQUIREMENTS

RULE	A If information from a system of records is disclosed to	B and pertains to	C then it is under the	D and requires an accounting	D and requires written consent
1	an individual	the individual	Privacy Act (note 1)	No	No
2	any DOD activity	info for official uses	Privacy Act		
3	any person or organization outside of DOD other than the subject	a published Routine Use in the Systems Notice		Yes	
4	anyone but the subject outside DOD	emergencies affecting health or safety			No (note 2)
5	The Congress	official uses			No
6	Bureau of the Census	census or survey or related activity			
7	The General Accounting Office	official uses			
8	The National Archives	info to be appraised or accepted for deposit			
9	A Court	an order of the court			No (note 3)
10	anyone but the subject	info releasable under Freedom of Information Act (FOIA)	FOIA	No	No
11	any US agency or instrumentality	civil or criminal law enforcement	Privacy Act.	Yes	

NOTES:

1. When a request cites neither PA or FOIA but another Air Force directive authorizes the release of the information, then disclosure is under that directive.

2. Notify the individual at his or her last known address.

3. Notify the individual as soon as the compulsory legal process becomes a matter of public record at his or her last known address.

Subpart E—Exempting Systems of Records

The Secretary of the Air Force may exempt Air Force systems of records from certain parts of the Privacy Act. There are two kinds of Exemptions: general and specific. The general exemption relieves systems of records from most requirements of the Act; the specific exemption from only a few.

§ 806b.16 Exemption index and cross reference.

The index below shows for which parts of the Privacy Act exemptions may be claimed. "No" means that no exemption may be taken; "yes" means that an exemption may be taken. Note that the index provides a cross reference to this part.

FIGURE 1. *Exemption Index and Cross-Reference.*

Exemptions		Privacy Act Section	AFR 12-35	
General 3(j)	Specific 3(k)		Paragraph	Page
no	no	3(b)(1-11): conditions of disclosure	15	
no	no	3(c)(1,2): making and keeping disclosure acctg.	15	
yes	yes	3(c)(3): individual access to accounting	15	
yes	no	3(c)(4): informing prior recipients of corrections.	14	
yes	yes	3(d)(1-5): access to records	14	
yes	yes	3(e)(1): restrictions on collection of info	1	
yes	no	3(e)(2,3): collection from individual	7	
no	no	3(e)(4)(A-F): publishing systems notices	12	
yes	yes	3(e)(4)(G-I): system access & source descrpt.	12,14	
yes	no	3(e)(5): standards of accuracy	10	
no	no	3(e)(6,7): validate before disclosure/no records on 1st Amendment rights.	10,15	
yes	no	3(e)(8): notification of compulsory disclosure	15	
no	no	3(e)(9-11): rules of conduct/safeguards/routine use publication.	1,11,12	
yes	yes	3(f)(1-5): agency rules	14	
yes	no	3(g)(1-5): civil remedies	6	
yes	no	3(h): rights of legal guardians	1	
no	no	3(i)(1-3): criminal penalties	6	
	no	3(j)(1-2): general exemptions	17	
yes		3(k)(1-7): specific exemptions	18	
yes	no	3(l)(1-3): archival records	15	
yes	no	3(m): Government contractors	15	
yes	no	3(n): mailing lists	15	
yes	no	3(o): report on new systems	10	
yes	no	3(p): annual report	20	
no	no	7(a,b): restrictions on using SSN	8	

§ 806b.17 General exemptions.

Only US Air Force activities actually engaged in law enforcement may claim the general exemption for a system of records. These include the Staff Judge Advocate and correctional activities. This exemption appears in the Privacy Act in subparagraph (j)(2).

(a) To qualify for the exemption, a system must consist of:

(1) Data, compiled to identify individual criminals and alleged criminals, which consists only of identifying data and arrest records; type and disposition of charges; sentencing, confinement, and release records; and parole and probation status;

(2) Data that supports criminal investigations (including efforts to prevent, reduce, or control crime) and reports of informants and investigators that identify an individual; or

(3) Reports on a person, compiled at any stage of the process of law enforcement, from arrest or indictment through release from supervision.

(b) When we claim a general exemption for a system of records, the only parts of the Privacy Act we are required to comply with are subsections (b), (c)(1) and (2), (e)(4)(A) through (f), (e)(6)(7)(9)(10) and (11), and (i). See figure 1.

§ 806b.18 Specific exemptions.

(a) The Secretary of the Air Force has exempted a few systems of records that have the following kinds of information from certain parts of the Privacy Act. The Privacy Act exemption number appears in parentheses after each category below.

(1) Classified Information in any Air Force system of records. Before denying a person access to classified information, the Denial Authority must make sure that it was properly classified under the criteria of Executive Order 11652 or 12065, and that it must remain so in the interest of national defense or foreign policy [(k)(1)].

(2) Investigatory data for law enforcement purposes (other than that claimed under the general exemption). But, if this information has been used to deny someone a right, we must release it unless doing so would reveal the identify of a confidential source [(k)(2)].

(3) Data kept to protect the President of the United States and others, as authorized by 18 U.S.C. 3056[(k)(3)].

(4) Statistical data required by statute and used only for statistical purposes and not to make decisions on the rights, benefits, or entitlements of persons [(k)(4)].

(5) Data compiled to determine suitability, eligibility, or qualifications for Federal service, Federal contracts, or access to classified information. We may withhold this information, only if disclosure would reveal the identity of a confidential source [(k)(5)].

(6) Tests to find our whether to appoint or promote a person in the Federal service. We may withhold this information, only if disclosure would compromise the objectivity or fairness of the examination process [(k)(6)].

(7) Information to determine promotion potential in the Armed Forces. We may withhold this information, only to the extent that disclosure would reveal the identity of a confidential source [(k)(7)].

(b) We do not have to comply with the following parts of the Privacy Act in operating a system for which we claim a specific exemption: subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) (see figure 1).

Subpart F—Other Administrative Actions

§ 806b.19 Training.

There are three kinds of training:

(a) *Orientation.* Command and local Privacy Officers must make sure that everyone in their areas of responsibility gets an initial orientation on how the Act works and what are the individual's rights and responsibilities under it. In addition, they must regularly conduct refresher training through Commanders Calls, articles in base bulletins, papers, and so forth.

(b) *Specialized.* This training takes place at USAF technical schools. It is for personnel who actually operate systems of records, or supervise their operation. Training elements that develop new blocks of instruction or alter old blocks must send them to HQ USAF/DAAD(S) for review.

(c) *Management.* Command and local Privacy Officers give commanders and their deputies management training that supplements the basic orientation. This training lets top managers know how the Act affects their operational decisions. For example, managers need to know that they will not be able to operate a system of records until 45 days after it has been published in the FEDERAL REGISTER for public comment. Also, this training gives Denial Authorities the information they need to act in this capacity.

§ 806b.20 Annual Privacy Act Report, RCS: DD-A (A&AR) 1379.

(a) Each Command Privacy Act Officer must report the following statistical information to the Air Force Privacy Act Office no later than March 1 of each year. The Report Control Symbol is DD-A(A&AR) 1379. The report must cover the previous year's activity. Data should be given for each system of records. The data must include the number of:

(1) Requests for existence of records.

(2) Requests for access to records under the Act.

(3) Privacy Act requests returned for lack of sufficient information to identify the records.

(4) Requests for access totally granted and number partially granted.

(5) Requests for amendment of records under the Privacy Act.

(6) Requests for amendment totally granted and number partially granted.

(7) Exemptions used to deny access by citation number (j2, j5, k1-k7 and d5).

(b) Each Privacy Act Officer should also keep a record of any unusual problems that arise in the course of the year about the administration of the Act. Report these in narrative form.

(c) The Air Force Privacy Act Office provides statistical reporting forms and instructions no later than December 31 of each year.

§ 806b.21 Systems notice requirements.

Each system of records operated by the Air Force must be covered by a systems notice published in the FEDERAL REGISTER. You must send two copies of this notice, with a report of a new system, through the command Privacy Act Officer to HQ USAF/DAAD(S) at least 90 days before operating the system. All items of information must be completed, and you should be as specific as possible. Use the following format:

HOW TO PREPARE SYSTEMS NOTICES AND REPORTS

F01101 MAC	("F" indicates Air Force, the number is the table and rule from AMF 12-50 for records disposition, and the letters show the command or DCS)
System name	(Use a short, specific plain language title for the system)
System location	(Address of primary system and any decentralized elements; if system is Air Force-wide, show functional office)
Categories of individuals covered by the system.	(List categories, but be specific; do not say all Air Force officers when the system applies only to officers of one command)
Categories of records in the system	(List specific elements of information; do not list form numbers)
Authority for maintaining the system	(Cite specific statute from the US Code or Executive Order that directs the program the records support; do not use Title 44)
Routine uses of records maintained in the system, including categories of users and the purposes of such uses.	(Show the purpose of the system and all routine users who *are not* part of the Department of Defense (DOD). Give specific reasons for disclosure to agencies or persons outside of the DOD)
Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system	
Storage	(Show how records are stored listing the storage medium and types of containers)
Retrievability	(List all data elements used for retrieval)
Safeguards	(Provide a specific list of safeguards by categories such as guards, alarmed buildings, safes; do not describe any specific safeguards in a way that would jeopardize security)
Retention and disposal	(Show length of retention from AFM 12-50 using the table and rule listed in the System Identification)
System manager(s) and address	(List the title and office address of the individual or individuals responsible for the system)
Notification procedure	(Give the title and address of any individuals who can tell people if their records are in the system)
Record Access procedure	(Tell who to contact for access giving title and address)
Contesting record procedure	(Leave blank)
Record source categories	(Show categories of individuals or other records used as sources for the system)
System exempted from certain provisions of the Act.	("None" unless you have filed an exemption, in which case list the sections of the Privacy Act from which the system is exempt)

(a) *Report of a new or altered system of records.* The report of a new or altered system must be sent through the Defense Privacy Board to the Congress and Office of Management and Budget by the Air Force Privacy Act Office. Systems managers must provide HQ USAF/DAAD(S), no later than 90 days before using the system or implementing the reportable change:

(1) System identification number and title of the system.

(2) Reason for creating the new system or for changing an existing system.

(3) A description of the change.

(4) The estimated number of individuals on whom records are kept in the system.

(5) Methods used to ensure accuracy of information in the system.

(6) A discussion of alternatives to using the system.

(7) The name, title, address and AUTOVON number of the person who knows how the system operates.

A complete system notice must be attached.

(b) *Nonreportable amendments or deletions.* Any change in the published systems notice that does not require a report to the Congress or to Office of Management and Budget must be sent at once to the Air Force Privacy Act Office. The following changes must be published in the FEDERAL REGISTER for public comment and must be sent at least 75 days in advance:

(1) Those that change the nature of or add to the routine uses of the system.

(2) Those that change the notification or access procedures.

§ 806b.22 General and specific exemptions claimed.

(a) *General exemption for criminal investigative files.* The Air Force claims the general exemption for the

following systems of records: Counter Intelligence Operations and Collection Records, F12408 07YLNGA; Criminal Records, F12410 07YLNGA; Incident Investigation Files, F12501 SPO I; Investigative Support Records, F12404 07YLNGA.

(b) *Specific exemptions.* These are the systems for which we claim specific exemptions:

(1) *Classified records.* All records in systems of records that are properly classified per Executive Order 11652 or 12065, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), regardless of whether the entire system is otherwise exempt.

(2) *Air Force Academy Candidate System (F05302 OBXQPCB).* (i) *Exemption.* This system of records (Candidate Evaluation Record, Liaison Officer Evaluation, Letter of Evaluation from High School or College, and Drug Abuse Certificate) is exempted from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* Insure the frankness of information used to determine whether cadets are qualified for graduation and for commissioning as officers in the United States Air Force.

(3) *Air Force Personnel Test 851, Test Answer Cards (F03506 DPMAW A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (i); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(6).

(iii) *Reasons.* To protect the integrity of the promotion testing system by keeping the test questions and answers safe.

(4) *Cadet Personnel Record System (F03502 OBXQPCB).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only insofar as disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate an Air Force academy cadet for commissioning in the US Air Force:

(5) *Cadet Records (F04501 OKPNQSA).* (i) *Exemption.* Portions of the system (Detachment POC Selection Rating Sheets; AFROTC Form 0-24-Disenrollment Review; Memoranda for Record and Staff Papers with Staff Advice, Opinions, or Suggestions) are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), and (H), and (f), but only to the extent that disclosure would reveal the identity of a confidential force.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of a confidential source who furnished information necessary to make determinations about the qualification, eligibility, and suitability of cadets for graduation and commissioning in the US Air Force, under a promise of confidentiality.

(6) *Child Advocacy Case Files (F16802 SGPC A).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(c)(3) and (d), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(2) and (5).

(iii) *Reasons.* To encourage those who know of child abuse or neglect to come forward by protection their identities. Also, to protect the integrity of on-going and civil law investigations of criminal and civil law violations. Giving subjects access to their files could result in them concealing, altering, or fabricating evidence; could hamper the identification of offenders and alleged offenders; and could jeopardize the safety and well-being of parents and their children.

(7) *Civilian Personnel Occupational and Suitability Employment Examinations (F04002 DPCMS D).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(5) and (6).

(iii) *Reasons.* To protect the confidentiality of a source who gives information about whether a person is qualified and suitable for civilian employment in the Federal service. Also, to protect test material used to determine qualifications so as to be fair to all candidates.

(8) *Class Committee Products (F01103 XOBXQPCD).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H), and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate an Air Force Academy cadet for commissioning in the US Air Force.

(9) *Effectiveness/Performance Reporting Systems (F03501 DPMVO 1).* (i) *Exemption.* The parts of this system that have completed AF Forms 705, Lieutenant Colonel Promotion Recommedation Report, and AF Forms 706, Colonel Promotion Recommendation Report, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To make sure that selection boards get candid evaluations of the potential of officers being considered for promotion to the grades of Colonel and Brigadier General.

(10) *Equal Opportunity in Off Base-Housing (F03005 PRENC A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(2).

(iii) *Reasons.* To enforce civil laws, court orders, and the activities of the Departments of Housing and Urban Development and Justice.

(11) *General Officer Personnel Data System (F03501 AFDPG O).* (i) *Exemption.* The parts of this system that have completed AF Forms 78, Air Force General Officer Effectiveness Report, are exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To make sure selection boards get candid evaluations of the potential officers being considered for promotion to Major General, Lieutenant General and General.

(12) *Historical Airman Promotion Master Test File (F03508 DPMAW M).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f).

(ii) *Authority.* 5 U.S.C. 552a(k)(6).

(iii) *Reasons.* To protect the integrity, objectivity, and equity of the promotion testing system by keeping test questions and answers safe.

(13) *Inspector General Records (F12001 IGQ A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f). But, if a person is denied any right, privilege, or benefit he or she would otherwise be entitled to as a result of keeping this material, we must release the material unless doing so would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(2).

(iii) *Reasons.* Granting individuals access to information collected while an Inspector General inquiry is in progress could interfere with the just, thorough, and timely resolution of the complaint or inquiry and could possibly enable individuals to conceal wrongdoing or mislead the inquiring officer. Disclosure might also subject sources, witnesses, and their families to harassment or intimidation.

(14) *Investigative Applicant Processing Records (F12401 07YLNGB).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect those who gave information in confidence during Air Force Office of Special Investigations (AFOSI) applicant inquiries. Fear of retaliation or exposure could

cause sources not to make frank and open responses about applicant qualifications. This could compromise the integrity of the AFOSI personnel program that relies on selecting only qualified people.

(15) *Master Cadet Personnel Record (RR/Active) (F03502 OBXQPCE) and Master Cadet Personnel Record (RR/Historical) (F03502 OBXQPCD).* (i) *Exemption.* Parts of these systems are exempt from 5 U.S.C. 552a(d), (e)(4)(H) and (f), but only to the extent that they would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate a cadet for commissioning in the US Air Force.

(16) *Military and Leadership Order of Merit System (F03001XOBXQPCB).* (i) *Exemption.* Parts of this system are exempt from 5 U.S.C. 552a(d), (e)(4)(H) and (f), but only insofar as they reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To maintain the candor and integrity of comments needed to evaluate AF Academy cadets for commissioning in the US Air Force.

(17) *Personnel Files on General Officers and Colonels Assigned to General Officer Positions (F03501 AFREP T).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(7).

(iii) *Reasons.* To protect the integrity of information used in the Reserve Initial Brigadier General Screening Board, the release of which would compromise the selection process.

(18) *Personnel Security Case Files (F20503 DAI A).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

(19) *Security and Related Investigative Records (F12406 07YLNGA).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause sources to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

(20) *Special Security Files (F20505 SPIC).* (i) *Exemption.* This system is exempt from 5 U.S.C. 552a(c)(3); (d); (e)(4)(G), (H), and (I); and (f), but only to the extent that disclosure would reveal the identity of a confidential source.

(ii) *Authority.* 5 U.S.C. 552a(k)(5).

(iii) *Reasons.* To protect the identity of those who give information in confidence for personnel security and related investigations. Fear of retaliation or exposure could cause them to refuse to give this information in the frank and open way needed to pinpoint those areas in an investigation that should be expanded to fully develop or put to rest charges of questionable conduct. It is essential that all such allegations be resolved fairly and quickly.

CAROL M. ROSE,
Air Force Federal Register Liaison Officer.

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[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 77-028]

ANCHORAGE GROUNDS, MISSISSIPPI RIVER BELOW BATON ROUGE, LA., INCLUDING SOUTH AND SOUTHWEST PASSES

Proposed Rule; Correction

AGENCY: Coast Guard, DOT.

ACTION: Correction to Proposed Rule.

SUMMARY: In FR Doc. 78-35519 appearing at page 59521 in the FEDERAL REGISTER of December 21, 1978, the following changes are made:

1. On page 59523, § 110.195(a)(6) is corrected by striking the number "63.2" on line 5 of the paragraph and inserting in its place "63.6".

2. On page 59523, § 110.195(a)(11) is corrected by striking line 5 of the paragraph reading "from mile 82.7 to mile 85.0 above Head" and inserting in its place the phrase, "from mile 78.5 to mile 80.8 above Head".

3. On page 59523, § 110.195(a)(28) is corrected in the second line of that paragraph by adding the words, "the left descending bank or east side of the river extending", immediately following the words, "in length along", and immediately before the word, "from".

FOR FURTHER INFORMATION CONTACT:

D. W. Ziegfeld, Project Manager, Office of Marine Environment and Systems (G-WLE/73), Room 7315, Department of Transportation, Nassif Building, 400 Seventh Street, S.W. Washington, D.C. 20590, (202-426-1934).

Dated: January 30, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc. 79-3918 Filed 2-2-79; 8:45 am]

[4910-14-M]

[33 CFR Part 161]

[CGD 77-213]

U.S. MARINE SAFETY INFORMATION SYSTEM

Notification of Tank Vessel Ownership Information, Names, and Country of Registry

AGENCY: Coast Guard, DOT.

ACTION: Withdrawal of Proposed Rule.

SUMMARY: On April 13, 1978, the Coast Guard published a Notice of Proposed Rulemaking (43 FR 15586) proposing a requirement that certain oil tankers report ownership information, all registered names the vessel has had, and the country of current registry. Because the Coast Guard has obtained some of this information from other sources and because stockholder information has been found to be impractical and unnecessary to obtain, the Coast Guard is withdrawing the proposed rule.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Commander Edward H. Bonekemper, III, Project Manager, Office of Marine Environment and Systems (G-WLE-1/73). Room 7319, Department of Transportation, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-1927).

DISCUSSION

The Coast Guard proposed requiring each oil tanker of 20,000 deadweight tons that calls at U.S. ports, places, or

deepwater ports to engage in commercial services to report certain ownership information, all registered names the vessel has had since it began operation, and the country of current registry. The proposed regulations would have prohibited a vessel from entering the navigable waters of the United States or from entering the safety zone of a U.S. deepwater port unless the required information had been disclosed to the Captain of the Port. The ownership information which would have been required included the stockholders of a corporation owning five or more percent of the voting stock issued and outstanding.

A large majority of the comments received at three public hearings and in 30 letters were opposed to portions of the proposal, particularly the stockholder ownership disclosure requirement.

Since the time of the publication of this proposal, the Coast Guard has been able to obtain, through primarily commercial sources, information concerning vessel names, ownership, and registry. Additional information is being obtained from the Federal Maritime Commission. All this information is in the process of being incorporated into the Coast Guard Marine Safety Information System.

Numerous commenters, including several foreign governments, explained that it would be impractical and in many cases impossible for anyone to provide stockholder information where a corporation is the owner of a vessel. This would be particularly true where bearer shares are used as evidence of ownership. Other commenters indicated that providing this information would be costly and inflationary and would serve no useful purpose. One commenter indicated that Coast Guard disclosure of the names of shareholders would be of great value to persons attempting to enforce boycotts against nations friendly to the United States.

In light of the information which the Coast Guard has obtained from other sources and the resons stated in the substantial adverse comment received, the Coast Guard has determined that this rulemaking is not appropriate at this time.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (42 FR 15586) on April 13, 1978 entitled "U.S. Marine Safety Information System: notification of tank vessel ownership information, names, and country," CGD 77-213 is hereby withdrawn.

Dated: January 29, 1979.

R. H. SCARBOROUGH,
Vice Admiral, U.S. Coast Guard
Acting Commandant.

[FR Doc. 79-3725 Filed 2-2-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 720]

[OTS-050002A; FRL-1052-8]

TOXIC SUBSTANCES CONTROL

Premanufacture Notification Requirements and Review Procedures: Notice of Meetings and Availability

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of Meetings and Availability.

SUMMARY: On January 10, 1979, the Environmental Protection Agency proposed rules and notice forms that would implement the premanufacture notification requirements of section 5 of the Toxic Substances Control Act concerning new chemical substances (44 FR 2242). This notice supplements in two ways the January 10 notice of proposed rulemaking.

First, in the preamble to the January 10 proposal, EPA stated that it would provide an explanatory appendix to the forms. This notice announces the availability of that appendix. Second, EPA is revising the schedule for public meetings on the proposal. The February 14, 1979 meeting in Washington, D.C. has been postponed until March 7, 1979. In addition, EPA will hold a public meeting on March 9, 1979 in New York city to receive comment on international aspects of the proposed rules and forms.

DATES: The February 14, 1979 meeting in Washington, D.C. has been postponed until March 7, 1979. In addition, EPA will hold a public meeting on March 9, 1979 in New York city to receive comment on international aspects of the proposed rules and forms. The comment period on the January 10 notice of proposed rulemaking ends March 26, 1979.

ADDRESSES: The March 7 meeting in Washington, D.C. will be held at: North Building Auditorium, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

The March 9 meeting in New York, N.Y. will be held at: Conference Room 305C, Federal Building (Worth and Broadway Streets), 26 Federal Plaza, New York, N.Y. 10007.

FOR FURTHER INFORMATION CONTACT:

Mr. John B. Ritch, Jr., Director Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460, 800-424-9065 toll free; in Washington, D.C. call 554-1404.

SUPPLEMENTARY INFORMATION: *Explanatory Appendix.*—By this notice, EPA announces the availability of the explanatory appendix to the proposed notice forms. The appendix is being made available to aid interested persons in providing comment on the proposed notice forms, and may be obtained at the address given under "For Further Information Contact". The appendix is based on the Support Document which was made available at the time of proposal of the Premanufacture Notification Requirements and Review Procedures. It provides further explanation of reporting requirements contained in the proposed regulations and forms and explained in the Support Document. In addition it contains some examples of ways to respond to the questions.

The comment period on the proposed rules and notice forms ends March 26, 1979. Persons interested in considering the appendix before filing their comments will have ample opportunity to do so. Therefore, EPA is not extending the comment period.

EPA has established a public record for this rulemaking. All written comments will become a part of this public record. Comments should bear the docket number OTS-050002 and should be submitted to the Document Control Officer (TS-793), Office of Toxic substances, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C., 20460. The public record is available for inspection in the Office of Toxic Substances Reading Room from 9:00 a.m. to 5:00 p.m. on working days (Room 710E, 401 M St., S.W., Washington, D.C., 20406).

Public Meetings.—As described in the preamble to the January 10 notice of proposed rulemaking, EPA has scheduled a series of public meetings on the proposed rules and notice forms. EPA has received comments that it should postpone the two public meetings in Washington, D.C., scheduled for February 13 and 14, 1979, to allow more time for interested persons to prepare meaningful comments on the proposal. EPA believes that the schedule of public meetings allows adequate time to prepare meaningful comments. However, for the convenience of participants, EPA is postponing to March 7 the public meeting previously scheduled for February 14. (The dates and locations of the other public meetings, including the February 13 meeting in Washington, D.C., remain the same). Both the February 13 and March 7 meetings will be held

at: North Building Auditorium, Department of Health, Education and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201.

EPA also has scheduled an additional public meeting, to provide a separate forum for the presentation of comments on international aspects of the proposed rules and forms, particularly their application to importers: *New York, NY—March 9, 1979.* Conference Room 305C, Federal Building (Worth and Broadway Streets), 26 Federal Plaza, New York, NY 10007.

A number of issues in the proposal relate especially to persons involved in international trade in chemical substances. Under § 720.21 of the proposed rules, persons who intend to import new chemical substances must use a separate form, Premanufacture Notice Form for Inporters (44 FR 2314). Under § 720.21(c), an importer must request the foreign manufacturer and supplier of his new substance to complete a separate form and submit to EPA test data related to the effects of the substance on health or the environment. Finally, certain requirements imposed on both importers and domestic manufacturers alike may, as a practical matter, have a special impact on persons involved in international trade. Because importers, exporters, and the governments of countries involved in trade with the United States, make up a distinct constituency with regard to the proposed rules and forms, EPA believes that a separate meeting to receive comment on these issues would be beneficial to all parties.

Although EPA has secheduled the March 9 New York meeting solely for comment on international trade issues, persons may raise such issues at any of the other public meetings. Persons who wish to comment on international issues and who are unable to attend the meeting in New York should attend another public meeting, or submit written comments to EPA.

As described in the preamble to the January 10 notice of proposed rulemaking, the purpose of these meetings is to enable interested persons to provide oral comments on the proposed rulemaking to EPA officials who are directly responsible for developing the rules and notice forms.

All meetings will begin at 9:00 a.m. and end at 4:30 p.m., with a one-hour recess for lunch. The meetings will start with a short summary by EPA of the proposed rules and notice forms, to be followed by oral presentations from the floor of no more than 10 minutes per person, company, or organization. (Less time may be allotted depending upon the number of presentations.)

Persons who wish to present their comments at any one of the meetings should contact EPA no later than four days before the meeting date by calling Dr. Doug Bannerman toll-free at 800-424-9065 (in Washington, D.C., call 554-1404), or by writing to the address listed under "Further Information". EPA will allot speaking times on a first-come basis, although the Agency reserves the right to alter the order depending upon the nature of the particular comments and other relevant factors. If time permits, following these prepared presentations EPA will receive any other comments from the floor.

Presenters are urged, but not required, to submit copies of their statements on the day of the meeting. All such written materials will become a part of EPA's record for this rulemaking. In addition, the Agency will transcribe each meeting and will include the written transcripts in the public record.

Dated: February 1, 1979.

STEVE D. JELLINEK,
Assistant Administrator for Toxic Substances.

[FR Doc. 79-3975 Filed 2-2-79; 8:45 am]

[4110-35-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Parts 405 and 442]

MEDICARE AND MEDICAID

Nursing Home Provider Agreements: Effective Dates; Effect of Change in Ownership

AGENCY: Health Care Financing Administration, HEW.

ACTION: Proposed Rules.

SUMMARY: These proposed regulations would make Medicare and Medicaid rules identical on (1) the beginning effective dates of nursing home provider agreements and (2) the effect of a change in ownership on the continuation of Federal payments to nursing homes. Provider agreements under both programs would be effective on the date of the onsite health and safety certification survey if all Federal requirements are met. If all requirements are not met, the effective date would be the date on which the State survey agency subsequently finds that those requirements are met or on which the facility submits an acceptable plan of correction or waiver request. Existing provider agreements would be assigned to new owners under both programs when ownership changes, subject to the terms and conditions of the original agreement. The intent is to simplify administration and prevent unnecessary interruption of benefits to nursing home patients.

DATES: Consideration will be given to written comments and suggestions received by April 6, 1979.

ADDRESS: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. When commenting, please refer to HSQ-55-P. Agencies and organizations are requested to submit their comments in duplicate. Comments will be available for public inspection beginning approximately 2 weeks after publication, in Room 5225 of the Department's offices at 330 C Street, SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202-245-0950).

FOR FURTHER INFORMATION CONTACT:

Mr. Antoine Elias, Division Director, Office of Standards and Certification, Health Care Financing Administration, Room 322, East Building, 6401 Security Boulevard, Baltimore, Maryland 21235 (area code 301-549-7903).

SUPPLEMENTARY INFORMATION:

BACKGROUND

Medicare and Medicaid have developed differing policies as to when a nursing home provider agreement may begin. Provider agreements are agreements between the Secretary and the facility (Medicare) or the State and the facility (Medicaid) which authorize reimbursement under the programs. Their issuance is based primarily on Federal and State survey agency findings that the facilities meet Federal statutory and regulatory standards. (See, generally 42 CFR Part 405, Subparts F and S, and Part 442, Subparts A-C.)

Medicaid regulations at 42 CFR 442.12(b) provide that the term of the provider agreement begins on the date of the survey agency's certification that the facility meets Federal standards. The certification paperwork delays the effective date. Medicare regulations at 42 CFR 405.606(b) do not specify the beginning date, but Medicare practice is to permit earlier effective dates, sometimes to a point as early as the facility's application for the program. As a result, providers participating in both programs are usually reimbursed by Medicare months before Medicaid.

The two programs also differ in the ways they treat the continuing participation of a facility which has changed ownership. Medicare reimburses providers throughout the process of certifying the new owners; under Medicaid a new State health and safety survey and related certification paperwork must be completed before payment is

continued. The divergent Medicare and Medicaid policies have produced uncertainties for patients, facilities, and the States as to when Federal payment may be expected for otherwise qualified nursing home care. For example, a Medicare patient who becomes ineligible for Medicare and would be eligible for Medicaid may find that the facility is not qualified under Medicaid because the Medicaid certification paperwork has not been completed. These inconsistencies are not required by statute and pose administrative hardships for Federal and State agencies and potentially significant financial hardship for patients, providers and States.

MAJOR PROVISIONS

The proposed regulations would make Medicare and Medicaid rules identical on the beginning dates of provider agreements and on the effect of a transfer of facility ownership.

1. EFFECTIVE DATE OF PROVIDER AGREEMENTS

Under the proposed rules, provider agreements for both programs would be made effective as of the date the onsite survey is completed, if all Federal requirements are met on that date. If all requirements are not met, the agreement would be made effective as of the date on which:

(a) All requirements are fully met, as determined by the State survey agency; or

(b) The facility submitted, in fully acceptable form, all necessary plans of correction or waiver requests.

Our intent, under the last provision, is that the plans of correction and the waiver requests must be approvable as submitted. If a plan of correction or waiver request is not fully acceptable and requires subsequent revision, the date of resubmission of a fully acceptable plan or request would govern.

We also intend for the date of survey to refer to the last day on which a survey occurred, if more than one day is required or more than one survey is required.

Under the proposed rules, if the agency surveyed January 1, found deficiencies, resurveyed March 1 and found those deficiencies corrected, the provider agreement would be effective March 1 (assuming all other Federal requirements were met on that date). If a facility surveyed on January 1 was cited for deficiencies and submitted a plan of correction on February 1 and that plan of correction was fully acceptable in the form submitted, the provider agreement would be effective February 1 (assuming all other federal requirements were met on that date). But if the plan was not acceptable and the facility resubmitted its plan on March 15, and it was found to be fully acceptable, the provider agreement would be effective March 15 (again assuming all other federal conditions were met on that date).

The regulations would permit dating of provider agreements as of the date on which all requirements were met. Thus, if a State made a determination that all requirements were met, as of April 1, but made that determination after April 1 and did not issue a provider agreement until May 1, it could make the agreement effective on April 1.

We considered but rejected certain alternative policies:

(a) For both programs, adopt the Medicaid policy establishing the date of certification as the effective date of the provider agreement. This option was rejected since it delays participation to otherwise qualified facilities pending the completion of the certification paperwork.

(b) For both programs, adopt the Medicare practice permitting provider agreements to begin on the date on which the facility first applies for the program. This option was rejeted because the Medicare and Medicaid statutes permit payments only for qualified facilities. Prior to survey, there is no generally reliable evidentiary method for establishing a facility's satisfaction of those standards. In addition, a beginning date prior to survey fails to provide adequate incentive to potential providers to request participation prior to admitting patients.

2. CHANGE OF OWNERSHIP

If a participating facility changes ownership, the existing provider agreement would automatically be assigned to the new owner without any action required on the part of the State agency (for Medicaid) or HEW (for Medicare). The assignment would be subject to all applicable statutes and regulations and the terms and conditions of the existing agreement, including the previous owner's plan of correction and the expiration date of the existing agreement.

This approach protects providers and Medicare and Medicaid patients already in the facility from loss of federal funds during a period in which the facility meets federal payment criteria. It eliminates the need for a resurvey of a facility before the normal term of the agreement ends. It would also avoid some of the delay in correcting deficiencies that has occurred under current rules, when the new owner is absolved from the responsibility of fulfilling the facility's former plan of corrections. Changes in ownership would not avoid meeting plans of correction.

We considered but rejected the possibility of retaining the Medicaid rule: Invalidate the former owner's agreement and require a new survey. This option was rejected because (1) it increases survey costs and State scheduling and workload problems; and (2) it could potentially do financial harm to States, facilities, and patients already in the facility by ruling out payments during a period when the facility actually met federal standards.

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. Section 405.606 is revised to read as follows:

§ 405.606 Acceptance of provider as a participant.

(a) *Secretary's determination.* If the Secretary determines that a provider, as defined in § 405.605, meets the requirements for participation, he will:

(1) Send written notice of the determination to the provider; and

(2) Send the provider two copies of the provider agreement specified in section 1866 of the Act.

(b) *Submission and acceptance of provider agreement.* (1) If the provider wishes to participate, it shall submit to the Secretary both copies of the agreement duly signed by an authorized official.

(2) If the Secretary accepts the agreement, he will return one copy to the provider with his written notice of acceptance.

(c) *Notice of acceptance.* The notice shall: (1) Specify the date on which the agreement was signed by the authorized official of the provider and the date on which the agreement was accepted by the Secretary;

(2) In the case of an agreement filed by a skilled nursing facility, specify the term of the agreement, as determined in accordance with § 405.604; and

(3) Specify the effective date of the agreement.

(d) *Effective date of agreement.* The effective date of the provider agreement shall be:

(1) The date on which the onsite health and safety certification survey is completed, if all Federal requirements are fully met on that date; or

(2) If any Federal requirement is not fully met on that date, the date on which:

(i) All requirements are fully met, as determined by the State survey agency; or

(ii) The facility submitted, in fully acceptable form, all necessary plans of correction or waiver requests.

(e) *Admission policies and procedures.* If a participating hospital, skilled nursing facility, or home health agency has any restrictions on admissions or types of treatment, the Secretary expects that those restrictions will not be applied to Medicare

beneficiaries, or will be applied to them in the same manner as to all other persons seeking care. If the provider fails to meet these expectations, the Secretary may terminate the agreement.

2. Section 405.625 is revised to read as follows:

§ 405.625 Transfer of provider ownership; general provisions.

(a) Upon a change of facility ownership, as specified in § 405.626, the existing provider agreement shall be automatically assigned to the new owner(s) subject to all applicable statutes and regulations and the terms and conditions under which the agreement was originally issued, including:

(1) Any existing plan of correction;

(2) The expiration date of the agreement, if applicable; and

(3) Compliance with applicable health and safety requirements.

(b) A provider contemplating or negotiating a change of ownership must inform the Secretary of the proposed change.

3. Section 405.626 is revised to read as follows:

§ 405.626 Change of ownership.

The following actions constitute a change of ownership for purposes of §405.625.

(a) In the case of a partnership, the removal, addition or substitution of a partner, in the absence of an express agreement among the partners to the contrary;

(b) In the case of an unincorporated sole proprietorship, the transfer of all title and property of the provider to another party;

(c) In the case of a corporation, the merger of the provider corporation into another corporation or the consolidation of the provider corporation with one or more other corporations to form a new corporation. (The transfer of corporate stock or the merger of another corporation into the provider corporation would not constitute a change of ownership.); or

(d) The lease of the provider's facility, in whole or part. In this case, the provider agreement shall be assigned to the lessee only to the extent of the portion of the facility being leased.

PART 442—STANDARDS FOR PAYMENT FOR SKILLED NURSING AND INTERMEDIATE CARE FACILITY SERVICES

B. 42 CFR Part 442 is amended as set forth below:

1. The Table of Contents is amended as follows:

Subpart A—General Provisions

* * * * *

Subpart B—Provider Agreements

Sec.
442.10 State plan requirement.
442.12 Provider agreement: General requirements.
442.15 Duration of agreement.
442.16 Extension of agreement.
442.17 Change of ownership.
442.20 Additional requirements for agreements with SNF's participating in medicare.
442.30 Agreement as evidence of certification.

* * * * *

2. Section 442.12(b) is amended to read as follows:

§ 442.12 Provider agreement: General requirements.

* * * * *

(b) The effective date of an agreement shall be determined in accordance with § 405.606 of this title.

3. A new § 442.17 is added to read as follows:

§ 442.17 Change of ownership.

Upon change of facility ownerships, as specified in § 405.626 of this chapter, the existing provider agreement shall be automatically assigned to the new owner(s), unless the State cancels the agreement under the good cause provision contained in § 442.12(d). An assignment shall be subject to all applicable statutes and regulations and the terms and conditions under which the agreement was originally issued, including:

(a) Any existing plan or correction,

(b) The expiration date of the agreement, and

(c) Compliance with applicable health and safety requirements.

(Secs. 1102, 1866, 1902, 1910 of the Social Security Act; (42 U.S.C. 1302, 1395cc, 1396a, 1396i).)

(Catalog of Federal Domestic Assistance, Program No. 13.714, Medical Assistance Program; No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance.)

Dated: December 22, 1978.

LEONARD D. SCHAEFFER,
Administrator,
Health Care Financing
Administration.

Approved: January 30, 1979.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc. 79-3909 Filed 2-2-79; 8:45 am]

[6315-01-M]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1067]

[CSA Instruction 6004-5]

FUNDING OF CSA GRANTEES

Due Process Rights for Applicants Denied Benefits Under CSA-Funded Programs; Correction

AGENCY: Community Services Administration.

ACTION: Correction of extension of comment period.

SUMMARY: The Community Services Administration is correcting the final date for receipt of comments for its proposed rule on due process rights for applicants denied benefits under CSA-funded programs which appeared in the FEDERAL REGISTER January 4, 1979 (44 FR 1200). The closing date should have read February 15, 1979 rather than February 2, 1979.

DATE: The closing date for receipt of comments is extended to February 15, 1979. Comments received by that date will be considered in writing the final rule.

ADDRESS: Please send all comments to: Ms. Jacqueline G. Lemire, Community Services Administration, Office of Community Action, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Ms. Jacqueline G. Lemire, Telephone (202) 254-5047, Teletypewriter (202) 254-6218.

The provisions of this subpart are issued under the authority of Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

THOMAS J. MACK,
Deputy General Counsel, Office of Legal Affairs and General Counsel.

[FR Doc. 79-3629 Filed 2-2-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19660; RM-690]

INTERNATIONAL RECORD CARRIER'S SCOPE OF OPERATIONS IN THE CONTINENTAL UNITED STATES INCLUDING POSSIBLE REVISIONS TO THE FORMULA PRESCRIBED UNDER SECTION 222 OF THE COMMUNICATIONS ACT

AGENCY: Federal Communications Commission.

ACTION: Extension of time to file comments and oppositions.

SUMMARY: The Commission grants one week extension, until January 29, 1979 for parties to file pleadings addressed to amended gateway applications filed in the International Record Carrier's Scope of Operations in Docket No. 19660; RM-690. The extension is granted because of the voluminous nature of the pleadings filed in this proceeding.

DATES: Time to file oppositions and reply comments directed towards petitions to deny and comments extended to January 29, 1979.

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

FOR FURTHER INFORMATION CONTACT:

Helene Bauman, Common Carrier Bureau, 202-632-7834

SUPPLEMENTARY INFORMATION:

Adopted: January 19, 1979.
Released: January 24, 1979.

The Commission has before it a letter filed January 12, 1979 by RCA Global Communications, Inc. requesting an extension of time to file oppositions to the petitions to deny and other comments addressed to its amended gateway expansion applications of RCA Globcom. The letter asks that the time for filing oppositions be extended from January 22, 1979 to February 5, 1979 for the reasons that (1) review of the pleadings addressed to the applications is burdensome, and, (2) the officer responsible for RCA Globcom gateway expansion program is unavailable until the week the pleadings are now due. In addition we are considering here the comments addressed to the letter that Western Union Telegraph Company has filed.

Review of the reasons underlying the request does not convince us that RCA Globcom warrants a two week extension of time. As RCA recognizes this proceeding has had a long pendancy following the Commission's release of its Tentative Decision in favor of expanding the gateways. See *International Record Carriers' Communications*, 54 FCC 2d 532 (1975). During the more than three year period since that decision and more particularly since the Commission's *Notice of Inquiry and Further Notice of Proposed Rulemaking*, released July 28, 1978, RCA Globcom has had more than ample time to analyze its gateway requirements and to anticipate the nature of any opposition which might arise to that expansion. However, because of the voluminous nature of the pleadings an additional seven days will be authorized for preparation of responses.

Accordingly, *it is ordered*, That the time for the parties to file oppositions and reply comments directed towards the petitions to deny and comments addressed to the applications of the international record carriers for new gateway cities is extended until January 29, 1979.

FEDERAL COMMUNICATIONS COMMISSION,

LARRY F. DARBY,
Acting Chief,
Common Carrier Bureau.

[FR Doc. 79-3864 Filed 2-2-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 652]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL

Public Hearing

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Public Hearings.

SUMMARY: The Mid-Atlantic and New England Fishery Management Councils will hold hearings to discuss the Draft Environmental Assessment/Amendment No. 1 for the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries. This amendment would extend to December 31, 1979, certain provisions of the present plan which are now scheduled to end prior to December 31. The provisions affected cover the quarterly quotas on landings and the moratorium on the entry of new vessels into the surf clam fishery. The amendment also provides for processor reporting requirements which the Mid-Atlantic Council has established to comply with amendments revising the Fishery Conservation and Management Act of 1976. The proposed amendment will assure the continuation of the current plan until the completion and adoption of a revised plan for the surf clam and ocean quahog fisheries.

DATES: Public hearings will be held February 20, Cape May, N.J.; February 21, Norfolk, Va.; and Tinton Falls, N.J.; February 22, Newport, R.I.; and February 23, Ocean City, Md.

All of the hearings will convene promptly at 7:00 p.m. and adjourn at 10:00 p.m. Hearings will be recorded and the tapes filed as an official transcript of proceedings. Summary minutes will be prepared for each hearing.

Written comments should be submitted by February 28, 1979, to be considered in the amendment process.

ADDRESSES: The Mid-Atlantic Fishery Management Council will hold the following public hearings:

February 20—Golden Eagle Motor Inn, Philadelphia Avenue on the Beach, Cape May, New Jersey 08204.
February 21—Quality Inn Lake Wright, 6280 Northampton Boulevard, Box 2048, Norfolk, Virginia 23502.
February 21—Hilton Inn, 700 Hope Road, Tinton Falls, New Jersey 07724.
February 23—Sheraton Fountainebleau Inn, 10100 Ocean Highway, Ocean City, Maryland 21842.

The New England Fishery Management Council will hold the following public hearing:

February 22—Newport Harbor Treadway Inn on the Harbor, Newport, Rhode Island 02840.

SEND COMMENTS TO: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: 320-674-2331.

FOR FURTHER INFORMATION CONTACT: Mr. John C. Bryson, 320-674-2331.

Dated: January 31, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3818 Filed 2-2-79; 8:45 am]

[4910-60-M]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 195]

[Docket No. PS-56; Notice 1]

TRANSPORTATION OF LIQUIDS BY PIPELINE

Highly Volatile Liquids

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: This advance notice of proposed rulemaking invites comments on means to reduce the potential for accidents on pipelines used in interstate and foreign commerce to transport highly volatile liquids (HVL). These means are: (1) Make line pipe easier to weld and with tougher longitudinal seams, (2) add water to anhydrous ammonia to inhibit stress corrosion cracking, (3) use lower design and operational stress levels in accordance with population density, and (4) conduct periodic hydrostatic tests. Accident report statistics indicate that pipelines transporting highly volatile liquids have cased a substantially higher percentage of deaths, in-

juries, and property damage than liquid pipelines transporting less volatile commodities. Materials Transportation Bureau (MTB) expects that each of the proposed means would reduce the potential for accidents in HVL pipelines.

DATE: Comments must be filed by May 4, 1979. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Branch, Materials Transportation Bureau, 2100 Second Street, SW., Washington, D.C. 20590. Comments are available at Docket Room 6500.

FOR FURTHER INFORMATION CONTACT:

Frank Robinson, (202) 426-0135.

SUPPLEMENTARY INFORMATION:

NEED FOR THIS ADVANCE NOTICE

This advance notice of proposed rulemaking invites comments on means to reduce the potential for accidents on pipelines transporting highly volatile liquids. The Federal pipeline safety regulations for transporting hazardous liquids are set forth in Part 195 of Title 49 of the Code of Federal Regulations. These regulations are applicable to pipelines transporting highly volatile liquids.

The definition of a highly volatile liquid which was proposed for adoption under Part 195 of Notice 1 of Docket PS-51 (43 FR 35513, August 10, 1978) was: "A highly volatile liquid (HVL) means a liquid which has an absolute vapor pressure of 100 kPa (14.5 psia) or more at 37.8° C (100° F)." Although the final definition may differ from that proposed, the intent is to identify those liquids with a vapor pressure high enough to form a vapor cloud when released to the atmosphere, such as liquefied petroleum gas, natural gas liquids, and anhydrous ammonia.

Materials Transportation Bureau (MTB) accident statistics show that HVL pipelines have caused a substantially higher percentage of deaths, injuries, and property damage than liquid pipelines transporting less volatile commodities. The record of liquid pipeline accidents reported on Form DOT-7000-1 from 1968 through 1976 shows that although HVL accidents comprise only 10 percent of the liquid pipeline accidents, the HVL accidents caused 66 percent of the deaths, 50 percent of the injuries and 30 percent of the property damage.

These statistics clearly illustrate the higher risk posed by an HVL spill than by spills of other liquids. The higher potential for damage is because HVL when released into the atmosphere, forms a gas cloud which is a markedly different and more insidious hazard than that presented by spills of less volatile liquids. The gas cloud will move downhill or downwind depending on the terrain, type of liquid involved and atmospheric conditions. Because it is generally heavier than air, the gas cloud will tend to hug the ground as it continues to move. If a source of ignition is encountered a petroleum gas cloud will burn or explode. If anhydrous ammonia is spilled, the greatest danger is that of toxicity or asphyxiation. For either commodity, the hazards are severe.

OTHER CURRENT RULEMAKING TO REDUCE POTENTIAL FOR HVL ACCIDENTS

MTB recently published the following three notices of proposed rulemaking in an effort to reduce the probability and severity of accidents involving HVL: Docket PS-51, Procedures for Operation, Maintenance, and Emergencies (43 FR 35513, August 10, 1978), Docket PS-53, Valve Spacing on Pipelines Carrying Highly Volatile Liquids (43 FR 39402, September 5, 1978), and Docket PS-55, Testing Highly Volatile Liquid Pipelines (43 FR 52504, November 13, 1978.) Docket PS-51 proposes more stringent requirements for handling emergencies, training operating and maintenance personnel and public education for HVL pipelines. Docket PS-53 proposes automatic or remotely controlled valves at 12 kilometer intervals on new HVL pipelines and equipping most block valves for remote operation on existing HVL pipelines. Docket PS-55 proposes hydrostatic testing HVL lines which have not been previously tested to 1.25 times maximum operating pressure for 24 hours.

OBJECTIVE

Because of the high potential for damage to persons and property from even a single HVL accident, MTB is considering further means to reduce the probability of such accidents. MTB is considering these means but needs additional information in order to determine the technical feasibility and economic practicability of each means.

This advance notice is not a proposal to amend the existing regulations. Its only function is to generate information to use in evaluating means for improving HVL pipeline safety. If the evaluation leads to the conclusion that the regulations should be amended, MTB will publish a notice of proposed rulemaking setting forth the proposed amendments and inviting comment on those proposals.

MEANS BEING CONSIDERED

MTB is considering several means to reduce the potential for an HVL accident. Some have been recommended to MTB by a Battelle Laboratories Study, and by an NTSB report. The means being considered are as follows:

1. PIPE USED FOR HVL PIPELINES

The Battelle Study "Transportation of Highly Volatile, Toxic, or Corrosive Liquids by Pipeline" (DOT/OPSO-75/06 available for inspection in MTB Docket Room 6500) makes various recommendations to enhance safety on HVL pipelines. Among these is a recommendation that Part 195 impose on carriers more stringent requirements regarding pipe manufacture.

In regulating the type of pipe a carrier may use, part 195 does not delineate how line pipe is to be manufactured. However, it is stated in Sections 195.112 and 195.114 that new and used pipe shall be made of carbon, low alloy-high strength or alloy-type steel suitable for service intended and must be made according to a written specification.

The Battelle study on page 5 recommends two additional requirements related to the manufacture of pipe to be used in HVL service: First, Battelle argues that the weldability of the steel pipe can be improved by limiting the "carbon equivalent" to 0.55 percent. The "carbon equivalent" is defined as the percent by weight of carbon plus one-fourth the percent by weight of manganese. The purpose in improving weldability is to reduce the number of welds that have cracks as a result of the welding process.

Pipe used for HVL pipelines is commonly manufactured to American Petroleum Institute (API) specification 5L or 5LX, which allow a "carbon equivalent" of approximately three times the amount recommended by the Battelle Study.

Secondly, the Battelle Study recommends that the longitudinal weld areas be made tougher by "normalizing" the seam weld areas in pipe which is manufactured by electric resistance welding (ERW). The normalizing treatment consists of heating the weld seam and adjacent material to approximately 1600°F after the pipe has been welded and the weld area has cooled to 1330°F or lower. Normalizing causes transformation of the weld area back to a material more like that of the pipe steel before being welded and results in considerably higher toughness than weld areas that have not been normalized. The purpose of normalizing is to prevent failures in the longitudinal seam weld. Neither Part 195 nor API 5L or 5LX require weld areas to be normalized.

Comments are requested regarding whether limiting the "carbon equivalent" will reduce cracked welds, and whether "normalizing" will reduce weld seam failures. If these manufacturing practices were adopted as regulatory requirements, should they

apply to new pipelines and repairs to existing pipelines? What would be the costs to comply with these requirements? What problems might be encountered in an effort to keep HVL pipe so manufactured segregated from pipe intended for other service?

2. ADD WATER TO ANHYDROUS AMMONIA PIPELINES

In the same study noted above Battelle recommends adding 0.2 percent water by weight to pipelines transporting anhydrous ammonia (NH^{T23}) to inhibit stress corrosion cracking—a type of cracking caused by a combination of stress and electrochemical corrosion.

Although there is no specific requirement in Part 195 to add water to or monitor water content of NH^{T23} pipelines, Section 195.6 authorizes the Secretary to determine whether and in what manner such commodities may be transported without undue hazard. Under Section 195.6, MTB has required NH^{T23} pipeline carriers to monitor water content and add water where necessary to obtain 0.2 percent water content by weight.

MTB solicits comments regarding whether stress-corrosion cracking is a problem in NH^{T23} pipelines? What operational or maintenance problems might be caused by adding 0.2 percent water? What alternative means exist to inhibit stress corrosion cracking? How often should water content or other inhibitor level be monitored?

3. DESIGN AND OPERATIONAL STRESS LEVELS IN ACCORDANCE WITH POPULATION DENSITY

Under Federal gas pipelines safety standards (49 CFR Part 192), pipelines are classified according to their location near populated areas. Such class locations enable standards to be prescribed so that they become more stringent with increased population density.

Unlike Part 192, Part 195 does not provide more stringent standards for pipelines according to population density. Because an HVL vapor cloud may pose a greater hazard to persons and property than a gas leak, should HVL pipelines be designed, constructed, operated, and maintained to similar or more stringent standards than gas transmission pipelines? If so, should existing standards for HVL pipelines be amended to become more stringent according to class locations?

Commenters who believe that standards of increasing stringency are justified should recognize that a vapor cloud can travel a mile or more before being ignited. Given this circumstance, what should be the size of the class location unit? What population densities should define the class locations? Should the design factor change according to class location similar to that in § 192.111? Should the depth of cover vary with class location similar to § 192.327? Sections 192.609, 192.611, and 192.613 prescribe remedial actions when class locations change due to encroaching population. Should similar requirements be prescribed if class locations are adopted for HVL pipelines?

Section 192.619 prescribes factors by which the test pressure must be reduced to obtain the maximum operating pressure. Should maximum operating pressure for HVL pipelines be determined in a like manner? If so, what should be the factors for the various class locations? Section 192.705 prescribes the intervals for patrolling pipelines in accordance with class similar patrol intervals be prescribed for pipelines transporting HVL? Would an accident prevention program encompassing a one-call system negate the need for patrolling more often than two weeks as now required by Part 195?

Assuming a classification scheme similar to that of Part 192, what would be the initial cost of determining class locations along an HVL line?

4. PERIODIC HYDROSTATIC TESTING

Section 195.302 requires that each new pipeline system and each part of a pipeline system that has been relocated or replaced must be hydrostatically tested before it is placed in service. This requirement provides for an initial test of pipeline integrity. There is no current requirement in Part 195 for periodic hydrostatic testing to reconfirm pipeline integrity after a pipeline is placed in service.

The National Transportation Safety Board has suggested periodic hydrostatic testing (Report Number: (NTSB-PAR-73-2) as a means to enhance pipeline safety. Although the NTSB report concerns pipeline defects due to corrosion, periodic hydrostatic testing can locate and remove all defects above a certain size existing at the time of the test, that would later cause accidents.

Although periodic hydrostatic testing seems to be an obvious means of removing pipeline defects before those defects cause accidents there are several disadvantages. Among these are: (1) The pipelines being tested must be taken out of service, (2) testing costs can be substantial, and (3) the results of hydrostatic tests cannot be utilized for preventive maintenance because no information is gained concerning gradual deterioration that might be taking place but has not yet reached the point of failure during hydrostatic testing.

MTB solicits comments regarding periodic hydrostatic testing as a means to prevent accidents on HVL pipelines. Is there a need to periodically revalidate the integrity of a pipeline? Is so, is hydrostatic testing a feasible means of revalidation? What should the testing intervals be? What initial construction costs would be incurred to prepare pipelines for periodic testing? What costs would be incurred by loss of throughput when lines are taken out of service for testing? Are there feasible alternative means, such as electronic pigs, to revalidate pipeline integrity? Would these alternative cost less than periodic hydrostatic testing? Would these alternatives provide information on which preventative maintenance programs could be based?

(Sec. 6, Pub. L. 89-670, 80 Stat. 437 (49 U.S.C. 1655, 18 U.S.C. 831-835); 49 CFR 1.53 App A of Par 1 and App A of Part 106)

Issued in Washington, D.C., on February 1, 1979.

CESAR DE LEON,
Associate Director for Pipeline Safety Regulation, Materials Transportation Bureau.

[FR Doc. 79-3998 Filed 2-2-79; 9:16 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.

[3410-02-M]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, at 10 a.m., on Wednesday, February 21, 1979.

The purpose of the meeting is to review various regulations issued under the grower designation plan pursuant to the Tobacco Inspection Act, 7 U.S.C. 511-511q. After a thorough review and discussion, the committee will have the opportunity to recommend to the Secretary, for consideraton, possible changes which may be needed to impove equitability and/or effectiveness of the regulations, particularly regarding sales scheduling.

Matters to be discussed also include other matters as specified in 7 CFR, Part 29, Subpart G, § 29.9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. Leonard J. Ford, Director, Tobacco Division, Agricultural Marketing Service, 300-12th Street, S.W., United States Department of Agriculture, Washington, D.C. 20250, (202) 447-2567.

Dated: January 30, 1979.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.

[FR Doc. 79-3903 Filed 2-2-79; 8:45 am]

[3410-11-M]

Forest Service

COMMITTEE OF STATE FORESTERS ADVISORY COMMITTEE

Meeting

The Committee of State Foresters Advisory Committee will meet at 8:30 a.m., March 6, 1979 to Noon, March 8, 1979, Rm. 702/704, Rosslyn Plaza-East Bldg., 1621 North Kent Street, Rosslyn, Virginia. The purpose of this meeting: Organization of Committee; and consultation with USDA officials concerning implementation of Pub. L. 95-313, the Cooperative Forestry Assistance Act of 1978. Agenda will include discussion of Forest Service directives and proposals for regulations covering Section 9 (Consolidated Payments); and Section 10 (General Provisions).

The meeting is open to the public.

PHILIP L. THORNTON,
Deputy Chief, S&PF,
USDA—Forest Service.

JANUARY 30, 1979.

[FR Doc. 79-3817 Filed 2-2-79; 8:45 am]

[3410-16-M]

Soil Conservation Service

FISH STREAM WATERSHED, MAINE

Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of deauthorization of Federal funding for the Fish Stream Watershed, Penobscot County, Maine, effective on January 1, 1979.

A notice of intent not to file an environmental impact statement for deauthorization of Federal funding was published on November 1, 1978. Appropriate committees of Congress and concerned Federal, State, and local agencies were notified of the proposed deauthorization at least 60 days prior to the effective date. No objections to deauthorization or expressions of support to complete the project have been made known to the Soil Conservation Service.

Dated: January 29, 1979.

VICTOR H. BARRY, Jr.,
Deputy Administrator
for Programs.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

[FR Doc. 79-3870 Filed 2-2-79; 8:45 am]

[3410-16-M]

NEZINSCOT RIVER WATERSHED, MAINE

Deauthorization of Federal Funding

Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83-566, and the Soil Conservation Service Guidelines (7 CFR Part 622), the Soil Conservation Service gives notice of deauthorization of Federal funding for the Nezinscot Watershed, Androscoggin and Oxford Counties, Maine, effective on January 1, 1979.

A notice of intent not to file an environmental impact statement for deauthorization of Federal funding was published on November 1, 1978. Appropriate committees of Congress and concerned Federal, State, and local agencies were notified of the proposed deauthorization at least 90 days prior to the effective date. No objections to deauthorization or expressions of support to complete the project have been made known to the Soil Conservation Service.

Dated: January 29, 1979.

VICTOR H. BARRY, Jr.,
Deputy Administrator
for Programs.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83-566, 16 USC 1001-1008.)

[FR Doc. 79-3871 Filed 2-2-79; 8:45 am]

[3410-16-M]

UPPER ELK CREEK WATERSHED PROJECT, OKLAHOMA

Intent Not 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 not being prepared for the Upper Elk Creek Watershed critical area treatment measures in Beckham, Washita, and Kiowa Counties, Oklahoma.

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

The planned critical area treatment will include small grade stabilization structures, diversions, critical area plantings, shaping and sodding, and grassed waterways.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties through the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Oklahoma 74074; 405-624-4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication.

Dated: January 25, 1979.

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

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

[FR Doc. 79-3869 Filed 2-2-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Docket 33363]

FORMER LARGE IRREGULAR AIR SERVICE INVESTIGATON

Postponement of Hearing

The hearing on the application of IAL, Inc., heretofore set for February 15, 1979 (44 FR 5483, January 26, 1979), is continued to March 6, 1979 at 9:00 a.m. in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C. 20428.

Dated at Washington, D.C., January 30, 1979.

RUDOLF SOBERNHEIM,
Administrative Law Judge.

[FR Doc. 79-3866 Filed 2-2-79; 8:45 am]

[6320-01-M]

[Order 79-1-178; Dockets 34224 and 34516]

AMERICAN AIRLINES, INC., AND PAN AMERICAN WORLD AIRWAYS, INC.

International Excess Baggage Charges; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of January, 1979.

In the matter of increased international excess baggage charges proposed by American Airlines, Inc. (Docket 34224) and increased international excess personal and courier accompanied baggage proposed by Pan American World Airways, Inc. (Docket 34516).

By tariff revisions[1] variously marked to become effective January 12, and February 1, 1979, American Airlines, Inc. (American) and Pan American World Airways, Inc. (Pan American) propose to modify and increase excess baggage charges in international markets.

AMERICAN

American proposes to increase excess baggage charges applicable after the first three free pieces, between the U.S. on the one hand, and Barbados, Haiti, Jamaica and Santo Domingo, on the other, as follows:

Weight	Charge per piece	
	Present	Proposed
35 lbs. or less	$6.00	$15.00
36 lbs. to 70 lbs	20.00	30.00
71 lbs. to 125 lbs	40.00	55.00
126 lbs. or more	40.00	70.00

In support of its proposal, American asserts that its proposed levels conform to the standard of seven-tenths of one percent of the economy fare; the proposed charges are less than freight charges for similar movements; and since a substantial amount of excess baggage moves on freighter aircraft during the holiday season, it is reasonable to assume that the cost of this excess baggage is equal to that of freight.

A complaint requesting suspension pending investigation of the American proposal has been filed by DHL Corporation (DHL), an air courier service. DHL alleges that: although it does not offer courier service in the markets involved, it objects to American justifying its proposed levels as related to freight rates; for overseas and international excess baggage charges, carriers are required to construct such charges reflecting the Board's decision in *Baggage Allowance Tariff Rules in Overseas and Foreign Air Transportation (Excess Baggage Case), i.e.,* seven-tenths of one percent of the economy fare per kilogram; and it does not want freight-rate related excess baggage charges to slip in to effect and be cited for establishing higher excess baggage charges in other markets.

The Board will dismiss DHL's complaint against American's proposal. The proposed levels are almost always less than the Board recommended formula for excess baggage development in the *Excess Baggage Case.*

PAN AMERICAN

Pan American proposes two levels of charges for (1) personal passenger baggage and (2) courier accompanied baggage. Currently, excess baggage charges are not differentiated on the basis of the character of the accompanying passenger.

It proposes, for personal baggage, to (1) limit the number of excess pieces acceptable at currently effective charges to four pieces, over and above the two checked pieces carried free and, (2) to increase the charges for more than six checked pieces to twice the otherwise applicable charge. For example, each bag in excess of six will be assessed, in the New York to London market, $70. For courier accompanied baggage, it proposes to charge 130 percent of the applicable general commodity freight rate, with certain exceptions. The exception is that the applicable freight rate is held to the 300 kilogram rate even when lower rates at higher weights are published.

In support and in answer to the complaint, Pan American asserts that: since its previous excess baggage proposal was suspended, its baggage problems have become more severe; it has recently completed a comprehensive systemwide survey designed to measure the impact piece count baggage rules are having on standard baggage weights and as a result it has experienced new averages of 15 kilograms per bag and as much as 20 kilograms per bag in selected markets; it is experiencing greater passenger loads per flight stemming from use of higher density seating and increased load factors; higher baggage loads have been inevitable as a result of greater loads; aggravating the problem is an airworthiness directive, published by the FAA, which instructs the carrier to

[1] Revisions of Air Tariffs Corporation, Agent, Tariff C.A.B. No. 55.

reduce the baggage capacity on B-747 aircraft; the combination of increased amounts of baggage per flight and reduced belly capacity is inconveniencing both passengers and freight shippers; it is proposing to institute revisions on a systemwide basis in the interest of efficiency and to have the conditions serve as a deterrent to any incipient baggage problem; rating of commercial shipments transported by couriers under the current baggage system serves to disadvantage those shippers who ship similar items on an unaccompanied basis as freight rated under the freight tariffs; the intent is to continue to permit courier shipments to be treated as part of the courier's baggage but assessed rates which reflect the nature of the material being shipped and the priority service being accorded the traffic; in the absence of contrary decision from the Board, Pan American is entitled to assume that the general commodity rate approved or permitted to become effective is a reasonable predicate for other rates; it would be impractical and inconsistent with the nature of the courier business to attempt to cost justify the proposed courier rates; this filing either matches or is patterned after United Air Lines, Inc., (United) current domestic baggage rule which the Board has found acceptable; and its implementation will remove the unintended incentive currently available on many routes for passengers to check as baggage items which are essentially air freight.

A complaint requesting suspension pending investigation or rejection of these proposals has been filed by DHL. The complaint alleges, among other things, that: in interstate markets, it is satisfied that the current proposal of $24 is reasonably related to costs; but that in overseas and foreign markets the excess baggage rates must be justified by costs as the Board decided in the *Excess Baggage Case;* the proposed courier baggage proposal violates the principle of *res judicata* in that it contradicts previous Board precedents; Pan American has again failed to demonstrate a systemwide need for the proposal and if certain markets have problems, it should establish special rates for those markets; the proposal is unreasonably high—the fact that there is a shortage of air service which is restricted by the government should not justify the supplier's making extraordinary profits; customers use the baggage service rather than the only alternative, air freight, because it is the only way one can be assured of timely receipt of many items; excess baggage charges at the current rates generally exceed average freight revenues; most current excess rates are cost related and international excess baggage rates are related to cost factors established in the *Excess Baggage Case;* baggage rates should not be tied to any freight rates unless the freight rate has been shown to be cost justified and the costs of handling baggage are the same as handling freight; Pan American's justification provides no economic rationale for its deviation from the piece system and it provides no justification for limiting couriers to the 300 kilogram weight break and not the lower yields of the higher weightbreaks for larger shipments; and these proposed increases exceed the zone of reasonableness authorized for interstate rates in Public Law 95-504 and by the Board.

The Board finds that Pan American's proposals may be unlawful and should be investigated. The Board further concludes that they should be suspended pending investigation.

As indicated, Pan American previoulsy attempted to attack the excess baggage problem with a somewhat similar proposal with higher surcharges aimed at both air couriers and regular passengers. By Order 78-5-155, May 12, 1978, the Board found the previous proposal with higher surcharges unjust and unreasonable and ordered it cancelled. The Board found that the earlier proposal was unjustified, that there was insufficient evidence that the increased charges should be applied system-wide, and that the charges were not cost-related. According to Pan American, that proposal was intended to alleviate continuing problems with the volume of excess baggage that passengers had been presenting at check-in time and, because of aircraft volume and weight limits, it has been unable to board all the baggage tendered. Pan American, in order to evercome the Board's objections to the earlier filing, has filed two separate proposals—one dealing with courier-accompanied baggage and the other with regular passenger baggage. We believe Pan American's current filing suffers from most of the shortcomings of the earlier filing.

As indicated, with respect to overseas and international excess baggage, the Board found in the *Excess Baggage Case* that an excess baggage charge of seven-tenths of one percent of the economy fare per kilogram bears a reasonable relationship to cost and held that a passenger should not be required to pay for excess baggage unless the carriage of the excess amount imposes additional costs on the carrier. Pan American's current personal baggage proposal results in charges greater than those resulting from the recommended formula and no indication has been made that the cost of handling courier material is any more than regular passenger baggage of similar weight. In fact, it is often conceded that baggage is less costly than regular freight if for no other reason that baggage requires less paperwork and handling. The fact remains that these proposed increases have not been justified as the Board previously requested and we do not believe that these sharply increased charges should be permitted without complete justification.

The complainant makes an allegation of discrimination with respect of couriers vs. other passengers. We find it hard to differentiate the problem as caused by mulitple-baggage pieces tendered by couriers vs. similar amounts of similar materials that are tendered by, for example, an employee on a business trip. Pan American does not clearly indicate how this distinction is to be made.

The carrier admits that the problem is aggravated in certain selected markets, particularly to Africa and South America. By its own data, such punitive charges are not necessary in all markets and the carrier should make an effort to localize the problem, separating out the markets causing the problem and apply charges accordingly. While we are sympathetic to the carrier's plea for consistency and efficiency in applying tariffs systemwide, we do not believe the burden of such charges should be placed upon customers in markets where if a similar problem exists, it is relatively insignificant.

Although we will suspend the proposal, we would be receptive to a filing of charges based on the *Excess Baggage Case* formula of seven-tenths of one percent of the economy fare per kilogram applied to the actual weight of the excess baggage or, in the alternative, a charge per piece for excess baggage based on a showing that the per piece charge is calculated on the basis of the average weight of the excess baggage multiplied by the recommended formula. Since courier bags are typically much heavier than regular passenger baggage, we would not object to different rates reflecting the actual or average weight in each service.

Accordingly, pursuant to section 102, 204(a), 403, 404, 801, and 1002 of the Federal Aviation Act of 1958:

1. We institute an investigation to determine whether the provisions set forth in Appendix A, and rules, regulations, or practices affecting such provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the tariff provisions specified in Appendix A are suspended and their use deferred from February 1, 1979, to and including January 31,

1980, unless otherwise ordered by the Board, and that no changes be made in them during the period of suspension except by order or special permission of the Board;

3. We shall submit this order to the President [2] and it shall become effective on January 30, 1979; and

4. Except to the extent granted herein, the complaints of DHL Corporation in Dockets 34197 and 34224 are dismissed; and

5. Copies of this order shall be filed with the tariffs and served on Pan American World Airways, Inc., and the DHL Corporation, which are hereby made parties to the investigation instituted above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A—TARIFF C.A.B. No. 55, ISSUED BY AIR TARIFFS CORP., AGENT

On 6th, 7th and 8th Revised Pages 32-B, Rule No. 16(A)(4), insofar as it would apply in foreign air transportation.

On 30th, 31st, 32nd, 33rd, 34th and 35th Revised Pages 46-F, the double dagger reference market shown in connection with PA and the explanation of that reference market, insofar as it would apply in foreign transporation.

On 1st Revised Page 74-A, Rule No. 42, insofar as it would apply in foreign air transporation.

[FR Doc. 79-3865 Filed 2-2-79; 8:45 am]

[6355-01-M]

COMMISSION ON CIVIL RIGHTS

MAINE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. to 9:30 p.m. on February 27, 1979, in the Augusta Civic Center, Augusta, Maine.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

[2] We submitted this order to the President on January 19, 1979.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3839 Filed 2-2-79; 8:45 am]

[6355-01-M]

MONTANA ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a press conference of the Montana Advisory Committee (SAC) of the Commission scheduled for February 6, 7, 1979 (FR Doc. 79-2347) on page 4750 time has been changed. The meeting held on February 6, 1979 will be at 7:00 p.m. to 10:00 p.m. and the meeting on February 7, 1979 will begin at 10:00 a.m. and will end at 12:00 p.m.

The place of the meeting will remain the same.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer

[FR Doc. 79-3836 Filed 2-2-79; 8:45 am]

[6355-01-M]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 12:00 p.m. to 2:00 p.m. on February 20, 1979, in the Federal Building, Manchester, New Hampshire.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3838 Filed 2-2-79; 8:45 am]

[6355-01-M]

OHIO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a press conference of the Ohio Advisory Committee (SAC) of the Commission will convene at 2:00 p.m. and will end at 3:00 p.m. on February 23, 1979, in the Federal Building, 55 Main Street, Room 3026, Cincinnati, Ohio 45206.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

This press conference is to release the report—Insurance Redlingin; Fact, Not Fiction.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3837 Filed 2-2-79; 8:45 am]

[6355-01-M]

VERMONT ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. and will end at 9:30 p.m. on February 28, 1979, in the Tavern Motor Inn, Montpelier, Vermont.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, New York 10007.

The purpose of this meeting is to discuss program planning.

Dated at Washington, D.C., January 30, 1979.

JOHN I. BINKLEY,
Advisory Committee Management Officer.

[FR Doc. 79-3840 Filed 2-2-79; 8:45 am]

[3510-25-M]

DEPARTMENT OF COMMERCE

DEPARTMENT OF AGRICULTURE, ET AL.

Consolidated Decision on Applications for Duty Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotimes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00425. APPLICANT: U.S. Department of Agriculture, Science and Education Administration, FR, Room 8, Building 200, ARC-East, Beltsville, Md. 20705. ARTICEL: LKB 2128-010 UM Ultrotome IV Ultramicrotome and accessories. MANUFACTURE: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies conducted on the morphology, histochemistry, and cytochemistry of cells and tissues of the reproductive organs of domestic farm animals, including ova sperm cells, gonads, and accessory organs, uterus, pituitary, and appropriate brain centers. Cell fractions from thses tissues (e.g., mitochondrial, nuclear, etc.) will be analyzed to determine composition and purity as corollary studies to biochemical investigations. Experiments will be conducted to determine the morphological-physiological response of reproductive cells and tissues to manipulations with various hormones and drugs. Cytochemical changes will be studied utilizing both thick and ultrathin sections. Responses of the reproductive cells to various methods of preservation will be investigated. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 14, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00427. APPLICANT: Yale University, Biology Department, Kline Biology Tower, New Haven, Conn. 06520. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome with LKB 14800-3 Cryokit and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The articel is intended to be used for studies of cell ultrastructure and intracellular localization of elements in: (a) Plant cells that undergo large rhythmic and light-regulated changes in turgor; 9b) protoplasts isolated from cereals and regenerating new walls; (c) cells of plants subjected to gravitational stimulation; (d) cells of plants subjected to environmental pollutants; (e) pathological and normal tissue from animals and plants. The article will also be used in the course Cell Biology by advanced students who are learning cryoultramicrotomy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 18, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00433. APPLICANT: Wayne State University, 540 East Canfield Avenue, Detroit, Mich. 48201. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for th study of a variety of mammalian tissues, organs, and glands in addition to isolated cells, membrane fragments, and other cellular components. Investigations will include ultrastructural studies of the effects of a variety of drugs on whole mammalian exorcrine glands, and dispersed glandular cell preparations, toxicological studies of agents affecting the liver cytochemical localization of enzymes in inner mitochondria membrane preparations and in isolated vas deferens membranes and ultrastructural changes induced by drugs or ionic shifts in cardiac muscel fibers. A workshop entitled "Basic Techniques in Electron Microscopy" is the instructional course in which this instrument will be used. the workshop is intended as an introducion to the techniques of specimen preparation and to the use of the electron microscope as a tool for studying bologicAl fine structure and various subcellular oganelles. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 22, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00436. APPLICANT: Veterans Administration Hospital, 3801 Miranda Avenue, Palo Alto, Calif. 94304. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for investigation of peripheral nerve, central white matter tracts and central neuropil as well as bony structures such as the labyrinth and spinal vertebrae. Experiments to be conducted will include ultrastructure and cytochemical studies on normal and pathological nerve cells, developmental studies on the nervous system and on muscle, and studies on membrane structure on both normal and pathological animals. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 29, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00437. APPLICANT: Northwest Community Hospital, 800 West Central Road, Arlington Heights, Ill. 60008. ARTICLE: LKB 2128-010 Ultrotome IV Ultramicrotome and accessories. MANUFACTURE: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies of biological materials, especially human tissues from surgically excised specimens, autopsy tissue, body fluids, and blood cells, bacteria and fungi. Many tumor specimens, as well as kidney and liver biopsies, will be sectioned. Ultrastructural studies o humn tissues, cells, or by products will be performed for the purposes of diagnosis of disease and elucidation of disease mechansism. This will probably include ultramicroscopic, histochemical, and immunologic techniques. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 22, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00438. APPLICANT: University of Colorado, Purchasing Services Department, Willard Administrative Center, No.160, Boulder, Colo. 80309. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Swenden. INTENDED USE OF ARTICLE: The article is intended to be used to section biological material (cells and tissues). The experiments to be conducted will consist of ultrastructure of normal and transformed cells and tissues with special emphasis on three-dimensional organization visualized through use of thick section in a high-voltage electron microscope. Ultimately experiments will concentrate on such visualization in frozen materials. In addition, the article will be used in the courses MCDB-132 Cell and Tissue Biology and MCDB-513 Advanced Topics in Electron Microscopy in hopes of increasing expertise in various research areas handled by electron microscopy and specimen sectioning. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 22, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH,

EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 78-00439. APPLICANT: Louisiana State University Center for Agricultural Sciences and Rural Development, Department of Plant Pathology and Crop Physiology, Life Science Building, Baton Rouge, La. 70803. ARTICLE: LKB 2088 Ultrotome B Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used to section plant material which is infected, healthy plant materials used as controls and insects which are involved in the infections process. These sections will be viewed with the electron micriscope to determine what the pathogen is, where it is loccated and what effect it has on the plant's ultrastructure. These studies will be constructed to indentify the pathogens ivolved in these plant diseases and to learn more about these pathogens. In addition, the article will be used in the coursees Plant Virology and Methods in Plant Pathology to furnish graduate level training in plant pathology. APPLICATION SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 79-00001. APPLICANT: Children's Hospital Medical Center, Department of Neuroscience, 300 Longwood Avenue, Boston, Mass. 02115. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for 1 μm and thin sectioning of developing and adult brain and retina; in particular for studies of neurological mutant mice. The experiments include studying the ultrastructure of cells in mice that contain mixtures of normal and diseased cells. The objective of these studies is to determine in which cell type that mutant gene is acting and whether the normal cells can help save the mutant cells. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: October 3, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

DOCKET NUMBER: 79-00002. APPLICANT: Hahnemann Medical College and Hospital, 230 North Broad Street, Philadelphia, Pa. 19102. ARTICLE: LKB 2088 Ultrotome V Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for the study of biologic materials from humans suffering from a variety of diseases and from experimental animals which serve as animal models for diseases. In addition, the article will be used for training of medical students, cytotechnicians and residents in pathology, and residents from other subspecialties in the use and application of electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: October 3, 1978. ADVICE SUBMITTED BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: January 4, 1979.

COMMENTS: No comments have been received with respect to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides a range of cutting speeds 0.1 to more than 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3797 Filed 2-2-79; 8:45 am]

[3510-25-M]

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Consolidated Decision On Applications for Duty Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301). (See especially § 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is avialable for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C in the Department of Commerce building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00410. APPLICANT: DHEW, NIH, NIDR, Laboratory of Biological Structure, 9000 Rockville Pike, Building 30, Room 211, Bethesda, Md. 20014. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and Accessories. MANFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for sectioning mineralized and demineralized tooth and bone, exocrine glands, and tissue culture cells which have been embedded in hardened epoxy resins. Studies will be conducted on the process of mineralization, exocrine gland structure and function, cytochemical studies on various cellular organelles, electron diffraction of mineralized tissues, and energy dispersive X-ray analysis of various tissues. The primary ob-

jectives of this research are to explore mechanisms controlling the process of mineralization of tissue and to investigate the interrelationships between the structure and function of exocrine glands. The article will also be used in teaching basic electron microscopy and cytochemistry to individuals within the laboratory. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 1, 1978. ADVICE SUBMITTED BY THE NATIONAL BUREAU OF STANDARDS ON: December 19, 1978.

DOCKET NUMBER: 78-00434. APPLICANT: National Eye Institute, Building 9, Room 1E118, National Institutes of Health, Bethesda, Md. 20014. ARTICLE: LKB 8800A Ultrotome III Ultramicrotome and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used in experiments concerned with understanding the functional organization of primate retina. These include identifying active and inactive synapses ultrastructural characteristics and various histochemical procedures. Understanding the functional organization of primate retina at the cellular level will be valuable in understanding human visual functioning and malfunctioning, which for many retinal diseases has its origins at the cellular level. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 29, 1978. ADVICE SUBMITTED BY THE NATIONAL BUREAU OF STANDARDS ON: December 26, 1978.

COMMENTS: No comments have been received with respect to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second.

The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70.00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, The National Bureau of Standards (NBS) advises in its respecively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign aricles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Sceintific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3798 Filed 2-2-79; 8:45 am]

[3510-25-M]

DIVISION OF HEALTH, LOUISIANA STATE CHEMICAL LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00411. APPLICANT: DHHR—Division of Health, Louisiana State Chemical Laboratory, 325 Loyola Ave., State Office Building, Room 827, New Orleans, Louisiana 70112. ARTICLE: Sample Fusion Rotary Burner. MANUFACTURER: Sasketchewan Research Council, Canada. INTENDED USE OF ARTICLE: The article is intended to be used for the study of uranium levels in drinking water.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: Two firms, one domestic, GEOCO, Inc. Golden, Colorado (GEOCO) and one foreign firm Sasketchewan Research Council, Saskatoon, Sasketchewan, Canada (Sasketchewan), offered to meet the applicant's technical requirements with comparable instruments. The National Bureau of Standards (NBS) advises in its memorandum dated November 22, 1978 that the bid response from the domestic manufacturer indicates ability to provide an instrument equivalent to the foreign article at a slightly greater price. The applicant makes no claim that there are any capabilities of the foreign article not available in the domestic instrument available from GEOCO. In reply to Question 8 of the application form which requires a listing of the differences between an available domestic instrument and the foreign article, the applicant alleges, "cost" is the pertinent feature of the foreign article.

The determination of scientific equivalency is based on a comparison of pertinent specifications of the instruments in question. However, as defined in § 301.2(n) of the regulations, the term "pertinent specifications" does not include cost of the instrument or apparatus. Accordingly, we find that cost of comparable domestic instrument cannot be a basis for duty-free entry.

For these reasons, we find that the domestic sample fusion rotary burner manufactured by GEOCO is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3789 Filed 2-2-79; 8:45 am]

[3510-25-M]

ILLINOIS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230

DOCKET NUMBER: 78-00448. APPLICANT: Illinois Institute of Technology, 3300 South Federal, Chicago, Ill. 60616. ARTICLE: TEA-103-2 Multimode CO_2 Laser with accessories. MANUFACTURER: Lumonics Research Ltd., Canada. INTENDED USE OF ARTICLE: The article is intended to be used for the study of gases which absorb 9-11m radiation produced by a CO_2 TEA laser and which have bond strengths less than about 60 kcal/mole. Experiments will be conducted to produce polyatomic free radicals under controlled conditions suitable for the study of their subsequent reactions.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides at least 15 joules per pulse. The National Bureau of Standards (NBS) advises in its memorandum dated December 29, 1978 that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3790 Filed 2-2-79; 8:45 am]

[3510-25-M]

MEDICAL COLLEGE OF WISCONSIN, INC. ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before February 25, 1979.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 A.M. and 5:00 P.M., Monday through Friday, in room 6886C of the Department of Commerce Building, 14th and Constitution Avenue, N.W. Washington, D.C. 20230.

DOCKET NUMBER: 79-00104. APPLICANT: The Medical College of Wisconsin, Inc., 8701 Watertown Plank Road, P.O. Box 26509, Milwaukee, WI 53226. ARTICLE: Jasco Model 500C Automatic Recording Spectropolarimeter. MANUFACTURER: Japan Spectroscopic Co., Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for circular dichroism spectroscopy of the following systems, and the changes therein induced by alterations in experimental parameters:

(a) The conformational attributes of proteins and synthetic polypeptides;

(b) The structure and function of heme proteins; and

(c) Complexes between drugs and nucleic acids.

The experimental approaches for each project are, respectively, (a) induction of the order-disorder transformations, (b) ligation and redox processes of the heme groups, and (c) characterization of the stability and specificity of drug-nuclei acid interactions. The article will also be used in the course Biochemistry 222, Protein Chemistry for training of Ph.D. candidates. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 3, 1979.

DOCKET NUMBER: 79-00105. APPLICANT: Department of the Interior, U.S. Geological Survey, Topographic Division, National Center (#526), 12201 Sunrise Valley Drive, Reston, VA 22092. ARTICLE: Stereoscopic Plotting System, Model G-6. MANUFACTURER: Officine Galileo, Italy. INTENDED USE OF ARTICLE: The article is intended to be used for studies of aerial photographs of the earth's surface used in stereopairs which permit accurate measurements of the earth's features. Investigations will be conducted to obtain information to permit compilation of data which may be combined to produce accurate topographic maps. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00106. APPLICANT: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. ARTICLE: Danfysik Model 262, Electrostatic Deflector Systems. MANUFACTURER: Danfysik, Denmark. INTENDED USE OF ARTICLE: The article is intended to be used for studies of radiation and ion implantation effects on specimens placed in a high voltage microscope. The article will be part of ion beam transport system between accelerator and high voltage microscope. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00107. APPLICANT: Geophysical Institute, C.T. Elvey Bldg., University of Alaska, Fairbanks, Alaska 99701. ARTICLE: Four(4) Recording Current Meters, Model 4 with 2105 Conductivity Sensor, Pressure Sensor, Temperature sensor, and Two (2) Aanderas tide recorders with pressure transducer to 20m. MANUFACTURER: Aanderas Instruments, Canada. INTENDED USE OF ARTICLE: The article is intended to be used for studies of the circulation under ice and in the cold waters of the Arctic Continental shelf off Alaska. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00108. APPLICANT: Rush-Presbyterian-St. Luke's Medical Center, 1753 West Congress Parkway, Chicago, Illinois 60612. ARTICLE: Electron Microscope, Model JEM 100CX and accessories. MANUFACTURER: JEOL Ltd.,

Japan. INTENDED USE OF ARTICLE: The article is intended to be used by students from the following three formal courses and also independent thesis research as an integral part of the educational program:

CE BIO 512—Scientific Basis of Electron Microscopy
CE BIO 522—Electron Microscopy Laboratory
CE BIO 531—Stereology
CE BIO 699—Independent Thesis Research

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00109. APPLICANT: Northwestern University, Chemistry Dept., Evanston, Illinois 60201. ARTICLE: Multigas Laser Kit, Model K-203-2 and accessories. MANUFACTURER: Lumonics Research, Canada. INTENDED USE OF ARTICLE: The article is intended to be used for research involving the vibrational excitation of polyatomic organic, organometallic, and inorganic molecules. The goal is to induce new kinds of chemical reactions (including those which are isotopically selective) and to elucidate the chemical and photophysical mechanisms by which they take place. Molecules will be excited (usually in the gas phase) under a variety of conditions, including at various pressures, laser energies and power levels, as well as in the presence of various reactants. Products of the ensuing chemical reactions will be studied by a range of physichemical (mass infrared, and fluorescence spectroscopy) and more classical (gas chromatography, wet chemistry) analysis techniques. This research will be carried out by graduate students as part of their Ph.D. thesis research. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

DOCKET NUMBER: 79-00110. APPLICANT: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. ARTICLE: WP-200 Nuclear Magnetic Resonance Spectrometer with Aspect 2000-i-Data System and Accessories. MANUFACTURER: Bruker Instruments, Inc., West Germany. INTENDED USE OF ARTICLE: The article is intended to be used to improve the resolution and sensitivity of a large number of experiments conducted by members of the Chemistry Department. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: January 9, 1979.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3796 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA LIVERMORE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00446. APPLICANT: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. ARTICLE: Thomson-CSF Model TSN 660 4 gigahertz oscilloscope and accessories. MANUFACTURER: Thomson CSF, France. INTENDED USE OF ARTICLE: The article is intended to be used for the study of very high-speed shock-wave physics. Some of the experiments to be conducted are: (1) Shock wave risetime experiments were fundamental viscosity measurments of metals under very high pressure can be measured and (2) fundamental physical measurements of the reaction-zone thickness in chemical explosives measured using laser interferometry with very fast detectors to measure the initial velocity of metal plant in contact with the explosive to be studied.

COMMENTS: No comments have been received with respect ot this application.

DECISION: Application approve. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides a risetime of ≤100 picoseconds. The National Bureau of Standards advises in its meorandum dated January 7, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3791 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA, LIVERMORE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00443. APPLICANT: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. Article: 2 Stage static-mixers centrifugal-separators with feed units and control systems, MEAB Model SISAK 2. MANUFACTURER: MEAB Metallextraktion AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for studies of the radioactive decay of short-lived (half lives of 10 sec. and less) fission products. Experiments to be conducted will consist of irradiation of U_{235} followed by a chemical purification to give one element. The isotope of interest is then observed by beta, gamma, and neutron spectroscopy. The elements of interest are those which give poor yield on mass separator instruments.

Objectives pursued in the course of these experiments are: (a) accurate measurement of half lives and absolute decay energies to help the Nuclear Regulatory Commission to establish standards for loss of core coolant in nuclear reactors.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: the foreign article is constructed of structural-Titanium (which permits operation with very corrosive liquids), has a small internal volume (15 milliliters) and provides for continuous separation. The National Bureau of Standards (NBS) advises in its memorandum dated December 27, 1978 that the combination of characteristics cited above are pertinent to the purposes for which the article is intended to be used. NBS further advises that it knows of no domestically manufactured instrument or apparatus that provides this pertinent combination.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc. 79-3792 Filed 2-2-79; 8:45am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA—LIVERMORE LABORATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8.30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00445. APPLICANT: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, calif. 94550. ARTICLE: Electronic Intensifying Streak/Framing Camera System, Model 790/520/ELC and accessories. MANUFACTURER: John Hadland Photographic Instrumentation Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to study shock-induced free surface motion and high-speed intensified flash X-ray diagnostics. Experiments to be conducted will include measurement of the thermodynamic properties of various materials under shock conditions, and measurements of the velocity-time history of material-air interfaces.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article is capable of providing framing capability to 2×10^7 frames/sec. and streak speeds as fast as 1 mm/nanosecond. The National Bureau of Standards advises in its memorandum dated January 2, 1979 that the specifications cited above are pertinent to the applicant's intended use and (2) it knows of no domestic instrument which provides a combination of streak/framing speeds comparable to those of the foreign article.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3793 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF CALIFORNIA—SAN FRANCISCO

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L 89-651, 80 Stat. 897) and the regulations issued therunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00419. APPLICANT: University of California, San Francisco, 1438 Harbour Way South, P.O. Box 4028, Richmond, Calif. 94804. ARTICLE: JASCO Automatic Recording Spectropolarimeter, Model J-500A and accessories. MANUFACTURER: Japan Spectroscopic Co., Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to investigate the circular dichroism spectra of peptides and proteins and their complexes with non-covalently bonded molecules. The objectives of the experiments conducted are to relate the circular dichroism spectra to the arrangement of molecular groups in three-dimensional space. In turn, the three-dimensional arrangement of molecular groups will be used to derive the basic molecular forces which stabilize the arrangement and the relationships between molecular arrangement and effect of the molecules on biological systems.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such puposes as this article is intended to be used, is being manufactured in the United States. REASONS: The foreign article provides capabilities for circular dichroism (cd) spectra and rapid switching between right and left polarized light (50,000 times/second). The Department of Health, Education, and Welfare advises in its memorandum dated January 4, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 1.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3794 Filed 2-2-79; 8:45 am]

[3510-25-M]

UNIVERSITY OF TEXAS SYSTEM CANCER CENTER, ET AL.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and

the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

DOCKET NUMBER: 78-00355. APPLICANT: The University of Texas System Cancer Center, 6723 Bertner, Houston, Tex. 77030. ARTICLE: Pulse cytophotometer, model ICP 21. MANUFACTURER: Phywe AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for the studies of cells from animals, including humans. Experiments to be conducted will involve treating the animal cells with different anticancer drugs and then determining the alterations in the cell's division cycle using the pulse cytophotometer that were caused by the drug. The objective pursued in the course of these investigations is to further impove chemotherapy of human cancer by selecting anticancer drugs based on their effects on the cell division cycle.

COMMENTS: No comments have been received with respect to this application.

DECISION: application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The article can achieve a coefficient of variation of 0.8% for stained DNA. The Department of Health, Education, and welfare advises in its memorandum dated December 20, 1978 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it know of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 79-3795 Filed 2-2-79; 8:45 am]

[3510-22-M]

HUBBS-SEA WORLD RESEARCH INSTITUTE

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit to import two Caspian seals (*Phoca caspica*) from USSR, issued to Hubbs-Sea World Research Institute on October 26, 1977, is modified in the following manner:

The period of validity of the Permit is extended from December 31, 1978, to December 31, 1979.

This modification is effective on February 5, 1978.

The Permit, as modified, and documentation pertaining to the modification is available in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven, Street, N.W., Washington, D.C.; and
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California, 90731.

Dated: January 31, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3850 Filed 2-2-79; 8:45 am]

[3510-22-M]

MARINE ANIMAL PRODUCTIONS, INC.

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Marine Animal Productions, Inc. (P108C).

b. Address: 150 Debuys Road, Biloxi, Mississippi 39531.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Atlantic bottlenose dolphins (Tursiops truncatus), 10. California sea lions (Zalophus californianus), 6.

4. Type of Take: To capture and maintain permanently in a facility.

5. Location of Activity: between Mobile Bay and the mouth of the Mississippi (dolphins) and on Channel Islands (sea lions).

6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 7, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California, 90731;
Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida, 33702; and
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930.

Dated: January 30, 1979.

WILLIAM ARON,
Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-3852 Filed 2-2-79; 8:45 am]

[3510-22-M]

MARINELAND COTE d'AZUR

Issuance of Permit To Take Marine Mammals

On December 13, 1978, Notice was published in the FEDERAL REGISTER (43 FR 58222), that an application had been filed with the National Marine Fisheries Service by Marineland Cote d'Azur, Route de Biot, 06600 Antibes, France, for a permit to take four (4) Atlantic bottlenose dolphins (*Tursiops truncatus*) for the purpose of public display.

Notice is hereby given that on January 18, 1979, as authorized by the pro-

visions of the Marine Mammal protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Public Display Permit for the above taking to Marineland Cote d'Azur, subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida 33702.

Dated: January 18, 1979.

WINFRED H. MEIBOHM,
National Marine Fisheries Service.

[FR Doc. 79-3849 Filed 2-2-79; 8:45 am]

[3510-22-M]

DAVID MATTILA ET AL.

Issuance of Permit

On December 18, 1978, Notice was published in the FEDERAL REGISTER (43 FR 58849), that an application had been filed with the National Marine Fisheries Service by David Mattila, 3558 South River Terrace, Edgewood, MD., 21037 and Nathalie F. R. Ward, Box 573, Woods Hole, MA., 02543, for a permit to take by harassment an unspecified number of humpback whales (*Megaptera novaeangliae*) in the waters off western Puerto Rico for the purpose of scientifc research.

Notice is hereby given that on January 30, 1979, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), the National Marine Fisheries Service issued a Permit to David K. Mattila and Nathalie F. R. Ward, for the above taking subject to certain conditions set forth therein.

Issuance of this Permit, as required by the Endangered Species Act of 1973, is based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of the permit; and (3) will be consistent with the purposes and policies set forth in Section 2 of the Endangered Species Act of 1973.

This Permit was also issued in accordance with, and is subject to, Parts 220 and 222 of Title 50 CFR, the National Marine Fisheries Service regulations governing endangered species permits (39 FR 41367, November 27, 1974).

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, Duval Building, St. Petersburg, Florida, 33702; and

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts, 01930.

Dated: January 30, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3848 Filed 2-2-79; 8:45 am]

[3510-22-M]

EDWARD C. MURPHY

Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:

a. Name: Edward C. Murphy, Agnes Anne Hoover

b. Address: 210 Irving Bldg., Univ. of Alaska Fairbanks, Alaska 99701.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seals (Phoca vitulina richardii), 1000.

4. Type of Take: to mark with paint or dye.

5. Location of Activity: Southeastern coast of the Kenai Peninsula, Alaska.

6. Period of Activity: 2 years.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before March 7, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: January 30, 1979.

WILLIAM ARON,
Director, Office of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-3851 Filed 2-2-79; 8:45 am]

[3510-22-M]

REFUGE MANAGER, SAN FRANCISCO BAY, NATIONAL WILDLIFE REFUGE COMPLEX

Issuance of Permit to Take Marine Mammals

On December 18, 1978, Notice was published in the FEDERAL REGISTER (43 FR 58849), that an application had been filed with the National Marine Fisheries Service by the Refuge Manager, San Francisco Bay, National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, 3849 Peralta Boulevard, Fremont, California 94536, for a scientific research permit to take 40 harbor seals (*Phoca vitulina*).

Notice is hereby given that on January 30, 1979, the National Marine Fisheries Service issued a scientific research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972, to the Refuge Manager subject to certain conditions set forth therein.

The Permit is available for review by interested persons in the following offices:

Assistant Administator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 30, 1979.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 79-3847 Filed 2-2-79; 8:45 am]

[3510-17-M]

Office of the Secretary

[Dept. Organization Order 10-12]

ASSISTANT SECRETARY FOR CONGRESSIONAL AFFAIRS

Statement of Organization, Function, and Delegation of Authority

This order effective January 4, 1979 supersedes the materials appearing at 40 FR 17772 of April 22, 1975 & 43 FR 12359 of March 24, 1978.

SECTION 1. PURPOSE

This Order prescribes the functions and responsibilities of the Assistant Secretary for Congressional Affairs.

SECTION 2. ADMINISTRATIVE DESIGNATION

The position of Assistant Secretary of Commerce, established under section 9 of Pub. L. 95-173 (15 U.S.C. § 1507b), is hereby continued as the Assistant Secretary for Congressional Affairs (the "Assistant Secretary"). The Assistant Secretary is appointed by the President, by and with the advice and consent of the Senate.

SECTION 3. FUNCTIONS AND RESPONSIBILITIES

The Assistant Secretary shall serve as the Secretary's principal assistant in matters pertaining to Congressional relations, and shall also serve as Departmental liaison for the exchange of information with Members of Congress. More specifically, the Assistant Secretary shall:

a. Serve as the focal point in the Department for the conduct of Congressional relations, and advice the Secretary on such matters; and

b. Ensure Departmental responsiveness to inquiries or requests for information, reports, or other assistance from Members of Congress or their staffs, except as otherwise provided for in Section 5 of this Order.

SECTION 4. ORGANIZATION

The Office of the Assistant Secretary shall consist of:

a. The Deputy Assistant Secretary for Congressional Affairs, who shall be the principal assistant of the Assistant Secretary and shall perform the functions of the Assistant Secretary during the latter's absence; and

b. Such other staff as the Assistant Secretary, in consultation with the Assistant Secretary for Administration, may determine to be necessary to carry out the functions prescribed by the Order.

SECTION 5. LIMITATION OF AUTHORITY

Nothing in this Order shall be deemed to affect either the responsibility of the Office of the General Counsel for the preparation of and furnishing to the Congress of the Department's legislative program, and for furnishing reports to the Congress on any proposed legislation; or the responsibility of the Office of the Assistant Secretary for Administration for presentation to the Congress of budget estimates and direct liaison with appropriations committees and their staffs.

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3841 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 30-2B]

NATIONAL BUREAU OF STANDARDS

Statement of Organization, Function, and Delegation of Authority

This order effective January 8, 1979 further amends the materials appearing at 43 FR 15473 of April 13, 1978 & 43 FR 43534 of September 26, 1978

Department Organization Order 30-2B dated March 8, 1978, is hereby further amended as shown below. The purpose of this amendment is to (1) delete the Supply Services Division within the Office of the Director, NBS/Boulder Laboratories, (2) revise the functional statement for the Institute for Computer Sciences and Technology, and (3) abolish divisions and establish centers as second level components within the Institute.

1. SECTION 9. OFFICE OF THE DIRECTOR, NBS/BOULDER LABORATORIES

In the last sentence of Section 9, the *Supply Services Division* is deleted. The sentence will now read as follows:

"Instruments Shops Division;
"Plant Division; and
"Administrative Services Division."

2. SECTION 10. IS REVISED TO READ AS FOLLOWS:

"SECTION 10. INSTITUTE FOR COMPUTER SCIENCES AND TECHNOLOGY

"The *Institute for Computer Sciences and Technology*, in accordance with Public Law 89-306 (40 U.S.C. 759), shall develop and recommend Federal Information Processing Standards and participate in the development of voluntary commercial ADP standards; conduct research in the science and technologies of automatic data processing, computers, and related systems; provide scientific and technical advisory services to the Office of Management and Budget and the General Services Administration to support the formulation of Federal automatic data processing policies; provide advisory services and technical assistance to other Government agencies; build and maintain competence in computer science and engineering necessary to carry out these programs; and collaborate with the National Measurement Laboratory and the National Enigineering Laboratory in carrying out the Institute's responsibilities.

"a. The *Center for Programming Science and Technology* shall maintain computer science and engineering competence and experimental facilities support in order to provide Federal computer system and software standards and related guidelines for use in evaluation and management of computer utilization. Technical areas include computer programming languages, operating systems, text editors, data base management systems, programming tools and other utility software, data elements and codes, computer security, system certification and validation, performance assurance, and evaluation techniques such as auditing, programming productivity measurement, workload characterization, and system performance measurement. The Center also shall: (1) provide Federal agencies with technology assessments and advisory services in these and related technical areas, and (2) provide the computer science research and technology base for the Federal ADP standards program.

"b. The *Center of Computer Systems Engineering* shall maintain computer science and engineering competence and experimental facilities support in order to provide Federal computer system and network standards and related guidelines for use in the procurement and operation of Federal computer systems and networks, and their hardware and software components. Technical areas include computer system and network architecture, network protocols, local networks and office systems, network measurement, computer system interfaces, data communications, data acquisition and storage, terminals and peripherals, data interchange media, network access control, and system specification languages and verification techniques. The Center also shall: (1) provide technology forecasts in these and related technical areas for use in establishing priorities for the standards program and for use by Federal agencies in their planning for future requirements; (2) provide advisory services for Federal agencies in these and related technical areas, and (3) provide the computer technology research and engineering base for the Federal ADP standards program."

3. The organization chart attached to this amendment supersedes the chart dated August 15, 1978. A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Approved:

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3846 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 22-3]

OFFICE OF CONSUMER AFFAIRS

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979

SECTION 1. PURPOSE

This Order establishes the Office of Consumer Affairs and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization Order 10-11 of December 6, 1978, the Office of Consumer Affairs is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of Consumer Affairs, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretary.

SECTION 4. FUNCTIONS

The Office of Consumer Affairs shall conduct the Department of Commerce's consumer affairs program and serve as a liaison and advisory organization on matters affecting consumer affairs activities of State, county, and municipal governments, and in the private sector. In this capacity, the Office shall:

a. Plan and coordinate the consumer affairs program throughout the Department to assure that consumer views are considered in policy development.

b. Provide ongoing advice and assistance to operating units, Secretarial Representatives, and the field network, in the development and implementation of consumer-related programs. Analyze policies, programs, legislative proposals, etc., and identify consumer issues; help to develop positions responsive to consumer concerns.

c. Maintain contact with consumer organizations and other public groups and develop mechanisms to facilitate consumer involvement in Department activities and decision-making.

d. Serve as the point of contact in the Department for consumer inquiries, complaints, and requests for assistance.

e. Coordinate the Department's consumer affairs activities with other Federal, State, county, and municipal government agencies.

f. Develop information and educational activities for consumers and business. Advise the business community on being more responsive to consumer needs.

g. Perform other functions as assigned by the Deputy Under Secretary.

Approved:

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3844 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 22-2]

OFFICE OF PROGRAM COORDINATION

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979.

SECTION 1. PURPOSE.

This Order is established the Office of Program Coordination and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization 10-11 of December 6, 1978, the Office of Program Coordination is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of Program Coordination, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretary.

SECTION 4. FUNCTIONS

The Office of Program Coordination shall function as a development, implementation, and analysis organization for the Department, for multiagency initiatives, policies, and services. In this capacity, the Office shall:

a. Assess, for the Deputy Under Secretary, matters affecting prospective lead and support roles of Departmental organizations when Commerce participation is required in interdepartmental groups.

b. As appropriate, serve as lead or staff unit on inter- or intra-Departmental task forces or groups concerned with program coordination and the development of new multi-agency service programs.

c. Assist operating units in the development of programs of services involving more than one unit, for the purpose of increasing the Department's effectiveness in accomplishing its responsibilities and goals.

d. As appropriate, coordinate or monitor the conduct of major Department programs, activities and services involving more than one operating unit to the end that the Department's activities are cohesive and supportive to each other.

e. Identify critical program issues and problems, based upon information provided from both internal and external sources, and design interagency response mechanisms.

f. Identify opportunities to improve the coordination of Commerce resources in the context of Departmental management practices.

g. Provide necessary support to the Secretarial Representatives and the Department's field structure in regard to their activities in the field for coordination with and support of the activities of other Federal agencies and those of State, county, and municipal governments and the private sector.

h. With the Offices reporting to the Assistant Secretaries for Administration and Policy, facilitate the incorporation of results from program coordination and development efforts and from multi-agency or Departmental initiatives, into standard Departmental practice and policy.

i. Perform other functions as assigned by the Deputy Under Secretary.

Approved:

GUY W. CHAMBERLAIN, Jr.
Acting Assistant Secretary for Administration.

[FR Doc. 79-3843 Filed 2-2-79; 8:45]

[3510-17-M]

[Dept. Organization Order 22-4]

OFFICE OF REGIONAL AFFAIRS

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979.

SECTION 1. PURPOSE

This Order establishes the Office of Regional Affairs and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization Order 10-11 of December 6, 1978, the Office of Regional Affairs is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of Regional Affairs, a Departmental office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretry.

SECTION 4. FUNCTIONS

.01 The Office of Regional Affairs shall function as the focal point in the Department, on behalf of the Secretary, for conducting the Secretarial Representative program, and for providing coordination, support, and general assistance to the Secretarial Representatives.

.02 There shall be ten Secretarial Representatives, one stationed in each of the ten Standard Federal Regional cities. The Secretarial Representatives shall serve as the personal representative of the Secretary to individuals and organizations and Departmental constituents in the Regions, and shall report to the Secretary through the Director, Office of Regional Affairs.

.03 The Secretarial Representatives shall:

a. Foster coordination among the Department's field operations to the ends that (1) the Department's activities are cohesive and supportive of each other, and (2) better serve Departmental goals and constituent needs.

b. Assure that the activities of the Department in the field are coordinated with and supportive of the activities of other Federal agencies and those of State, county, and municipal governments and the private sector.

c. Identify and analyze the needs of State, county, and municipal governments, the private sector, and other interested parties within the Region and foster the responsiveness of Department policies and programs to such needs.

d. Encourage agency initiatives to the end that Department field activities and programs fulfill the responsibilities and goals of the Department in responding to the needs and problems of State, county, and municipal governments and the private sector.

e. Assure that Department policies and programs are clearly understood by field personnel of the Department and by State, county, and municipal governments, the private sector, and other interested parties, and that all of the foregoing have the fullest opportunity to participate in the formulation of Department policies and programs.

f. Represent the Department on the Federal Regional Council, River Basin Commissions, and, in coordination with the Executive Director of the Interagency Council for Minority Business Enterprise, minority business opportunity committees located within their respective Regions.

g. Represent the Department on each Federal Executive Board within the Region, designating another representative of the Department as necessary for those Federal Executive Boards outside the Federal Regional city.

h. Plan, convene, and chair on a regular basis meetings of a Commerce Council composed of the highest ranking Department officials representing each Department unit in or serving the Region so as to facilitate the foregoing responsibilities. Report on the activities of the Commerce Council to the Secretary.

i. Make periodic reviews of the effectiveness of the Department's programs in meeting the needs of the Regions, and report the findings and recommendations of such reviews to the Secretary.

j. Provide the Secretary with information on developments and activities in the Regions, particularly on legislative, business, and economic issues which may affect the Department's programs in the Regions.

k. Provide support to the Deputy Under Secretary for coordination of Secretarial trips to the field.

.04 The Office and the Secretarial Representatives shall perform such other functions as the Secretary or the Deputy Under Secretary may from time to time direct.

Approved:

GUY W. CHAMBERLAIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3845 Filed 2-2-79; 8:45 am]

[3510-17-M]

[Dept. Organization Order 22-1]

OFFICE OF STATE AND LOCAL GOVERNMENT ASSISTANCE

Statement of Organization, Function, and Delegation of Authority

This order is effective January 8, 1979.

SECTION 1. PURPOSE

This Order establishes the Office of State and Local Government Assistance and prescribes its functions.

SECTION 2. ESTABLISHMENT

Pursuant to the authority vested in the Deputy Under Secretary by Department Organization Order 10-11 of December 6, 1978, the Office of State and Local Government Assistance is hereby established as a Departmental Office.

SECTION 3. STATUS AND LINE OF AUTHORITY

The Office of State and Local Government Assistance, a Departmental Office, shall be headed by a Director who shall report and be responsible to the Deputy Under Secretary.

SECTION 4. FUNCTIONS

The Office of State and Local Government Assistance shall function as a liaison and coordination organization on matters relating to the Department's programs for assisting State, county and municipal governments. In this capacity, the Office shall:

a. Provide a central point of contact and assistance for State, county, and municipal governments seeking assistance from Department of Commerce programs.

b. Provide and coordinate, through the Secretarial Representatives and the Department's field structure, outreach to officials in State, county and municipal governments to obtain information for the Department on their needs and concerns, to promote their involvement in significant Department policymaking and program development, and to keep them aware of Department resources, policies and programs.

c. Convene meetings of appropriate officials of State, county, and municipal governments to identify service needs and requirements; and, in cooperation with the Assistant to the Secretary, to comment on significant Departmental policy or programs.

d. As appropriate, identify and convene Department officials on significant matters of concern to officials of State, county, and municipal governments, which involve two or more operating units of the Department.

e. Coordinate the actions of two or more operating units concerning a significant problem or activity affecting State, county, and municipal governments.

f. Initiate responses or actions, in concert with the affected Department organizations, to meet State, county, and municipal government needs or to implement Department policies and goals; and to assist with the delivery of Departmental services to Regional Commissions.

g. As appropriate, serve as the lead or staff unit on inter- or intra-departmental task forces or groups concerned with State, county and municipal government assistance.

h. Perform other functions as assigned by the Deputy Under Secretary.

Approved:

GUY W. CHAMBERLAIN,
Acting Assistant Secretary for Administration.

[FR Doc. 79-3842 Filed 2-2-79; 8:45 am]

[3510-17-M]

Office of the Secretary

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. (1976)) and Office of Management and Budget Circular A-63 (Revised), and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Exporters' Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law. The Exporters' Textile Advisory Committee was initially established by the Secretary of Commerce on March 24, 1966. The Committee lapsed on April 5, 1977 and was reestablished on June 24, 1977.

The Exporters' Textile Advisory Committee, based on its members' experience and expertise in textile and apparel exporting, will continue to advise Department officials on the identification and surmounting of barriers to the expansion of textile exports, and on methods of encouraging textile firms to participate in export expansion. The Exporters' Textile Advisory Committee provides advice and information for Government officials who are seeking to stimulate expanding textile and apparel exports. Foreign governments' import rules and requirements are complex, extensive, and frequently changing. Exporters are the group most directly affected by these rules and quickly learn of their effects. They are best able to apprise the United States Government of the impact of foreign restrictions and other factors affecting textile exports. The functions of the Committee cannot be accomplished by any government organizational element or other committees.

The membership of the Committee will consist of approximately 30 members, appointed by the Secretary of Commerce. The Exporters' Textile Advisory Committee membership is associated with the textile and apparel exporting industry and consumer or public interest groups. Members are appointed by the Secretary of Commerce for two year terms to insure a balanced representation of the textile and apparel exporting industry and public interest views.

The Committee will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act. Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice.

Interested persons are invited to submit comments regarding the renewal of the Exporters' Textile Advisory Committee. Such comments, as well as any inquiries, may be directed to Mr. Arthur Garel, Director, Office of Textiles, Bureau of Domestic Business Development, Industry and Trade Administration, U.S. Department of Commerce, Wasington, D.C. 20230, telephone (202) 377-5078.

Dated: January 29, 1979.

GUY W. CHAMBERLAIN, Jr.,
Assistant Secretary for Administration.

[FR Doc. 79-3802 Filed 2-2-79; 8:45 am]

[3510-17-M]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Renewal

In accordance with the provisions of the Federal Advisory Committee Act, (5 U.S.C. App. (1976)) and Office of Management and Budget Circular A-63 (revised), and after consultation with the General Services Administration, the delegate of the Secretary of Commerce has determined that the renewal of the Management-Labor Textile Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of Commerce by law.

The Committee was initially established by the Secretary of Commerce on October 18, 1961, pursuant to a Presidential directive of October 18, 1961. Its purpose was and continues to be to advise Department officials on problems and conditions in the textile and apparel industry. The Committee furnishes information on world trade in textiles and apparel to officials in the Department of Commerce and to the Committee for the Implementation of Textile Agreements, the Textile Trade Policy Group, U.S. representatives to the General Agreement on Tariffs and Trade, and U.S. negotiators of textile agreements.

The Management-Labor Textile Advisory Committee advises the Government on the operation and effectiveness of textile agreements in order to prevent import disruption to the domestic market from imports. This advice enables Federal officials to take early action to insure effective operation. The information and recommendations of the Committee are not only essential to the effective functioning of the textile agreements but are invaluable to U.S. negotiators in developing new textile agreements. The Committee represents consumers and people from the industry directly affected by the textile program. It is essential that there be a mechanism for obtaining their views and advice. The Committee's functions cannot be accomplished by any government organizational element or other advisory committees.

The Committee will have balanced representation of approximately 40 members associated with the domestic textile and apparel industry, labor unions, and consumer or public interest groups. Members will be appointed by the Secretary of Commerce and serve two year renewable terms.

The Committee will continue to function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Copies of the Committee's revised charter will be filed with appropriate committees of the Congress, and a copy will be forwarded to the Library of Congress concurrent with the publication of this notice. Inquiries or comments may be addressed to Mr. Arthur Garel, Director, Office of Textiles, Bureau of Domestic Business Development, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5078.

Dated: January 29, 1979.

GUY W. CHAMBERLAIN, Jr.,
Assistant Secretary for Administration.

[FR Doc. 79-3803 Filed 2-2-79; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

DOD ADVISORY GROUP ON ELECTRON DEVICES

Notice of Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, New York, NY 10014, on 1 March 1979.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes,

solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout. In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this meeting of the Advisory Group on electron devices concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

JANUARY 31, 1979.

[FR Doc. 79-3858 Filed 2-2-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of December 1978

Notice is hereby given that during the month of December 1978, the Requests for Interpretation listed in the Appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Notice of subsequently received requests will be published at the end of each calendar month. Copies of the Requests for Interpretation listed herein are on file in DOE's Public Reading Room, Information Access Office, GA-152, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Interested parties may submit written comments on the listed interpretation requests within 30 days of the publication of this notice. Comments should be identified on the oustide envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 5134, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461, Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information, contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue, NW., Room 5138, Washington, D.C. 20461, (202) 633-9070.

JANUARY 29, 1979.

EVERARD A. MARSEGLIA, Jr.,
Acting Assistant General Counsel for Interpretations and Rulings, Office of the General Counsel.

APPENDIX.—*List of Requests for Interpretation Recieved by the Office of General Counsel*

[Month of December 1978]

Date received	Name and location of requestor	File No.
Dec. 4, 1978	Standard Oil Company (Indiana), Matthew Gallo, Standard Oil Company (Indiana), 200 East Randolph Drive P.O. Box 5910-14, Chicago, Illinois 60680. Issue: Do liquids recovered from the production of natural gas by means of a mechanical separation process conducted in the field qualify as lease condensate (10 CFR 211.51)? May a refiner include these liquids, which are imported as refinery feedstock, in its volume of crude oil runs to stills for purposes of the domestic crude oil allocation ("entitlements") program under 10 CFR 211.67?	A-363
Dec. 4, 1978	Red Triangle Oil Company, Tracy R. Kirkham, Cooper & Scarpulla, 300 Montgomery Street, San Francisco, California 94104. Issue: May Red Triangle treat the costs of providing certain services to its customers, which were previously borne by Gulf when Red Triangle operated under the Gulf brand, as increased product costs under 10 CFR 212.92?	A-364
Dec. 4, 1978	Texaco, Inc., Michael H. Rudy, Texaco, Inc., 2000 Westchester Avenue White Plains, New York 10650. Issue: Would Texaco's proposed changes in its agreements with Texaco credit card holders for the purchase of covered products from Texaco wholesalers and retailers constitute the imposition of more stringent credit terms than the credit terms in effect on May 15, 1973, within the meaning of 10 CFR 210.62(a)?	A-365
Dec. 12, 1978	Mustang Fuel Corporation, C. L. Sherburne, Mustang Fuel Corportion, 1100 First National Center East Oklahoma City, Oklahoma 73102. Issue: May Mustang Fuel recover increased costs attibutable to gathering line expenditures as processing costs pursuant to 10 CFR 212.165?	A-366
Dec. 12, 1978	Sabre refining, Inc. Douglas M. Johnson Sabre Refining, Inc. P.O. Box 2465 Bakersfield, California 93303. Issue: Must Sabre file amended forms P-110 (Refiners' Monthly Cost Allocation Report) to reflect gasoline brokerage transactions during a period in which Sabre was not a refiner of motor gasoline?	A-367
Aug. 7, 1978	Midland Cooperatives, Inc. Foster Hemstock Midland Cooperatives, Inc. 2021 East Hennipin Avenue Minneapolis, Minnesota 55413. Issue: What are the permissible mark-up costs that may be used in determining the maximum permissible selling prices for propane that is sold by Midland, a regional, wholesale supply cooperative, through various member cooperative operations? (10 CFR 212.93).	A-368

[FR Doc. 79-3829 Filed 2-2-79; 8:45 am]

[6450-01-M]

Office of Hearings and Appeals

CHEVRON U.S.A. INC.

Application for Exception; Public Hearing

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Public Hearing.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy (DOE) gives notices of a public hearing to be held in Washington, D.C. to receive comments with respect to an Application for Exception filed by Chevron U.S.A. Inc. (Chevron) on January 30, 1979, Case No. DEE-2135. In its submissions, Chevron requests relief from the provisions of 10 CFR 211.10 which requires that allocations of motor gasoline be determined by reference to volumes supplied during 1972, as adjusted. The purpose of this hearing is to provide interested persons an opportunity to make oral presentations regarding the basis for Chevron's request that exception relief be granted to Chevron which permits the firm to determine allocation levels on the basis of 1978 supply levels.

DATES:

HEARING: February 13, 1979.

Request to Speak: February 8, 1979.

ADDRESSES:
Request to Speak: Debra Kidwell, Office of Public Hearing Management, Box WS, 2000 M Street, NW., Room 2313, Washington, D.C. 20461, (202) 254-5201.

Hearing Location: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461.

Comments and Further Information to:

Thomas O. Mann, Associate Director, Office of Hearings and Appeals, 2000 M Street, NW., Room 8014, Washington, D.C. 20461, (202) 254-8606.

SUPPLEMENTARY INFORMATION: Currently pending before the Office of Hearings and Appeals is an Application for Exception filed by Chevron U.S.A. Inc. (Chevron) on January 30, 1979. In its Application for Exception, Chevron states that the firm's current supply of gasoline is insufficient to meet the needs of its customers. According to the Chevron submission, the DOE price regulations have held Chevron's gasoline prices at levels below those charged by other major oil companies. Chevron states that this situation has resulted in an increased demand for Chevron's products. Chevron indicates that until recently, it has had enough surplus gasoline available to meet both the growing demand for its 1972 base period purchasers and a substantial number of new customers, many of whom have no base period allocation with Chevron. However, Chevron claims that its surplus declarations in the next few months will not be sufficient to meet the increasing demand for its gasoline. According to the firm, if Chevron were required to allocate gasoline according to the 1972 base period, a hardship will result to those of its customers whose actual sales in 1978 far exceed their base period volumes, and to those new customers who have no base period allocation from Chevron.

Chevron contends that in order to equitably distribute its available supplies of gasoline until demand returns to normal levels, an exception should be granted which permits it to use an allocation method which more closely reflects current demand than the 1972 base period specified in § 211.102 of the DOE allocation regulations.

Since granting exception relief will affect the customers of Chevron and may have a precedential effect on other purchasers and suppliers, the DOE has determined that it would prove beneficial to convene a public hearing at which all interested parties will have an opportunity to make oral presentations regarding the merits of the underlying Chevron exception application.

Any party that wishes to make an oral presentation at the hearing should contact the individual whose name appears at the beginning of this notice by February 8, 1979. 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 February 9, 1979. The Director of the Office of Hearings and Appeals or his designee will preside at this hearing. Please submit 100 copies of the Proposed Statement by 4:30 p.m. on February 12, 1979.

At the hearing, representatives from Chevron will be afforded an opportunity to make an initial statement. Following those statements, interested parties, including customers affected by the exception application, will be permitted to make statements subject to reasonable time constraints. If any person wishes to ask a question of any 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 the time limitations permit it to be presented for an answer.

At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations. Any 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 entire record of the hearing will be retained by DOE and will be made 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 1:00 p.m. and 5:00 p.m., e.s.t., Monday through Friday. Issued in Washington, D.C., January 31, 1979.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

[FR Doc. 79-4099 Filed 2-2-79; 9:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1052-8]

ENVIRONMENTAL IMPACT STATEMENTS

Availability

AGENCY: Office of Federal Activities, Environmental Protection Agency.

PURPOSE: This Notice lists the Environmental Impact Statements which have been officially filed with the EPA and distributed to Federal Agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's Regulations (40 CFR Part 1506.9).

PERIOD COVERED: This Notice includes EIS's filed during the week of January 22 to 26, 1979.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this Notice is calculated from February 2, 1979 and will end on March 19, 1979. The 30-day wait period for final EIS's will be computed from the date of receipt by EPA and commenting parties.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this Notice you should contact the Federal agency which prepared the EIS. This Notice will give a contact person for each Federal agency which has filed an ESI during the period covered by the Notice. If a Federal agency does not have the ESI available upon request you may contact the Office of Federal Activities, EPA for further information.

BACK COPIES OF EIS'S: Copies of ESI's previously filed with EPA or CEQ which are no longer available from the originating agency are available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT:

Kathi Weaver Wilson, Office of Federal Activities, A-104, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-0780.

SUMMARY OF NOTICE: Appendix I sets forth a list of EIS's filed with EPA during the week of January 22 to 26, 1979 the Federal agency filing the EIS, the name, address, and telephone number of the Federal agency contact for copies of the EIS, the filing status of the ESI, the actual date the EIS, was filed with EPA, the title of the EIS, the State(s) and County(ies) of the proposed action and a brief sum-

mary of the proposed Federal action and the Federal agency EIS number if available. Commenting entities on draft EIS's are listed for final EIS's.

Appendix II sets forth the EIS's which agencies have granted an extended review period or a waiver from the prescribed review period. The Appendix II includes the Federal agency responsible for the EIS, the name, address, and telephone number of the Federal agency contact, the title, State(s) and County(ies) of the EIS, the date EPA announced availability of the EIS in the FEDERAL REGISTER and the extended date for comments.

Appendix III sets forth a list of EIS's which have been withdrawn by a Federal agency.

Appendix IV sets forth a list of EIS retractions concerning previous Notices of Availability which have been made because of procedural noncompliance with NEPA or the CEQ regulations by the originating Federal agencies.

Appendix V sets forth a list of reports or additional supplemental information on previously filed EIS's which have been made available to EPA by Federal agencies.

Appendix VI sets forth official corrections which have been called to EPA's attention.

Dated: January 31, 1979.

WILLIAM N. HEDEMAN, Jr.,
Director,
Office of Federal Activities.

APPENDIX I.—EIS'S FILED WITH EPA DURING THE WEEK OF JANUARY 22 TO 26, 1979

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 412A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Beaver-Marten-Vermilion Planning Unit, Kootenai National Forest, Sanders County, Mont., January 25: Proposed is a revised multiple-use land management plan for the Beaver-Marten-Vermilion planning unit in Kootenai National Forest, Sanders County, Montana. The plan recommends that 163,563 acres be managed for timber, esthetics, recreation, watershed, wildlife and range. An area of 45,923 acres which will remain unroaded will be managed for wildlife, recreation, esthetics and watershed. In total the project will affect approximately 209,486 acres of land which is divided into 14 management areas. (R1-01-14-79-05-USDA-FS-DES(ADM).) (EIS Order No. 90096.)

Final

Bull Run unit plan, Mt. Hood National Forest, Clackamas, Multnomah, and Hood River Counties, Mont., January 24: This statement refers to the Bull Run planning unit, Mt. Hood National Forest. The proposed action is to establish new direction for the management of the Bull Run Reserve in the counties of Clackamas, Multnomah, and Hood River. Under the proposed plan, the reserve would be managed to protect water quality as a domestic watershed for the city of Portland, while permitting other compatible activities. The areas outside the reserve would be managed for a variety of uses including timber harvest and recreation. (USDA-FS-FES(ADM)-76—16.) Comments made by: AHP, HUD, DOE, USDA, DOI, EPA, State and local agencies, groups and businesses. (EIS Order No. 90092.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

North Dakota-Saskatchewan Intertie, Transmission, Ward, Mountrail and Burke Counties, N. Dak., January 26: Proposed is the construction of 135 miles of 230 kV alternating current transmission line passing through the counties of Ward, Mountrail, and Burke, North Dakota. The line will be constructed from Basin Electric's Logan substation to the Montana-Dakota Utilities' substation at Tioga, Ward county, to a point on the Canadian border. This project would provide a seasonal interchange of 100 MW of power with Saskatchewan Power Corporation during peak conditions. (USDA-REA-DEIS(ADM) 78-7-D). (EIS Order No. 90100.)

Final

Cajun electric coal-fired power plant, Pointe Coupee Parish, La., January 24: Proposed is the construction and operation of a new steam electric generating facility by the Cajun Electric Power Cooperative. The project will be located at the Big Cajun No. 2 site, Pointe Coupee Parish, Louisiana. The principal features of the project are (1) a nameplate rating of 565 MW, (2) fuel obtained from two deposits of western sub-bituminous coal, (3) production of 4,300,000 lbs. per hour of steam, (4) limit oxides of nitrogen emissions to a maximum of 0.7 pounds per million Btu heat input, (5) particulate removal treatment, (6) water supplied from the Mississippi River, (7) tie-in lines from the switch-yard to existing distribution systems. (USDA-REA-EIS(ADM)-78-11-F.) Comments made by: HEW, DOI, EPA, COE, USDA, AHP, and State agencies. (EIS Order No. 90093.)

SOIL CONSERVATION SERVICE

Final

Bois D'Arc Bayou watershed plan, Little River County, Ark., January 22: Proposed is a watershed project for the Bois D'Arc Bayou located in Little River County, Arkansas. The planned works of improvement include conservation land treatment, 7.6 mile of channel work, 19.7 miles of associated onfarm measures, and a water-level control structure. The channel work will involve 0.1 mile clearing and debris removal within existing channels, 2.2 miles of new channel construction, and 5.3 miles of channel enlargement by excavation. Six alternatives were considered. (USDA-SCS-EIS-WS (ADM)-78-1-(D)AR.) Comments made by: HEW, DOI, DOC, AHP, EPA, and State agencies. (EIS Order No. 90087.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy, Atten: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington D.C. 20341 (202) 693-6795.

Draft

Toad Suck Ferry Lock and Dam, Arkansas River, Conway County, Ark., January 22: Proposed is the construction of a water supply impoundment to provide a water supply approximately equivalent to that existing prior to construction of the McClellan-Kerr Arkansas River navigation system for Conway County, Arkansas. The lake will be constructed on Cypress Creek along with an earthfill dam, a multiple-level outlet structure, a pipeline, and other appurtenant works. The surface area of the lake is to be approximately 1,165 acres with an average depth of 20.2 feet. (Little Rock district.) (EIS Order No. 90084.)

Eight Mile Creek basin flood control, Paragould, Greene County, Ark., January 22: Proposed is a flood control and recreation plan for a portion of the Eight Mile Creek basin near Paragould in Greene County, Arkansas. Features of the project consist of improving 11.4 miles of Eight Mile Creek and establishing a greenway along the entire length to be improved with incorporation of miniparks and hiking and biking trails into the greenway. The COE filed a draft EIS, No. 461401, dated 9-23-76, which is replaced by this revised draft. (Memphis district.) (EIS Order No. 90082.)

Draft

Red Run/lower Clinton River, flood control, Oakland County, Mich., January 22: Proposed is a major drainage and flood control plan for the Red Run drain and lower Clinton River in Oakland County, Michigan. Features of the plan will include various structural and non-structural methods including channel modification, floodway construction and flood plain regulation. Associated with the plan would be the construction of a boat launching facility and the disposal of excavated and dredged materials. Five alternatives are considered. (Detroit district.) (EIS Order No. 90083.)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern, Acting Director, Division of NEPA Affairs, Department of Energy, Mail Station E-201 GTN, Washington, D.C. 20545, (202) 376-5998.

Final

500 kV transmission line, Minnesota to Canada, several counties in Minn., January 23: Proposed is the construction and operation of a 500 kV single circuit transmission line traveling from a substation near Forbes and through the counties of Saint Louis, Itasca, Koochiching, Beltrami, and Lake of the Woods, Minnesota to a point on the U.S.-Canadian border, approximately three miles west of Marvin Lake, Roseau County, Minnesota. This transmission facility would permit the sale of electrical energy between the Northern States Power Company, the Minnesota Power Company and the Canadian Manitoba Hydroelectric Board. (DOE-EIS 0032.) Comments made by: COE, DOT, EPA, and businesses. (EIS Order No. 90088.)

GREAT LAKES BASIN COMMISSION

Contact: Mrs. Lee Botts, Chairman, Great Lakes Basin Commission, 3475 Plymouth Road, Ann Arbor, Michigan 48106, (313) 668-2300 FTS 8 378-2300.

Final

Maumee River Basin Study, serveral counties in the States of Michigan, Ohio, and Indiana, January 26: The proposed action involves the Maumee level B plan which includes provisions for the conservation, development, and use of water and related land resources consistent with the interests of the local citizens. The States of Michigan, Indiana, and Ohio, and the Nation. The plan preparation process was designed to fulfill the environmental impact analysis requirements of the National Environmental Policy Act. The proposed action proposes future programs to meet resource needs and problems needs and problems in the areas of land resources management, erosion and sedimentation, water quality, wildlife, hunting and flooding in the Maumee Bay. Comments made by: HUD, DOT, DOE, STAT, USAF, USCG, USDA, DOC, DOI, EPA, State and local agencies and individuals. (EIS Order No. 90103.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-6308.

Draft

Keegans Wood Development, Mortgage Insurance, Harris and Fort Bend Counties, Texas, January 22: Proposed is the issuance of HUD Home Mortgage Insurance for the Keegans Wood development in Harris and Fort Bend Counties, Tex. The project, when completed, will provide 989 dwelling units of primarily single-family/patio homes. The development will encompass approximately 206 acres of land with an expected population of 3,400 people. (HUD-R06-EIS-79-1D.) (EIS Order No. 90086.)

Draft

Easthill Subdivision, Bartlett City, Shelby County, Tenn., January 25: Proposed is the issuance of HUD Home Mortgage Insurance for the Easthill subdivision in northeast Shelby County, Tenn. The project will encompass approximately 6,024 dwelling units of mostly single-family homes and some townhouses. The development will be built on approximately 1159.6 acres. (HUD-R04-EIS-77-27D.) (EIS Order No. 90095.)

Final

Clayton Subdivision, Harris County, Tex., January 22: Proposed is the development of 511.5783 acres into a community composed of single-family homes in Harris County, Tex. The development will accommodate approximately 6,206 persons. (HUD-R06-79-45F.) Comments made by: EPA, COE, AHP, DOT, DOI, USDA, and State agencies. (EIS Order No. 90085.)

Final

Pheasant Creek Subdivision, Fort Bend County, Tex., January 24: Proposed is the approval of application for HUD home mortgage insurance by US Corporation of Stafford in conjunction with the development of Pheasant Creek Subdivision located in Fort Bend County, Tex. When completed the subdivision will encompass approximately 364 acres, and is expected to consist of approximately 1,273 dwelling units. As a planned community, Pheasant Creek will consist of single family homes, three unrestricted reserves, sites for a water plant and a recreation area. (HUD-R06-EIS-79-3F). Comments made by: EPA, AHP, DOT, DOI, USDA, State agencies. (EIS Order No. 90091.)

Springfield Subdivision, Mortgage Insurance, Harris County, Tex., January 26: Proposed is the issuance of HUD home mortgage insurance as applied for by the First General Realty Corporation of Houston for the Springfield Subdivision, located in Harris County, Tex. When completed the subdivision, which encompasses approximately 515.3 acres of land, is expected to consist of about 1,770 dwelling units. A total of 86 acres have been held in reserve for the following purposes: 1) commercial (office/retail) use, 2) recreation, 3) apartments, and 4) church facilities. (HUD-R06-EIS-IF-79). Comments made by: USDA COE, EPA, DOI, DOT, AHP, State and local agencies groups. (EIS Order No. 90098.)

Westland Creek Village Subdivision, Harris County, Tex., January 23: Proposed is the granting of HUD-FHA mortgage insurance for the development of the 628-acre Westland Creek Village Subdivision located in Harris County, Tex. The development will contain some 2,000 single family homes and 400 multi-family homes and shopping areas. (HUD-R06-EIS-79-2F). Comments made by: USDA, COE, DOI, EPA, DOT, AHP, State and local agencies groups and businesses. (EIS Order No. 90089.)

SECTION 104 (h)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104 (H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Brumps Bayou Drainage Project, Pine Bluff, Jefferson County, Ark., January 22: Proposed is the improvement of a major drainage canal known as Brumps Bayou in the City of Pine Bluff, Jefferson County, Ark. The drainage corridor extends from Hemlock Street along 9th and 8th Avenues, beneath US 79 and 6th Avenue through an industrial area, beneath the Martha Mitchell Expressway, and finally emptying into Lake Pine Bluff. The channel improvement would alleviater the 25-year frequency floods, with open and undeveloped areas used for the passage of flood flows. (EIS Order No. 90080.)

Final

Non-Metro Descretionary Fund Fiscal Year 1977, Macon County Ala., January 24: The proposed action is a request by Macon County, Alabama for community development block grant funds. This statement discusses a proposed project to provide a safe and reliable source of potable water to existing residents along a segment of US Highway 80. The project which is located southwest of the City of Tuskegee, Macon County, Ala., will involve the installation of 22,280 feet of 8 inch water main piping along the highway. The piping will carry water purchased from Tuskegee City and will be placed along the southern side of the highway within the public right-of-way. Comments made by: HUD, EPA, State and local agencies. (EIS Order No. 81011.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Bldg., Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF LAND MANAGEMENT

Draft

OCS Oil and Gas Lease Sale, No. 58A, Gulf of Mexico, January 26: Proposed is an oil and gas lease sale in the Western and Central Gulf of Mexico which includes 115 tracts located on the Outer Continental Shelf in Federal waters offshore of the States of Texas, Louisiana, Mississippi, and Alabama. These proposed tracts comprise approximately 545,255.4 acres ranging from 3-165 nautical miles from shore in water depths of 6-500 meters. Approximately 58% of the tracts are gas prone, and 38% are both oil and gas prone. (EIS Order No. 90099.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Richard E. Cunningham, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 396-SS, 301-427-4152.

Final

MOAB Uranium Mill, Operation, Grand County, Utah, January 25: Proposed is the continuation of source material license SUA-917 issued to Atlas Corporation for the operation of the Atlas Uranium Mill in Grand County, Utah, near MOAB. This authorizes a 600-ton (450-MT) per day acid leach circuit (for recovery of vanadium as well as uranium) and a 600-ton (450-MT) per day alkaline leach circuit (for other ores, including copper-bearing ores). The operation of the mill will not require the disturbance of additional lands beyond the approximately 200 acres presently committed to the project. (NUREG-0453) Comments made by: HEW, EPA, DOI, DOE, COE, DOT, USDA, AHP, State and local agencies groups. (EIS Order No. 90097.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Harry G. Moore, Jr., Acting Director, Division of Environmental Planning, Tennessee Valley Authority, 268 401 Building, Chattanooga, Tennessee 37401, 615-755-3161 FTS 854-3161.

Draft

Edgemount Uranium Mine, several counties in South Dakota, Wyoming, January 26: Proposed is the mining or uranium-vanadium deposits, by TVA through its operation, located in the southwestern Black Hills area of Fall River and Custer Counties in South Dakota and in Weston and Niobrara Counties in Wyoming. The mining will affect an area of approximately 101,000 acres of TVA owned land. The alternatives considered by TVA are: 1) siting, 2) mining techniques, and 3) reclamation. (EIS Order No. 90101.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street, S.W., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Final

Kentucky Turnike (I-65), Elizabethtown-Louisville, Jefferson, Bullitt, Hardin Counties, Ky., January 22: The proposed improvement encompasses the reconstruction and widening of the Kentucky Turnpike (I-65) from south of the western Kentucky Parkway at Elizabethtown, Kentucky to south of the Watterson Expressway at Louisville, Kentucky. The project extends approximately 40 miles in length and includes the addition of two lanes each way in Jefferson County and one lane each way in Bullitt and Hardin Counties. (FHWA-KY-EIS-77-01-F). Comments made by: DOT, DOI, HUD, HEW, EPA, USDA, State and local agencies, groups, and businesses. (EIS Order No. 90081.)

I-494, 24th Ave.—Mississippi River Bridge, Hennepin, Dakota, Counties, Minn., January 26: The proposed action provides for the construction of the only uncompleted section of the I-494/694 Beltway route that encircles the Twin Cities metropolitan area. This section would be approximately 11 miles long and would pass through the cities of Bloomington, Eagan, Mendota Heights, Inver Grove Heights, Sunfish Lake, and South St. Paul. The proposed section of I-494 will be a 6-lane divided freeway. It will begin near 24th Avenue in Bloomington and extend eastward to the Mississippi River Bridge in South St. Paul. (FHWA-MN-EIS-77-03-F.) Comments made by: USDA, HUD, DOC, DOI, USCG, FPC, EPA, State and local agencies, individuals and businesses. (EIS Order No. 90104.)

Final Supplement

The Appalachian Highway, GA-5, Gilmer County, Ga., January 25: This statement supplements a final EIS filed in April 1978, concerning construction of the Appalachian Highway in Georgia. The statement proposes new alignments for two sections on GA-5, of four-lane, class 1, rural free access highway in Gilmer County. The first section will be approximately 0.6 miles and will extend from 3 miles north of the Pickens/Gilmer County line to a point approximately 3.5 miles north of that line. The second section, a distance of 1.8 miles, extending from 4 miles north of the Ellijay city limits to a point approximately 6 miles south of the Gilmer/Fannin County line. (FHWA-GA-EIS-77-04-FS.) Comments made by: EPA, DOE, HEW, State and local agencies, groups and businesses. (EIS Order No. 90094.)

U.S. COAST GUARD

Final

Tampa South Crosstown Expressway—Extension to I-75, Hillsborough County, Fla., January 24: This plan proposes the express highway extension in Tampa, Hillsborough County, Fla. It will cover an 8.8-mile area and be a four lane, limited access, toll expressway. Federal permits will be required for several locations of the expressway and including bridges. The purpose of the extension is to improve traffic circulation, relieve traffic congestion, reduce travel time and increase safety. The major Federal action connected with the project is approval of bridges across four navigable waterways by the Coast Guard. Comments made by: DOT, USDA, HEW, AHP, DOC, EPA, DOI, State and local agencies. (EIS Order No. 90090.)

U.S. POSTAL SERVICE

Contact: Mr. Robert Coven, Director, Office of Program Planning, Real Estate and Building Department, U.S. Postal Service, Washington, D.C. 20260, (202) 245-4304.

Draft

San Jose Post Office Expansion Project, Santa Clara County, Calif., January 26: Proposed is the expansion of the San Jose main post office in Santa Clara County, Calif. The expansion would require relocation of the existing loading dock, parking area, landscaped space and the vehicle maintenance facility (VMF). The VMF would be relocated to a 7.3-acre site north of the present main post office site, and would be enlarged to 17,868 square feet. Six new service bays and additional office and storage space would be provided. The main post office building would be expanded to 274,932 square feet. (EIS Order No. 90102.)

[6560-01-C]

APPENDIX II

EXTENSION/WAIVER OF REVIEW PERIODS ON EIS'S FILED WITH EPA

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	WAIVER EXTENSION	DATE REVIEW TERMINATES
DEPARTMENT OF INTERIOR MR. BRUCE BLANCHARD, DIRECTOR ENVIRONMENTAL PROJECT REVIEW ROOM 4256 INTERIOR BLDG. DEPARTMENT OF THE INTERIOR WASHINGTON, D.C. 20240 (202) 343-3891	SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977 (SMCRA)	FINAL 90109	02/12/79	WAIVER	02/15/79

APPENDIX III

EIS'S FILED WITH EPA WHICH HAVE BEEN OFFICIALLY WITHDRAWN BY THE ORIGINATING AGENCY

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	DATE OF WITHDRAWAL
NONE				

APPENDIX IV

NOTICE OF OFFICIAL RETRACTION

FEDERAL AGENCY CONTACT	TITLE OF EIS	STATUS NUMBER	DATE NOTICE PUBLISHED IN FR	REASON FOR RETRACTION
NONE				

APPENDIX V

AVAILABILITY OF REPORTS/ADDITIONAL INFORMATION RELATING TO EIS'S PREVIOUSLY FILED WITH EPA

FEDERAL AGENCY CONTACT	TITLE OF REPORT	DATE MADE AVAILABLE TO EPA	ACCESSION NO.
NONE			

APPENDIX VI

OFFICIAL CORRECTION

FEDERAL AGENCY CONTACT	TITLE OF EIS	FILING STATUS ACCESSION NO.	DATE NOTICE OF AVAILABILITY PUBLISHED IN FR	CORRECTION
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT MR. RICHARD H. BROUN, DIRECTOR OFFICE OF ENVIRONMENTAL QUALITY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 451 7TH STREET, S.W. WASHINGTON, D.C, 20410 (202) 755-6308	CHELSEA NAVAL HOSPITAL URBAN RENEWAL PROJECT, CHELSEA, MASSACHUSETTS ABSTRACT: MASSACHUSETTS COUNTY: SUFFOLK PROPOSED IS THE REDEVELOPMENT AND RECONSTRUCTION OF THE CHELSEA NAVAL HOSPITAL SITE LOCATED IN THE CITY OF CHELSEA, SUFFOLK COUNTY, MASSACHUSETTS. THE PROGRAM INCLUDES: 1) A WATERSIDE PUBLIC PARK OF 26 ACRES; 2) CONSTRUCTION OF 1170 RESIDENTIAL UNITS INCLUDING 300 DUPLEX TOWNHOUSES, 570 MIDRISE APARTMENTS, 300 SUBSIDIZED ELDERLY APARTMENTS, AND PARKING FOR 700 CARS; 3) A MARINA FOR 250 BOATS AND A 350 SEAT RESTAURANT; AND 4) 200,000 SQUARE FEET OF INDUSTRIAL USE. (EPA ORDER # 81388)	DRAFT 81388	THE AVAILABILITY OF THIS DEIS SHOULD HAVE BEEN ANNOUNCED IN THE FR DATED NOVEMBER 21, 1978. THE SCHEDULED REVIEW PERIOD WILL TERMINATE ON JANUARY 5, 1979.

[FR Doc. 79-3906 Filed 2-2-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1051-4; OPP-66050]

PESTICIDE PROGRAMS

Intent To Cancel Registrations of Certain Pesticide Products

Pursuant to Section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136), firms listed below have requested that the Environmental Protection Agency (EPA) cancel the registrations of several pesticide products. Such cancellation shall be effective on or before March 7, 1979, unless the registrant or an interested person with the concurrence of the registrant, requests that the registration be continued in effect.

The Agency has determined that the distribution and sale of stocks of these products which were produced on or before the effective date of cancellation would not be inconsistent with the purposes of FIFRA and would not have an unreasonable adverse effect on the environment. Therefore, the distribution and sale of existing stocks of these products shall be permitted until the supply is exhausted or for one year after the effective date of cancellation, whichever occurs earlier: *Provided,* That these products shall be used only in a manner consistent with the label and labeling registered with EPA. Production of these products after the effective date of cancellation will be considered a violation of FIFRA.

Requests that the registration of these products be continued may be submitted in triplicate to the Process Coordination Branch, Registration division (TS-767), Office of Pesticide Programs, EPA, 401 M St., SW., Washington, D.C. 20460. Any comments filed regarding this notice of intended cancellation will be available for public inspection in the office of the Process Coordination Branch from 8:30 a.m. to 4:00 p.m. Monday through Friday.

The registrants concerned and the products affected by this action are listed below.

Dated: January 26, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

EPA register No.	Product name	Registrant
168-24	Paint Over Duracide	Entrada Industries, Inc., Wasatch Chemical Div., P.O. Box 6219, Salt Lake City, UT 84106.
218-445	Arcadian Kilmag	Allied Chemical Corp., P.O. Box 1057-R, Morristown, NJ 07960.
218-661	Allied Chemical Sodium Arsenate	Do.
239-2259	Ortho Telone Soil Fumigant	Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804.
1990-318	Co-Op Telone II Soil Fumigant	Farmland Industries, Inc., P.O. Box 7305, Kansas City, MO 64116.
6294-18	COM-O-Brush LV 20-10	Comet Mfg. Corp., 1381 Dalon Dr., N.E., Atlanta, GA 30306.
6294-19	COM-O-Brush LV Bush Killer	Do.
11656-31	Telone Soil Fumigant	Western Farm Service, Inc., 1025 Connecticut Ave., Suite 200, Washington, DC 20036.
29778-1	Bacton-10	Ronald L. Voda, Inc., 9119 Katy Freeway, Houston, TX 77024.

[FR Doc. 79-3742 Filed 2-2-79; 8:45]

[6720-01-M]

FEDERAL HOME LOAN BANK BOARD

[No. AC-52]

FIRST SAVINGS & LOAN ASSOCIATION, NEW BRUNSWICK, N.J.

Approval of Conversion Application (Final action)

JANUARY 31, 1979.

Notice is hereby given that on January 18, 1979, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. — approved the application of First Savings and Loan Association, New Brunswick, New Jersey, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the office of the Secretary of said Corporation, 1700 G Street, N.W., Washington, D.C. 20552 and the Office of the Supervisory agent of said Corporation at the Federal Home Loan Bank of New York, One World Trade Center, Floor 103, New York, New York 10048.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 79-3873 Filed 2-2-79; 8:45 am]

[1610-01-M]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on January 26, 1979. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB and FCC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before February 20, 1979, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of new Form 296B, Registration and Amendment under Part 296 of the Economic Regulations of the Civil Aeronautics Board. This form must be filed by every air freight forwarder and cooperative shippers association before the start of operations as an indirect air carrier, pursuant to Part 296 of the Board's Economic Regulations and Section 407 of the Federal Aviation Act of 1958, as amended. This form is a simplified application form for indirect cargo carriers (air freight forwarders, foreign air freight forwarders and cooperative shippers associations) and replaces the current detailed operating authorization application, Form 351. Respondents are estimated by CAB to number 400 and reporting burden is estimated to average 30 minutes per registration.

The CAB requests clearance of new Form 296R, Financial and Operating

Report for U.S. and Foreign Indirect Air Carriers. This form will be filed by air freight forwarders, foreign air freight forwarders and cooperative shippers associations pursuant to Part 296 of the Board's Economic Regulations and is mandatory under Section 407 of the Federal Aviation Act of 1958, as amended. This form combines and simplifies the reporting requirements for this class of carrier and supersedes CAB Forms 244 and 244A. The CAB estimates respondents will number approximately 400 and that reporting burden will average 30 minutes per annual report.

FEDERAL COMMUNICATIONS COMMISSION

The FCC requests clearance of revisions to Form 730, Application for Registration of Equipment to be Connected to the Telephone Network. Form 730 is required by Part 68 of the FCC Rules and Regulations and is being revised to facilitate the processing of the requested information. The form is used by equipment manufacturers to provide data and information to obtain registration of telephone equipment. The form is used by the Commission to assist in making a determination that such equipment will not cause harm to telephone networks. FCC estimates there are approximately 900 respondents who complete the form annually and that respondent burden averages 24 hours per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc. 79-3856 Filed 2-2-79; 8:45 am]

[6820-24-M]

GENERAL SERVICES ADMINISTRATION

[Temporary Regulation F-480]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent in conjunction with the Administrator of General Services the interests of the executive agencies of the Federal Government in a service reduction proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commissions of Alabama, Kentucky, Mississippi, and Tennessee involving the application of South Central Bell Telephone Company for obsolescence of Series 5000 TELPAK Service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 24, 1979.

[FR Doc. 79-3779 Filed 2-2-79; 8:45 am]

[6820-24-M]

[Temporary Regulation E-55]

FEDERAL PROPERTY MANAGEMENT REGULATIONS

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent in conjunction with the Administrator of General Services the interests of the executive agencies of the Federal Government in an electric rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arkansas Public Service Commission involving the application of the Arkansas Power and Light Company for an increase in its rates for electric service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of General Services.

JANUARY 24, 1979.

[FR Doc. 79-3780 Filed 2-2-79; 8:45 am]

[4110-02-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COMMITTEE ON BLACK HIGHER EDUCATION AND BLACK COLLEGES AND UNIVERSITIES

Meeting

AGENCY: National Advisory Committee on Black Higher Education and Black Colleges and Universities.

ACTION: Notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of the ninth meeting of the National Advisory Committee on Black Higher Education and Black Colleges and Universities. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1). This document is intended to notify the general public of their opportunity to attend.

DATE: March 5 and 6, 1979, 9:00 a.m. to 5:00 p.m.

ADDRESS: Dillard University, International Room, Dent Hall, 2601 Gentilly Boulevard, New Orleans, Louisiana 70122.

FOR FURTHER INFORMATION CONTACT:

Ms. Carol J. Smith, Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities, Room 4913, ROB-3, 400 Maryland Avenue, SW., Washington, D.C. 20202, AC 202-245-2825 or 245-2352.

The National Advisory Committee on Black Higher Education and Black Colleges and Universities is governed by the provisions of Part D of the General Education Provisions Act (Pub. L. 90-247 as amended; 20 U.S.C. 1233 et seq.) and the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees.

The Committee is directed to advise the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee shall examine all approaches to higher education of Black Americans as well as the

needs of historically Black colleges and universities.

The meeting on March 5 and 6, 1979, will be open to the public beginning at 9:00 a.m. and ending 5:00 p.m. each day. The meeting will be held at Dillard University, International Room, Dent Hall, 2601 Gentilly Boulevard, New Orleans, Louisiana 70122.

The proposed agenda will include review of staff reports on (1) access of Black Americans to higher education and (2) institutional diversity; status of commissioned research; recommendations on reauthorization of higher education legislation, and discussion of Blacks in two-year institutions; and plan for the forthcoming 1978 Annual Report.

Interested individuals and/or organizations are invited to address the Committee regarding its mandate. Two hours have been set aside on the morning of Tuesday, March 6, 1979, for this purpose. Individuals/organizations desiring to be placed on the Agenda should notify the Program Delegate, Ms. Carol J. Smith, on or before COB February 19, 1979.

Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the National Advisory Committee on Black Higher Education and Black Colleges and Universities located 7th and D Streets, SW., Room 4913, ROB-3, Washington, D.C.

Signed at Washington, D.C. on January 31, 1979.

CAROL J. SMITH,
Program Delegate, National Advisory Committee on Black Higher Education and Black Colleges and Universities.

[FR Doc. 79-3863 Filed 2-2-79; 8:45 am]

[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Dr. Wilbur J. Gunier, 316 South Williams, Moberly, Missouri 65270.

The applicant requests a permit to capture gray bats (*Myotis grisescens*) for banding and release for scientific research.

Humane care and treatment has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3745. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

FR Doc. 79-3891 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: John S. Kessler, U.S. Army Corps of Engineers, Louisville District, Taylorsville, Kentucky 40071.

The applicant requests an amendment to his present permit for scientific research with Indiana bats (*Myotis sodalis*) to salvage and take for identification and release or vouchering the following species at locations or projects of interest to his agency: gray bat (*Myotis grisescens*), fat pocketbook pearly mussel (*Potamilus capax*), Higgenseye pearly mussel (*Lampsilis higginsi*), orange-footed pimpleback mussel (*Plethobasis cooperianus*), pink mucket pearly mussel (*Lampsilis o. orbiculata*), rough pig toe pearly mussel (*Pleurobema plenum*), Sampson's pearly mussel [*Epioblasma* (=*Dysnomia*) *sampsoni*], tuberculed-blossom pearly mussel [*Epioblasma* (=*Dysnomia*) *t. torulosa*], white cats paw pearly mussel [*Epioblasma* (=*Dysnomia*) *sulcata delicata*], and white warty-back pearl (*Plethobasis cicatricosus*).

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

This application has been assigned file number PRT 2-2249. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

LARRY LAROCHELLE,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3892 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Earl and Olive Lippoldt, P.O. Box 2067, South Parde Island, Texas 78597.

The applicant requests a permit to take Atlantic ridley (*Lepidochelys kempi*) leatherback (*Dermochelys coriacea*) and hawksbill (*Eretmochelys imbricata*) sea turtles for the purpose of enhancement of survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Services, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3340. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3893 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED AND THREATENED SPECIES PERMIT

Receipt of Application

Applicant: North Carolina State Office of Marine Affairs, Department of Administration, 116 West Jones Street, Raleigh, North Carolina 27611.

The applicant requests a permit to take sick or injured hawksbill (*Eretmochelys imbricata*), leatherback (*Dermochelys coriacea*) and Atlantic ridley (*Lepidochelys kempi*) sea turtles for the purpose of enchancement of survival through rehabilitation, and to take up to six green (*Chelonia mydas*) and eighteen loggerhead (*Caretta caretta*) sea turtles for zoological exhibition and educational purposes.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3605. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3887 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipts of Application

Applicant: Dr. Charles van Riper III P.O. Box 54, Hawaii Volcanoes National Park, Hawaii 96718.

The applicant requests a permit to capture Palila (*Psittirostra bailleui*) on Mauna Kea, Hawaii, with mist nets for banding, measurement, and release for scientific research.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N Glebe Road, Arlington, Virginia, or by writing to the Directory, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3726. Interested persons may comment on this application by submitting written date, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

LARRY LAROCHELLE,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3895 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

The applicant requests a permit to export one (1) male captive-bred Przewalski's horse, *Equus przewalskii*, from San Diego, California to the Leipzig Zoo, German Democratic Republic for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO) Washington, D.C. 20240.

This application has been assigned file number PRT 2-3594. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 23, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

FR Doc. 79-3894 Filed 2-2-79; 8:45 am]

[4310-55-M]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Utah Division of Wildlife Resources, 1596 West North Temple, Salt Lake City, Utah 84116.

The applicant requests an amendment to their endangered species permit PRT 2-458 to take (capture) bald eagles (*Haliaeetus leucocephalus*) within the state of Utah for banding and release for scientific research.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

This application has been assigned file number PRT 2-458. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before March 7, 1979. Please refer to the file number when submitting comments.

Dated: January 31, 1979.

LARRY LA ROCHELLE,
Acting Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3896 Filed 2-2-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive-Self Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR § 17.11 as T(C/P). Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, USFWS, WPO, Washington, D.C. 20240. Interested persons may comment on these applications on or before March 7, 1979, by submitting written data, views, or arguments to the Director at the above address.

Applicant: J. Richard Coffing, R.R. No. 1, Roann, Indiana; PRT 2-3689; Species: all pheasants.

Applicant: Lee Richardson Zoo, Box 499, Garden City, Kansas; PRT 2-3709; Species: all pheasants.

Applicant: James W. Nash, Box 1238, Bonners Ferry, Idaho; PRT 2-3710; Species: all pheasants.

Applicant: Hiram Adams, Jr., 24595 Middlebelt, New Boston, Michigan; PRT 2-3703; Species: all pheasants.

Applicant: Virgil M. House, 22135 W. Baseline, Beaverton, Oregon; PRT 2-3748; Species: all pheasants.

Applicant: Richard A. Wollison, 1621 64th St. CRT E., Bradenton, Florida; PRT 2-3759; Species: all pheasants.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3889 Filed 2-2-79; 8:45 am]

[4310-55-M]

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: Charles and Cynthia McGehee, 539 Avacado Circle, Brandon, Florida 35116.

The applicant wishes to apply for a Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of cats listed in 50 CFR § 17.11 as T(C/P). Human shipment and care in stransit is assure.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-3690. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: January 30, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office, Fish and Wildlife Service.

[FR Doc. 79-3888 Filed 2-2-79; 8:45 am]

[4310-55-M]

RECEIPT OF APPLICATION FOR PERMIT

Notice is hereby given that an Applicant has applied in due form for a Permit to take polar bears as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and importing of Marine Mammals (50 CFR Part 18).

1. Applicant: a. Name Director; b. Address National Fish and Wildlife Laboratory, National Museum of Natural History, Washington, D.C. 20560.
2. Type of Permit: Scientific research.
3. Name and Number of Animals: Polar bear (*Ursus maritimus*), 200 annually.
4. Type of Activity: Capture and release.
5. Location of Activity: North and west coast of Alaska, Beaufort and Chukchi Seas and high seas adjacent to them.
6. Period of Activity: 3 years.

The purpose of this application is to capture by tranquilizing, marking by painting and tattoo, extraction of a premolar tooth for age determination, measure, mount radio transmitters on 55 adults, and release for the purpose of determining if discrete populations exist, identify critical denning areas and elucidate population dynamics.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Federal Wildlife Permit Office is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

The application has been assigned file number PRT 2-3724. Written data or views, or requests for copies of the complete application or for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240, on or before March 7, 1979. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Director.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the United States Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia.

Dated: January 31, 1979.

DONALD G. DONAHOO,
Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 79-3890 Filed 2-2-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[NM 35757]

NEW MEXICO

Application

JANUARY 26, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Company of New Mexico has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 13 W.,
Sec. 20, SE¼SE¼.

This pipeline will convey natural gas across 0.051 of a mile of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-3875 Filed 2-2-79; 8:45 am]

[4310-84-M]

[NM 35835, 35836]

NEW MEXICO

Applications

JANUARY 26, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 No., R. 7 W.,
Sec. 1, SW¼ SE¼;
Sec. 12, NW¼NE¼;
Sec. 22, NW¼SE¼.

These pipelines will convey natural gas across 0.629 of a mile of public lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the Disrtrict Manager, Bureau of Land Management, P. O. Box 6770, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-3867 Filed 2-2-79; 8:45 am]

[4310-10-M]

Office of the Secretary

OUTER CONTINENTAL SHELF ADVISORY BOARD POLICY COMMITTEE, SOUTH ATLANTIC REGION

Agenda for Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act. Pub. L. No. 92-643, 5 U.S.C. App. I and the Office of Management and Budget's Circular No. A-63, Revised.

The South Atlantic Regional Policy Committee will meet on February 26, 1979, from 9:30 a.m. to 3:30 p.m. at the DeSoto Hilton in Savannah, Georgia.

The meeting will cover the following principal subjects:

(1) Proposed 5-Year Leasing Program for the South Atlantic Area.
(2) Revised OCS Advisory Board Charter.
(3) Review of Exploration Activities in Sale #43 Area.
(4) Regional Oil Spill Response Plan for the South Atlantic Area.
(5) Environmental Studies in the South Atlantic.

The meeting is open to the public. Interested persons may make oral or written presentations to the Board.

Such requests should be made by February 16 to the South Atlantic Chairman:

Lowell Evjen, Director, Office of Planning and Budget, 270 Washington Street, SW., Atlanta, Georgia 30334, 404-656-3861.

Minutes of the meeting will be available for public inspection and copying 6 weeks after the meeting at the Office of OCS Program Coordination, Room 4126, Department of the Interior, 18th & C Streets, NW., Washington, D.C.

ALAN D. POWERS,
Director, Office of OCS Program Coordination.

JANUARY 29, 1979.

[FR Doc. 79-3868 Filed 2-2-79; 8:45 am]

[4310-84-M]

Bureau of Land Management

[INT FES 79-5]

PROPOSED LIVESTOCK GRAZING MANAGEMENT IN THE SEVEN LAKES AREA, SOUTH CENTRAL WYOMING, RAWLINGS DISTRICT, WYO.

Availability of Final Environmental Statement

Pursuant to Section 102 (2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, has prepared a final environmental statement on proposed livestock grazing management in the Seven Lakes area of south-central Wyoming, and has made copies of the document available for public inspection.

The final statement analyzes environmental impacts that would result from the implementation of the grazing systems in three (3) proposed allotments providing for livestock grazing management and use of available forage on approximately 512,800 acres, including necessary range improvements. The statement further analyzes the environmental impacts that would result from the implementation of each of seven (7) alternatives to that proposal.

Copies of the final statement are available for inspection at the following locations:

Bureau of Land Management, Rawlins District Office, 1300 Third Street, Rawlins, WY 82301.
Bureau of Land Management, Rock Springs District Office, Highway 187 North, Rock Springs, WY 82901.
Bureau of Land Management, Casper District Office, 7 Union Boulevard, Casper, WY 82601.
Bureau of Land Management, Worland District Office, 1760 Robertson Avenue, Worland, WY 82401.
Bureau of Land Management, Lander Resource Area, Highway 287 South, Lander, WY 82520.
Bureau of Land Management, Wyoming State Office, Branch of Records & Data Management, 2515 Warren Avenue, Cheyenne, WY 82001.
Coe Library, University of Wyoming, University Station, Box 3334, Laramie, WY 82071.
Library, Western Wyoming Community College, 2500 College Drive, Rock Springs, WY 82901.
Rock Springs Public Library, 400 C Street, Rock Springs, WY 82901.
Fremont County Library, 451 North Second Street, Lander, WY 82520.
Carbon County Public Library, Court House, Rawlins, WY 82301.
Saratoga Public Library, 104 West Elm, Saratoga, WY 82331.
Encampment Branch Library, Encampment, WY 82325.
Albany County Public Library, 405 Grand Avenue, Laramie, WY 82070.
Casper College Library, 125 College Drive, Casper, WY 82601.
Laramie County Library, 2800 Central Avenue, Cheyenne, WY 82001.
Library of Natrona County, 307 East Second, Casper, WY 82601.
Library, Laramie County Community College, 1400 East College Drive, Cheyenne, WY 82001.
Wyoming State Library, Government Publications, Supreme Court & State Library Building, Cheyenne, WY 82002.

Single copies of the final statement can be obtained from the Team Leader, Bureau of Land Management, Seven Lakes Environmental Statement, P.O. Box 670, Rawlins, Wyoming 82301; or the State Director (952), Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: January 31, 1979.

ARNOLD E. PETTY,
Acting Associate Director.

[FR Doc. 79-3854 Filed 2-2-79; 8:45 am]

[7020-02-M]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-52]

CERTAIN APPARATUS FOR THE CONTINUOUS PRODUCTION OF COPPER ROD

Commission Determination Amending Complaint and Notice of Investigation

Background. On April 11, 1978, Southwire Company filed a complaint which led to the institution of this investigation on May 15, 1978 (43 FR 21951 (May 22, 1978)). On November 3, 1978, complainant Southwire Company moved, pursuant to Commission rule 210.20(d) (19 CFR 210.20(d)), to amend its complaint (Motion 52-68) to include a charge of infringement of U.S. Patent No. 4,129,170 (hereinafter the '170 patent). Complainant had been informed by the U.S. Patent and Trademark Office on October 17, 1978 that the patent application under consideration would issue on December 12, 1978. The patent in fact issued on December 12, 1978, and a copy was filed with the Commission on January 10, 1979. The investigation, as instituted by the Commission, is based on allegations of patent infringement and misuse of patents owned by complainant involving apparatus for the continuous production of copper rod. In addition, allegations have been made that complainant's know-how and trade secrets have been misappropriated by respondents.

On December 7, 1978, Administrative Law Judge Saxon recommended that the Commission grant complainant's motion and amend the notice of investigation accordingly.

Commission determination. Having considered the recommendation of the Administrative Law Judge and the submissions of the parties, the Commission DETERMINES that complainant here shows good cause for amendment to the complaint and that amendment would not prejudice the interests of the public and the rights of the parties (rule 210.20(d)). Thus, the complaint and the notice of investigation are amended in accordance with the proposed amended complaint attached to Motion 52-68, so as to add an allegation of violation of section 337 by reason of infringement of U.S. Letters Patent No. 4,129,170, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States.

Opinion. Complainant's motion was made under Commission rule 210.20(d), which states:

(d) Amendment of complaint. The complaint may be amended at any time prior to the institution of the investigation, and, after institution, may be amended for good cause shown upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation by a change in the scope of the investigation which results from such amendment.

The Administrative Law Judge recommended granting the motion and certified the motion to the Commission pursuant to Commission rule 210.22.

Respondents oppose the motion to amend on the grounds that (1) the Commission lacks authority to investigate infringement of this newly issued patent; (2) the complainant has failed to show "good cause" to allow the amendment of the complaint; and (3) this amendment will result in respondents' being prejudiced in the preparation of the defense of this investigation.

Imports occurring after the issue date of this patent could be in violation of section 337, and the Commission has the authority to investigate such possible violation. If the petitioners had alleged the infringement of their patent rights prior to issuance of their patent, the matter would have been premature since there is no provision whereby a complainant may request the Commission to act to restrain acts which would infringe a pending patent application. However, the patent has now been issued and the question of its infringement is properly before the Commission.

Complainant has fulfilled the "good cause" requirements of Commission rule 210.20(d) governing amendment of complaint. The amendment of the complaint and notice of investigation will allow all the issues related to the alleged unfair acts of respondents to be resolved in one investigation. To require the Commission to commence a separate investigation of the '170 patent would result in needless expenditure of time, funds, and energy by the parties and the Government. We therefore find there is good cause to amend the complaint and notice of investigation. Respondents claim that the addition of a new allegation of patent infringement at this stage of the investigation will leave them in a position of being unable to conduct full discovery and unable to fully prepare for hearings. We find respondents' claim of prejudice unconvincing since the '170 patent is closely related to the subject matter of this investigation. A second investigation of the same subject matter would cause unnecessary expense, delay, uncertainty, and duplication of effort. The parties here, as well as the Commission, have an interest in the speedy and economical resolution of this matter; this interest will be protected by allowing the investigation to cover this patent, which is so closely related to the patent presently involved in this investigation. Respondents' interest in and rights to full discovery are adequately protected, as pointed out by Judge Saxon:

> Since the Commission designated this a more complicated investigation, there will be additional time available for discovery, and respondents will not be precluded from a fair hearing because of a need for extensive discovery.

Furthermore, Judge Saxon has ordered that full discovery on the '170 patent proceed during Commission consideration of the proposed amendment.

Since there is authority for the Commission to consider the alleged infringement of this new patent and since good cause exists to allow the amendment and since there will be no prejudice to other parties or the public, the Commission grants the motion to amend the complaint.

Issued: January 31, 1979.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc. 79-3910 Filed 2-2-79; 8:45 am]

[4410-09]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 78-20]

JAMES HANCOCK McCONKEY, N.D., SPRINGFIELD, OREG.

Hearing

Notice is hereby given that on September 19, 1978, the Drug Enforcement Administration, Department of Justice, issued to James Hancock McConkey, N.D., Springfield, Oregon, an Order to Show Cause as to why the Drug Enforcement Administration should not deny respondent's application for registration as a practitioner under the Controlled Substances Act.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 9:30 a.m. on Tuesday, February 13, 1979, in Courtroom No. 2, Third Floor, Pioneer Courthouse, SW., 6th and Morrison Streets, Portland, Oregon.

Dated: January 30, 1979.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 79-3826 Filed 2-2-79; 8:45 am]

[4410-18-M]

Law Enforcement Assistance Administration

RESPONSE TO PUBLIC COMMENT AND NOTICE OF ISSUANCE

AGENCY: Law Enforcement Assistance Administration, Department of Justice.

ACTION: Response to public comment and notice of issuance.

SUMMARY: The Law Enforcement Assistance Administration (LEAA) published in the FEDERAL REGISTER on October 18, 1978 (43 FR 48086-7) the draft Change 4 to Guideline Manual M 4100.1F, State Planning Agency Grants. This notice sets forth the comments received, the changes made, and the issuance, distribution and availability of the final Change 4.

COMMENTS RECEIVED: No public comments were received within the 60 day period. as a result, only minor revisions were made to the draft to clarify that the plan submission dates apply to juvenile justice formula grant as well as block grant applications, and that all plan special requirements must be submitted by July 31, 1979. In addition, technical revisions were made to Appendix 5 "Explanation of General Grant Conditions and Assurances" to conform with the requirements of the 1977 Amendments to the Juvenile Justice and Delinquency Prevention Act.

ISSUANCE AND DISTRIBUTION: Guideline Manual M 4100.1F, State Planning Agency Grants, sets forth requirements for the application for, award, and administration of Part B planning grants and Parts C and E block grants under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and of formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The Guideline Manual is of primary concern to all State Planning Agencies, Regional Planning Units, and local criminal justice planning and coordinating bodies.

All holders of M 4100.1F, State Planning Agency Grants will, in accordance with normal LEAA procedures, receive notice of Change 4 along with replacement pages for insertion in the manual.

Other interested persons may obtain copies of M 4100.1F (including Change 4) by writing LEAA, 633 Indiana

Avenue, N.W., Washington, D.C. 20531.

EXPLANATION OF FINAL CHANGE: Change 4 to LEAA Guideline Manual M 4100.1F, State Planning Agency Grants, makes the following revisions:

1. Chapter 1, paragraph 7, is modified to require the submission of fiscal year 1980 planning grant applications by May 31, 1979, and fiscal year 1980 block and formula grant applications by July 31, 1979.

2. Chapter 3, paragraph 43, is modified to suggest the following timetable for phased submission of fiscal year 1980 comprehensive plan components where such submission is necessary:

Comprehensive Plan Component and Submission Date
(1) Crime analysis; (2) resources, manpower, organizations, capabilities, and systems; and (3) problem analysis, March 30, 1979.
(1) Goals and objectives; (2) criminal justice standards; and (3) priorities, May 30, 1979.
(1) Comprehensive multiyear action plan; (2) annual action plan; (3) program descriptions; and (4) special requirements, July 31, 1979.

3. Chapter 3, paragraph 63 is modified to require the submission by the State Planning Agency of a report on plan implementation by no later than August 31, 1979. Paragraph 63 is further modified to delete subsection 63a(2)(b) in its entirety. Information about continuation support for programs and projects previously funded with block grant moneys is no longer required as part of the State report on plan implementation, since it will be obtained by other means.

4. Appendix 4, "General Grant Conditions and Assurances," paragraph 3, is modified to add at the end of the paragraph the following: "The State further agrees that any application for funds, technical assistance, or training involving purchase or use of electronic surveillance equipment to monitor wire or oral communications or other action touching on the subject of electronic surveillance of such communications, will be reviewed to assure that the State has enacted enabling legislation pursuant to 18 U.S.C. section 2516(2) or meets the requirements of the special justification in Appendix 5."

5. Appendix 5, "Explanation of General Grant Conditions and Assurances" is modified to reflect the 1977 amendments to the Juvenile Justice and Delinquency Prevention Act and to add the following paragraph 49:

Under 18 U.S.C. section 2512, transactions involving devices "primarily useful for the purpose of the surreptitious interception of wire or oral communication," advertisement thereof, and advertising which promotes the use of any devices for such purposes are prohibited unless, in the case of a State officer, his conduct with regard to such a device falls within "the normal course of activities of . . . . (the) State . . . 18 U.S.C. section 2515(2)(b).

Normally, officers of a State which has no enabling statute under 18 U.S.C. section 2516(2) would have no occasion to use, possess, or otherwise deal with devices within the scope of 18 U.S.C. section 2512(1). Without such legislation only consensual use is permitted. No grants relating to such devices and their use will be authorized in States which do not have enabling legislation unless special justification, as explained below, is furnished. Accordingly, all applications that list the acquisition of equipment, with either Federal or matching funds, that may be utilized for electronic surveillance purposes, in a state that does not have any enabling legislation, must include as part of the budget narrative for such equipment the following information:

(1) A complete description of each item of equipment to be obtained.

(2) A statement of how each item of equipment will be used.

(3) The legal citations and justifications for the purchase and intended use of each item of equipment.

(4) A description of the controls to be established over access to, the use of and ultimate disposal of such equipment.

Each application must contain the following statement signed by the Project Director: "(Applicant) agrees not to purchase or use in the course of this project any electronic, mechanical, or other device for surveillance purposes in violation of 18 U.S.C. section 2511 and any applicable State statute related to wiretapping and surveillance."

The SPA will review all grant applications to assure compliance.

6. Chapter 2, paragraph 15 is modified to clarify that States may continue juvenile justice and delinquency prevention projects funded under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for a period beyond the maximum length of time allowed under the assumption of costs policy. The State planning agency may extend a project for one year with possible extension for one additional year, based upon the following criteria:

a. The project has been evaluated, and the evaluation indicates that the project is effective and is being operated efficiently;

b. Discontinuation would have a negative impact on State or local juvenile-related activities; and

c. The project has demonstrated a good faith effort to obtain funding elsewhere and intends to continue such efforts over the period of the extension.

FOR FURTHER INFORMATION CONTACT:

Lynn Dixon, Office of Planning and Management, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531, (202) 376-3762.

HENRY S. DOGIN,
Deputy Administrator for Policy Development.

[FR Doc. 79-3874 Filed 2-2-79; 8:45 am]

[6820-AC-M]

NATIONAL COMMISSION ON SOCIAL SECURITY

MEETING

The National Commission on Social Security will hold a public meeting at Washington, D.C. on February 16, 1979 in Room 410 of the National Archives Building at 7th Street and Pennsylvania Avenue, N.W. Entrance to the building is located on Pennsylvania Avenue. The purpose of the meeting is to discuss the social security disability program.

The meeting will begin at 9:00 AM and continue until Commission business is completed by not later than 5:00 PM. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office: Room 131 A—Pension Building, 440 G Street, N.W., Washington, D.C. Phone: 376-2622.

Earlier notice of the meeting was not possible because of administrative problems associated with organizing the Commission staff.

FRANCIS J. CROWLEY,
Executive Director.

[FR Doc. 79-3934 Filed 2-2-79; 8:45 am]

[7536-01-M]

NATIONAL FOUNDATION FOR THE ARTS AND HUMANITIES

NATIONAL COUNCIL ON THE HUMANITIES ADVISORY COMMITTEE

Meeting

JANUARY 30, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Council on the Humanities will be conducted at Washington, D.C., on February 22-23, 1979.

The purpose of the meeting is to advise the Chairman of the National

Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., 1st Floor Conference Room, Washington, D.C. The session of the proposed meeting on February 22, 1979, and the afternoon session on February 23, 1979, will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy. Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) 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.

The morning session on February 23, 1979, will convene at 8:30 a.m. and will be open to the public. The agenda for the morning session will be as follows:

MINUTES OF THE PREVIOUS MEETING

REPORTS

A. Chairman's Introductory Remarks and Introduction of New Staff Members.
B. Summary of Recent Business.
C. Chairman's Grants.
D. Application Report.
E. Gifts and Matching Report.
F. Evaluation.
G. Jefferson Lecture Arrangements.
H. FY 1980 Appropriations Request.
I. Commission on the Humanities.

The remainder of the proposed meeting will be closed to the public.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
Advisory Committee Management Officer.

[FR Doc. 79-3778 Filed 2-2-79; 8:45 am]

[7555-01-M]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT ADVISORY COMMITTEE FOR MINORITY PROGRAMS IN SCIENCE EDUCATION

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Minority Programs in Science Education is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14.(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on January 31, 1981, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

RICHARD C. ATKINSON,
Director.

JANUARY 31, 1979.

[FR Doc. 79-3877 Filed 2-2-79; 8:45 am]

7555-01-M]

COMMITTEE MANAGEMENT ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Renewal

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, it is hereby determined that the renewal of the Advisory Committee for Science Education is necessary and is in the public interest in connection with the performance of duties imposed upon the National Science Foundation by the National Science Foundation Act of 1950, as amended, and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 14.(a)(1) of the Federal Advisory Committee Act and OMB Circular No. A-63, Revised.

Authority for this advisory committee shall expire on January 31, 1981, unless the Director of the National Science Foundation formally determines that continuance is in the public interest.

RICHARD C. ATKINSON,
Director.

JANUARY 31, 1979.

[FR Doc. 79-3876 Filed 2-2-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. PRM-2-6]

ECKERT, SEAMANS, CHERIN & MELLOTT

Filing of Petition for Rule Making

Notice is hereby given that Eckert, Seamans, Cherin & Mellott, 600 Grant Street, Pittsburg, Pennsylvania, by letter dated December 29, 1978, has filed with the Nuclear Regulatory Commission a petition for rule making to amend the Commission's regulations.

The petitioner requests the Commission to amend its regulation "Rules of Practice for Domestic Licensing Proceedings", 10 CFR Part 2 and any other pertinent regulations to prescribe time periods for completion of licensing review by the Commission's Regulatory Staff and Atomic Safety and Licensing Boards.

The petitioner states that:

> The timely completion of Commission licensing proceedings is in large measure dependent on (1) the duration of application review by the Regulatory Staff under the immediate direction and control of the Director of Nuclear Reactor Regulation, and (2) the duration of the hearing process controlled by the Atomic Safety and Licensing Boards. The Commission's existing Rules of Practice are silent with regard to the responsibilities of the Regulatory Staff in this regard and only prescribe some time limits for the Atomic Safety and Licensing Boards. In recent years there has been an increasing tendency by the Regulatory Staff to miss, without apparent justification, scheduling commitments, and other evidence of Staff difficulty in properly managing its review function so as to bring it to a conclusion within a reasonable length of time. It is believed that such unnecessary delay on the part of the Regulatory Staff can be attributed in part to the lack of any regulations prescribing time periods for application review. It is therefore submitted that regulations of the type proposed which would prescribe time limitations for Regulatory Staff application review, limitations which could be modified for good cause shown, are needed to insure that the Staff pays more than mere lip service to the Commission's mandate for timely decision making.

The petitioner proposes that a Subpart J—Duration of Commission Review—be added to 10 CFR Part 2 in order to insure the making of both sound and timely licensing decisions by the Regulatory Staff. Two amendments to existing sections of Part 2 also are proposed by the petitioner with the view of insuring timely completion of the Atomic Safety and Licensing Board hearing process. The text of the proposed Subpart J and the amendments of §§ 2.751a(a)(4) and 2.760 is set out in the petition.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of the petition may be obtained by writing the Division of Rules and Records at the below address.

All persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555. Attention: Docketing and Service Branch, by April 6, 1979.

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.

Dated at Washington, D.C. this 30th day of January 1979.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 79-3831 Filed 2-2-79; 8:45 am]

[7590-01-M]

[Docket No. 50-302]

FLORIDA POWER CORP.

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-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the license for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment becomes effective on February 23, 1979.

The amendment modifies the license to include the current Commission-approved physical security plan.

The licensees' filings 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.

The licensees' filing dated February 1, 1978, revised May 17 and November 10, 1978, and the Commission's Security Plan Evaluation Report are proprietary information and are being withheld from public diclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provision of 10 CFR § 9.12.

For further details with respect to this action, see (1) Amendment No. 18 to License No. DPR-72 and (2) the Commission's related letter to the Florida Power Corporation dated January 24, 1979. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Crystal River Public Library, Crystal River, Florida. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of January 1979.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-3786 Filed 2-2-79; 8:45 am]

[7590-010M]

[Docket No. 50-220]

NIAGARA MOHAWK POWER CORP.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-63, issued to Niagara Mohawk Power Corporation (the licensee), which revised the Technical Specifications for operation of the Nine Mile Point Nuclear Station Unit No. 1 (the facility), located in Oswego County, New York. The amendment is effective as of the date of its issuance.

The amendment revised the Technical Specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the Commission staff's "Mark I Containment Short Term Program Safety Evaluation," NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13110 on March 29, 1978.

The applications 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) applications for amendment dated May 19 and 25, 1977, (2) Amendment No. 26 to License No. DPR-63, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Oswego County Library, 46 E. Bridge Street, Oswego, New York 13126. 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, Maryland, this 29th day of January 1979.

For the Nuclear Regulatory Commission.

THOMAS A. IPPOLITO,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-3787, Filed 2-2-79; 8:45 am]

[7590-01-M]

[Docket Nos. 50-445 and 50-446]

TEXAS UTILITIES GENERATING CO., ET AL. (COMANCHE PEAK STEAM ELECTRIC STATION, UNITS 1 AND 2)

Availability of Applicant's Environmental Report, Consideration of Issuance of Facility Operating Licenses, and Opportunity for Hearing

Notice is hereby given that the Nuclear Regulatory Commission (the Commission) will consider the issuance of facility operating licenses to Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company (the applicants) which would authorize the applicants to possess, use, and operate the Comanche Peak Steam Electric Station, Units 1 and 2, in accordance with the provisions of the license and

the technical specifications appended thereto, upon: (1) the completion of a favorable safety evaluation on the application by the Commission's staff; (2) the completion of the environmental review required by the Commission's regulations in 10 CFR Part 51; (3) the receipt of the report on the applicants' application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (4) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. Notice of Receipt of Application for Operating Licenses was published in the FEDERAL REGISTER on May 12, 1978 (43 FR 20583). Construction of the facilities, which are located in Somervell County, Texas, was authorized by Construction Permit Nos. CPPR-126 and CPPR-127, issued by the Commission on December 19, 1974. Construction of Unit 1 is anticipated to be completed by August 1, 1981, and Unit 2 by August 1, 1983.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulation of the Commission in 10 CFR Part 51, an Environmental Report which discusses environmental considerations related to the proposed operation of the facilities. The Environmental Report is being made available at the State Clearinghouse, Governor's Budget and Planning Office, Executive Office Building, 411 West 13th Street, Austin, Texas 78701, and the North Central Texas Council of Governments, P.O. Drawer COG, Arlington, Texas 76011.

After the Environmental Report has been analyzed by the Commission's staff, a Draft Enviornmental Statement will be prepared. Upon preparation of the Draft Environmental Statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER, a notice of availability of the Draft Statement requesting comments from interested persons on the Draft Statement. The notice will also contain a statement to the effect that any comments of Federal agencies and State and local officials will be made available when received. The Draft Environmental Statement will focus only on any matters which differ from those previously discussed in the Federal Environmental Statement prepared in connection with the issuance of the construction permits. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Prior to issuance of any operating licenses, the Commission will inspect the facilities to determine whether they have been constructed in accordance with the application, as amended, and the provisions of the construction permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicants will be required to execute an indemnity agreement as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

By March 5, 1979, the applicants may file a request for a hearing with respect to issuance of the facility licenses and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for 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 a 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 of the Commission, or 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 intevene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without prior approval of the presiding officer at any time up to fifteen (15) days prior to the first prehearing conference scheduled in this proceeding, but such an amended petition must satisfy 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.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States 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 March 5, 1979. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission Washington, D.C., 20555, and to Nicholas S. Reynolds, Esq., Debevoise & Liberman, 1200 17th Street, N.W., Washington, D.C. 20036, attorney for the applicants. Any questions or requests for additional information regarding the content of this notice should be addressed to the chief Hearing Counsel, Office of 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 hearings 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)(1)(i)–(v) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated February 27, 1978, and the applicants' Environmental Report dated January 1979, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Sommervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043. As they become available, the following documents may be inspected at the above locations: (1) the Safety Evaluation Report prepared by the Commission's staff; (2) the Draft Environmental Statement; (3) the Final Environ-

mental Statement; (4) the Report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating licenses; and (6) the technical specifications, which will be attached to the proposed facility operating licenses.

Copies of the proposed operating licenses and the ACRS report, when available, may be obtained by request to the Director, Division of Project Management, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Copies of the Commission's staff Safety Evaluation Report and Final Environmental Statement, when available, may be purchased at current rates from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

Dated at Bethesda, Maryland, this 26th day of January 1979.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors Branch No. 4, Division of Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 79-3785 Filed 2-2-79; 8:45 am]

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on January 26, 1979 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

This list includes:

The name of the agency sponsoring the proposed collection of information;

The title of each request received;

The agency form number(s), if applicable;

The frequency with which the information is proposed to be collected;

An indication of who will be the respondents to the proposed collection;

The estimated number of responses;

The estimated burden in reporting hours; and

The name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary
Questionnaire for Directory of Rural Primary Care
Delivery models
OS-2-79
Single-time
Rural primary care programs
2,000 responses; 1,000 hours
Richard Eisinger, 395-3214

DEPARTMENT OF LABOR

Labor Management and Service Administration
Survey of pension plan coverage and vesting
LMSA-91T/CPS-669
Single-time
Employed persons in one-half the May 1979 CPS
30,000 responses; 5,000 hours
Strasser, A., 395-5080

REVISIONS

VETERANS ADMINISTRATION

Application for Physicians and Dentists
VA 10-2850
On occasion
Physician and dentist applicants
7,000 responses; 5,833 hours
Caywood, D. P., 395-6140

Application for Employment—Professional Nurse
VA 10-2850A
On occasion
Nurse applicants
27,500 responses; 22,917 hours
Caywood, D. P., 395-6140

Application for Residents and Interns
VA 10-2850B
On occasion
Resident and intern applicants
11,000 responses; 9,166 hours
Caywood, D. P., 395-6140

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service
Certification of Transfer of Household Food Stamp Benefits
FNS-286
On occasion
Project areas
42,000 responses; 14,000 hours
Ellett, C. A., 395-5080

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service
Monthly report of participation and coupon issuance—food stamp program
FNS-256
Monthly
Food stamp project areas
36,420 responses; 18,210 hours
Ellett, C. A., 395-5080

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary
Basic Questionnaire Study of Family Economics Pretest
OS-3-79
Annually
Heads of Households in Michigan longitudinal study
6,300 responses; 3,650 hours
Off. of Federal Statistical Policy and Standard, 673-7974

EXTENSIONS

VETERANS ADMINISTRATION

Annual Status Report—Insured Loans
26-1872
Annually
Mortgage lenders
22 responses; 6 hours
Caywood, D. P., 395-6140

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration
NIDA State Appropriations Survey
ADM 540-1
Annually
Single State Agencies
56 responses; 2,240 hours
Richard Eisinger, 395-3214

DAVID R. LEUTHOLD,
Budget and Management Officer.

[FR Doc. 79-3830 Filed 2-2-79; 8:45 am]

[3110-01-M]

AGENCY FORMS UNDER REVIEW

EDITOR'S NOTE: This class of document, "Agency Forms Under Review," was formerly titled "Clearance of Reports; List of Requests."

BACKGROUND

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C. Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

LIST OF FORMS UNDER REVIEW

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, or extensions. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form;

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Any repetitive reporting requirement or form that requires one-half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised to OMB about this form; such forms are identified in the list by an asterisk (*).

COMMENTS AND QUESTIONS

Copies of the proposed forms may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

Department of Defense

Agency clearance officer—John V. Wenderoth—697-1195.

EXTENSIONS

*Departmental and other
Bidders mailing list application supplement
DD 558-1
On occasion
Prospective DOD contractors
5,000 responses; 2,500 hours
Caywood, D.P. 395-6140

Department of Energy

Agency clearance officer—Albert H. Linden—566-9021.

EXTENSIONS

*DOE traineeship reports
IR-734, A-C
On occasion
Directors of DOE traineeship program
240 responses; 60 hours
Hill, Jefferson B., 395-5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer, Peter Gness, 245-7488.

NEW FORMS

Office of Education
Directory of Women Administrators in Vocational Education
OE-640
Single time
Women Vocational Education Administrators, 10,000 responses; 2,500 hours
Laverne V. Collins, 395-3241

Office of the Secretary
Low-Income Consumers Electronic Funds Transfer System (EFTS) Survey
OS-5-79
Single time
Low-Income Consumers in Boston, 130 responses; 65 hours
Office of Federal Statistical Policy and Standard, 673-7974

EXTENSIONS

Office of Education
Application for Grant Under Bilingual Education Programs
OE 4561
Annually
LEA's, SEA's, IHE's & Non-Profit Organizations, 1,200 responses; 48,000 hours
Budget Review Division, 395-4775

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer, John Kalagher, 755-5184.

NEW FORMS

Federal Insurance Administration
Supplement to Application for One-to-Four Family Homes Insured Improvement Loan (203R, 220H)
FHA-2004-C-1
On occasion
FHA-approved mortgages, 500 responses; 500 hours
Strasser, A., 395-5080

EXTENSIONS

Housing Management
*Recertification of Family Income and Composition, Section 235(J)
FHA 3161
On occasion
Homeowners receiving financial assistance, 2,750 responses; 1,375 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
Mortgagee's Application for Property Appraisal and Commitment for Mortgage Insurance Under the NHA
FHA-2800
On occasion
FHA approved lending institutions, 600,000 responses; 150,000 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
*Application for Project Mortgage Insurance
FHA-3201
On occasion
Project sponsors, 120 responses; 60 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
Application for Assistnce Under Title IV of the Housing Act of 1950, as amended
HUD-4501
On occasion
Colleges and universities, 300 responses; 300 hours
Strasser, A., 395-5080

Housing Production and Mortgage Credit
*Title I Dealer/Contractor Application
FH-13
On occasion
Banks accept from dealers, contractors, suppliers, 10,000 responses; 5,000 hours
Strasser, A., 395-5080

DEPARTMENT OF LABOR

Agency Clearance Officer, Philip M. Oliver, 523-6341.

NEW FORMS

Departmental and Other
Questionnaire for Separated DOL Hispanic Employees
HEP-01
Single time
Former DOL Hispanic employ. Sep. between October 1977 and November 1978, 100 responses; 100 hours
Strasser, A., 395-5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer, Bruce H. Allen, 426-1887.

NEW FORMS

Departmental and Other

Automated Guideway Transit Survey
Single time
Atlanta SMSA residents, 600 responses; 21,000 hours
Geiger, Susan B., 395-5867

FEDERAL LABOR RELATIONS AUTHORITY

Agency Clearance Officer, John P. Weld, 632-7737.

NEW FORMS

*Request to Impasses Panel
FLRA-14
On occasion
Unions, 150 responses; 75 hours
Marsha Traynham, 395-6140

*Petition for Consultation on Government-Wide Rules, or Regulations
FLRA 26
On occasion
Unions, 50 responses; 25 hours
Marsha Traynham, 395-6140

REVISIONS

Application Form, Visual Arts, Graphic Designer, Illustrator, Photographer
OPM 1379
On occasion
Employment applicants, 7,500 responses; 15,000 hours
Marsha Traynham, 395-6140

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer, Eugene E. Mynatt, 615-755-2915.

NEW FORMS

Survey of Bass Clubs in Tennessee
TVA 20001 (FF&WD-1-79)
Annually
Bass Clubs, 128 responses; 256 hours
Ellett, C. A., 395-5080

EXTENSIONS

Salary Survey
TVA 5322
Annually
Employ. W/In the Vicinity Which Have Employ. doing Wk. Comp., 50 responses; 50 hours
Ellett, C.A., 395-5080

UNITED STATES INTERNATIONAL TRADE COMMISSION

Agency Clearance Officer, Robert Cornell, 523-0301.

NEW FORMS

Bolts, Nuts, and Large Screws: Producers' Questionnaire and Importers' Questionnaire
Annually
Manufacturers and importers of bolts, and nuts, screws, 80 responses; 1,280 hours
Geiger, Susan B. 395-5867

STANLEY E. MORRIS,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79-3969 Filed 2-2-79; 8:45 am]

[7715-01-M]

POSTAL RATE COMMISSION

[Docket No. MC79-1]

MINIMUM FOR CARRIER-ROUTE PRESORTED MAIL

Prehearing Conference

JANUARY 30, 1979.

Notice is hereby given that pursuant to the "Presiding Officer's Notice Of Prehearing Conference", dated January 30, 1979, a prehearing conference is scheduled to be held, to discuss potential issues and tentative schedule of procedural steps in the above-designated proceeding, on February 13, 1979, at 1:30 p.m., Hearing Room, Postal Rate Commission, 2000 L Street, N.W., Suite 500, Washington, D. C.

A copy of the Presiding Officer's "Notice Of Prehearing Conference" is available to all interested parties in the Commission's Docket Room at the above-listed address or by calling the Docket Room, at Area Code 202-254-3800.

DAVID F. HARRIS,
Secretary.

[FR Doc. 79-3819 Filed 2-2-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20901; 70-5838]

ARKANSAS-MISSOURI POWER CO.

Post-Effective Amendment Regarding Issuance and Sale of Short-Term Bank Notes

JANUARY 29, 1979.

Notice is hereby given that Arkansas-Missouri Power Company ("Arkansas-Missouri"), 405 West Park Street, Blytheville, Arkansas 72315, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed with this Commission a third post-effective amendment to the declaration in this proceeding pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated May 4, 1976, April 19, 1977, and April 12, 1978 (HCAR Nos. 19511, 19993, and 20501), Arkansas-Missouri was authorized to issue and sell, from time to time until April 12, 1979, up to $5,500,000 of unsecured, short-term promissory notes to Worthen Bank & Trust Company, Little Rock, Arkansas, for the account of a group of participating banks. As of January 11, 1979, $3,000,000 of such notes were outstanding.

It is now proposed that Arkansas-Missouri issue and sell to Worthen Bank & Trust Company, for the account of a group of participating banks, from time to time during the period commencing on the effective date of the supplemental order herein and continuing for one year thereafter, up to $5,500,000 of unsecured, short-term promissory notes. The notes will be payable in not more than 270 days from the date of issuance and may be renewed from time to time, but will mature not later than one year from said effective date. As the notes mature, they will be renewed or repaid out of funds then available to the company. The notes will, at the option of the company, be prepayable in whole or in part, at any time without premium or penalty. The names of the participating banks and the estimated maximum amounts of their respective participations in the new borrowings to be made by Arkansas-Missouri are to be supplied by amendment.

It is stated that the notes will bear interest, payable quarterly and at maturity, on the unpaid principal amount thereof at the prime commercial loan rate of Chemical Bank, New York, New York, in effect from time to time on borrowings having a 90-day maturity by responsible and substantial corporate borrowers; provided, however, that such rate will not exceed the maximum rate of interest chargeable to corporate borrowers under applicable laws. On the basis of Chemical Bank's prime commercial loan rate of 11¾% per annum in effect on January 23, 1979, but giving effect to the current interest rate limitation of 10½% per annum chargeable by the bank on Arkansas-Missouri's proposed borrowings (which the company understands is 1% in excess of the Federal discount rate), Arkansas-Missouri's cost of money in respect of the proposed borrowings would be 10½% per annum. Arkansas-Missouri will not be required to maintain any compensating balances with, or pay any commitment fee to, any of the participating banks in connection with the proposed borrowings.

Arkansas-Missouri will apply the net proceeds received from the new borrowings to the payment at maturity of the then outstanding bank borrowings referred to above (estimated at that time to aggregate $4,000,000), and the

balance of said proceeds to the company's construction program. It is stated that the proposed new borrowings will be in addition to other bank borrowings by the company from the First National Bank in Little Rock, Arkansas, which will total not in excess of $5,500,000 at any one time outstanding (File No. 70-6255).

It is represented that no special or separable expenses are anticipated in connection with the proposed notes and 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 February 20, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the 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 amended 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 or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3813 Filed 2-2-79; 8:45 am]

[8010-01-M]

[Release No. 20900; 70-6255]

ARKANSAS-MISSOURI POWER CO.

Proposed Issuance and Sale of Short-Term Bank Notes

JANUARY 29, 1979.

Notice is hereby given that Arkansas-Missouri Power Company ("Arkansas-Missouri"), 405 West Park Street, Blytheville, Arkansas 72315, a wholly-owned subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 thereof as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas-Missouri proposes to issue and sell short-term, unsecured notes to the First National Bank in Little Rock, Arkansas, for the account of a group of participating banks, for a period of one year commencing on the effective date of the order herein, in an aggregate principal amount not to exceed $5,500,000 at any one time outstanding. These borrowings will be in addition to other bank borrowings by the company from Worthen Bank & Trust Company, Little Rock, Arkansas, which also may not exceed $5,500,000 at any one time outstanding (File No. 70-5838).

The proposed notes will be issued and sold to the First National Bank in Little Rock for the account of the participating banks, and will be payable not more than 270 days from the date of issuance. The notes may be renewed from time to time but will mature not later than one year from the effective date. It is stated that said notes will bear interest, payable quarterly and at maturity, on the unpaid principal amount thereof at a rate per annum equal to the commercial loan rate of Chemical Bank, New York, New York, from time to time in effect on borrowings having a 90-day maturity by responsible and substantial corporate borrowers: *Provided, however,* That such rate will not exceed the maximum rate of interest chargeable to corporate borrowers under applicable laws. On the basis of Chemical Bank's commercial loan rate of 11¾% per annum in effect on January 23, 1979, but giving effect to the current interest rate limitation of 10½% per annum chargeable by the bank on Arkansas-Missouri's proposed borrowings (which the company understands is 1% in excess of the Federal discount rate), Arkansas-Missouri's cost of money in respect of the proposed borrowings would be 10½% per annum. The notes will, at the option of the company, be prepayable in whole or in part, at any time without premium or penalty. Arkansas-Missouri will not be required to maintain any compensating balances with, or pay any commitment fee to any of the participating banks in connection with the proposed borrowings. The names of the participating banks and the maximum amount of their respective participations in the borrowings to be made by Arkansas-Missouri are to be supplied by amendment.

It is stated that the net proceeds to be received from the issuance and sale of the proposed notes will be applied by Arkansas-Missouri in part to the payment at maturity of $3,190,000 in principal amount of its First Mortgage Bonds, 3½% Series D due March 1, 1979, and in part to its construction program. The company currently intends to repay the $5,500,000 of borrowings proposed herein from the proceeds of permanent financing or with funds that might otherwise become available.

The fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $4,000. 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 February 20, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS
Secretary

[FR Doc. 79-3815 Filed 2-2-79; 8:45 am]

[8010-01-M]

[Release No. 20902; 70-6256]

GEORGIA POWER CO.

Proposed Sale of Assets and/or Land of Nine Substations

JANUARY 29, 1979.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, NW., Atlanta, Georgia 30303, an electric utility subsidiary company of the The Southern Company, a registered holding company, has filed a declaration and an amendment thereto with this Commission designating Section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes, pursuant to a certain letter agreement with North Georgia Electric Membership Corporation ("NGEMC"), an electric membership corporation organized, existing and operating under the laws of the state of Georgia, to sell to NGEMC eight substations ("Substations") including the land upon which such Substations are located, and certain assets located at a ninth substation, for an aggregate sales price of approximately $2,394,000. Such sales price represents Georgia's orginal book cost of the assets, including land, being transferred. Georgia's depreciated cost for such assets, including land, as of December 31, 1978, was $1,827,461.86. Georgia will obtain a release of such Substations, land and other assets from the lien of its First Mortgage Indenture.

Under the General Warranty Deed ("Deed") and Bill of Sale for eight of the Substations, Georgia will convey the Substations and the land on which they are situated, except assets which comprise or are reasonably necessary to the use or enjoyment of Georgia's high voltage electric transmission lines, certain telecommunication facilities and revenue metering equipment. The Deeds will also reserve to Georgia a perpetual easement in and over all of the property to be conveyed thereby for the purposes of installing, using and maintaining electric transmission or distribution lines, ground fields, ground wire protective systems and telecommunication systems.

NGEMC purchases its electricity requirements from the Tennessee Valley Authority ("TVA") and such electricity is transmitted through certain of Georgia's transmission facilities to the Substations, which, except for one substation, are used exclusively for distribution of electricity to NGEMC's customers. Georgia had previously operated, maintained and rented the Substations to TVA pursuant to an interchange agreement between Georgia and TVA which expired November 1, 1978. It is stated that in connection with negotiations for a new interchange agreement with TVA, it was determined that ownership of the Substations by NGEMC wold result in more efficient and economical operations among NGEMC, Georgia and TVA. Georgia will continue to have certain transmission, distribution and telecommunication facilities located on, or which pass through or over, the Substation property, which are necessary to service Georgia's customers in northern Georgia.

A statement of the fees, commission and expenses to be paid or incurred, directly or indirectly, in connection with the proposed transaction will be filed by amendement. It is stated that no state commission, and no federal commission, other than this Commission, has jurisidiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 21, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securites 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 or 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 amended 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 Rule 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 notice or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3814 Filed 2-2-79; 8:45 am]

[8010-01-M]

[Rel No. 20903; 70-5390]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Supplemental Order Authorizing Increase in Short-Term Borrowing

JANUARY 30, 1979.

Ohio Edison Company ("Ohio Edison"), Akron, Ohio, an electric utility and a registered holding company, and its electric utility subsidiary Pennsylania Power Company ("Penn Power") New Castle, Pennsylvania, have filed with this Commission a post-effective amendment to their application-declaration previously filed and amended in this matter pursuant to Sections 6, 7 and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") concerning the following proposed transaction.

By order dated June 30, 1978 (HCAR No. 20609), Ohio Edison and Penn Power were authorized to make short-term borrowings and/or guarantees of short-term borrowings of Quarto Mining Company (or of the owner-trustee under lease arrangements with said mining company), a non-affiliated coal supplier, of up to $187,000,000 and $20,000,000, respectively, through June 30, 1979. Jurisdiction was reserved in said order with respect to possible increased amounts, pending a showing of need by them, up to maximum amounts of $218,500,000 and $40,700,000, respectively, which amounts were those initially sought by applicants-declarants.

By post-effective amendment it is stated that the aggregate amount of short-term borrowings and guarantees by Ohio Edison will be approximately $165,000,000 during the first week in February 1979, such increase largely attributable to the postponement of a contemplated sale by Ohio Edison of its common stock from December 1978 to the latter part of February 1979. Ohio Edison requests that its authorization for short-term borrowings and guarantees be increased to $165,000,000 through June 30, 1979, with said authorization to revert to $137,000,000 upon the completion of Ohio Edison's next issuance and sale of common stock, which sale is the subject of a separate application before this Commission (File No. 70-6252).

There are no additional fees or expenses to be incurred in connection with the proposed transaction. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Upon the basis of the facts in the record, it is hereby found that the applicable standards of the Act and the rules therunder are satisfied and that

no adverse findings are necessary; and that it is appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended by said post-effective amendment, be granted and permitted to become effective:

It is ordered, Pursuant to the applicable provisions of the Act and the rules therunder, that Ohio Edison be, and it hereby is, authorized effective forthwith to make short-term borrowings and/or guarantee short-term borrowings of Quarto Mining Company, through June 30, 1979, in the amount of $165,000,000, with said authorization to revert to $137,000,000 upon the completion of the issuance and sale of common stock planned in Commission File No. 70-6252, subject to the terms and conditions prescribed in Rule 24 promulgated under the Act, except that certificates thereunder shall be filed quarterly.

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to any additional amounts of short-term borrowing authorization by either Ohio Edison or Penn Power pending a showing of further need.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-3816 Filed 2-2-79; 8:45 am]

[8010-01-M]

[File No. 7-5068]

UNION GAS LTD. COMMON STOCK, NPV CLASS A&B

Application for Termination of Unlisted Trading Privileges

JANUARY 25, 1979.

The above named issuer, an Ontario corporation, has submitted an application with the Securities and Exchange Commission, pursuant to Section 12(f)(4) of the Securities Exchange Act of 1934, 15 U.S.C. 78(1)(f)(4) (the "Act") and Rule 12f-3 thereunder, to terminate the unlisted trading privileges for the specified security on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for terminating the unlisted trading privileges include the following:

The common stock of Union Gas Limited ("Union Gas") has been traded on the Amex pursuant to unlisted trading privileges since August 15, 1931. The stock is also traded on the Toronto Stock Exchange. The aggregate number of issued common shares is approximately 18,000,000. Of that number, approximately 380,000 shares are held by individuals having addresses in the United States. [1] In 1978, only 19,800 shares of Union Gas common stock were traded on the Amex. Union gas asserts that the increasing costs of maintaining unlised trading privileges on the Amex are not justified by the limited traded volume. The common stock of Union Gas will continue to be traded on the Toronto Stock Exchange.

Any interested person may, on or before February 25, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the Commission should issue an order granting the Union Gas application. In accordance with Section 12(f)(4) of the Act, the Commission will issue an order terminating the unlisted trading privileges in the common stock of Union Gas on the Amex if the Commission finds that such in necessary or appropriate in the public interest or for the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[*FR Doc. 79-3812 Filed 2-2-79; 8:45 am*]

[1] Union Gas has by mail notified each of its shareholder having addresses in the United States concerning its review of the need to maintain unlisted trading privileges on the Amex, and has invited comments thereon. Copies of responses received by Union Gas have been included in its application to the Commission.

[8010-01-M]

PRIVACY ACT OF 1974

Proposed Amendment to a Notice of System of Records

AGENCY: Securities and Exchange Commission

ACTION: Notification of amendment to a notice of system of records.

SUMMARY: The Securities and Exchange Commission proposes to modify an existing notice of system of records, which was previously identified in the notices published in the FEDERAL REGISTER, 41 FR 41583, on September 22, 1976, as amended in 42 FR 36333 on July 14, 1977 as SEC-40, Manpower Reporting System. This proposed modification is being published for public comment.

DATES: This amendment will become effective April 6, 1979, unless comments are received on or before that date which would result in a contrary or changed determination.

ADDRESS: Comments should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments received will be available for public inspection and copying in the Commission's public reference section, Room 6101, 1100 L Street NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Richard A. Kirby, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C., 20549, (202) 755-1182.

SUPPLEMENTARY INFORMATION: The proposed amendment to the notice of system of records changes the system name, shortens the work-activity classification collection period and alters the mode of collection. The routine uses of the system remain unchanged. The changes to the pre-existing system permit implementation of a zero-base budgeting process. A report of the changes to the existing system of records was filed with the Office of Management and Budget and Congress on January 19, 1979. The amended portions of the notice are italicized.

SEC-40

System name: *Staff Time and Activity Tracking System (STATS)—SEC.*

System location: Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Categories of individuals covered by the system: Past and current SEC employees.

Categories of records in the system: The records are computerized and contain information about Commission employees including the employee's name, employee identification number, hours worked during each *week*, compensation data, and work-activity classifications for each *week*.

Authority for maintenance of the system: Applicable sections in chapters 5 and 21 through 89 of Title 5 of the United States Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

1. As a data source for management information for production of summary descriptive statistics and analytical studies reflecting the Commission's allocations of cost and manhours by budget activity. Reports generated by this system are used by the Commission and the staff to substantitate requests to Congress and others for personnel allocation and utilization; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or

other personnel management functions.

2. For any court litigation or administrative action involving review of personnel action.

3. For responding to requests from Members of Congress or the Executive branch or other agencies for statistical information concerning manpower utilization and needs.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: The records are maintained in file folders *and on magnetic media.*

Retrievability: The records are indexed by the employee's identification number and name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: *File folders may be destroyed by the organizations compiling the information after three weeks. Magnetic media* are maintained on a permanent basis. Tape and disk files on which data is stored are available only through the librarian or chief of operations of the Office of Data Processing. Back up master files on *tape* are stored in the Federal Records Center in Suitland, Maryland.

System manager(s) and address: Executive Director, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Notification procedure: All requests to determine whether this system of records contains a record pertaining to the requesting individual may be made in person during normal business hours at the SEC Public Reference Room at 1100 L Street N.W., Washington, D.C., or by mail addressed to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Record access procedures: Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact or address their inquiries to the Privacy Act Officer, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

Contesting record procedures: See Record access procedures above.

Record source categories: The data source are the *weekly staff activity* reporting forms submitted by the individual employees of the SEC. The Pay-Time-Leave System is accessed for the compensation information relating to the employee.

For the Commission, by the Office of General Counsel, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 25, 1979.

[FR Doc. 79-3776 Filed 2-2-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 09/09-0227]

CROCKER VENTURES, INC.

Issuance of Small Business Investment Company License

On October 17, 1978, a Notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (Vol. 43, No. 201) stating that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)) for a license as a small business investment company by Crocker Ventures, Inc., One Montgomery Street, San Francisco, California 94104.

Interested parties were given until the close of business November 1, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that, puursant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and facts with regard thereto, SBA issued License No. 09/09-0227 to Crocker Ventures, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies)

Dated: January 25, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3901 Filed 2-2-79; 8:45 am]

[8025-01-M]

[Proposed License No. 02/02-0362]

PINES VENTURE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)), under the name of Pines Venture Capital Corporation (Applicant), for a license to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended, (the Act) (15 U.S.C. 661 et seq.), and the rules and regulations promulgated thereunder.

The Applicant was incorporated under the laws of the State of Delaware and it will commence operations with a capitalization of $510,000 which amount is to be raised by the sale of 510 shares of the Applicant's issued and outstanding shares of Common Stock, No Par Value, to Robert H. Pines, President and Director of the Applicant.

The Applicant will have its principal place of business at 5 World Trade Center, New York, New York 10048, and it intends to conduct operations primarily in the State of New York.

The proposed officers, directors and stockholders are as follows:

Name and Title

Robert H. Pines, President, General Manager, and Director; 100% owner. 24 Central Park South, New York, New York 10019.

Pia Pines, Director, 24 Central Park South, New York, New York 10019.

Robert J. Lawton, Director, 142-04 Bayside Avenue, Flushing, New York 11354.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant, under their management, including adequate profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may not later than February 20, 1979, submit written comments on the Applicant to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of the Notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 29, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3900 Filed 2-2-79; 8:45 am]

[8025-01-M]

[License No. 05/05-0136]

SUPER MARKET INVESTORS, INC.

Issuance of a Small Business Investment Company License

On November 29, 1978, a notice was published in the FEDERAL REGISTER (43 FR 55830) stating that an application had been filed by Super Market Investors, Inc., 11300 Burleigh Street, Wauwatosa, Wisconsin 53222, with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1978)) for a license as a small business investment company.

Interested parties were given until close of business December 14, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0136 on January 25, 1979, to Super Market Investors, Inc., to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 30, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3899 Filed 2-2-79; 8:45 am]

[8025-01-M]

[License No. 04/04-5157]

TENNESSEE EQUITY CAPITAL CORP.

Issuance of a License To Operate as a Small Business Investment Company

On November 13, 1978, a notice was published in the FEDERAL REGISTER (43 FR 52568) stating that Tennessee Equity Capital Corporation, located at 711 Union Street, Nashville, Tennessee 37219, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1978) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business November 28, 1978, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 04/04-5157 to Tennessee Equity Capital Corporation on January 19, 1979.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies.)

Dated: January 25, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3902 Filed 2-2-79; 8:45 am]

[8025-01-M]

[License No. 04/04-5092]

VANGUARD INVESTMENT CO., INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Vanguard Investment Company, (Vanguard) Room 309, Pepper Building, Fourth and Liberty Street, Winston-Salem, North Carolina 27101, a Federal Licensee under Section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1978) for approval of a conflict of interest transaction.

It is proposed that Vanguard loan $150,000 to H. C. Bowens, Professional Corporation, 605 Linwood Avenue, Durham, North Carolina 27701. The funds will be used to pay Federal income taxes resulting from a misinterpretation of the Internal Revenue Code. Vanguard will make a five year loan, principal to be paid in the equal installments on the 4th and 5th anniversary of the financing and interest paid quarterly. The interest rate would be 12 percent. The collateral for the loan would be real estate.

Dr. H. Curtis Bowens is the sole owner of the Professional Corporation and is Secretary, Director and 10 percent stockholder of Vanguard. Pursuant to § 107.03(e) of the regulations, Dr. Bowens is considered to be an associate of Vanguard.

Accordingly, the transaction falls within the purview of 13 CFR 107.1004 (1978) requiring prior written approval of the Small Business Administration (SBA).

Notice is further given that any interested person may, not later than February 20, 1979, submit to SBA, in writing, relevant comments on the proposed transaction. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by Vanguard in a newspaper of general circulation in Winston-Salem, North Carolina.

(Catalog of Federal Domestic Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: January 30, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-3898 Filed 2-2-79; 8:45 am]

[8025-01-M]

REGION IV ADVISORY COUNCIL MEETING

Public Meeting

The Small Business Administration Region IV Advisory Council, located in the geographical area of Birmingham, Alabama. will hold a public meeting at 9:00 a.m. on Friday, March 2, 1979, at the Birmingham Hilton Inn, 260 Goodwin Crest Drive, Birmingham, Alabama, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present.

For further information, write or call James C. Barksdale, District Director, U.S. Small Business Administration, 908 South 20th Street, Birmingham, Alabama 35205, (205) 229-1341.

Dated: January 30, 1979.

K. DREW,
Deputy Advocate for Advisory Councils.

[FR Doc. 79-3878 Filed 2-2-79; 8:45 am]

SMALL BUSINESS CONFERENCE COMMISSION, WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Cancellation of Meeting

Notice is hereby given that the Small Business Conference Commission has canceled its meeting scheduled for February 13, 1979, from 9:00 a.m. to 1:00 p.m., at the New Executive Office Building, Room 2010, 726 Jackson Place, N.W., Washington, D.C. A new date for this meeting will be announced shortly.

For further information, write Ms. Cynthia Howar, Commission Liaison, White House Conference on Small Business, 730 Jackson Place, N.W., Washington, D.C. 20506.

Dated: January 30, 1979.

K DREW,
Deputy Advocate for Advisory Councils, Small Business Administration.

[FR Doc. 79-3897 Filed 2-2-79; 8:45 am]

[4810-22-M]

DEPARTMENT OF THE TREASURY

Office of the Secretary

CERTAIN CARBON STEEL PLATE FROM POLAND

Antidumping: Withholding of Appraisement Notice

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a tentative determination that certain carbon steel plate from Poland is being sold at less than fair value. Appraisement for the purpose of determining proper duties applicable to entries of this merchandise will be suspended for not more than six months. Interested parties are invited to comment on this action.

EFFECTIVE DATE: February 5, 1979.

FOR FURTHER INFORMATION CONTACT:

David P. Mueller, Operations Officer, Office of Operations, Duty Assessment Division, Technical Branch, United States Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On October 25, 1978, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER (43 FR 49875). This investigation was initiated by the Treasury Department in conjunction with its administration of the "Trigger Price Mechanism" (TPM), a program established in December 1977 to monitor prices at which certain steel mill products enter the United States. As stated in the FEDERAL REGISTER of December 30, 1977 (42 FR 65214), the TPM consists of four major parts: (1) the establishment of trigger prices for certain steel mill products imported into the United States; (2) the use of a Special Summary Steel Invoice ("SSSI") applicable to imports of all steel mill products; (3) the continuous collection and analysis of data concerning (a) the cost of production and prices of steel mill products exported to the United States, and (b) the condition of the domestic steel industry; and (4) where appropriate, the expedited initiation and disposition of proceedings under the Antidumping Act of 1921 with respect to imports entering the U.S. at prices below the Trigger Prices.

This case was initiated after information developed from SSSI's indicated that imports of carbon steel plate from Poland produced by Stahlexport Przedsiebiorstwoa (Stahlexport) were being sold at prices less than the appropriate "trigger price" for that product and further investigation revealed the possibility that the subject carbon steel plates were being, or were likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (hereinafter referred to as "the Act"). Evidence also was developed regarding injury or the likelihood of injury to the U.S. domestic industry caused by Stahlexport's allegedly less than fair value exports to the U.S.

For purposes of this determination, the term "carbon steel plate" means hot rolled carbon steel plate, not coated or plated with metal and not clad, other than black plate, not alloyed, and other than in coils. This merchandise is classified under item 608.8415 of the Tariff Schedules of the United States, Annotated.

TENTATIVE DETERMINATION OF SALES AT LESS THAN FAIR VALUE

On the basis of the information developed in this investigation and for the reasons noted below, I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of carbon steel plate from Poland produced by Stahlexport is less than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS TENTATIVE DETERMINATION IS BASED

A. *Scope of the Investigation.* The only evidence of sales to the U.S. of carbon steel plate from Poland at prices below the applicable "trigger prices" was with respect to carbon steel plate manufactured by Stahlexport and this tentative determination only applies to carbon steel plate manufactured by Stahlexport. It was determined that 100 percent of the U.S. imports of this merchandise from Poland were manufactured by Stahlexport during the investigatory period.

B. *Basis of Comparison.* For the purpose of determining whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price of Stahlexport's U.S. sales and the home market price of such or similar merchandise manufactured in Spain. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all shipments of carbon steel plate produced by Stahlexport and exported from Poland were sold to unrelated purchasers in the United States prior to the date of exportation. Home market prices of carbon steel plate manufactured in Spain were used, pursuant to § 153.7(a)(1), Customs Regulations (19 CFR 153.7(a)(1)). Poland is considered to be a state-controlled-economy country and therefore, pursuant to section 205(c) of the Act (19 U.S.C. 164(c)), Stahlexport's home market prices or prices of exports to third countries cannot be used in determining fair value.

Stahlexport has proposed the use of data regarding sales of this product in Finland as a surrogate for its home market prices. The Treasury Department has not established that Finland constitutes an economy at a level of economic development comparable to Poland, pursuant to § 153.7(a)(1), Customs Regulations (19 CFR 153.7(a)(1)), nor was the data submitted in a timely manner. Therefore, the use of home market prices from Spain, a country which has been considered to be at a stage of economic development comparable to Poland, was obtained, verified and utilized.

In accordance with § 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning Stahlexport's sales to the United States which were exported in the months of August-September 1978. Information concerning home market prices of carbon steel plate in Spain was obtained for the period in which the contracts covering Stahlexport's exports to the U.S. during August and September 1978, were concluded. A time period shorter than the normal 6-month period of investigations was chosen to enable the Department to conduct the necessary investigation and render this tentative determination on an expedited basis, as it has stated it would do for all investigations associated with trigger price violations.

C. *Purchase Price.* Purchase price has been calculated on the basis of f.o.b. prices on sales to the United States with a deduction for Polish inland freight. The f.o.b. prices used were the base prices, net of all charges for size and quality extras, for ASTM-A36 carbon steel plate. This is the only carbon steel plate exported during the period of investigation.

D. *Home Market Prices in a Non-State-Controlled Economy.* For purposes of this tentative determination, the ex-factory home market prices in Spain, net of charges for size and quality extras, were developed from information available to the U.S. Customs Service for the Spanish equivalent of the carbon steel plate exported by Stahlexport to the U.S. The merchandise being comparable, no adjustments for difference in merchandise under § 153.11, Customs Regulations (19 CFR 153.11), were made.

E. *Results of Fair Value Comparisons.* Using the above criteria, fair value comparisons were made on 100

percent of Stahlexport's exports to the U.S. during the period of investigations. Margins were tentatively found on 82 percent of the exports, ranging from 0 to 44.2 percent. The weighted-average margin on all sales compared was 20.3 percent.

Accordingly, Customs officers are being directed to withhold appraisement of carbon steel plate from Poland produced by Stahlexport, in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with § 153.40, Customs Regulations (19 CFR 153.40), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, N.W., Washington, D.C. 20229, in time to be received by his office not later than February 12, 1979. Such requests must be accompanied by a statement outlining the issues to be discussed.

Any written views or arguments should likewise be addressed to the Commissoner of Customs in time to be received no later than February 26, 1979. All persons submitting written views or arguments should avoid repetitious and merely cumulative material. Counsel are requested to serve copies of all written submissions on counsel for all other known interested parties and to file their submissions with the Commissoner of Customs in ten copies.

This notice, which is published pursuant to § 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective February 5, 1979. It shall cease to be effective at the expiration of six months from the date of this publication, unless previously revoked.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

JANUARY 26, 1979.

[FR Doc. 79-3857 Filed 2-2-79; 8:45 am]

[4810-40-M]

[Dept. Circular, Public Debt Series—No. 2-79]

TREASURY NOTES OF FEBRUARY 15, 1987—SERIES B-1987

Auction

FEBRUARY 1, 1979.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,250,000,000 of United States securities, designated Treasury Notes of February 15, 1987, Series B-1987 (CUSIP No. 912827 JK 9). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated February 15, 1979, and will bear interest from that date, payable on a semiannual basis on August 15, 1979, and each subsequent 6 months on February 15 and August 15, until the principal becomes payable. They will mature February 15, 1987, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Tuesday, February 6, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, February 5, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign cen-

tral banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interet. The secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made or completed on or before Thursday, February 15, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, February 12, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 9, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Dept, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Supplementary Statement: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

Paul H. Taylor,
Fiscal Assistant Secretary.

[FR Doc. 79-3992 Filed 2-1-79; 3:48 pm]

[4810-40-M]

[Dept. Circular, Public Debt Series—No. 3-79]

8¾% TREASURY BONDS OF 2003-2008

Auction

FEBRUARY 1, 1979.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $2,000,000,000 of United States securities, designated 8¾% Treasury Bonds of 2003-2008 (CUSIP No. 912810 CE 6). The securities will be sold at auction, with bidding on the basis of price. Payment will be required at the bid price of each accepted tender in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts may also be issued for cash to Federal Reserve Banks, as agents of foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities offered will be identical to the 8¾% Treasury Bonds of 2003-2008 (CUSIP No. 912810 CE 6) issued under Department of the Treasury Circular, Public Debt Series—No. 27-78, dated October 26, 1978, except that the interest will accrue from February 15, 1979, and payment for the securities will be calculated on the basis of the auction price determined in accordance with this circular, plus accrued interest from November 15, 1978. With this exception, the securities are as described in the following excerpt from the above circular:

"2.1. The securities will be dated November 15, 1978, and will bear interest[1] from that date, payable on a semiannual basis on May 15, 1979, and each subsequent 6 months on November 15 and May 15, until the principal becomes payable. They will mature on November 15, 2008, but may be redeemed at the option of the United States on and after November 15, 2003, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call.

"2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

"2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

"2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

"2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date."

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 7, 1979. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 6, 1979.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the price offered, expressed on the basis of 100 with two decimals, e.g., 100.00. Common fractions may not be used. Only tenders at a price more than the original issue discount limit of 92.75 will be accepted. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified price. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5% of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and price range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the highest prices, through successively lower prices to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. Successful competitive bidders will be required to pay the price that they bid. Those submitting noncompetitive tenders will pay the weighted average price in two decimals of accepted competitive tenders. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the price. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the weighted average price of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secre-

[1] On November 3, 1978, the Secretary of the Treasury announced that the interest rate on the bonds would be 8¾ percent per annum.

tary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Thursday, February 15, 1979, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from November 15, 1978, to February 15, 1979, in the amount of $22.23757 per $1,000 of securities allotted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, February 12, 1979, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, February 9, 1979, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

SUPPLEMENTARY STATEMENT: The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the Departmental procedures applicable to such regulations.

PAUL H. TAYLOR,
Fiscal Assistant Secretary.

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[4810-25-M]

PRIVACY ACT OF 1974

Reinstated Systems of Records

AGENCY: Office of the Secretary, Department of Treasury.

ACTION: System Notice.

SUMMARY: The Office of the Secretary consolidated its personnel records in the 1977 annual publication of Privacy Act Issuances, 42 FR 49099, September 26, 1977, in an effort to reduce the number of systems of records for ease of use. The consolidation failed to list all the uses and authorities of the incorporated systems, hence the consolidation was imperfect and misleading to the public. In the consolidation, the substance (contents and the uses) of the systems were not intended to be changed, only the systems descriptions. For this reason, the systems of records, as they appeared in the 1976 FEDERAL REGISTER annual notice, 41 FR 45164, October 14, 1976, and the full text of their descriptions, are reinstated to replace consolidated systems OS 001, Administrative Personnel System and OS 003, General Personnel System, which were last published in the Department's 1978 Annual Notice of Systems of Record; 43 FR 42509, September 20, 1978.

This is an administrative action which has been initiated for the benefit of the public to properly reflect the system descriptions in the FEDERAL REGISTER. It does not require submissions to the Congress and OMB nor does it require a public comment period as it is a reinstatement of previously approved systems of records.

A review of each system reinstated by this notice is presently being undertaken in order to determine whether updating, or other changes, may be necessary and appropriate.

DATE: These changes are effective immediately.

FOR FURTHER INFORMATION CONTACT:

Linda K. Zannetti, 566-5573, Chief, Disclosure Staff, Room 1322, Main Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Dated: January 25, 1979.

W. J. MCDONALD,
Acting Assistant Secretary (Administration).

TABLE OF CONTENTS

OFFICE OF THE SECRETARY (OS)

OS 020—Energy Policy Office Administrative File.

OS 036—Office of Debt, Home Addresses and Telephone Number File.
OS 037—OIDB Employee and Employee Candidate File.
OS 040—Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary.
OS 041—Management Analysis Division (MAD) Personnel Working Files.
OS 042—OMD Management Consultants File.
OS 044—Personnel and Payroll Data: Transaction List; Employee Service Records Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing and Alphabetical Locator List.
OS 048—Scheduled Annual Leave Records.
OS 052—Travel Records.
OS 053—Treasury Emergency Preparedness Information Program.
OS 055—EEO Counselor Complaint Files.
OS 060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction.
OS 061—Employee Grade Complaint File.
OS 062—Executive Inventory File.
OS 065—Appointment at Above the Minimum Rate of the Grade File.
OS 066—Combined Applicant/Applicant Correspondence File.
OS 067—Detailed Employee Files.
OS 068—Whitten Amendment Exception Files.
OS 070—Office of Computer Science, Work Assignment and Control Form.
OS 081—Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST).
OS 082—EEO Complaint Processing System.
OS 083—Spanish Speaking Informal Application File (S.F. 171).
OS 110—Foreign Assets Control Administrative Records.
OS 123—ORS Contractors File.
OS 128—ORS Personnel Records.
OS 129—ORS Public Affairs Personnel File.
OS 140—Annual Performance Rating and Annual Performance Analysis.
OS 141—Attorney Books.
OS 142—Attorneys Past and Present.
OS 143—Chief Counsel for Revenue Sharing Personnel.
OS 146—Employee Inventions.
OS 147—Employee Promotion Information.
OS 148—Employee Applications.
OS 152—General Counsel Personnel Files.
OS 153—Personnel: General Counsels, Deputy General Counsels, and Assistant Generals Counsels.
OS 157—Employee Records Cards.
OS 182—Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy.
OS 190—Automated Directory System.
OS 191—Buildings Management Employee Folder.
OS 193—Employee Locator Record.
OS 195—Parking Permit Application.
OS 240—Contracts and Research Proposal.
OS 243—Personnel: Personnel; Recruitment. Personnel Evaluations.
OS 244—Personnel Files.
OS 300—Personnel Files.
OS 400—Merit System Complaints.
OS 502—Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.
OS 503—Roster of Office of the Secretary Employees.
OS 504—Summer Employees Listing.
OS 505—Upward Mobility Program; Counseling Application.

Treasury/OS 00.020

System name:

Energy Policy Office Administrative File—Treasury/OS

System location:

Room 4464, Treasury Building, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Categories of individuals covered by the system:

Employee (presently in a position in this office). Applicant (one who will be hired).

Categories of records in the system:

Employee: regular personnel papers, which are duplicates and this file is not complee. Applicant: S.F. 171.

Authority for maintenance of the system:

Federal Personnel Manual. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Administrative Personnel File: for general reference. Applicant: used in interviews. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File Cabinet.

Retrievability:

Located in Room 4464.

Safeguards:

Filed by name. Usual Security.

Retention and disposal:

Disposed when no longer needed for reference.

System manager(s) and address:

Deputy Assistant Secretary for Investment and Energy Policy, Department of the Treasury, Room 3025, MT, Washington, D.C. 20220.

Notification procedure:

Same as the above.

Record access procedures:

Written request to: Director, Regulatory and Legislative Policy, Room 4460, MT, Washington, D.C. 20220.

Contesting record procedures:

See Access above.

Record source categories:

Administrative Personnel Folder: routine personnel actions. Applicant: SF 171.

Treasury/OS 00.036

System name:

Office of Debt, Home addresses and telephone number File—Treasury/OS.

System location:

Department of Treasury, 15th & Penn. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system:

Employees in Office of Debt, OASIA, U.S. Treasury.

Categories of records in the system:

Telephone numbers and home addresses.

Authority for maintenance of the system:

5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Routine Use. To provide record of home telephone numbers and addresses; (b) Category of Users. Professionals of OASIA; (c) Purpose. To contact after normal duty hours for urgent situations. (d) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

3x5 card.

Retrievability:

Indexed by name.

Safeguards:

None required.

Retention and disposal:

Disposed when employee terminates employment in office.

System manager(s) and address:

Secretary to the Director, Office of Debt, OASIA, U.S. Treasury.

Notification procedure:

Director, Office of Debt, OASIA, Department of the Treasury, Washington, D.C. 20220.

Record access procedures:

Same address as above.

Contesting record procedures:

See above.

Record source categories:

Employees in Office of Debt.

Treasury/OS 00.037

System name:

OIDB Employee and Employee Candidate Files—Treasury/OS.

System location:

OIDB, 5th Floor, Department of Treasury, 15th & Penna. Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system:

OIDB staff members and the candidates for OIDB, including prospective candidates for ED or Alt. ED positions at the IFIs.

Categories of records in the system:

Bio data and curriculum vitae.

Authority for maintenance of the system:

5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

For use by OIDB Director in making recommendations for promotions and other job classification changes and in interviewing job candidates. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manila folders in file cabinet.

Retrievability:

By name.

Safeguards:

Maintained in locked file cabinet. Disclosure limited to official personnel on need to know basis.

Retention and disposal:

Records on OIDB employees kept while employee is in office. Job candidates for one year.

System manager(s) and address:

Director, OIDB, OASIA, Department of the Treasury, Washington, D.C. 20220.

Notification procedure:

(a) Address. OASIA Personnel Office, Room 2050 Main Treasury, 15th & Penna. Ave., N.W., Washington, D.C. 20220. (b) Identifying Information. Full name and address, under which you had contact with OASIA. Specify dates as nearly as possible.

Record access procedures:

See Notification above.

Contesting record procedures:

See Notification above.

Record source categories:

Supplied by the persons themselves.

Treasury/OS 00.040

System name:

Confidential Statements of Employment and Financial Interests, Personnel Division, Office of the Secretary—Treasury/OS.

System location:

Room 1306, Main Treasury Building, Personnel Division, Security Branch, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system:

Statements are required from all Treasury employees under the categories listed under Section 0.735-70, Department of the Treasury Minimum Standards of Conduct as reprinted from the Federal Registers, December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Categories of records in the system:

Forms TD 3086 and 3087 (Confidential Statement of Employment (1)) and Form TD 3086 (Statement of Employment and Financial Interests)—For Special Government Employees) and Form TD 3087 (Confidential Statement of Employment and Financial Interests) prepared by the incumbent or potential incumbent as prescribed.

Authority for maintenance of the system:

In conformance with Sections 201 through 209 of Title 18 of the United States Code, Executive Order No. 11222 of May 8, 1965, OS:PD and Title 5, Chapter I, Part 735, of the Code of Federal Regulations as published in the Department of the Treasury Minimum Standards of Conduct reprinted from the Federal Registers dated December 16, 1970, and amendments dated April 9, 1971, and January 8, 1973.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Statements are prepared by employees or applicants and are submitted through the Personnel Office to the agency reviewing officer. If there are no indications that a conflict of interest condition exists, the reviewing official signs and dates the form and returns it to the Personnel Office for retention. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

To meet the requirements of confidentiality set forth in Subchapter 4-10, Part 735, Federal Personnel Manual, each Statement of Employment and Financial Interests is filed alphabetically in three-ring binders which in turn are filed in metal containers designed for the storage of classified information and secured by government-approved three-position, combination locks.

Retrievability:

Since these statements are filed alphabetically in three-ring binders, they are retrieved accordingly.

Safeguards:

In addition to being stored in a secure, metal container with government-approved, combination locks, the metal container is situated in a room which, during normal work hours, is under the supervision of authorized employees, and during nonwork hours is locked. The files are in the custody of security specialists for secure storage and access is made only to personnel and administrative officials in the performance of their official functions or to the incumbents who executed the statements.

Retention and disposal:

Statements of active employees are retained during incumbent employment tenure and subject to annual update as required by law. Records of personnel who depart are retired and maintained for two years, then destroyed as required by Item 26, Appendix B, General Records Schedule, Title 3.

System manager(s) and address:

Personnel Officer, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1330, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure:

Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures:

Chief, Security Branch, Personnel Division, Office of the Deputy Assistant Secretary (Administration), Office of the Secretary, Department of the Treasury, Room 1306, 15th and Penn-

sylvania Avenue, N.W., Washington, D.C. 20220. Access on request of contributor.

Contesting record procedures:

See Access above.

Record source categories:

The information contained in these records is provided by the employee or applicant pursuant to the authority reflected above.

Treasury/OS 0.041

System name: Management Analysis Division (MAD) Personnel Working Files—TreasuryOMO.

System location: Office of Management and Organization, Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: All prospective and current employees in MAD.

Categories of records in the system: Standard Forms: 52 (Personnel Action), 171 (Employment Application), 1012 (Travel Voucher), 1038 (Travel Advance). Office of the Secretary Forms: 3015 (Travel Authorization), 3016 (Training Authorization). Personal Data Summary Sheet, Summary of Employee Training, Letters of Appreciation, Position Descriptions.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by the Chief, MAD, for planning and managing staff development; by his secretary; and by individual employees, as reference files to obtain information stated under CATEGORY OF RECORD. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Alphabetical order by employee's last name.

Safeguards: All material is unclassified, kept in a secured file cabinet.

Retention and disposal: Records are maintained as long as person is employed in MAD. Upon resignation, records are given to employee or discarded. Prospective employee files are held for twelve months then discarded.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: Employees have free access to their individual files. Inquiries should be written addressed to the System Manager.

Contesting record procedures: See System Manager above.

Record source categories: Copies of official forms; data prepared by each individual employee; and material from any official who deems it appropriate to submit a letter of appreciation for services rendered by employee.

Treasury/OS 00.042

System name: OMO Management Consultants File—TreasuryOS.

System location: Management Analysis Division, Room 4418 MT, Washington, D.C. 20220.

Categories of individuals covered by the system: Individual Consultant's or Management Consultant firms' brochures identifying individual firm officials.

Categories of records in the system: Published brochures of Management Consultant firms and resumes prepared by individual Consultants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: When the Department is considering letting a contract for a Management Consultant, the file is used as a reference for submission of Request For Proposal. For additional routine uses see Apendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folder.

Retrievability: Alphabetical order by Management Consultant firm or individual Consultant name.

Safeguards: All material is unclassified. Kept in a file cabinet.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Chief, Management Analysis Division, Department of the Treasury, Room 4418 MT, Washington, D.C. 20220.

Notification procedure: Same as System Manager above.

Record access procedures: By request to System Manager.

Contesting record procedures: Same as Access above.

Record source categories: Information is submitted unsolicited by the individual Consultants or Management Consultant firms.

Treasury/OS 00.044

System name: Personnel and Payroll Data: Transaction Lists; Employee Service Record Report; Leave Without Pay Report; Employee Information List; Comprehensive Payroll Listing; and Alphabetical Locator List.—TreasuryOS.

System location: Room 1330, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: Office of the Secretary employees.

Categories of records in the system: The types of information in the system are names, position titles, grades and salary.

Authority for maintenance of the system: IRS Computer system generates reports. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reports are used to answer inquires made by employees and to verify whether information submitted by this office has been updated by the IRS Data Center. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Locked room. File cabinets.

Retrievability: By name and social security number.

Safeguards: Locked cabinets.

Retention and disposal: Most reports are retained for at least 1 year after which they are destroyed.

System manager(s) and address: Personnel Officer, Room 1330, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Room 1330, Main Treasury Building. Employee should give name, office title and social security number.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: SF-50 and Time and Attendance cards.

Treasury/OS 00.048

System name: Scheduled Annual Leave Records—TreasuryOS.

System location: Treasury Department, Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All employees whose salary is paid from funds appropriated for the Office of the Secretary, the Exchange Stabilization Fund, the Working Capital Fund, and the Office of Revenue Sharing.

Categories of records in the system: Dates of scheduled annual leave for the calendar year TR-Form 4067 and Request for Restoration of Annual Leave TR-Form 4068.

Authority for maintenance of the system: Public Law 93-181.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are used as a basis for determinations on granting requests for restoration or forfeited annual leave. For additional routine use, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Original documents in a file cabinet.

Retrievability: By name of individual.

Safeguards: Non-sensitive material; handled routinely in file cabinet.

Retention and disposal: Maintained until file updated.

System manager(s) and address: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Record access procedures: Chief, Financial Management Division, Room 634, 1900 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: The individual scheduled for annual leave.

Treasury/OS 00.052

System name

Travel Records—Treasury/OS.

System location

Treas. Dept. Office of the Secretary, Financial Management Division, Room 634, 1900 Pennsylvania Ave., NW, Washington, D.C. 20220.

Categories of individuals covered by the system

All individuals authorized to perform travel for the Office of the Secretary.

Categories of records in the system

Form OS-3015, Authorization to Perform Travel, with the SF 1012, Travel Voucher, which details travel performed and expenses incurred with necessary receipts to support the claim for reimbursement to the traveler. SF 1038. Request for Advance of Funds.

Authority for maintenance of the system

5 USC 5701-5709.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

The supporting documentation for entering a charge against, and disbursing funds from, the appropriation for salaries and expenses, Office of the Secretary of the Treasury and for the Exchange Stabilization Fund. For additional uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

Original document forms in file cabinet.

Retrievability

Filed by name on a fiscal year basis.

Safeguards

Non-sensitive material handled routinely in regular file cabinet.

Retention and disposal

Presently retained for ten years then burned or shredded.

System managers(s) and address

Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Notification procedure

Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Record access procedures

Chief, Financial Management Division, Room 634, 1900 Pennsylvania Ave., Washington, D.C. 20220.

Contesting record procedures

See access above.

Record source categories

Facts and figures are presented by the individual related to authorized travel.

Treasury/OS 00.053

System name

Treasury Emergency Preparedness Information Program. The information system of this program contains the following information records which are subject to this inventory: (1) Emergency Executive Teams Lists, (2) Alert Notification Procedures, (3) Federal Emergency Assignee Identification—Treasury/OS.

System location

Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Categories of individuals covered by the system:

(1) Treasury Emergency Executive Team Members (Teams A, B, & C) (2) Key Treasury Personnel.

Categories of records in the system

(1) Emergency Executive Team Member Lists (By Office of the Secretary and by Treasury Bureau listing); Name, Position Title, Office/Agency. (2) Key Treasury Personnel Alert Notification Lists; Name, Telephone Numbers (Office and Home), Office/Agency. (3) Information by individual application for Federal Emergency Assignee Identification Card and E&FD Pass-Badge; Name, Date of Birth, Physical Identification Characteristics, Agency.

Authority for maintenance of the system

(1) Emergency Executive Teams: Treasury Emergency Planning Circular No. 2 (Rev.) March 14, 1973; OEP Circular 9100.2 April 12, 1972; Executive Order 11490. (2) Key Treasury Personnel Alert Notification: Treasury EPC No. 2. (3) Application for Identification Card-Badge: (a) SF-138 Pass: Title 32-National Defense, Part 231 (Federal Register page 11893, October 30, 1962) Civil Defense Identification for Federal Employees. (b) GSA form 9033: Office of Preparedness (OP)/GSA-APGS Order 604.1B dated November 15, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses

(1) Emergency Executive Teams Lists: Assigns key Treasury personnel (who are essential to the performance of essential emergency functions) to Teams A, B, & C. See EPC No. 2. Forms the basis for issuance of SF-138 Cards and E&FD Passes. Forms the basis for the personnel on the Alert Notification Lists who are to be notified during an emergency situation and when Civil Readiness Levels are established or changed. See EPC No. 1.

(2) Key Treasury Personnel Alert Notification Lists: Used by Treasury Telecommunications Center personnel and Emergency Planning officials in alerting key Treasury personnel and Emergency Executive Team Members during an emergency and the setting of Civil Readiness Levels.

(3) Federal Emergency Assignee Identification: (a) SF-138 Pass: Issued to all members of the three Emergency Executive Teams (A, B, & C) and to certain other key Treasury personnel. Identifies the person described on the card as having been assigned essential emergency duties for the Federal Government. It is imperative that the bearer be assisted in travel by the fastest possible means to his emergency assignment. Permits admission to emergency operating facilities to which Teams A & C members are assigned. (b) E&FD Pass: Permits admission to Federal Preparedness Agency (FPA)/GSA Special Facility, which is the emergency operating facility to which Team B members are assigned.

(4) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage

(1) Emergency Executive Team Lists and Alert Notification Lists: Master copies maintained in MPS office. Copies are prepositioned within the Office of the Secretary, Telecommunications Center, Treasury Emergency Operating Facilities (TARS and FPA/GSA/SF). (2) Federal Emergency Assignee Identification: (a) SF-138 application: Original in MPS, (b) E&FD application: Original filed within Federal Preparedness Agency (FPA)/GSA. Copy filed in MPS office.

Retrievability

All mentioned records are indexed by name.

Safeguards

Treasury Master Records are filed in official records in MPS office. Office is secured and locked when no office personnel are present.

Retention and disposal

Files are retained and disposed of in accordance with Treasury Department directives for record scheduling. (See Treasury Adm. Bulletin No. 74-68, September 10, 1974 and Treasury Department Order No. 227, October 24, 1973.) Passes are retrieved and destroyed by shredding when employee

no longer has official need for the pass (e.g., no longer employed by Treasury as a Team member). Team List and Alert Notification Lists are maintained current. Obsolete lists are destroyed.

System Managers(s) and address

Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Notification procedure:

(a) Address: Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220. (b) Identifying Information: Name, Official Capacity as a Treasury employee or former employee.

Record access procedures

By written request to Chief, Mobilization Planning Staff, Room 731 Washington Building, 1435 G Street, N.W., c/o Main Treasury, Washington, D.C. 20220.

Contesting record procedures

See Access above.

Record source categories:

(a) Key Treasury officials in assigning key personnel to the Emergency, Executive Teams provide position title and name of person. (b) The key personnel and team members voluntarily provide information on themselves when applying for identification cards or passes and also provide telephone numbers for the Alert Notification Lists.

Treasury/OS 00.055

System name: EEO Counselor Complaint Files—Treasury/OS.

System location: U.S. Treasury Department, Office of the Secretary, 1500 Pennsylvania Avenue, N.W., Room 4313, 2438.

Categories of individuals covered by the system: Individuals alleging discrimination related to employment with the Office of the Secretary and who have been asssigned to a counselor for informal counseling.

Categories of records in the system: The files contain the names of the complainants and information relative to their complaints. This may include: efforts made to settle the complaint; the settlement agreement; notification of extension of the counseling period; notification of final counseling session; and the counselor's report, if required.

Authority for maintenance of the system: Treasury Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the counselors to maintain a record of cases and to prepare the counselor's report.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: Indexed by name.

Safeguards: Files are under supervision of each counselor and not released to unauthorized personnel.

Retention and disposal: Indefinite.

System manager(s) and address: Equal Employment Opportunity Officer, Office of the Secretary, U.S. Treasury, Main Treasury, Room 4406, Washington, D.C. 20220.

Notification procedure: Same as above. Include name and approximate date of counseling.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information is developed from counseling sessions with persons alleging discrimination.

Treasury/OS 00.060

System name: Correspondence files and records on employee complaints and/or dissatisfaction—Treasury/OS.

System location: Office of Personnel, Room 2425, Main Treasury Bldg., Washington, D.C. 20220.

Categories of individuals covered by the system: Former or current Department employees.

Categories of records in the system: Correspondence dealing with employee complaints.

Authority for maintenance of the system: Departmental discretion on maintenance of correspondence files. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Reference purposes; evaluation of personnel management; responding to inquiries from Congressmen, the White House, and other government officials. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, file cabinets.

Retrievability: By employee name.

Safeguards: Filed in filing cabinet and released only to individuals with a legitimate right to review.

Retention and disposal: Records are maintained and disposed of in accordance with Treasury Department's Records Retention and Disposal Schedule for Administrative correspondence.

System manager(s) and address: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel, Employee Relations and Services, Department of the Treasury, Room 2425, Main Treasury Building, Washington, D.C. 20220.

Record access procedures: The Director of Personnel, Department of the Treasury, Room 2426, Main Treasury Building, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

Treasury/OS 00.061

System name: Employee Grade Complaint file—Treasury/OS.

System location: Office of Personnel, 15th & Pennsylvania Avenue, N.W., Washington, D.C., Room 2426.

Categories of individuals covered by the system: Employees.

Categories of records in the system: Category IV (memorandums and letters about individuals involved in any kind of case action).

Authority for maintenance of the system: Title V grants agencies authority to adjudicate classification and pay appeals. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in comparing similar case appeals in connection with the job; not specifically in reference to the employee. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By bureau and alphabetically by name of individuals.

Safeguards: File in file cabinets and released only to individuals with a legitimate right to review.

Retention and disposal: Policy is to destroy after 3 years of completion of appeal cases.

System manager(s) and address: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure: Deputy Director of Personnel, Department of the Treasury, 15th & Pennsylvania Avenue, Washington, D.C. 20220.

Record access procedures: See notification above.

Contesting record procedures: See notification above.

Record source categories: Memos to and from appellant, including bureau, Treasury and Civil Service Commission memorandums and letters on the subject.

Treasury/OS 00.062

System name: Executive Inventory Files—Treasury/OS.

System location: Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system: All GS and GG-15, 16, 17, 18 employees of the Department of the Treasury.

Categories of records in the system: A brief description of identifying bio-

graphical data, work experience, education, professional activities, honors, special qualifications and references.

Authority for maintenance of the system: Executive Order 11315 which authorized the Executive Assignment System and subsequent Civil Service Commission procedures and regulations which established the Executive Inventory Files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information is used in making personnel decisions and in processing personnel actions on executives in the Department of the Treasury. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability: The records are kept by organizational units and position grade level in alphabetical order.

Safeguards: Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal: The records are kept as long as the employee is assigned to a GS or GG-15, 16, 17, or 18 position, except for employees who retire. The records on retirees are kept for approximately one year from their date of retirement. The records are burned when we dispose of them.

System manager(s) and address: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual needs to provide his name, present organizational assignment, position title and grade.

Record access procedures: Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures: See access above.

Record source categories: The SF-161 and SF-161-A are provided by the employees or their servicing personnel offices.

Treasury/OS 00.065

System name : Appointment at Above the Minimum Rate of the Grade Files—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Persons proposed for employment by the Department of the Treasury at a salary rate above the minimum rate of the grade and for which approval is sought by Treasury from the U.S. Civil Service Commission.

Categories of records in the system : A collection of documents required for requesting approval by the U.S. Civil Service Commission of appointments at a salary rate above the minimum rate of the grade, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and in some instances, Request for Personnel Action (SF-52); Certification Form (SF-39); letters of justification; and general correspondence requesting approval of the action.

Authority for maintenance of the system : The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The information is used to satisfy the minimum data requirements needed for consideration and approval of appointments at above the minimum rate of the grade by the U.S. Civil Service Commission. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage : Records are stored in file cabinets in secured building.

Retrievability : System is indexed by name in a log and filed in chronological order as requests for approval are acted upon by the U.S. Civil Service Commission.

Safeguards : Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal : Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested by the Department of the Treasury.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The documents which constitute this system, and which are listed under Category of Record, came from the individual applicant, his servicing personnel office, the U.S. Civil Service Commission, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.066

System name : Combined Applicant/Applicant Correspondence File—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

Categories of records in the system : Standard Applications for Federal Employment (SF-171).

Resumes providing a reflection of such personal or job related experience as the writer elected to furnish.

Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

Authority for maintenance of the system : Most material is not solicited, though on occasion applications are sought for specific postions.

The material, generally, is related to Treasury's personnel operations carried out under various provisions of Title 5, U.S. Code.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : Employment inquiries received from applicants are routed to specific bureau personnel offices (if requested) or to all bureau personnel offices (if not specified). Should bureaus have vacancies for which outside applications are being accepted, they will be included for referral. Applicants are advised that we have referred their applications. Occasionally, applications are solicited from the general public for hard-to-fill jobs. When solicited, applicants are advised to apply directly to the bureau having the vacancy if they

desire consideration. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage : Records are stored in file cabinets in secured building.

Retrievability : Records are maintained in a manual filing system, indexed alphabetically and retrievable by name of applicant. In addition, a written log is maintained on all applications circulated to bureau personnel offices. The log gives name of applicant, date received, and date circulated.

Safeguards : Physical security is provided by storage in file cabinets. Only authorized personnel officials have access to the files maintained in Room 2412. These files are not available to the general public or to persons outside the personnel office who have no "need to know."

Retention and disposal : Files are maintained for a period of two years at the end of which time they are burned.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. Since the system is filed alphabetically, only the applicant's name is required.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

Treasury/OS 00.067

System name : Detailed Employee Files—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Department of the Treasury employees whose detail to other organizations and/or positions requires approval at the Departmental level.

Categories of records in the system : Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement, (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

Authority for maintenance of the system : The authority which authorizes the solicitations of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The information is used to satisfy the minimum data requirements needed for consideration and approval of details of employees requiring approval at the Deparmental level. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored in file cabinets in secured building.

Retrievability : System is indexed by name in a log and filed in chronological order as details are approved.

Safeguards : Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal : Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the detail requested requiring approval at the Departmental level.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The documents which constitute this system, and which are listed under Category of Record, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.068

System name : Whitten Amendment Exception Files—Treasury/OS.

System location : Room 2412, Main Treasury Building, Washington, D.C. 20220.

Categories of individuals covered by the system : Persons employed by, or proposed for employment by, the Department of the Treasury and in whose behalf an exception to the Whitten Amendment is sought by Treasury.

Categories of records in the system : A collection of documents required for requesting approval by the U.S. Civil Service Commission of exceptions to the Whitten Amendment, including: Request for Approval of Non-Competitive Action (SF-59); Personal Qualifications Statement (SF-171); Position Description (OF-8); and, in some instances, Request for Personnel Action (SF-52); letters of justification; and general correspondence requesting approval of the exception.

Authority for maintenance of the system : The authority which authorizes the solicitation of the information by the agency is Title 5 U.S. Code and the various rules and regulations of the U.S. Civil Service Commission pursuant thereto, as well as the implementing personnel policies derived therefrom by the Department of the Treasury.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The information is used to satisfy the minimum data requirements needed for consideration and approval of exceptions to the Whitten Amendment by the U.S. Civil Service Commission. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage : Records are stored in file cabinet in secured building.

Retrievability : System is indexed by name in a log and filed in chronological order as requests for exceptions are acted upon by the U.S. Civil Service Commission.

Safeguards : Physical security is provided by storage in file cabinets with personnel screening accomplished by limiting access to authorized Treasury personnel and management officials on a "need to know" basis.

Retention and disposal : Records are retained for an indefinite period of time and are destroyed by standard destruction methods including burning of Personal Qualifications Statements and related confidential information.

System manager(s) and address : Assistant Director of Personnel (Executive Manpower and Employment), Room

2412, Main Treasury Building, Washington, D.C. 20220.

Notification procedure : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220. The individual is required to provide his name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the Whitten Amendment exception requested by the Department of the Treasury.

Record access procedures : Assistant Director of Personnel (Executive Manpower and Employment), Room 2412, Main Treasury Building, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The documents which constitute this system, and which are listed under Category of Record, came from the individual employee or applicant, his servicing personnel office, and other concerned management officials within the Department of the Treasury.

Treasury/OS 00.070

System name : Office of Computer Science, Work Assignment and Control Form—Treasury/OS.

System location : 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Categories of individuals covered by the system : All personnel in Office of Computer Science.

Categories of records in the system : List of projects and time spent on each project. List of projected project milestone dates and actual dates completed.

Authority for maintenance of the system : Implied authority of manager to maintain records of staff assignments and workload. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : (1) Assignment of work to individuals. (2) Record of manpower resources spent for each customer organization. (3) Performance evaluation. (4) Historical records used as examples for budget preparation. (5) For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system :

Storage : Paper, mag. tape files.

Retrievability : Indexed by name.

Safeguards : Under supervision of responsible manager during working hours. Room locked at other times.

Retention and disposal : Retained one year, then erased or discarded.

System manager(s) and address : Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Notification procedure : Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220. Identifying information—name.

Record access procedures : Written request, to: Director, Office of Computer Science, 1625 I Street, N.W., Room 224, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : Forms filled out by staff members.

Treasury/OS 00.081

System name : Centralized Automated System for Reporting Employment Statistics in the Department of the Treasury (REST)—Treasury/OS.

System location : Office of the Chief, Fiscal Division, Internal Revenue Service Data Center, Box 1100, Detroit, Michigan 48232. This is the location of data processing support for the REST System.

Categories of individuals covered by the system : Employment statistics on Treasury minority groups and female employees.

Categories of records in the system : The following information is contained in the system: (1) Submitting Office Number, (2) Bureau, (3) Region, (4) Office, (5) Social Security Number, (6) Minority Designation Code, (7) Geographical Location Code, (8) Series (Occupational), (9) Pay Plan Code, (10) Grade, (11) Sex, (12) Code for Full-time, Part-time, and Intermittent, (13) Code for Seasonal (WAE), (14) Citizenship Code, (15) Supervisory Code, (16) Birth Month, (17) Birth Year, (18) Nature of Action Code, (19) Effective Date of Action, (20) On-Off Roll Code, (21) Salary (for Employees Who Do Not Have a Grade, i.e. Wage Systems, Special Emphasis, etc.)

Authority for maintenance of the system : The Civil Service Commission in the Federal Personnel Manual (Chapter 713, Subchapter 3A), establishes the full control of an automated minority group identification system under the agency Director, Equal Employment Opportunity (EEO), or his designated EEO Official.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The centralized system for Reporting Employment Statistics in the Treasury is used to furnish statistics on employment distribution to Personnel Officers, EEO Officers and Department staff as needed. Also, a periodic report of employment statistics on distribution of minority groups and female employees is provided to all Personnel and EEO Offices. Data will be provided OMB, the White House and Congress upon request. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system : The Centralized Automated System for Reporting Employment Statistics is kept on a mag-tape which is the master file for minority and female statistics. Information concerning the employee is retrievable through the use of the individual's social security number. The mag-tape is not kept more than a year and is reused normally for the same or similar data. Tape data is reduced to hard copy in the form of reports. The Director, Equal Opportunity Program (EOP), is the designated Treasury official responsible to insure that minority group identification of Department employees is maintained and used in such a manner that will guard against the invasion of privacy of employees as set forth in all regulations.

System manager(s) and address : Chief, Treasury Employee Data and Payroll Division, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Notification procedure : Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. An individual requesting information should state his or her name, social security number, bureau employed by, and geographical location of facility or duty station to which assigned.

Record access procedures : Written requests for information on the procedures for gaining access to and contesting information is to be made to: Director, Office, Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The Processing Clerk enters each new employee's minority group designation code, cost code or organization designation code, sex code, citizenship code and supervisory position code on one copy of the SF-50 and sends it to the IRS Data Center.

Treasury/OS 00.082

System name : EEO Complaint Processing System—Treasury-OS.

System location : Office, Equal Opportunity Program, Department of the Treasury, Room 1000, 1612 K Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system : Applicants for employment and aggrieved employees who have filed formal Equal Employment Opportunity complaints against the Department and its Bureaus.

Categories of records in the system : Each EEO investigative file contains: (a) a copy of each affidavit of the complainant, the alleged discriminatory official, and other witnesses; (b) a copy of each agency record obtained; and (c) a copy of the other information acquired in the investigation. When information concerning the agency's

policies or procedures is essential to an understanding of matters covered by the investigation, a copy of, or an excerpt from this material will be included in the file. Files may include, depending on complainants exercising appeal rights, Hearing Transcripts and Decisions by Civil Service Commission Complaints Examiners, and Decisions by the Appeals Review Board.

Authority for maintenance of the system : Part 713.203(k) of the Civil Service Commission's Rules and Regulations, require agencies to "provide for the prompt, fair and impartial consideration and disposition of complaints involving issues of discrimination on grounds of race, color, religion, sex or national origin." Federal Personnel Manual Letter No. 713-25, provides "an agency will process complaints of discrimination on account of age."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The EEO investigative record is used to resolve complaints of discrimination between aggrieved employees or applicants for employment, and agency management. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system : The records are maintained in EEO complaint case file folders. The files are maintained by the name of the complaint in an alphabetical order. The Director, Equal Opportunity Program, and his EEO staff, and the Civil Service Commission have access to these files. The Federal District Courts have access to the files in the event the complainant appeals to that level. Normally, the files are maintained in the Department of Treasury for a period of from two (2) to three (3) years before being forwarded to the Federal Records Center, Alexander, Virginia.

System manager(s) and address : Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220. The individual requesting the information must identify the date he or she filed a formal complaint, the Bureau against whom the complaint was filed, and if known, the date the complaint was closed.

Notification procedure : See System Manager above.

Record access procedures : To obtain information on the procedure for gaining access to and contesting records write to: Director, Office of Equal Opportunity Program, Department of the Treasury, 15th and Pennsylvania Avenue, Washington, D.C. 20220.

Contesting record procedures : See Access above.

Record source categories : The information came from Affidavits of the parties involved and witnesses. Information also comes from personnel records, as well as from other documents relating to personnel management.

Treasury/OS 00.083

System name : Spanish Speaking Informal Application File (S.F. 171)—Treasury/OS.

System location : Office, Equal Opportunity Program, Spanish Speaking Program, Department of the Treasury, 1612 K Street NW., Room 1000, Washington, D.C. 20220.

Categories of individuals covered by the system : Spanish Speaking citizens who are seeking employment and/or promotions with the Federal Government.

Categories of records in the system : CSC Standard Form 171 (Personal Qualifications Statement).

Authority for maintenance of the system : Civil Service Commission EPM Letter 713-18.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses : The Standard Forms 171 are referred to the Bureaus by the Spanish Speaking Program Coordinator to the Bureau Spanish Speaking Program Coordinators to assure that Spanish Speaking are fairly considered for job openings and/or promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system : The applications are kept in a file by name. Safeguards are taken to prevent unauthorized disclosures of records. The office is locked and physical security is maintained at the entrance of the building when closed. The Standard Forms 171 are kept at least one year and/or disposed of after individual has been employed or promoted. If no action is taken within one year, the application is returned to the individual concerned.

System manager(s) and address : Spanish Speaking Program Coordinator, U.S. Treasury Department, 1612 K Street, N.W., Room 1000, Washington, D.C. 20220.

Notification procedure : Same as above. No identifying information of an individual is required except his/her name.

Record access procedures : An individual can gain access to his/her records by requesting them by letter, or visit to the Office of Equal Opportunity Program's Director, Equal Employment Opportunity's Deputy Director, or the Spanish Speaking Program Coordinator at: Mailing Address: Office of the Secretary, Office of Equal Opportunity Program, U.S. Treasury Department, Washington, D.C. 20220. Office Location: Same as Systems Manager.

Contesting record procedures : See Access above.

Record source categories : All Standard Forms 171 (Federal Government applications) were submitted by the individuals and/or other Spanish Speaking Program Coordinators.

Treasury/OS 00.110

System name: Foreign Assets Control Administrative Records—Treasury/OS

System location: Office of Foreign Assets Control, 1331 G Street, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Office of Foreign Assets Control employees. Treasury Department General Counsel employees assigned to FAC work. Former Office of Foreign Assets Control employees. Applicants for employment with Treasury Department, Office of Foreign Assets Control.

Categories of records in the system: Applications for employment with the Office of Foreign Assets Control, or with the Office of Chief Counsel, Foreign Assets Control; records of grade promotions of Foreign Assets Control employees; records of within grade salary step increases of Foreign Assets Controls employees; analysis of performance of legal professionals assigned to Foreign Assets Control Work; supervisory evaluation of Foreign Assets Control Employees; confidential financial statements.

Authority for maintenance of the system: 5 U.S.C. Sections 301 and 302, Treasury Department Order No. 128, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As source of information in consideration of hiring of new Foreign Assets Control employees. To determine whether a grade promotion of an employee is indicated. To determine whether annual within grade salary step increase is warranted. To compile mailing list of employees for Foreign Assets Control uses and purposes. To determine what training of Foreign Assets Control employees is needed. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Foreign Assets Control administrative records are placed in folders which are kept in file cabinets, secured by approved detachable combination locks. FAC administrative records are retrieved from the administrative file by the name of the individual. Each FAC file cabinet containing administrative records is locked when not in use. Such files are located in an area which is manned during duty hours by FAC employees. No person other than the Director (Acting) is allowed access to such records, except as specifically designated

by the Acting Director. During off-duty hours the file area is safe-guarded by appropriate electronic protective devices. FAC administrative records (other than application for employment) are kept indefinitely for so long as they are useful to the Office of Foreign Assets Control.

System manager(s) and address: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Notification procedure: Requests by an individual for notification as to whether Foreign Assets Control Administrative Records contain information relating to him should be (a) mailed: Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220, (b) presented in person: Office of Foreign Assets Control, 1331 G Street, N.W., Room 504, Washington, D.C.

Record access procedures: Requests for information on gaining access to or contesting of information contained in FAC Administrative Records should be mailed to: Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: All information contained in the FAC administrative records is usually obtained from the individual, or from Treasury Department Personnel Office.

Treasury/OS 00.123

System name: ORS Contractors File—Treasury/OS.

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Contractors offering services.

Categories of records in the system: File containing individual contracts maintained in alphabetical sequence. Contents include: contract request, justification, source recommended, sole source when applicable, experience, references, bid for services.

Authority for maintenance of the system: For Administrative Officer in providing necessary services and Budget Analysis for payment of accounts. 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Manager in checking services required. For Administrative Officer in securing contract. For Budget Analysis in payment for services. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Director's office, Managers and persons assigned to project may review file along with Contract Officers from Administrative Services, Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W., Washington, D.C. 20226.

Notification procedure: Office of Revenue Sharing, 2401 "E" Street, N.W., Washington, D.C. 20226.

Record access procedures: Written request mailed to: Administrative Officer, 2401 "E" Street, N.W., Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from consultants giving services, contract officer for agreement, budget analysis for approval of funds and payment upon approved completion of the contract.

Treasury/OS 00.128

System name: ORS Personnel Records—Treasury/OS.

System location: 2401 "E" Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Employees.

Categories of records in the system: A current employees file, in alphabetical sequence, is maintained which includes: application, certification and appointment, promotional appraisals, performance appraisals, corrective action, absence and leave, training and development programs, recognition for outstanding performance.

A former employee's file, in alphabetical sequence, is maintained for six months at which time all material is sent to official file in Office of the Secretary, Main Treasury.

A recruitment file, in alphabetical sequence, is maintained for one year. Applicants submit forms and resumes for consideration.

Authority for maintenance of the system: Personnel records kept to furnish Office of the Secretary Personnel, Main Treasury, status and development of employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For Managers and individual employees use in checking personnel records. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: (1) Records maintained in locked file cabinet. (2) Records filed in alphabetical sequence. (3) Records maintained in locked file cabinet. Managers may request the files of their employees for review and approval. Individual employees may request files for update or review. Any other requests for personnel information is handled by Office of the Secretary Personnel Division at Main Treasury.

System manager(s) and address: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Notification procedure: Same as above.

Record access procedures: Written request mailed to: Administrative Officer: ORS, 2401 "E" Street, N.W.—Room 1564, Washington, D.C. 20226.

Contesting record procedures: See Access above.

Record source categories: Information came from individual employees, supervisors, Personnel, Main Treasury.

Treasury/OS 00.129

System name: ORS Public Affairs Personnel file—Treasury/ORS.

System location: Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel, Public Affairs Division.

Categories of records in the system: Miscellaneous information relating to history of employee's activity at ORS.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Public Affairs staff maintain these files for their convenience. No access is provided to others. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders in drawers.

Retrievability: Indexed by name and file number.

Safeguards: No confidential information is kept in these files.

Retention and disposal: Records are maintained until employees discard them.

System manager(s) and address: Administrative Officer, Office of Revenue Sharing, 2401 E Street, N.W., Washington, D.C. 20226.

Notification procedure: Administrative Officer, 2401 E St., N.W., Washington, D.C. 20226.

Record access procedures: See Notification above.

Contesting record procedures: See Notification above.

Record source categories: Memoranda from Treasury Personnel Office. Copies of form 171s and resumes prepared by Public Affairs personnel themselves. In-house memoranda, Miscellaneous correspondence.

Treasury/OS 00.140

System name: Annual Performance Rating and Annual Performance Analysis—Treasury/OS

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Annual Performance Rating—Present and former employees of the Office of the General Counsel. Annual Performance Analysis—Present and former attorneys of the Legal Division.

Categories of records in the system: The information in this system takes the form of ratings and performance analyses prepared by the employee's supervisors.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules for promotion and Treasury Personnel Manual, Chapter 430, 8, D(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and review of employee's general work performance level. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By year, name of employee, and bureau.

Safeguards: The files are kept in cabinets with an extremely limited number of employees permitted access (such as the General Counsel, Deputy General Counsel, Assistant General Counsels, or Chief Counsels).

Retention and disposal: The records are maintaned for five years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Head of the office to which the employee is assigned.

Treasury/OS 00.141

System name: Attorney Books—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present attorneys of the Legal Division of the Treasury Department.

Categories of records in the system: The information in this system takes the form of brief personal and professional information on attorneys in the Legal Division. Includes date of birth, educational and professional data, and pay grade.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for employment and promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by General Counsel, Deputy General Counsel, and Administrative Officer for reference. For additional routine use see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Desk copies for three officials.

Retrievability: By name of individual and bureau or organization.

Safeguards: Copies kept in the office of the official to whom assigned.

Retention and disposal: The records are maintained only while the attorney is employed by the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.142

System name: Attorneys Past and Present—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of materials relating to the employee's application and employment with the Office of the General Counsel. It includes letters of recommendation, hiring recommendations, and other similar information concerning the employee.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with the Department of the Treasury Office of the General Counsel rules for promotion.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and reviewing employee's general work performance level. With respect to former employees, information used for reference purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records contain information on all present attorney-employees of the General Counsel's Office and on former attorney-employees for the past two years.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom record is maintained; employee's supervisors, and applicant's interviewer.

Treasury/OS 00.143

System name: Chief Counsel for Revenue Sharing personnel—Treasury/OS.

System location: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226.

Categories of individuals covered by the system: Personnel employed by the Chief Counsel for Revenue Sharing.

Categories of records in the system: The records are copies of the employee records kept for their convenience.

Authority for maintenance of the system: Employee copies of personnel records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The records are employee copies of official Treasury Department personnel actions. They are referred to by the employee for convenience concerning personnel matters affecting him or her. Personnel may take their own records with them when they terminate their employment with the Chief Counsel's Office. The file is maintained for the convenience of the employee who wishes to maintain official Treasury Department personnel actions in a convenient location. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinet.

Retrievability: By name of individual.

Safeguards: The records may only be reviewed by the employees of the Chief Counsel's Office.

Retention and disposal: The records are maintained only while the individual is employed with the Chief Counsel's Office.

System manager(s) and address: Administrative Officer, 1500 Pennsylvania Ave., N.W., Main Treasury, Room 3006, Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: Call or write the Chief Council for Revenue Sharing at the following address: Chief Counsel for Revenue Sharing, 2401 "E" St., N.W., Room 1545, Washington, D.C. 20226, Telephone—(202) 634-5182, 634-5183.

Contesting record procedures: See Access above.

Record source categories: Official Treasury Department Personnel Records—employee copies only.

Treasury/OS 00.146

System name: Employee Inventions—Treasury/OS.

System location: U.S. Treasury Department, Office of the General Counsel, Opinion Section, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employee-Inventors.

Categories of records in the system: Information relating to inventions of employees.

Authority for maintenance of the system: 5 U.S.C., Section 301, 31 CFR Part 7.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in connection with Government and employee rights in employee inventions, disclosure to U.S. Patent Office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Legal file in file cabinet.

Retrievability: By name of inventor-employee.

Safeguards: File cabinet is in office of attorney, but unlocked.

Retention and disposal: Indefinite as precedent files.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager.

Record access procedures: See System Manager.

Contesting record procedures: See System Manager.

Record source categories: Employees involved.

Treasury/OS 00.147

System name: Employee Promotion Information—Treasury/OS.

System location: Room 2314, Main Treasury Building.

Categories of individuals covered by the system: Past and present employees of the Office of the Assistant General Counsel for International Affairs.

Categories of records in the system: The information in this system of records takes the form of recommendations for promotion of various past and present employees in the office.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Internal memoranda and accompanying forms circulated to Treasury Department officials authorized to grant promotions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Typed memoranda and required personnel forms.

Retrievability: The file is labeled "Personnel" and contains separate memoranda designating the employee's name after the heading "subject".

Safeguards: The file is kept in a locked file cabinet. A limited number of employees retain the combination to the file.

Retention and disposal: The records date back to 1969, the time of the first promotion arising under the last Assistant General Counsel for International Affairs.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: These records take the form of memoranda drafted by the Assistant General Counsel for International Affairs, recommending various members of his staff for grade and/or step increases.

Treasury/OS 00.148

System name: Employment Applications—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Applicants for employment as attorneys within the Office of the General Counsel.

Categories of records in the system: Contains original or copy of Standard Form 171, resume, and any correspondence between the applicant and the General Counsel, Deputy General Counsel and Administrative Officer.

Authority for maintenance of the system: In accordance with the Department of the Treasury Office of the General Counsel rules relating to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in making decisions on employment of attorneys by the Office of the General Counsel, responding to inquiries from members of Congress regarding constituents, and for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are maintained for a period of two years unless the applicant is subsequently employed by the Department. These latter records are transferred to the Treasury Department/OS; Attorneys Past and Present system.

System manager(s) and address: Adminstrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20020.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual on whom the record is maintained and other interested parties at the initiation of the individual concerned.

Treasury/OS 00.152

System name: General Counsel Personnel Files—Treasury/OS.

System location: Room 3000, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former attorneys and applicants for positions within the Office of the General Counsel.

Categories of records in the system: The information in this system consists of applications, letters of recommendation and other information concerning the qualifications of the individuals within the category.

Authority for maintenance of the system: Title 5, U.S. Code. In accordance with statutory and Department of the Treasury Office of the General Counsel rules for Presidential appointments, hiring and promotions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by the General Counsel and other senior Department officials in connection with promotions and hiring of senior attorneys within the General Coun-

sel's office. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: Filed alphabetically.

Safeguards: The files are kept in locked cabinets with a limited number of employees permitted access.

Retention and disposal: The records include individuals who are or have been employed or sought employment with the General Counsel's Office since 1956.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Individual concerned, letters of recommendation, and other data submitted pursuant to the General Counsel's and the individual's request.

Treasury/OS 00.153

System name: Personnel: General Counsel, Deputy General Counsels and Assistant General Counsels—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and past General Counsels, Deputy General Counsels, and Assistant General Counsels.

Categories of records in the system: Contains information on the individual's tenure in office: date of appointment and resignation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used for reference purposes. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files in Office of the Administrative Officer, Office of the General Counsel.

Retrievability: By title of position and name of individual.

Safeguards: Administrative Officer controls access to the system.

Retention and disposal: Information retained on officials for indefinite periods.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Personnel records.

Treasury/OS 00.157

System name: Employee Records Cards—Treasury/OS.

System location: Room 3006, Main Treasury Building, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Present and former employees of the Office of the General Counsel.

Categories of records in the system: The information in this system consists of dates of personnel actions, pay increases, promotions, reassignments, change of rolls, retirement, transfer and resignation.

Authority for maintenance of the system: Federal Personnel Manual, Chapter 295 (Standard Form 7-B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory personnel in connection with promotions, wage increases, and for verification of employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cabinets.

Retrievability: By name of individual.

Safeguards: The files are kept in cabinets with a limited number of employees permitted access.

Retention and disposal: The records are retained on all present and former employees of the Office of the General Counsel.

System manager(s) and address: Administrative Officer, Office of the General Counsel, Room 3006, Main Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: See Access above.

Record source categories: Standard Form 171 and Standard Form 50.

Treasury/OS 00.182

System name: Special Personnel Working Files, Office of the Assistant Secretary for Tax Policy—Treasury/OS.

System location: Rooms 3112, 3122, 3108, 4217, 4045, 3064, 4222, 4028, 4004, 4040, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W. Washington, D.C. 20220, and Room 1036, 1425 K Street, N.W., Washington, D.C. 20225.

Categories of individuals covered by the system: Past, present, and prospective employees and consultants of the Office of the Assistant Secretary and of certain other tax-related governmental institutions.

Categories of records in the system: Correspondence with and about past and prospective employees; memoranda of conversations; time, leave, pay, promotion records, evaluation records; et cetera.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by supervisory and administrative personnel of the Office of the Assistant Secretary as supplementary and complementary to official Departmental personnel files to record personnel actions regarding employees of the Office and as a reference tool in preparation for or review of anticipated or past personnel actions and for advising others, both within and without the Government, as to the qualifications and performance of past, present, and prospective employees of the Office of the Assistant Secretary. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on paper in writing.

Retrievability: The records are indexed by the name of the person with respect to whom the record is maintained.

Safeguards: Various.

Retention and disposal: Indefinite.

System manager(s) and address: Assistant Secretary for Tax Policy, Deputy Assistant Secretary for Tax Policy (Tax Legislation), Deputy Assistant Secretary for Tax Policy (Tax Analysis), Tax Legislative Counsel, Deputy Tax Legislative Counsel, Associate Tax Legislative Counsel, International Tax Counsel, Deputy International Tax Counsel, Associate Director Office of Tax Analysis, Director Office of Industrial Economics.

Notification procedure: Freedom of Information Officer, Office of the Assistant Secretary for Tax Policy, Room 3064, Main Treasury Building, 15th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20220, with sufficient identification as to individual's identity and information sufficient to determine within which office the records would most likely be located and the probable age of the record.

Record access procedures: By application to Freedom of Information Officer.

Contesting record procedures: By application to Freedom of Information Officer.

Record source categories: The records are developed from correspondence, memoranda, and official Treasury Department personnel forms.

Treasury/OS 00.190

System name: Automated Directory System—Treasury/OS.

System location: Main Computer—Bowne Timesharing, New York, New York. Terminal and Readout—Main Treasury Building, Washington, D.C.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual, office address, office telephone extension. (To be added in near future: home address, home telephone, emergency notification data.)

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes as such uses: (1) To compile Departmental and Bureau Telephone Directories.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (2) To be used in the future at the Treasury Switchboard information Positions using on-line visual display units to assist callers in locating Treasury employees. For additional routine uses see Appendix AA. USERS: Subscribers to Treasury Telephone System and Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Mag. tape.

Retrievability: Indexed by name and block code numbers.

Safeguards: Computer access codes.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of information on mag-tape is by erasure.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: Director, Office of Administrative Programs, see above.

Record source categories: Each individual Treasury employee.

Treasury/OS 00.191

System name: Buildings Management Employee Folder—Treasury/OS.

System location: Office of Buildings Manager.

Categories of individuals covered by the system: All employees of Buildings Management—includes all shops as follows: Cabinet shop, Elevator shop, Electric shop, Engineer shop, Day and Night Maintenance, Paint shop, Locksmith.

Categories of records in the system: Each employee has individual folder containing items such as Letters of Counseling, suspensions, awards, step increases, evaluations as well as copies of official personnel actions such as SF-52's.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Normally a storage file for information purposes. Can be examined during periods of potential promotion, training needs, proposed advise actions. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Normal 8 x 10 letter size paper.

Retrievability: By name.

Safeguards: Maintained in locked file cabinet utilizing Treasury "Open" "Closed" security program.

Retention and disposal: Maintained until employee leaves Treasury service—purged annually to remove adverse comments not followed through with formal actions.

System manager(s) and address: Buildings Manager, The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: The Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220, Attn: Buildings Manger. Only personal identification required to review his own personal record.

Record access procedures: Simple presentation of the individual at the Buildings Mangement Office during normal work hours is sufficient to review personal record. Office is located in Main Treasury, Washington, D.C. 20220.

Contesting record procedures: See System Manager above.

Record source categories: Information received from official records such as time cards and SF-52's. Information also received through interviews and private counselings with the individual employee.

Treasury/OS 00.193

System name: Employee Locator Record—Treasury/OS.

System location: Main Treasury Building, 1500 Penna. Ave., N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: All Department of the Treasury employees located in the Washington, D.C., Metropolitan Area.

Categories of records in the system: Name of individual, office address, office telephone extension, home address, home telephone, emergency notification data.

Authority for maintenance of the system: Department of the Treasury Telecommunications Circular No. 21, dated June 13, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used at the Treasury Switchboard Information Positions to assist callers in locating Treasury employees. For additional routine uses see Appendix AA. USERS—Telephone Information Operators.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Form 2723 (Rev. 6-72), Department of the Treasury.

Retrievability: Indexed by name.

Safeguards: 24-hour switchboard operation with controlled access.

Retention and disposal: Maintained until notice of change or employment is terminated. Disposal of records is by burning.

System manager(s) and address: Director, Office of Administrative Programs, Office of the Secretary, Washington, D.C. 20220.

Notification procedure: Director, Office of Administrative Programs, see above.

Record access procedures: Director, Office of Administrative Programs, see above.

Contesting record procedures: See System Manager.

Record source categories: Each individual Treasury employee.

Treasury/OS 00.195

System name: Parking Permit Application—Treasury/OS.

System location: The system of records is maintained at: (1) The Great Plaza Parking Lot, 14th & D Streets, N.W., Washington, D.C., in the custody of the Manager, and (2) Office of the Assistant Director (Environmental Programs), OAP, OS, Room 701, Washington Building.

Categories of individuals covered by the system: Treasury employees who meet specified requirements for application, and are working in locations within the zone of consideration for parking at the Great Plaza Parking Lot.

Categories of records in the system: The card (GSA Form R3-1615) includes the following information: (1) Name of applicant; (2) Permit No.; (3) Organization; (4) Office Phone No.; (5) Appli-

cant's signature; (6) Agency Parking Representative's signature. In addition, the applicant's car pool members are listed on the card, along with their organization and office phone numbers. The system is set up by Permit Number.

Authority for maintenance of the system: See 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used only on an individual basis, by the holder of the Form R3-1615, on a monthly basis, in addition to a fee for parking. For additional routine uses see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: Records are maintained in a file cabinet and retained for six months, at which time GSA revises departmental quotas, eligibility requirements and card color, resulting in a new Treasury Department-wide survey and issuance of new parking permit applications.

System manager(s) and address: Assistant Director (Environmental Programs), Office of Administrative Programs, Room 701, Washington Building, c/o Main Treasury, Mailroom, Washington, D.C. 20220.

Notification procedures: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: The information in this system came from individuals who are included in the system.

Treasury/OS 00.240

System name: Contracts and Research Proposals—Treasury/OS.

System location: OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: (1) Contractors; and (2) Solicited and unsolicited research proposals by author.

Categories of records in the system: Contains information about technical and administrative aspects of external research contracts or proposals.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Routine administration of contract matters; (2) Evaluation of performance of contracts and utility of research proposals; and (3) If joint contract sponsored with another Federal agency, share information necessary to carry out contract. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Privacy Act Coordinator, OASIA Research, Office of the Secretary, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Information submitted by researcher voluntarily or by request; (2) Office notations on the status of contracts; and (3) Evaluations by Treasury personnel of contract work.

Treasury/OS 00.243

System name: Personnel. Personnel; Recruitment. Personnel; Evaluations—Treasury/OS.

System location: Office of Statistical Reports, OASIA Research, Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees, past employees, employee prospects.

Categories of records in the system: Files on personnel.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel recruitment and management. For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Notes in file folders.

Retrievability: Name.

Safeguards: Safe.

Retention and disposal: Until no longer useful.

System manager(s) and address: Director, Office of Statistical Reports, Deputy Director, Office of Statistical Reports. OASIA.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: Individuals, personnel actions, etc. Evaluations.

Treasury/OS 00.244

System name: Personnel Files—Treasury/OS.

System location: OASIA Research Office of the Secretary, Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: OASIA Research personnel and job applicants.

Categories of records in the system: Records on personnel and job applicants.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Evaluate job applicants; (2) Routine administrative use of records on OASIA Research personnel; and (3) At the request of the individual, to provide potential employees with information on past work experience. (4) For additional routine uses, see Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files.

Retrievability: By name.

Safeguards: Bar lock filing cabinet.

Retention and disposal: Held a maximum of three (3) years.

System manager(s) and address: Deputy Assistant Secretary for Research, OASIA Research, U.S. Department of the Treasury, 15th & Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Privacy Act Representative, U.S. Department of the Treasury, 15th and Constitution

Avenue, N.W., Washington, D.C. 20220. Individual should, if possible, submit the following information in order to assist us in determining whether we maintain information on him/her: (1) Full name; (2) Explanation: in what regard OASIA Research may have collected information on the individual; and (3) Specify dates as nearly as possible of any contact with OASIA Research.

Record access procedures: Privacy Act Representative, Office of the Assistant of General Counsel, U.S. Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Contesting record procedures: See Access above.

Record source categories: (1) Employment applications; (2) Description of current work in office; (3) Personnel Office of OASIA; (4) Supervisor's observations; and (5) Information submitted by individuals for their own file.

Treasury/OS 00.300

System name: Personnel files—Treasury/OS.

System location: Department of the Treasury, Office of the Secretary, Office of the Special Assistant to the Secretary for Public Affairs, Room 2324, Washington, D.C. 20220.

Categories of individuals covered by the system: Employees in the Office of Public Affairs.

Categories of records in the system: SF 171s, Notification of within grade raises, Personnel action information, Letters of appreciation.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records used by timekeeper for leave purposes; by supervisor, when information is needed; by employees, when requesting information from their files. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Duplicates of original documents in file folders in safe.

Retrievability: Filed alphabetically by employee's last name.

Safeguards: Only the two persons authorized to use the safe have access to personnel files; Deputy Special Assistant to the Secretary for Public Affairs and his secretary.

Retention and disposal: Records are kept until employee is separated and then destroyed.

System manager(s) and address: Deputy Special Assistant to the Secretary for Public Affairs, Office of the Secretary, Room 2324, Main Treasury, Washington, D.C. 20220.

Notification procedure: Inquiries should be addressed to the Deputy Special Assistant to the Secretary for Public Affairs: Department of the Treasury, Room 2324, Washington, D.C. 20220 or if he is not available, his secretary, same address. The individual must be inquiring about his own records and clearly identify himself, if not known to the persons named above.

Record access procedures: To obtain information on procedures for gaining access to and contesting records, mail the request to the Systems Manager.

Contesting record procedures: See Access above.

Record source categories: Information for the personnel records are obtained from: 1. Office of the Secretary Personnel Division; 2. Information provided by employees themselves; and 3. Copies of letters from officials congratulating employees for special achievements.

Treasury/OS 00.400

System name: Merit System Complaints—Treasury-OS.

System location: Office of the Director, Office of Audit, Room 902, 1025 Vermont Ave. N.W., Washington, D.C. 20220.

Categories of individuals covered by the system: Employees who have a basis for believing that Civil Service personnel laws or rules are being violated, and the matter is not appropriate for the grievance or appeals procedure.

Categories of records in the system: Letters, personel documents, memorandums, investigation reports, and extracts from investigation files.

Authority for maintenance of the system: Memorandum from the Secretary of the Treasury, dated November 21, 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish direction and suggestions to Treasury Personnel Office for follow-up action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Locked combination safe.

Retrievability: By name.

Safeguards: Locked safe, access by Director of office only.

Retention and disposal: One year after matter resolved, material is then shredded.

System manager(s) and address: Office of Audit, Director, Room 902, 1025 Vermont Avenue, N.W., Washington, D.C. 20220.

Notification procedure: See system Manager above.

Record access procedures: See system Manager above.

Contesting record procedures: See system Manager above.

Record source categories: Complainant, official personnel files, investigation files and grievance files.

Treasury/OS 00.502

System name: Reference Letters—Special Assignments Branch, Office of the Secretary of the Treasury.

System location: Room 1312, Main Treasury Building, Personnel Division, Special Assignments Branch, Office of the Secretary, Department of the Treasury. Room 1330, Diebold File, after candidate is on board.

Categories of individuals covered by the system: Secretarial candidates applying for positions within the Office of the Secretary.

Categories of records in the system: Evaluation for placement of applicants.

Authority for maintenance of the system: Federal Personnel Manual Chapter 335.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in conjunction with other records to determine the relative qualifications of applicants for employment. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Completed letters are retained with SF-171 while an applicant.

Retrievability: After employment, letters are retrieved from SF—171 or OPF.

Safeguards: Letters are filed in an envelope marked "Confidential" in OPF.

Retention and disposal: Letters are retained in the OPF during tenure of employee and destroyed when incumbent terminates employment with the Department of the Treasury.

System manager(s) and address: Personnel Staffing Specialist, Personnel Division, Room 1312, Assistant Secretary of the Treasury (Administration), Office of the Secretary, Department of the Treasury, 15th and Pennsylvania Avenue, N.W., Washington, D.C. 20220.

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: The information reflected on the reference form was obtained from previous supervisors and personal references candidate fills in on employment application forms.

Treasury/OS 00.503

System name: Roster of Office of the Secretary Employees—Treasury/OS.

System location: Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Office of the Secretary employees.

Categories of records in the system: Position titles, grades and salary for Office of Secretary employees.

Authority for maintenance of the system: Assistant Secretary (Administration) request.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Position control, ceiling control and general information for a very limited number of high level officials. For additional routine uses, see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Locked file cabinet.

Retrievability: By name.

Safeguards: Strict control of distribution.

Retention and disposal: Rosters are maintained for at least 3 years and after that time are destroyed.

System manager(s) and address: Personnel Officer.

Notification procedure: Room 1330, Main Treasury Building. Employee must give his name and office.

Record access procedures: Personnel Officer.

Contesting record procedures: Personnel Officer.

Record source categories: Standard Form 50.

Treasury/OS 00.504

System name: Summer Employees Listing Treasury/OS.

System location: Office of the Secretary Personnel Division, Room 1330, Main Treasury Building.

Categories of individuals covered by the system: All Summer Employees within the Office of the Secretary, excluding OASIA.

Categories of records in the system: Summer Employees' names, college majors, academic level, grade, position title and office.

Authority for maintenance of the system: Chapter 410 of the Federal Personnel Manual, Subchapter 3, Section 3-1, paragraph (b), Section (5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used to determine who is eligible for seminars offered by the Office of the Secretary and the Department. Used also in the preparation of the 113 D Statistical Report for the Office of the Secretary. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system

Storage: Names listed on bond paper with respective information and stored in a file cabinet.

Retrievability: Alphabetical listing by name.

Safeguards: This list is used only by the Youth Employment Coordinator or others authorized by Personel Officer.

Retention and disposal: Records are kept for one year then are destroyed by burning.

System manager(s) and address: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220.

Notification procedure: See System Manager above.

Record access procedures: See System Manager above.

Contesting record procedures: See System Manager above.

Record source categories: Information taken from Official Personnel Folder and SF-171.

Treasury/OS 00.545

System name: Upward Mobility Program; Counseling Application—Treasury/OS.

System location: Room 1330, Main Treasury Building, Personnel Division, Office of the Secretary, Department of the Treasury.

Categories of individuals covered by the system: Government employees occupying positions within the Office of the Secretary, occupying GS-7 and below or equivalent, and Wage Board employees below WP-9 and WG-7 positions.

Categories of records in the system: Application form reflecting identification of employees, type of position, degree of education and skill, etc.

Authority for maintenance of the system: Affirmative Action Plan.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Application will be used in conjunction with interviews on Upward Mobility Counseling, to give an idea of what type of training and/or experience the applicant has, and what career goals the applicant may have. For additional routine uses see Treasury Appendix AA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The alphabetized applications are presently kept with other Upward Mobility materials, but will be filed into the Official Personnel Files shortly.

Retrievability: The system is indexed by name.

Safeguards: The applications are kept in a locked file, and will ultimately be inserted into Official Personnel Files which are also kept in locked files.

Retention and disposal: Maintained on left hand side of personnel folder and are retained until employee leaves Treasury.

System manager(s) and address: Upward Mobility Counselor, Room 1325, Main Treasury Building, Office of the Secretary, Department of the Treasury, Washington, D.C.

Notification procedure: Office of the Secretary, Personnel Division, Room 1330, Main Treasury Building, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220. The employee should submit name and social security number.

Record access procedures: Request for gaining access can be made orally. See access and notification above.

Record source categories: The information reflected on these applications was obtained from personal data provided by each applicant.

[FR Doc. 79-3547 Filed 1-2-79; 8:45 am]

[8320-01-M]

VETERANS ADMINISTRATION

PROCEDURES FOR IMPLEMENTING EXECUTIVE ORDER 12044, "IMPROVING GOVERNMENT REGULATIONS"

Final Report

AGENCY: Veteran Administration.

ACTION: Final Report.

SUMMARY: The Veterans Administration issues these final procedures for developing, simplifying, and reviewing its regulations in accordance with Executive Order 12044, "Improving Government Regulations". The plan proposes procedures for developing both significant and nonsignificant new regulations, for drafting a regulatory analysis, and for reviewing and simplifying existing regulations.

EFFECTIVE DATE: January 30, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. William E. Stewart, VA Central Office, Management Services (61), 810 Vermont Avenue, NW., Washington, DC 20420 (202-389-3770). Comments are requested by April 6, 1979.

SUPPLEMENTARY INFORMATION: On page 21983 of the FEDERAL REGISTER dated May 22, 1978, the Veterans Adminstration published a draft report to implement Executive Order 12044, (43 FR 12661, March 24, 1978). One comment was received from the Director, Task Force on Sex Discrimination, United States Department of Justice, July 12, 1978, at whose request we are including additional provisions for: (1) A review of all proposed regulations for a determination that no unnecessary gender-specific terminology or element of substantive sex discrimination is used; (2) A prohibition against classifying any proposed regu-

lation as nonsignificant if it will have a disparate impact based on sex; and (3) A factor in the review of existing regulations for correcting unnecessary gender-specific terminology. However, it should be noted that we formalized a policy prohibiting sex-discriminatory terminology several years ago (VA Regulation 13, March 25, 1974, 38 CFR 1.13). Every new and revised regulation has since been screened carefully to eliminate gender-specific terminology resulting in thousands of such eliminations. This is an on-going procedure, and applies not only to regulations but to publications and to any communications within the agency or to veterans, dependents, beneficiaries, or members of the public.

Since the procedures contained herein have been expanded from our earlier draft report, and are to be incorporated in our "Policy Manual", comments are solicited on: (1) Whether this final plan is easy to read and understand, and (2) Whether the proposed procedures are an effective means of complying with Executive Order No. 12044. If appropriate, we will then incorporate these views into our manual.

Approved: January 30, 1979.

MAX CLELAND,
Administrator
Veterans' Affairs.

IMPROVING GOVERNMENT REGULATIONS

SECTION I. BACKGROUND

Executive Order 12044 of March 23, 1978, directed Federal Agencies to improve their regulatory procedures to provide for:

(1) The use of clear and simple English that will be easily understood;

(2) The achievement of legislative goals with a minimum of paperwork and red tape;

(3) Agency-head oversight of and responsibility for the processing of new or revised regulations;

(4) Agency-head signatures on and approvals of regulations;

(5) Early and meaningful opportunities for public participation in the development of regulations *i.e.*, 30-60-day comment periods;

(6) Criteria for defining "significant regulations";

(7) Appropriately scheduled reviews of existing regulations to insure that they are in accord with the provisions of the Executive Order.

(8) Regulatory analyses of those regulations with potentially "major" consequences for the general economy, the environment, individual industries, regions, or the public in general; and

(9) Publication in the FEDERAL REGISTER, at least simi-annually, of an agenda of "significant regulations" under development or review.

SECTION II. DEFINITION

A. VA regulations are basically rules of general applicability which implement federal legislation or Presidential Executive Orders administered by or pertaining to the VA. All matters of a regulatory nature issued in accordance with the authority vested in the Administrator which confer a right, privilege, authority, or immunity, impose an obligation, or prescribe a penalty or a course of conduct, and which are applicable to veterans, their dependents, beneficiaries, or third parties (such as educational institutions, home loan institutions, civilian hospital affiliations, state approving agencies for schools, etc.) are promulgated in permanent form as VA regulations and given legal effect by publication in the FEDERAL REGISTER. VA is benefits-oriented and is mainly called upon to implement legislative mandates.

B. In general, material pertaining to purely internal guidance and procedures is not included in regulations. Such matter is published in VA manuals, circulars, and other types of adminstrative media.

SECTION III. PROCESS FOR DEVELOPING REGULATIONS

A. *Initiation.* 1. Department or staff office heads initiating proposed new or revised regulations will immediately notify the Administrator, Deputy Administrator, the Generel Counsel, and the Inspector General of their intent. Insofar as practicable these notifications will be in writing. They will contain as much background information as possible, including at least the following:

(a) Justification;

(b) Authority or mandate;

(c) Names of other government agencies that may be affected;

(d) Possible overall impact;

(e) Involvement of other VA department or staff office heads;

(f) Alternative approaches to be explored;

(g) Whether the proposal is considered significant and why;

(h) A plan for public participation; and

(i) Tentative target dates for completion of steps in the development process.

2. The Administrator or Deputy Administrator, in consulation with the General Counsel, will review this notification, approve or disapprove the proposal, and determine whether it is needed and if so whether it is significant. In the event the Administrator or Deputy Administrator disapproves the proposal submitted by a department or staff office head, or when there is a disagreement as to whether a proposal is significant or not, the Administrator or Deputy Administrator will notify the affected officials in writing of the decision(s).

3. The Inspector General is required to review regulations concerning: (1) The impact on the economy and efficiency in the administration of the programs and operations; and (2) the prevention and detection of fraud and abuse in the programs and operations. The Inspector General will inform the originating department and staff office head of the results of this review by issuing a "Notice of Review."

B. *Significant Regulations.* 1. In determining whether regulations will be designated as significant, the VA will take into consideration at least the following factors:

(a) The type and number of individuals, businesses, organizations, and state and local governments affected;

(b) The compliance and reporting burdens imposed;

(c) The anticipated direct and indirect effect on the environment, public, businesses, institutions, etc.;

(d) The costs that may be involved for the public, businesses, institutions, etc.; to comply;

(e) The effect of the proposals on other programs and agencies; and

(f) Any other factors that appear relevant in each case.

2. When proposed or reviewed regulations are determined to be both needed and significant, the responsible department or staff office heads will proceed to develop them, in cordination with other affected departments or staff offices as appropriate. They will:

(a) Consider other approaches and select the least burdensome alternatives;

(b) Develop plans for subsequent evaluation;

(c) Insure public participation, and provide for a 60-day comment period or explain why it is not feasible;

(d) Consider direct and indirect effects;

(e) Consider anticipated impact on the environment and the economy;

(f) Estimate the reporting burdens or recordkeeping requirements necessary for compliance;

(g) Consider the impact on state or local governments; and

(h) Consider any other factors that appear relevant in each case.

3. When significant regulations have been drafted and concurred in by the affected department or staff office heads, the originators will obtain the concurrences of the General Counsel and the Assistant Administrator for Information Services. In addition they will obtain the "Notice of Review" required for the Inspector General. The proposed regulations will then be forwarded to the Director, Management Servicies, for final review and assem-

bly. Management Services will forward the proposals to the Administrator of Deputy Administrator for final consideration and signature. Upon receipt of the proposed regulations, properly signed, Management Services will forward them to the Office of the Federal Register for publication and inform Information Services so that that office may forward notices or copies of proposed significant regulations simultaneously with FEDERAL REGISTER publication to other publications likely to be read by those affected. In addition, Management Services will send copies to the Senate and House Committees on Veterans' Affairs and to interested service-oriented individuals and organizations simultaneously with FEDERAL REGISTER publication.

4. Proposed significant regulations will normally provide for at least a 60-day public comment period. If this cannot be done, the preamble will include an explanation of the reasons and the name of the policy official responsible for this determination. The name, title, address and telephone number of the appropriate official who may be contacted for additional information will also be included.

5. Upon expiration of the public comment period, the responsible department or staff office heads will evaluate the comments, and revise the proposed regulations if appropriate. The final significant regulations will be routed for the concurrences of the General Counsel and the Assistant Administrator for Information Services, "Notice of Review" obtained from the Inspector General, and then forwarded to the Director, Management Services, for editing and final review. Management Services will prepare the documents necessary for publication in the FEDERAL REGISTER, obtain approvals and signatures of the Administrator or Deputy Administrator, and forward the completed documents to the Office of the FEDERAL REGISTER for final publication.

6. Copies of final notices will be transmitted simultaneously with FEDERAL REGISTER publication to:

(a) Publications likely to be read by those affected;

(b) The House and Senate Committees on Veterans' Affairs; and

(c) The interested service-oriented individuals and organizations.

C. *Nonsignificant Regulations.* 1. When proposed or reviewed regulations are determined not significant, the originating department or staff office heads will proceed to develop them, coordinate them with other departments and staff offices, as appropriate, obtain concurrences from the General Counsel and the Assistant Administrator for Information Services, obtain "Notice of Review" by the Inspector General, and forward the completed proposals to the Director, Mangement Services, for final review and assembly. Management Services will forward the proposals to the Administrator or Deputy Administrator for final consideration and signature. Upon receipt of the proposed regulations, properly signed, Management Services will forward them to the Office of the Federal Register for publication.

2. When proposed nonsignificant regulations are published in the FEDERAL REGISTER, the preambles will provide for at least a 30-day public comment period, unless an explanation is given for a shorter or no comment period (see SECTION VII C, "Public Participation," below). The preambles will also set forth the need for and probable effect of the proposed regulations, and an explanation why they do not meet the VA's established criteria for significant regulations.

SECTION IV. CRITERIA FOR PREPARING REGULATORY ANALYSES

A. For all proposed or existing significant regulations, the originating department or staff office heads, in collaboration with the Administrator, Deputy Administrator, and the General Counsel, will determine whether they are likely to have major economic consequences for the general economy, individuals, industries, geographical regions, levels of federal, state, or local governments and institutions. When it is determined that regulations will have a major economic impact, regulatory analyses will be prepared and used during the initial stages of development.

B. Regulations will be considered likely to have major economic consequences and impact when they will:

(1) Have an effect on the national economy of $100 million or more in any given year;

(2) Create major increases in costs or prices;

(3) Impose a major burden of some sort, for example in recordkeeping requirements necessary to show compliance by individuals, industries, institutions (such as schools, loan organizations, hospitals, businesses), or state or local governments;

(4) Cause major additional cost to recipients of federal financial assistance; or

(5) Have major economic impact for any other reason in the judgment of the Administrator of Deputy Administrator.

C. Where it is determined that a regulation will have a major economic impact, the regulatory analysis will be prepared and used during the initial stages of its development in order to facilitate the careful examination of alternative approaches early in the decisionmaking process. It will serve as a basis for initial as well as final decisions. When a proposed significant regulation, which has a major economic impact, is published in the FEDERAL REGISTER as a "Notice of Proposed Rulemaking," the Notice will announce the public availability of the "draft" regulatory analysis and how members of the public can obtain the supporting documentation. In addition, a summary portion of the draft regulatory analysis will be included in the Notice.

D. After the end of the public comment period, the draft regulatory analysis will be reviewed taking into consideration the comments received. If changes are appropriate, the analysis will be changed and coordinated with affected department or staff office heads.

E. When the final regulation is published in the FEDERAL REGISTER, the summary portion of the final regulatory analysis will be included. This final notice will again indicate how members of the public can obtain the supporting documentation.

F. If it is determined that the significant regulation does not have a major economic impact, the responsible department or staff office head will prepare a statement justifying this determination and describing the possible effects of the regulation. This statement will be published in the FEDERAL REGISTER along with the final notice.

G. Each regulatory analysis shall consist of a summary and

(1) A brief statement of the problem;

(2) The mandate for such action;

(3) A description of the major alternative ways of dealing with the problem (non-regulatory alternatives may be included);

(4) A brief analysis of the economic consequences of each alternative, direct as well as indirect effects; and

(5) An explanation of the reason(s) for choosing one alternative over the other(s).

H. The supporting documentation should include, but not be limited to the following:

(1) An analysis of each reasonable and feasible policy alternative (legislative authority, legal or other obstacles to implementation, enforceability, sunset provisions);

(3) A detailed explanation of the reasons for choosing one alternative over the other(s); and

(4) A detailed analysis of the economic consequences of each alternative, direct as well as indirect effects, such as:

(a) Specific burdens imposed by each alternative on state and local governments, individuals, industries, geographic regions and demographic groups;

(b) Compliance and reporting requirements or burdens for those who must comply; and

(c) Other relevant costs and burdens.

SECTION V. REVIEW OF EXISTING REGULATIONS

A. Administrator's Memorandum No. 00-78-6 dated June 9, 1978, "Review of Administrative Issues Bearing Approval of the Administrator or One of the Deputies", sets forth guidelines and responsibilities for the complete review of all issues, including VA Regulations. Regulations are to be reviewed to insure that they are:

(1) Current and accurate;

(2) Consistent with existing laws;

(3) Essential to efficient operation and administration of the VA;

(4) Written in plain and simple English;

(5) Void of gender-specific terminology or substantive sex discrimination; and

(6) In good taste.

B. Even though all regulations are being reviewed and a target date of August 31, 1979, has been set for completion, the following regulations will be given the first priority for review:

(1) Education regulations;

(2) Home Loan Guaranty regulations;

(3) Department of Medicine and Surgery regulations pertaining to Special Programs and Grants; and

(4) Regulations that have a major economic impact requiring a regulatory analysis.

C. The following criteria will be considered during the review in an effort to reduce the paperwork and regulatory burden on the public, veterans, and the VA:

(1) Whether the regulation continues to be necessary to achieve statutory or policy goals;

(2) Whether the regulation has been the subject of significant public controversy, complaints, or suggestions;

(3) Whether the regulation is particularly burdensome for some segment of the public, veterans, or VA;

(4) Whether the regulation is confusing, difficult to interpret, or unnecessarily complex;

(5) Whether the regulation is duplicative or inconsistent with other VA or other agency regulations treating the same or similar subjects;

(6) Whether the regulations is consistent with the most recent technological advances;

(7) Whether a revision of the regulation needs to be considered in light of changed economic or other conditions affecting its appropriateness;

(8) Whether the regulation has been or probably will be subject to change as a result of legislative action;

(9) Whether court decisions have altered the meaning or effectiveness of the regulation;

(10) Whether agency operating personnel consider the regulation inefficient, burdensome or a proper subject for revision;

(11) Whether the regulation is discriminatory if effect or formulation; and

(12) Whether requests have been received for exemption from a regulation and whether granted.

D. It is the intent of VA that regulations not achieving their intended purpose or imposing unnecessary paperwork or regulatory burden on the public, veterans, or VA be revoked or revised.

SECTION VI. SEMIANNUAL AGENDA OF REGULATIONS

A. To give the public adequate notice and opportunity for comment, the VA will publish in the FEDERAL REGISTER in December and June of each year a semiannual agenda of all significant regulations scheduled for development or review. In addition, nonsignificant regulations may be included in the agenda if the responsible department or staff office head feels it would be beneficial and of sufficient interest to the veteran population. Supplements to this agenda may be published at other times during the year, if warranted. B. The semiannual agenda of regulations must be concurred in the General Counsel and will be signed by the Administrator or Deputy Administrator.

C. The agenda will include:

(1) The regulations or significant regulations under development or being considered;

(2) Those regulations under review;

(3) The need and legal basis for such action;

(4) The status of regulations previously listed in other agendas;

(5) The name, title, address, and telephone number of a responsible official who may be contacted for additional information; and

(6) If possible, whether or not a regulatory analysis will be required.

D. The Director, Management Services, will forward copies of the agenda to the Senate and House Committees on Veterans' Affairs as well as other interested, service-oriented individuals and organizations. The Assistant Administrator for Information Services will also send notices of the agendas to publications likely to be read by those affected. Both services will send copies simultaneously with FEDERAL REGISTER publication.

SECTION VII. POLICIES

A. *Oversight by Agency Head.* VA Regulations appear in Title 38, Code of Federal Regulations, "Pensions, Bonuses, and Veterans' Relief." VA Procurement Regulations (excluded from the provisions of Executive Order 12044) appear in Title 41, Code of Federal Regulations, "Public Contracts and Property Management", Chapter 8. VA regulations are issued by or at the direction of the Administrator of Veterans Affairs to implement Federal legislation or to implement Presidential Executive Orders. Decisions pertaining to these regulations are made by the Administrator or the Deputy Administrator. All regulations, proposed or final, new or revised, whether considered "significant" or not, are personally reviewed, approved, and signed by the Administrator or the Deputy Administrator before publication.

B. *Clarity.* VA regulations will be written in plain and simple English. Every effort will be made to insure that they will be easily understood by the general public, especially those who must comply with them, and still meet legislative requirements with a minimum of paperwork and redtape. Drafts of all proposed or final regulations will be submitted to the Assistant Administrator for Information Services for editing and suggestions to improve readability and simplicity.

C. *Public Participation.* 1. In general it has been and will continue to be VA policy to afford the public an opportunity to comment on proposed new or revised regulations prior to formal promulgation. Exceptions will be fully justified, concurred in by the General Counsel, and approved by the Administrator or Deputy Administrator. Such exceptions will be limited primarily to matters of a nondiscretionary or internal VA administrative character. For those regulations which are considered "significant" the public will be afforded a 60-day comment period if at all possible. This will be accomplished by first announcing them by publication as notices in the daily FEDERAL REGISTER, inviting written public comment, and specifying how such comment may be made. When a 30- or 60- day comment period (or less) cannot be provided, the regulation will be accompanied by a brief statement explaining why, and will include the name of the policy official responsible for this determination. During the comment period interested persons will be invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. Notices will also include the name, title, address and telephone number of an appropirate official who may be contacted for additional information. All written comments received within the comment period will be

considered. They will also be available for public inspection at the above address, room 132, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except Holidays), during the stated comment period and for an additional 10 days thereafter. Persons visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit (271A) in room 132. Persons visiting or calling any VA field station will be informed that the records are available for inspection only in Central Office and upon request furnished the proper address, room number, name and phone number of the person to contact for additional information.

2. As in the past, VA will continue sending copies of proposed and final regulations to the Senate and House Committees on Veterans' Affairs and to other especially interested service-oriented individuals and organizations simultaneously with FEDERAL REGISTER publication. In addition, the Assistant Administrator for Information Services will send notices of proposed and final regulations to publications likely to be read by those affected.

3. If occasions should arise where open public hearings are necessary, advance notices will be published in the FEDERAL REGISTER setting forth the following:

(a) Reason for the hearing:

(b) Name, address, and telephone number to call for additional information or to make reservations to attend; and

(c) Place and time of hearing.

D. *Comments from the Public.* Upon receipt and evaluation of comments from interested parties and organizations the regulations will be revised and recoordinated, as appropriate, by the department or staff office originators. They will then be forwarded for the second time to the Office of Management Services for review and processing. The Office of Management Services will prepare the necessary documents for final approval by the Administrator or Deputy Administrator and resubmission to the Office of the Federal Register for republication as adopted. The preamble to these republications will summarize the steps previously taken to publish the proposed regulations as notices inviting written public comment, and what actions if any were taken as a result thereof.

E. *Words and Statements Denoting Gender.* 1. In determining the meaning of any Act of Congress, unless the context indicates otherwise, words importing the masculine gender include the feminine as well (1 U.S.C. 1). VA publications, regulations, and communications (within the agency or to beneficiaries or members of the public), should avoid words and statements denoting gender, which may appear to preclude benefits or services for female veterans, dependents, or beneficiaries. For example, terms such as "his or her," "veteran's," or "service-persons" will avoid giving grounds for the misconceptions which may arise from the use of such terms as "his" when in fact both sexes are eligible for the benefits under discussion. Similar care will be exercised in using other words and phrases denoting gender.

2. In reviewing existing regulations and in processing all new or revised regulations, the following rules will be observed:

(a) No unnecessary gender-specific terminology or element of sustantive sex discrimination will be used;

(b) Proposed regulations will not be classified as nonsignificant if they will have a disparate impact based on sex; and

(c) Unnecessary gender-specific terminology will be corrected during the review of existing regulations.

F. *Involvement of State and Local Governments.* National organizations representing general purpose state and local governments (National Conference of State Legislatures, Council of State Governments, National League of Cities, United States Conference of Mayors, National Association of Counties, International City Management Association) have been asked to systematically review VA's semiannual agenda of significant regulations, which will be published in the FEDERAL REGISTER in December and June of each year. If one of these organizations believes that a regulation in an agenda would have a major intergovernmental impact, it is requested to notify the Executive Assistant to the administrator (00A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420 (202-389-5151) of its concern. Upon such notification, the Executive Assistant to the Administrator, General Counsel and originating department of staff office head, will develop together a specific plan for consultation with state and local governments in the development of that regulation. Such consultation will include solicitation of comments from the above-named groups, other representative organizations, and individual state and local governments as appropriate. Even without such notification, a department or staff office head who originates a proposed regulation and believes it may have an impact on state or local governments will bring the matter to the attention of the Executive Assistant to the Administrator and the General Counsel in writing. In addition, the originating department or staff office head will arrange for the Director, Management Services, to send advance copies or notices of the proposed regulations to any concerned state of local government officials and request their comments. When proposed regulations identified as having major intergovernmental significance, are submitted to the Office of Management and Budget for review or are published in the FEDERAL REGISTER, they will be accompanied by a brief description of how state and local government officials were involved, the nature of their comments, if any, and how such comments were dealt with.

[FR Doc. 79-3828 Filed 2-2-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

ACCOUNTING AND REPORTING REQUIREMENTS FOR CARRIERS WHO REQUEST OPERATING AUTHORITY UNDER EX-PARTE NO. MC 118

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: This Notice explains the accounting and reporting requirements that applicants will be required to follow should they request operating authority in accordance with Ex Parte No. MC-118. With the issuance of this order, the Commission is now able to grant motor carrier operating authority to applicants who intend to use it as a supplement to the carriage of their own goods and non-transportation business. Ex Parte MC-118 appears at 43 FR, November 24, 1978, at p. 55051.

EFFECTIVE DATE: January 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Bryan Brown, Jr., Tel. (202) 275-6236.

SUPPLEMENTARY INFORMATION: With the issuance of Ex Parte No. (MC-118), the Commission is now able to grant motor carrier operating authority to an applicant who intends to use it as a supplement to the carriage of its own goods and non-transportation business. MC-118 provides that motor carrier operating authority can be granted to an applicant, provided (1) that the standard criteria for motor common carrier applications or motor contract carrier applications, as the case may be, are met, and (2) that the applicant is agreeable to the imposition of conditions requiring it to conduct its for-hire motor carrier activities and its other activities independently and to maintain separate records for each.

For accounting and reporting purposes, common and contract carriers

of property subject to the Interstate Commerce Act are grouped into the following three classes:

Class I—Carriers having annual carrier operating revenues of $3 million or more.

Class II—Carriers having annual carrier operating revenues of $500,000 but less than $3 million.

Class III—Carriers having annual carrier operating revenues of less than $500,000.

The class to which any carrier belongs is determined by annual carrier operating revenue. Any carrier which begins new operations is classified in accordance with a reasonable estimate of its annual carrier operating revenues.

If at the end of any calendar year, a carriers annual operating revenue exceeds the maximum revenue level for its class, the carrier will be required to comply with the accounting and reporting rules of the higher class. Class II carriers will adopt a Class I classification beginning January 1, of the following year. Class III carriers will adopt a Class II or Class I classification beginning January 1, of the second succeeding year.

Applicants for MC-118 operating authority have no basis for developing reasonable estimates of expected annual operating revenues for accounting and reporting classification purposes. Therefore, all applicants will be classified as Class III motor carriers for their first year of operations. Class III motor carriers are not required to maintain a uniform system of accountants. Class III carriers are required to prepare and file Annual Report Form M-3 in a timely manner.

Carriers with MC-118 operating authority will file Annual Report Form M-3 for the reporting year ending December 31, 1979. These carriers will be reclassified, if necessary, based upon the annual operating revenues reported in Form M-3 for the reporting year ending December 31, 1979. Those carriers reclassified to Class I or Class II motor carriers will not be required to comply with the accounting and reporting requirements of their new classification until January 1, 1981.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3879 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Notice No. 20]

ASSIGNMENT OF HEARINGS

JANUARY 31, 1979.

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 127539 (Sub-70F), Parker Refrigerated Service, Inc., now assigned for hearing on March 26, 1979, (5 days), at San Francisco, California, and continued to April 2, 1979, (3 days), at Los Angeles, California in a hearing room to be later designated.

MC 550 (Sub-8F), Rudie Wilhelm Warehouse Company, A Corp., DBA Wilhelm Trucking Co., and MC 123681 (Sub-34F), Widing Transporation, Inc., now assigned for continued hearing March 1, 1979, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 43963 (Sub-12F), Chief Truck Lines, Inc., now being assigned March 26, 1979, (1 week), in the Riviera Hyatt House, 1630 Peachtree Street, N.W., Atlanta, Ga., No. 37063, Increased Rates on Coal, L&N RR, October 31, 1978, No. 37063 (Sub-1), Increased Rates on Coal, L&N RR, November 1978, No. 37063 (Sub-2), Increased Rates on Coal, L&N RR, December 1978 and No. 37063 (Sub-3) Increased Rates on Coal L & N RR, December 1978—January 1979, held for hearing on January 22, 1979, at Washington, D.C. and being continued to February 28, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C. and continued to March 26, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138469 (Sub-67F), Donco Carriers, Inc., now assigned February 6, 1979, at Dallas, Texas is cancelled transferred to Modified Procedure.

MC 142706 (Sub-2F), Early Bird Transfer, Inc., now assigned for continued hearing on March 7, 1979, (3 days), at Chicago, Illinois in a hearing room to be later designated.

MC 114274 (Sub-50F), Vitalis Truck Lines, Inc., now assigned for hearing on March 6, 1979, (1 day), at Chicago, Illinois in a hearing room to be later designated.

MC 56637 (Sub-14F), R.C.A. Truck Lines, Inc., now assigned for continued hearing on February 21, 1979, at the Offices of Interstate Commerce Commission, Washington, DC.

MC 81592 (Sub-7F), Wisconsin Northern Transporation Co., Inc., now assigned for hearing on February 21, 1979, at Eau Claire, Wisconsin and will be held in the Holiday Inn, 1202 West Clairmont Avenue. No. 37019, The Oil And Gas Well Supply Traffic Association v. National Association of Specialized Carriers, Inc., now assigned for prehearing conference, on February 26, 1979, at the Offices of Interstate Commerce Commission, Washington, DC.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3880 Filed 2-2-79; 8:45 am]

[7035-01-M]

[No. 36906]

ATCHISON, TOPEKA & SANTA FE RAILWAY CO.

Petition for Declaratory Order—Amtrak Supplies

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of a declaratory order proceeding.

SUMMARY: A petition was filed by the Atchison, Topeka and Santa Fe Railway Company (the Santa Fe) for a declaratory order. The National Railroad Passenger Corporation (Amtrak) answered and Santa Fe replied.

The dispute concerns the amount of compensation Amtrak should pay the Santa Fe for transporting repair parts, materials, and supplies under a Basic Agreement formulated by the carriers pursuant to sections 401 and 402 of the Rail Passenger Service Act (the Amtrak Act), 45 U.S.C. 501 et seq. Santa Fe submits that at all times it transported Amtrak's shipments as a common carrier of freight under its lawfully published tariff rates. Amtrak submits that charges for the shipments are based on the agreement, and therefore the lawfully published rates were not applicable.

By order served concurrently with this publication, a proceeding is being instituted to resolve this controversy. The order directs participants to address in their statement such specific issues as jurisdiction and legality.

DATES: Interested parties are asked to submit a statement of intent to participate on or before February 26, 1979. Parties should indicate whether they intend to actively participate or whether they merely wish to receive copies of decisions and releases of the Commission.

Active participants must serve copies of their statements on all parties on the service list. An original and six copies of written statements must be filed with the Commission. An original and one copy of the statement of intent to participate must also be filed.

The filing and service of statements shall be as follows: (a) opening statements on or before March 19, 1979, (b) reply statements on or before April 9, 1979. A service list will be sent to all active participants to enable them to comply with the filing deadline.

ADDRESSES: Statements and replies should be sent to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, or Harvey

Gobetz, Section of Rates, Office of Proceedings, Washington, D.C. 20423 (202-275-7693).

Copies of the decision being issued concurrently with this notice may be obtained by calling: 800-424-9312.

Issued in Washington, D.C., January 15, 1979.

By the Commission. Chairman O'Neal, Vice Chairman Christian, Commissioners Brown, Stafford, Gresham, and Clapp.

H. G. HOMME, Jr.,
Secretary.

FR Doc. 79-3882 Filed 2-2-79; 8:45 am]

[7035-01-M]

CORPORATE DISCLOSURE REPORTS

Request for Comments and Recommendations

AGENCY: Interstate Commerce Commission.

ACTION: Notice.

SUMMARY: The Commission's Bureau of Accounts is announcing by this Notice that it will consider changes for the Corporate Disclosure Report.

ADDRESSES: Submit written suggestions to Mr. Bryan Brown, Jr., Chief, Section of Accounting and Reporting, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Bryan Brown, Jr., Telephone (202) 275-7331.

SUPPLEMENTAL INFORMATION: In Docket 36141, Corporate Disclosure Regulations, served June 17, 1977, the Commission required all carriers with annual gross operating revenues of $20 million or more to file an annual Corporate Disclosure Supplement beginning with the year 1977. Docket No. 36141 appears at 42 FR, July 12, 1977, at p. 35853.

The purpose of this reporting requirement was to furnish the Commission with timely and accurate information on carrier ownership and control to help identify possible conflicts of interest, misuse of insider information, exertion of undue influence facilitated by concentration of control, and other similar problems contrary to the public interest.

The Bureau of Accounts has established a policy of analyzing accounting and reporting requirements to (1) determine the adequacy of the reporting, (2) determine the sufficiency of the instructions and reporting format to obtain the required data and (3) evaluate the continuing need for the data.

It is the intent of this Notice to determine the following:

(1) Who uses the information in the corporate disclosure reports, and why?

(2) How is the information used?

(3) Does the report accomplish its purpose?

(4) What changes are recommended to improve the usefulness of the data?

(5) What part of the information, if any, should be published and why?

All interested parties are requested to furnish responses to the above inquiries, together with other pertinent comments, by February 16, 1979.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-3883 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Notice No. 15]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 23, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 2392 (Sub-118TA), filed January 2, 1979. Applicant: WHEELER TRANSPORT SERVICE, INC., 7722 F Street, Omaha, NE 68127. Representative: Keith D. Wheeler (Same address as applicant). *Propane, in bulk and in tank vehicles,* from the Mid America Pipeline Terminal at or near Greenwood, NE to points in SD, for 180 days. Supporting Shipper(s): Charles D. Rosas, Farmland Industries, Inc., 3315 No. Oak Tfwy., Kansas City, MO 64116. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 6031 (Sub-47TA), filed January 8, 1979. Applicant: BARRY TRANSFER & STORAGE CO., INC., 120 E. National Ave., Milwaukee, WI 53204. Representative: Wm. C. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Ferrous and nonferrous metal articles* (1) between the Milwaukee, WI, and Chicago, IL Commercial Zones, and (2) from the Chicago, IL Commercial Zone to points in WI for the account of Central Steel & Wire Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Central Steel & Wire Co., 3000 W. 51st St., Chicago, IL 60680. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 11592 (Sub-24TA), filed January 3, 1979. Applicant: BEST REFRIGERATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: F. E. Myers (Same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk, in tank vehicles), from Omaha, NE to points in AZ and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Steve Haskins, Union Packing Company, 4501 So. 36th St., Omaha, NE 68107. Wayne V. Baumann, Dubuque Packing Company, 4003 Dahlman Ave., Omaha, NE 68107. Shirley A. Uhter, Omaha Porkers, Inc., 4410 South 36th St., Omaha, NE 68107. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 11592 (Sub-25TA), filed January 3, 1979. Applicant: BEST REFRIGER-

ATED EXPRESS, INC., P.O. Box 7365, Omaha, NE 68107. Representative: F. E. Myers (Same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as, described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and commodities in bulk, in tank vehicles), from the plantsite of Western Iowa Pork Company, at Harlan, IA to Lodi, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gary P. McFarland, Western Iowa Pork, East Highway 44, Harlan, IA. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 26825 (Sub-20TA), filed January 4, 1979. Applicant: ANDREWS VAN LINES, INC., Seventh & Park Ave., Box 1609, Norfolk, NE 68701. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Ready-to-eat cereals* (except in bulk), from Omaha, NE to points in the U.S. (except AK and HI) for 180 days. Supporting Shipper(s): John M. McGowan, U. S. Mills, Inc., 4201 No. 29th Ave., Omaha, NE. Send protests to: Carroll Russell, DS, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 30844 (Sub-636TA), filed January 4, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702. Representative: John P. Rhodes (Same as applicant). *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, (except in bulk, in tank vehicles), and filters.* From points in Warren County, MS to points in and east of ND, SD, NE, CO, OK, and TX; *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part I above, (except in bulk, in tank vehicles).* From points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. Restricted in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 44302 (Sub-9TA), filed January 2, 1979. Applicant: DeFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, PA 18507. Representative: Edward M. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528. *Such merchandise* as is dealt in by wholesale, retail, chain grocery, and feed business houses, from the facilities of Ralston Purina Company at or near Hampden Township, Cumberland County, PA, to points in NY on and south of I-84, and points in NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Chekerboard Square, St. Louis, MO 63188. Send protests to: District Supervisor Paul J. Kenworthy, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 57591 (Sub-21TA), filed January 3, 1979. Applicant: EVANS DELIVERY COMPANY, INC., P.O. Box 268, Pottsville, PA 17901. Representative: Albert L. Evans, Jr. (same address as applicant). *Carpets, carpet padding, adhesives, solvents, chemicals;* and *materials and supplies* used in the manufacture of carpets and carpet padding, between the facilities of General Felt Industries at or near Camden and Trenton, NJ, and Eddystone and Philadelphia, PA, on the one hand, and, on the other, points in CT, DE, MD, ME, NJ, NY, PA, RI, VA and DC, for 180 days. Supporting shipper(s): General Felt Industries, Park 80 Plaza West-One, Saddle Brook, NJ 07662. Send protests to: District Supervisor Paul J. Kenworthy, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 63417 (Sub-187TA), filed January 2, 1979. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Representative: William E. Bain (same as applicant). (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds,* (except in bulk, in tank vehicles), *and filters* from points in Warren County, MS to points in AL, AR, DE, FL, GA, IL, IN, KY, LA, MD, MI, MO, MS, NJ, NY, NC, OH, OK, PA, SC, TX, VA, WV, and DC; (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part (1) above,* (except in bulk, in tank vehicles) from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, SC, VA, and WV to points in Warren County, MS, restricted in Parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., J. D. Campbell, General Traffic Manager, P.O. Box 989, Oil City, Pa. 16301. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, room 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 80428 (Sub-94TA), filed January 5, 1979. Applicant: McBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, NY 10924. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, Webster, NY 14580. *Vinegar, in bulk, in tank vehicles,* from New York City, NY to Milton, PA, for 180 days. Supporting shipper(s): Rudy Polack, Mgr., Baker Brands, Inc., 431 East 91st St., New York, NY, 10028. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, P.O. Box 1167, Albany, NY 12201.

MC 97310 (Sub-29TA), filed January 3, 1979. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, MS 39301. Representative: David A. Watson, Jr., 3730 First Avenue South, Birmingham, AL 35222. (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, and filters* (except commodities in bulk) from points in Warren County, MS to points in AL, GA, LA, MS, and TN; (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, and materials, supplies and equipment used in the manufacture, sale, and distribution of commodities named in Part (1)* (except commodities in bulk) from points in AL and GA to points in Warren County, MS, for 180 days. NOTE: Restricted to shipments originating at or destined to facilities of Quaker State Oil Refining Corp., in Warren County, MS. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Alan Tarrant, DS, ICC, room 212, 145 East Amite Building, Jackson, MS 39201.

MC 107002 (Sub-538TA), filed January 4, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Petroleum products, vehicle body sealers, sound deadening compounds, and accoustical control items,* in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS to points in US (except AK and HI), for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Alan Tarrant, DS, ICC, room 212, 145 East Amite Building, Jackson, MS 39201.

MC 107002 (Sub-539TA), filed December 29, 1978. Applicant: MILLER TRANSPORT, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Rice hull ash,* in bulk, in tank vehicles, from Greenville, MS, to Highlands and Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s):

Uncle Ben's Foods, P.O. Box 1752, Houston, TX 77001. Send protests to: Alan Tarrant, District Supervisor, room 212, 145 East Amite Building, Jackson MS 39201.

MC 107541 (Sub-55TA), filed January 8, 1979. Applicant: WASHINGTON-OREGON LUMBER FREIGHTERS, INC., 12925 N.E. Rockwell Drive, Vancouver, WA 98665. Representative: Edward A. Francom (same address as applicant). *Volcanic Ash, in bags,* from Friant, CA to the facilities of Chevron Chemical Company at Yakima, WA. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operation authority. Supporting shipper(s): Chevron Chemical Co., 575 Market Street, San Francisco, CA 94105. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 108589 (Sub-14TA), filed January 5, 1979. Applicant: EAGLE EXPRESS COMPANY, P.O. Box 680, Somerset, Ky. 42501. Representative: Michael Spurlock, Beery & Spurlock Co., 275 E. State Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier* over regular routes, transporting: *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Alternate route for operating convenience only: Betweeen Cincinnati, OH (and its commercial zone) and Lexington, KY (and its commercial zone), serving no intermediate points, in connection with carrier's presently authorized regular route operations: From Cincinnati, OH over Interstate Highway 75 to Lexington, KY and return over the same route, for 180 days. SUPPORTING SHIPPER(S): There are approximately (7) statement of support attached to this application which may be examined at the ICC in Washington, DC, or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

MC 109818 (Sub-41TA), filed January 2, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. *Beverages,* from Omaha, NE, to Milan, IL and Chariton, Davenport, and Cedar Rapids, IA, for 180 days. SUPPORTING SHIPPER(S): Shasta Beverages, 4400 South 76th Street, Omaha, NE, 68127. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 109818 (Sub-42TA), filed January 2, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52804. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. (1) *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses,* and, (2) *materials, ingredients and supplies used in the manufacture, distribution and sale of the commodities in (1) above,* between Clinton and Davenport, IA, on the one hand, and on the other, points in IN, KY, MO, MI, OH, and WI, for 180 days. SUPPORTING SHIPPER(S): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. SEND PROTESTS TO: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 111045 (Sub-160TA), filed January 8, 1979. Applicant: REDWING CARRIERS, INC., 8515 Palm River Road, Tampa, FL 33601. Representative: L. W. Fincher, P.O. Box 426, Tampa, FL 33601. *Sand,* in bulk, in tank vehicles, from Vassar, MI to Albertville, AL for 180 days. Supporting Shipper(s): Great Lakes Minerals Company, 2855 Coolidge Highway, Suite 202, Troy, MI 48084. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 111170 (Sub-252), filed January 11, 1979. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, AR 71730. Representative: Tom E. Moore (same as applicant). *Ethylene Dibromide,* in bulk, in tank vehicles, from facilities of Dow Chemical, U.S.A., in Columbia County, AR, to Oakland, CA for 180 days. An underlying ETA seeks 90 days Authority. Supporting Shipper(s): The Dow Chemical Company, P.O. Box 520, Magnolia, AR 71753. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 112304 (Sub-164TA), filed January 2, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, OH 45223. Representative: Fred Schmits (same as applicant). *Precast concrete products, modular mausoleum crypt systems, and concrete forming systems,* from Oshkosh, WI, Laurel, MD, St. Louis, MO, Dade City, FL, and Denver, CO, to all points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Duwe Precast Concrete Products, Inc., Thomas H. Helfrich, Administrative Manager, P.O. Box 2068, Oshkosh, WI 54903. Send protests to: Paul J. Lowry, DS, ICC, 5514-B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 113406 (Sub-9TA), filed January 2, 1979. Applicant: DOT LINES, INC., 1000 Findlay Road, Lima, OH 45802. Representative: Michael Spurlock, Esq., 275 E. State St., Columbus, OH 43215. *Cleaning, scouring and washing compound,* (except in bulk) from the facilities of Procter & Gamble Manufacturing Co., in Bath, Township, Allen County, OH, to points in the lower peninsula of MI, for 180 days. An underlying ETA seeks 90 days authority. Common carrier-irregular routes. Supporting Shipper(s): Procter & Gamble Distributing Company, P.O. Box 1900, Lima, OH 45801. Send protests to: Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 113362 (Sub-341TA), filed January 8, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. Part I: PETROLEUM, PETROLEUM PRODUCTS, VEHICLE BODY SEALER, and/or SOUND DEADENER COMPOUNDS, (except in bulk, in tank vehicles), and FILTERS. From points in Warren County, MS to all points in and east of MT, WY, CO, and NM. Part II: PETROLEUM, PETROLEUM PRODUCTS, VEHICLE BODY SEALER and/or SOUND DEADENER COMPOUNDS, FILTERS, MATERIALS, SUPPLIES, and EQUIPMENT as are used in the manufacture, sale, and distribution of the commodities named in Part I above, (except in bulk, in tank vehicles), From points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS, for 180 days. RESTRICTION: Restricted in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS. Supporting Shippers(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114457 (Sub-469TA), filed January 10, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. (1) *Metal containers* from Wayne, NJ and Baltimore, MD and its CZ to Holland, St. Joseph, Benton Harbor, Shoreham and Detroit, MI, Columbus and Worthington, OH, and Indianapolis, IN; and (2) *Pallets, packing materials, and dunnage* from Holland, St. Joseph, Benton Harbor, Shoreham and Detroit, MI, Columbus and Worthington, OH and Indianapolis, IN

to Wayne, NJ, Baltimore, MD and its CZ, and points in IL, IN, WI, MI and OH, restricted to traffic destined to the facilities of The Continental Group, Inc. at the named points, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Continental Group, Inc., 5401 W. 65th Street, Chicago, IL 60638. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, 414 Federal Building, U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 114632 (Sub-192TA), filed January 12, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same as applicant). (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, (except in bulk, in tank vehicles), and filters,* from points in Warren County, MS to points in AR, IL, IN, IA, KS, KY, MN, MO, NE, ND, OH, SD, and WI. (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale and distribution of the commodities named in (1) above, (except in bulk, in tank vehicles)* from points in IL, IN, KY, and OH to points in Warren County, MS. RESTRICTION: In (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301, J. D. Campbell, General Traffic Manager. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 116763 (Sub-463TA), filed January 3, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). Part I: *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds,* (except in bulk, in tank vehicles), *and filters,* from points in Warren County, MS to points in and east of MN, IA, MO, OK, and TX. Part II: *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment as are used in the manufacture, sale, and distribution of the commodities named in Part I above,* (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV to points in Warren County, MS. RESTRICTED in Parts I and II above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting Shipper(s): J. D. Campbell, General Traffic Manager, Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Paul J. Lowry, DS, ICC, 5514—B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 118159 (Sub-311TA), filed January 2, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Intravenous solutions with hospital accessories and drugs, NOI* from Rocky Mount, NC to Dedham, MA, King of Prussia, PA, and Jersey City, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Abbott Laboratories, 1400 Sheridan Road, North Chicago, IL 60064. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118202 (Sub-101TA), filed January 10, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Electrical appliances and equipment, new furniture, store and office fixtures and parts therefor* from the facilities used by Winona Industries, Inc. and Artwood Corporation at or near Winona, MN to points in IL, IN, KY, LA, MD, MI, MS, NY, OH, OK, PA, TN, TX, WI and DC, for 180 days. Supporting Shipper(s): Winona Industries, Inc. and Artwood Corporation, 602 East Front Street, Winona, MN 55987. Send protests to: Delores A. Poe, Transportation Assistant, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118959 (Sub-193TA), filed January 11, 1979. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *General commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the warehouse facilities of Brokers Bonded Warehouse, Inc., at Cape Girardeau, MO, on the one hand, and, on the other, points in AR, IL, IN, IA, KS, KY, LA, MS, OK, OH, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Brokers Bonded Warehouse, Inc., Nash-Airport Rd., Cape Girardeau, MO 63701. Send protests to: P. E. Binder, D.S., Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 120981 (Sub-28TA), filed January 12, 1979. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, TN 37210. Representative: George M. Catlett, 708 McClure Building, Frankfort, KY 40601. *General commodities (except those of unusual value, Classes A and B Explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* (1) Between Nashville, TN and Mobile, AL: From Nashville, TN over Interstate Hwy 65 to junction AL Hwy 47, then over AL Hwy 47 to junction AL Hwy 59, then over AL Hwy 59 to junction U.S. Hwy 31, then over U.S. Hwy 31 to Mobile, AL and return over the same route, serving the intermediate point of Montgomery, AL and serving the junction of Interstate Hwy 65 and AL Hwy 47 for joinder only; (2) Between Mobile, AL and the junction of Interstate Hwy 65 and AL Hwy 47: From Mobile, AL over Interstate Hwy 65 to junction of Interstate Hwy 65 and AL Hwy 47 and return over the same route, serving the junction of Interstate Hwy 65 and AL Hwy 47 for joinder only; (3) Between Jackson, MS and Mobile, AL: From Jackson, MS over U.S. Hwy 49 to junction U.S. Hwy 98, then over U.S. Hwy 98 to Mobile, AL and return over the same route, serving no intermediate points, restricted against the handling of traffic orginating at, destined to, or interlined at Jackson, MS and points within its commercial zone; (4) Between Jackson, MS and Montgomery, AL: From Jackson, MS over U.S. Hwy 80 to Montgomery, AL and return over the same route, serving no intermediate points, restricted against the handling of traffic originating at, destined to, or interlined at, Jackson, MS and points within its commercial zone; (5) Authority is sought to serve the commercial zones of Nashville, TN and Montgomery and Mobile, AL. Applicant intends to tack the authority herein applied for to its existing authority and to interline with other carriers at Nashville, TN, Mobile and Montgomery, AL, Lexington, KY and Baton Rouge, LA, for 180 days. Supporting Shippers: There are 67 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda Kuss, T/A, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124032 (Sub-13TA), filed January 5, 1979. Applicant: REED'S FUEL COMPANY, 4080 Commercial Avenue, Springfield, OR 97477. Representative: Lawrence V. Smart, Jr., 419 N. W. 23rd Avenue, Portland, OR 97210. *Wood residuals,* from the facilities of Cone

Lumber Co. at Goshen, OR to Longview, WA and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days of authority. Supporting Shipper(s): Cone Lumber Co., Goshen, OR 97401. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 124141 (Sub-9TA), filed January 8, 1979. Applicant: JULIAN MARTIN, INC., P.O. Box 3348, Batesville, AR 75201. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Electric lamps, lighting fixtures, Christmas tree lamp outfits, electric cord sets, dry cell batteries and portable battery chargers, lamp ballasts,* and *materials, equipment and supplies* used in the manufacture of the foregoing commodities, from the facilities of General Electric Company, at or near Bellevue, Bucyrus, Circleville, Cleveland, Ravenna, Warren and Youngstown, OH; Lexington, KY; Matoon and Danville, IL; and St. Louis and Fenton, MO to points in AZ, CA, CO, ID, LA, MT, NM, NV, OK, OR, UT, TX, WA and WY, for 180 days. Supporting Shipper(s): General Electric Company, Noble Road, Nela Park, Cleveland, Ohio 44112. Send protests to: William H. Land, Jr., District Supervisor, 3128 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 124679 (Sub-97TA), filed January 9, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). *Meat and meat products* from the facilities of Casa Di Bertacchi Inc. At Vineland, NJ, to points in CT, FL, IN, MA, MI, NY, OH, PA, and RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Casa Di Bertacchi Inc., 1910 Gallagher Ct., Vineland, NJ 08360. Send protests to: L. D. Helfer, DS, ICC, 5309 Federal Bldg., Salt Lake City, UT 84138.

MC 124711 (Sub-76TA), filed December 27, 1978. Applicant: BECKER CORPORATION, P.O. Box 1540, Edmonda, OK 73034. Representative: Norman A. Cooper, P.O. Box 1050, El Dorado, KS 67042. *Propane, in bulk,* from facilities of Mid American Pipeline Terminal, near Greenwood, NE, to points in SD, for 180 days. Supporting shipper(s): Farmland Industries, Inc., 3315 N. Oak Tfwy., Kansas City, MO 64116. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

MC 125473 (Sub-11TA), filed January 5, 1979. Applicant: YAZOO TRUCKING CO., INC., P.O. Box 625, Yazoo City, MS 39194. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials,* in packages and in bulk (in dump vehicles) from Yazoo City, MS to points in KY, for the account of Mississippi Chemical Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mississippi Chemical Corporation, P.O. Box 388, Yazoo City, MS 39194. Send protests to: Alan Tarrant, D/S, ICC, room 212, 145 East Amite Building, Jackson, MS 39201.

MC 125996 (Sub-67TA), filed January 10, 1979. Applicant: ROAD RUNNER TRUCKING, INC., 2250 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Frozen potato products* (except commodities in bulk) from Nampa, ID, Hermiston, and Connell and Moses Lake, WA, to Mason City, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fast Food Merchandisers, Inc., 1811 19th St., S.W., Mason City, IA 50402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125996 (Sub-68TA), filed January 11, 1979. Applicant: ROAD RUNNER TRUCKING, INC., 2250 South 400 West, Salt Lake City, UT 84115. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk) from the facilities of Iowa Beef Processors, Inc., at or near Dakota City, NE., and Sioux City, IA, to points in CA and NV, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125996 (Sub-69TA), filed January 12, 1979. Applicant: ROAD RUNNER TRUCKING, INC., 2250 South 400 West, Salt Lake City, UT 84115. Representative: Mac R. Reber (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packing houses,* except hides and commodities in bulk, as described in Sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sioux-Preme Packing Co., Inc., Highway 75S P.O. Box 177, Sioux Center, IA 51250. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 126118 (Sub-119TA), filed January 10, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same as applicant). *Clay and clay products,* from the plant site and shipping facilities of Waverly Mineral Products Company, at or near Meigs, GA, to DE, MD, NJ, NY, OH, PA, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Waverly Mineral Products Company, Lucy Tessing, Traffic Manager, 3018 Market Street, Philadelphia, PA 19104. Send protests to: District Supervisor, Max H. Johnston, 285 Federal Building, Lincoln, NE 68508.

MC 126489 (Sub-35TA), filed Dec. 26, 1978. Applicant: GASTON FEED TRANSPORTS, INC., P.O. Box 1066, Hutchinson, KS 67501. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. *Premixed mineral feed and feed ingredients,* from Vance County, NC, to points in AL, AR, FL, GA, IL, IN, KY, MI, MN, MS, NJ, OH, PA, SC, TN, TX, VA, WV, and WI; *Materials and Supplies used in the manufacturing and production of such products,* from points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY, to Vance County, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Eastern Mineral, Inc., P.O. Box 506, Bainbridge, GA 31717. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128007 (Sub-132TA), filed Dec. 26, 1979. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., Topeka, KS 66603. *Premixed mineral feed and feed ingredients,* from Vance County, NC, to points in AL, AR, FL, GA, IL, IN, KY, MI, MN, MS, NJ, OH, PA, SC, TN, TX, VA, WV, and WI; *Materials and supplies used in the manufacturing and production of such products,* from points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WV, WI, and WY, to Vance County, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Eastern Mineral, Inc., P.O. Box 506, Bainbridge, GA 31717. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128246 (Sub-37TA), filed January 9, 1979. Applicant: SOUTHWEST TRUCK SERVICE, P.O. Box AD,

Watsonville, CA 95076. Representative: William F. King, Suite 400 Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Cheese Spreads,* from points in MN and WI, to the facilities of Safeway Stores, Inc., at or near Carthage, MO, under a continuing contract or contracts with Safeway Stores, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Safeway Stores, Inc., 5825 E. 14th St., Oakland, CA 94660. Send protests to: M. M. Butler, District Supervisor, 211 Main, Suite 500, San Francisco, CA 94105.

MC 128273 (Sub-327TA), filed January 5, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban, P.O. Box 189, Fort Scott, KS 66701. 1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds (except in bulk in tank vehicles) and filters* from points in Warren County, MS, to all points in the U.S. (except AK & HI); 2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies and equipment as are used in the manufacture, sale and distribution of the commodities named in Part 1* (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA & WV, to points in Warren County, MS. RESTRICTED in Parts 1 and 2 to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O Box 989, Oil City, PA 16301. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

MC 128383 (Sub-79TA), filed January 8, 1979. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Rd., Sharon Hill, PA 19079. Representative: Leonard C. Zucker, (same as applicant). *Business machines, calculators, adding machines, cash registers, computers and items used in the manufacture thereof;* between the facility of Victor Products Corp., El Paso, TX, on the one hand, and, on the other, airports in Houston and Dallas, TX; Cleveland, OH; New York, NY; Miami and Jacksonville, FL; Los Angeles and San Francisco, CA; Denver, CO; Seattle, WA; St. Paul, MN; Philadelphia, PA; Portland, OR. Shipments having a prior or subsequent movement by air and/or products manufactured, sold or distributed by Victor Products Corp, for 180 days. An underlying ETA seeks 90 days authority; Supporting shipper(s): Victor Business Products, Subsidiary of Walter Kidde, Inc., 3900 N. Rockwell St., Chicago, IL 60618. Send protests to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 128527 (Sub-130TA), filed January 8, 1979. Applicant: MAY TRUCKING CO., P.O. Box 400, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Flour,* from Great Falls, MT to the facilities of URM Stores at or near Spokane, WA for 180 days. An underlying ETA seeks 90 days authority; Supporting shipper(s): URM Stores, Inc., North 7511 Freya Street, Spokane, WA 99210. Send protests to: Barney L. Hardin, District Supervisor, ICC, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

MC 12855 (Sub-26TA), filed January 5, 1979. Applicant: MEAT DISPATCH, INC., 2103 17th Street, East, Palmetto, FL 33561. Representative: Robert D. Gunderman, Esq., 710 Statler Bldg., Buffalo, NY 14202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *air conditioners, furnaces and space heaters,* and (2) *parts, materials, supplies* and *equipment* used in the manufacture, production, sale or distribution of the commodities named in Item 1, (1) from Granada, MS, Jonesville, MI, Evansville, IN, Somerset, KY, and Garland, TX to Orlando, FL and (2) from Orlando, FL to Philadelphia, PA and Kansas City, MO for 180 days. Supporting Shippers(s): Weatherking, Inc., 4501 E. Colonial Drive, Orlando, FL 32803. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission—BOp, Monterey Building, Suite 101, 8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 128940 (Sub-38TA), filed January 8, 1979. Applicant: Richard A. Crawford, dba R. A. CRAWFORD TRUCKING SERVICE, P.O. Box 303, Gambrills, MD 21054. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting *laboratory reagents and culture media* from Cockeysville, MD and its commercial zone to points in CO, NE, IA, IL, WI, MN, UT, NM, WA, IN, NV, OR, AL, SC and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): BBl Micro Biological Systems, 250 Schilling Circle, Cockeysville, MD 21030. Send protests to: T. M. Esposito, Transportation, Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 129032 (Sub-69TA), filed January 2, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Ave., Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). *Fresh meats and packinghouse products* from the facilities of Wilson Foods Corporation at or near Albert Lea, MN, Cedar Rapids & Des Moines, IA, and Marshall, MO to the state of CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Wilson Foods Corporation, 4545 Lincoln Boulvard, Oklahoma City, OK 73105. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129219 (Sub-17TA), filed January 2, 1979. Applicant: CMD TRANSPORTATION, INC., 12340 S. E. Dumolt Road, Clackamas, OR 97015. Representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. *Contract carrier:* Irregular routes: *Scrap aluminum, glass, and paper,* for recycling or reuse in furtherance of recognized pollution control programs, in steamship containers on own chassis or carrier's trailers, from Nampa, ID to Portland, OR, for the account of Operation Squirrel, Inc., for 180 days. SUPPORTING SHIPPER: Operation Squirrel, Inc., 2701 Sunny Ridge Road, Nampa, ID 83651. SEND PROTESTS TO: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 133562 (Sub-33TA), filed December 28, 1978. Applicant: HOLIDAY EXPRESS CORPORATION, P. O. Box 115, Estherville, IA 51334. Representative: Edward A. O'Donnell, 1004-29th Street, Sioux City, IA 51104. *Meat, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates 61, M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles),* from Estherville, IA to Chicago, IL Commercial Zone, for 180 days. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

MC 133655 (Sub-139TA), filed January 5, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. *Containers and container ends,* from Oil City, PA to Weatherford, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Power Service Products, Inc., P.O. Box 459, Weatherford, TX 76086. Send protests to: Haskell E.

Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F-13206 Federal Building, Amarillo, TX 79101.

MC 133671 (Sub-7TA), filed January 10, 1979. Applicant: MILLER BROS. CO., INC., Box EA, Hyrum, UT 84319. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting *cheese, cheese products, and synthetic cheese* from the facilities of L. D. Schreiber Cheese Company, Inc. at or near Logan, UT, to points in CA on and south of a line starting at the CA-NV boundary line, then along Interstate Hwy 80 to its intersection with CA Hwy 20, then along CA Hwy 20 to Fort Bragg, CA, under continuing contract with L. D. Schreiber Cheese Company, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): L. D. Schreiber Cheese Company, Inc., P.O. Box 610, Green Bay, WI 54305. Send protests to: L. D. Helfer, District Supervisor, Interstate Commerce Commission, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 133689 (Sub-249TA), filed January 8, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street S.W., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Such merchandise as is dealt in by wholesale and retail department stores (except foodstuffs and commodities in bulk)* from Dalton, GA to Minneapolis-St. Paul, MN restricted to the facilities of Northern Cargo Association and its members, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Cargo Association, 501 N. 2nd Street, Minneapolis, MN 55401. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, 414 Federal Building, 110 South 4th Street, Minneapolis, MN 55401.

MC 134484 (Sub-22TA), filed January 3, 1979. Applicant: EDWARDS BROS., INC., P.O. Box 1684, Idaho Falls, Idaho 83401. Representative: Timothy R. Stivers, Registered Practitioner, P.O. Box 162, Boise, Idaho 83701. *Frozen foods*, from the facilities used by Ore-Ida Foods, Inc. at or near Burley, ID and Ontario, OR to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ore-Ida Foods, Inc. P.O. Box 10, Boise, ID 83701. Send protests to: Barney L. Hardin, District Supervisor, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 135082 (Sub-82TA), filed January 2, 1979. Applicant: ROADRUNNER TRUCKING, INC., P.O. Box 26748, 415 Rankin Road, Albuquerque, NM 87125. Representative: Randall R. Sain (same as applicant). *Construction materials, except in bulk and those requiring special equipment*, between AZ, CA, CO, ID, KS, OK, NE, NM, MT, TX, WY, UT, NV, WA, OR, MO, AR, IL, and LA, restricted against traffic moving between AR, KS, LA, MO, NE, OK, and TX, and further restricted against traffic moving between ID, MT, UT, WY, WA, OR, and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Crest Architectural Products Co., P.O. Box 68, Colorado Springs, CO 80901. Send protests to: District Supervisor, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 135797 (Sub-172TA), filed January 10, 1979. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Representative: Paul R. Bergant (same as applicant). *Tripoli and hydrated alumina* from Rogers, AR and Seneca, MO to points in CA, CT, IL, LA, MI, NC, NJ, NY, OH, PA and TX, for 180 days. Supporting Shipper(s): Mid-Western Minerals, 700 S. 1st Street, Rogers, AR 72756. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-3885 Filed 2-2-79; 8:45 am]

[7035-01-M]

[Notice No. 155]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include request for oral hearing, must be filed with the Commission, on or before March 7, 1979. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopses form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-77929, filed on November 13, 1978. Transferee: MEL MOTOR EXPRESS, INC., 111 East Canal Street, Picayune, MS 39466. Transferor: Action Motor Express, Inc., P.O. Box 29102, New Orleans, LA 70189. Representative: John L. Alden, Esquire, Stiverson and Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permits No. MC 140421 Subs 9, 14, and 17, issued January 27, 1978, April 14, 1978, and September 8, 1978, respectively, as follows: Sugar, in bags and packages, and condiments, in individual servings, from New Orleans, LA to points in AL, AR, and TN (except points in Davidson County); canned goods from Morehead, MS to points in AL, AR, FL, GA, LA, MD, MS, NC, SC, TN, TX and VA; containers, from specified points in TX, TN, LA, and MS to Morehead, MS and Oak Grove, LA; paper, paper products, containers and components (except metal containers and metal components, and except commodities in bulk), from points in AL, AR, GA, LA, MS, SC, TN, and TX to points in AL, AR, LA, MS, and TN; and materials and supplies used in the manufacture of paper, paper products, containers and components from points in AL, AR, LA, MS, and TN to points in AL, AR, GA, LA, MS, SC, TN, and TX. Transferee presently holds no authority from the Commission. Application for temporary authority under Section 210a(b) has not been filed.

MC-FC-77932, filed November 15, 1978. Transferee: CONRAD & SON TRUCKING, INC., Route No. 4, Van Wert, OH 45891. Transferor: Action Motor Express, Inc., P.O. Box 29102, New Orleans, LA 70189. Representative: John L. Alden, Esquire, Stiverson and Alden, 1396 West Fifth Avenue, P.O. Box 12241, Columbus, OH 43212. Authority sought for purchase by transferee of the operating rights of transferor set forth in Permit No. MC 140421 Sub 15, issued March 16, 1978, as follows: Fibre drums from Van Wert, OH to points in IL, IN, KY, MI, MO, PA, WV, and WI; and fibre drums

and components, materials, and supplies used in the manufacture of fibre drums from Van Wert, OH to specified points in MI, NJ, CA, WV, CO, NY, PA, MO, TX, NC, and GA. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) has not been filed.

MC-FC-77933, filed November 20, 1978. Transferee: BEST MOVERS, INC., 304 Broadway, Staten Island, NY 10310. Transferor: DUN-RITE MOVERS, INC., 443 Morris Park Avenue, New York, NY 10460. Representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC-119574, issued September 5, 1969, as follows: Household goods as defined by the Commission, between NY, NY on the one hand, and on the other, points in NY; and between NY, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA. Transferee presently holds no authority from this Commission; it does not seek section 210a(b) authority.

MC-FC-77943, filed December 4, 1978. Transferee: RICHARD R. LAW, 375 Prospect Street, Seekonk, MA 02771. Transferor: LORANGER CONSTRUCTION CORPORATION, 404 Nash Road, New Bedford, MA 02746. Representative: John F. O'Donnell, Esq., Barrett and Barrett, Attorney for Transferee, 60 Adams Street, Milton, MA 02187. Lawrence T. Sheils, Esq., Attorney for Transferor, 316 Summer Street, Boston, MA 02210. Authority sought for purchase by transferee of the operating rights of transferor set forth in Certificate of Registration MC-121364 (Sub-1) issued January 27, 1964, as follows: General commodities within MA. Transferee presently holds no authority from this Commission. Application for temporary authority under Section 210a(b) has not been filed.

MC-FC-77961, filed December 15, 1978. Transferee: MADELINE C. McEWAN, doing business as, CHAMPION VAN AND STORAGE, 879 North Highway (PO Box 355), Buellton, CA 93427. Transferor: ROBERT C. HUDAK, doing business as, CHAMPION VAN & STORAGE, 100-A Industrial Way (PO Box 328), Buellton, CA 93427. Representative: Herbert L. Michel, Jr., Century Park Center, Suite 990, 9911 West Pico Blvd., Los Angeles, CA 90035. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate MC-135416 (Sub-1), issued February 7, 1972, as follows: Used household goods, between points in Santa Barbara, San Luis Obispo, and Ventura Counties, CA, with certain restrictions. Transferee presetly holds no authority from this Commission; it does not seek section 210a(b) authority.

MC-FC-77969, filed December 20, 1978. Transferee: BLAND TRUCKING, INCORPORATED, 1000 South Loop 12, Irving, TX 75060. Transferor: CARTON EXPRESS, INC., 14416 Slover, Fontana, CA 92335. Representative: Robert K. Frisch, 4555 First National Bank Bldg., Dallas, TX 75202. Authority sought for purchanse by transferee of the operating rights of transferor as set forth in certificate MC-140546 (Sub-2), issued February 25, 1976, as follows: Expanded plastic articles, from the facilities utilized by Dolco Packaging Corp., located at or near Dallas, TX to points in KS, MO, NE, CO, LA, AR, OK, and NM. Transferee presently holds no authority from this Commission; it does not seek section 210a(b) authority.

MC-FC-77984, filed December 28, 1978. Transferee: R & V BURSON TRUCKING, INC., 3800 West "U" Avenue, Schoolcraft, MI 49087. Transferor: Rodney L. Tyler, doing business as Rod Tyler Transport Company, 1289 Panama Street, Kalamazoo, MI 49002. Representative: L. W. Gray, 301 West Cedar Street, Kalamazoo, MI 49007. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC-24549, issued February 20, 1973, as follows: specified commodities, from, to, and between specified points in IL, MI, and IN. Transferee presently holds no authority from this Commission; it does not seek section 210a(b) authority.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-3881 Filed 2-2-79; 8:45 am]

[4910-14-M]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[78-187]

MARINE SANITATION DEVICES

Certifications Granted

The purpose of this document is to notify interested persons that the Commandant, U.S. Coast Guard, has certified the design of certain marine sanitation devices in accordance with § 159.15 of the U.S. Coast Guard Marine Sanitation Device Regulations (33 CFR, Part 159) and has authorized the manufacturer to label the devices so certified in accordance with the provisions of 33 CFR 159.16.

When the Coast Guard determines that a device successfully satisfies the Design, Construction, and Testing requirements of Subpart C of 33 CFR, Part 159, the manufacturer is authorized by the Coast Guard to label each device that he manufactures that is in all material respects substantially the same as the test device. This label includes the certification number assigned to the device. The roman numeral at the end of the certification number identifies the type of device (I, II, or III) as defined in 33 CFR 159.3. The label serves as the purchaser's verification of the certification on such devices.

Listed below are the certifications issued as of 31 August 1978. Entries under the heading "Vessel Applicability" refer to the status of the devices relative to inspection requirements of Title 46, Subchapters F, J, and T of the Code of Federal Regulations. An entry of "Inspected" indicates that the device has been found to be in compliance with the applicable requirements of the U.S. Coast Guard Marine Engineering Regulations (46 CFR Parts 50 through 64) and U.S. Coast Guard Electrical Engineering Regulations (46

CFR Parts 110 through 113). An entry of "Subchapter T" indicates that the device has been found to be in compliance with the applicable requirements of the U.S. Coast Guard Small Passenger Vessel Regulations (46 CFR Parts 175 through 187). An entry of "Uninspected" indicates that the design of the device either does not meet or was not reviewed for compliance with the above mentioned regulations.

Dated: January 10, 1979.

(Sec. 2, 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46(l) and (m))

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

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
A/S Atlas, Baltorpvej 154, DK-2750 Ballerup, Copenhagen, Denmark.	AWWU Discharge	159.15/1028/1/II	Uninspected	9400 gal/day.	Physical/Chemical.
	AWWU Recruiting	159.15/1028/2/II	Uninspected	9400 gal/day.	
Baylor Company, P.O.Box 36323, Houston, TX 77036.	Lykes SMSD 14,900	159.15/1037/1/I	For use on vessels listed in certification letter.	15,000 gal/day.	Macerator/Chlorinator.
	Filteron MSD 490	159.15/1037/2/I			Macerator/Chlorinator.
	Filteron MSD 3990	159.15/1037/4/I	Uninspected	500 gal/day	Macerator/Chlorinator.
	Filteron MSD 2490		Uninspected	4,000 gal/day	
			Uninspected	2,500 gal/day	
Cadaqua, S.A., Mayor 23, Apartado 47, Las Arenas-Guecho Vizcaya, Spain.	Oxitotal—O	159.15/1047/1/II	Uninspected	2,500 gal-day.	Aerobic Digester.
Chrysler Corporation, Space Division, P.O. Box 29200, New Orleans, LA 70129.	Aqua-Sans	159.15/1005/1/III	Uninspected	140 Uses/day	Oil-Flush Recirculator.
	Aqua-Sans A/S	159.15/1005/2/III	Uninspected	140 Uses/day	Oil- Flush Recirculator.
	Aqua-Sans A/B-1	159.15/1005/3/III	Uninspected	245 Uses/day	Oil- Flush Recirculator.
	Aqua-Sans A/B-2	159.15/1005/4/III	Uninspected	420 Uses/day	Oil- Flush Recirculator.
	Aqua-Sans B	159.15/1005/5/III	Uninspected	1015 Uses/day.	Oil- Flush Recirculator.
Citex-Gastechnik Maschinenbau, 2 Hamburg 71, PostFach 710424, Federal Republic of Germany.	CEAK 35/50	159.15/1043/1/II	Uninspected	3100 gal/day.	Physical/Chemical.
Colt Industries 701 Lawton Ave., Beloit, WI 53511.	Envirovac	159.15/1016/1/III	Inspected	Sized to need	Custom Designed. vacuum system.
Demco, Inc. P.O. Box 94700 845 S.E. 29th ST. Oklahoma City, OK.	WT-325	159.15/1029/1/II	Uninspected	325 gal/day	Aerobic digester.
	WT-625	159.15/1029/2/II	Uninspected	625 gal/day	Aerobic digester.
	WT-1000	159.15/1029/3/II	Uninspected	1000 gal/day.	Aerobic digester.
	WT-1250	159.15/1029/4/II	Uninspected	1250 gal/day.	Aerobic digester.
	WT-1565	159.15/1029/5/II	Uninspected	1565 gal/day.	Aerobic digester.
	WT-1875	159.15/1029/6/II	Uninspected	1875 gal/day.	Aerobic digester.
	WT-2200	159.15/1029/7/II	Uninspected	2200 gal/day.	Aerobic digester.
	WT-2500	159.15/1029/8/II	Uninspected	2500 gal/day.	Aerobic digester.
	WT-2815	159.15/1029/9/II	Uninspected	2815 gal/day.	Aerobic digester.
	WT-3125	159.15/1029/10/II	Uninspected	3125 gal/day.	Aerobic digester.
	WT-3750	159.15/1029/11/II	Uninspected	3750 gal/day.	Aerobic digester.
	WT-5000	159.15/1029/12/II	Uninspected	5000 gal/day.	Aerobic digester.
	WT-5000/Glomar Pacific	159.15/1029/13/II	For use on drill ship GLOMAR PACIFIC only		
	WT-6000	159.15/1029/14/II	Uninspected	6000 gal/day.	Aerobic digester. WT-7000
		159.15/1029/15/II	Uninspected	7000 gal/day.	Aerobic digester.
		159.15/1029/16/II	Uninspected	8000 gal/day.	Aerobic digester.
		159.15/1029/17/II	Uninspected	9000 gal/day.	Aerobic digester.
		159.15/1029/18/II	Uninspected	10,000 gal/day.	Aerobic digester.
Clear Water, Inc. Div. of Lamere Ind. 227 N. Main St. Walworth, WI 53184.	Sanirator 57 P5E	159.15/1015/1/III	Uninspected	12 Persons	Gas-fired incinerator.
	Sanirator 57 P2E	159.15/1015/2/III	Uninspected	12 Persons	Gas-fired incinerator.
	Sanirator 57 P9E	159.15/1015/3/III	Uninspected	12 Persons	Gas-fired incinerator.
	Sanirator 57 P5E	159.15/1015/4/III	Inspected	12 Persons	Diesel-Fired Incinerator.
	Sani-Head #6	159.15/1015/5/III	Uninspected	22 Flushes	Conversion Kit for recirculating.
	Sani-System 600	159.15/1015/6/1	Uninspected	750 gal/day	Macerator/Chlorinator.
Dravo Corporation, Neville Island, Pittsburgh, PA 15225.	Stavo Stack Injection System.	159.15/1031/1/III	Uninspected	360 gal/day	Stack Injection incineration.
Effluent Technology Co., Inc., 4130 Bridgeport Way West, Tocoma, Washington 98466.	MARK 1 MSD	159.15/1063/1/I	Uninspected	240 gal/day	Physical/Chemcial.
Electrode Corporation, P.O. Box 229, Chardon, OH 44024.	Lectra-San 12 VDC	159.15/1001/1/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 32 VDC	159.15/1001/2/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 12 VDC W/ Mech. Timer.	159.15/1001/3/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 24 VDC W/ Mech. Timer.	159.15/1001/4/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.
	Lectra-San 32 VDC W/ Mech. Timer.	159.15/1001/5/I	Uninspected	4 persons	Electrolytic Macerator/Chlorinator.

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Firestone Coated Fabrics, Box 869, Magnolia, Arkansas 71753.	Flex-n-Fit tank #15	159.15/1020/1/III	Subchapter "T"	15 gal	Flexible holding tank.
	Flex-n-Fit tank #30	159.15/1020/2/III	Subchapter "T"	30 gal	Flexible holding tank.
	Flex-n-Fit tank #40	159.15/1020/3/III	Subchapter "T"	40 gal	Flexible holding tank.
	Flex-n-Fit tank #100	159.15/1020/4/III	Subchapter "T"	100 gal	Flexible holding tank.
Format Chemie & Apparate, 2050 Hamburg 80, Ochsenwerder Landstrasse 155, Federal republic of Germany.	MSTP 1	159.15/1061/1/II	Uninspected	1370 gal/day.	
	MSTP 2	159.15/1061/2/II	Uninspected	2240 gal/day.	
	MSTP 3	159.15/1061/3/II	Uninspected	3560 gal/day.	
	MSTP 4	159.15/1061/4/II	Uninspected	4360 gal/day.	
	MSTP 5	159.15/1061/5/II	Uninspected	6070 gal/day.	
	MSTP 6	159.15/1061/6/II	Uninspected	9370 gal/day.	
	MSTP 7	159.15/1061/7/II	Uninspected	14,000 gal/day.	
Fredriksstad Mek. Verksted, P.O. Box 96, 1601 Fredriksstad, Norway.	CP-40	159.15/1045/1/II	Uninspected	1500 gal/day.	Aerobic Digester.
	CP-65	159.15/1045/2/II	Uninspected	2433 gal/day.	Aerobic Digester.
	CP-80	159.15/1045/3/II	Uninspected	2995 gal/day.	Aerobic Digester.
Galley Maid Marine Products, P.O. Box 10417, Riviera Beach, FL 33404.	Delta Marine Head 12 VDC.	159.15/1040/1/I	Subchapter "T"	2 persons	Macerator/Chlorinator.
	Delta Marine Head 24 VDC.	159.15/1040/2/I	Subchapter "T"	2 persons	Macerator/Chlorinator.
	Delta Marine Head 32 VDC.	159.15/1040/3/I	Subchapter "T"	2 persons	Macerator/Chlorinator.
	Central Waste Treatment System 12 VDC.	159.15/1040/4/I	Subchapter "T"	332 gal/day	
	Central Waste Treatment System 24 VDC.	15.15/1040/5/I	Subchapter "T"	332 gal/day	
	Central Waste Treatment System 32 VDC.	159.15/1040/6/I	Subchapter "T"	332 gal/day	
	Central Waste Treatment System 115 VAC.	159.15/1040/7/I	Subchapter "T"	332 gal/day	
	Delta Marine Head 115 VAC	159.15/1040/8/I	Subchapter "T"	2 Persons	Macerator/Chlorinator.
General American Research Division of GATX, 7449 Natchez Ave., Niles, Il 60648.	ETS-II	159.15/1012/1/III	Inspected	25 Persons	Low-volume-Flush, evaporator. Macerator/Sterilizer.
	MSS-I	159.15/1012/2/I	Uninspected	3840 gal/day.	
Goko Seisakusho Co., Ltd., No 27-3, 5 Chome Shimbashi, Minato-hu, Tokyo, Japan.	Clean Pet	159.15/1049/I/III	Uninspected	80 flushes	Unitized Recirculator.
	TCP-5				
Hamann Wassertechnik Gmbh. u. Co., Postfach 131, 2105 Hamburg-Seevetal 2, Federal Republic of Germany.	HL-CONT 4	159.15/1060/1/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 7	159.15/1060/2/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 15	159.15/1060/3/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 30	159.15/1060/4/II	Uninspected		Macerator/Chlorinator.
	HL-CONT 45	159.15/1060/5/II	Uninspected		Macerator/Chlorinator.
	HL-CONT Compact	159.15/1060/6/II	Uninspected		Macerator/Chlorinator.
	HL-CONT Compact/A	159.15/1060/7/II	Uninspected		Macerator/Chlorinator.
Hamworth Canada Ltd., 113-115 Gushman Rd., ST. Catharine, Ontario L2M 659, Canada.	ST-2	159.15/1059/1/II	Uninspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1059/2/II	Uninspected	720 gal/day	Aerobic Digester.
	ST-6	159.15/1059/3/II	Uninspected	1080 gal/day.	Aerobic Digester.
	ST-8	159.15/1059/4/II	Uninspected	1440 gal/day.	Aerobic Digester.
	ST-10	159.15/1059/5/II	Uninspected	1800 gal/day.	Aerobic Digester.
	ST-15	159.15/1059/6/II	Uninspected	2700 gal/day.	Aerobic Digester.
	ST-20	159.15/1059/7/II	Uninspected	3600 gal/day.	Aerobic Digester.
Hamworthy Engineering, Pump & Compressor Div., Fleets Corner, Poole Dorset BH177 LA, United Kingdom.	ST-2	159.15/1023/1/II	Uninspected	260 gal/day	Aerobic Disgester.
	ST-4	159.15/1023/2/II	Uninspected	720 gal/day	Aerboic Digester.
	ST-6	159.15/1023/3/II	Uninspected	1080 gal/day.	Aerboic Digester.
	ST-8	159.15/1023/4/II	Uninspected	1440 gal/day.	Aerboic Digester.
	ST-10	159.15/1023/5/II	Uninspected	1800 gal/day.	Aerboic Digester.
	ST-15	159.15/1023/6/II	Uninspected	2700 gal/day.	Aerboic Digester.
	ST-20	159.15/1023/7/II	Uninspected	3600 gal/day.	Aerboic Digester.
	T-10	159.15/1023/8/II	Uninspected	180 gal/day	Aerboic Digester.
	T-20	159.15/1023/9/II	Uninspected	360 gal/day	Aerboic Digester.
	T-30	159.15/1023/10/II	Uninspected	540 gal/day	Aerboic Digester.
	T-40	159.15/1023/11/II	Uninspected	720 gal/day	Aerboic Digester.
	T-50	159.15/1023/12/II	Uninspected	900 gal/day	Aerboic Digester.
	T-60	159.15/1023/13/II	Uninspected	1080 gal/day.	Aerboic Digester.
	T-75	159.15/1023/14/II	Uninspected	1350 gal/day.	Aerboic Digester.
	T-100	159.15/1023/15/II	Uninspected	1800 gal/day.	Aerboic Digester.
	RT-20	159.15/1023/16/II	Uninspected	360 gal/day	Aerboic Digester.
	RT-40	159.15/1023/17/II	Uninspected	720 gal/day	Aerboic Digester.
	RT-60	159.15/1023/18/II	Uninspected	1080 gal/day.	Aerboic Digester.
	RT-80	159.15/1023/19/II	Uninspected	1440 gal/day.	Aerboic Digester.
	ST-25	159.15/1023/20/II	Uninspected	4500 gal/day.	Aerboic Digester.
	ST-30	159.15/1023/21/II	Uninspected	5400 gal/day.	Aerboic Digester.
	ST-2R	159.15/1023/22/II	Uninspected	20 persons	Aerboic Digester.
	ST-4R	159.15/1023/23/II	Uninspected	40 persons	Aerboic Digester.
	ST-6R	159.15/1023/24/II	Uninspected	60 persons	Aerboic Digester.
	ST-8R	159.15/1023/25/II	Uninspected	80 persons	Aerboic Digester.
	ST-10R	159.15/1023/26/II	Uninspected For use on M/V "SUN PRINCESS" only	700 persons	Aerboic Digester.
Hamworthy USA, 365 French Road, Buffalo, NY 14227.	ST-2	159.15/1058/1/II	Inspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1058/2/II	Inspected	720 gal/day	Aerobic Disgesters.
	ST-6	159.15/1058/3/II	Inspected	1080 gal/day.	Aerobic Disgesters.
	ST-8	159.15/1058/4/II	Inspected	1440 gal/day.	Aerobic Disgesters.
	ST-10	159.15/1058/5/II	Inspected	1800 gal/day.	Aerobic Disgesters.
	ST-15	159.15/1058/6/II	Uninspected	2700 gal/day.	Aerobic Disgesters.
	ST-20	159.15/1058/7/II	Uninspected	3600 gal/day.	Aerobic Disgesters.

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Heishin Engineering & Equipment Co., Ltd. Misaki Honmachi 1-1-54 Hyogo-Ku Kobe 652, Japan.	Cleardam PS-40	159.15/1026/1/II	Uninspected	470 gal/day	Evaporator.
	Cleardam PS/CR-40	159.15/1026/2/III	Uninspected	470 gal/day	Recirculator w/Waste Evap.
	Cleardam PS/CR-80	159.15/1026/3/III	Uninspected	780 gal/day	Recirculator w/Waste Evap.
	Cleardam PS-80	159.15/1026/4/II	Uninspected	780 gal/day	Evaporator
	Cleardam PS-40N	159.15/1026/5/II	Uninspected	780 gal/day	Evaporator
	Cleardam PS-80N	159.15/1026/6/II	Uninspected	780 gal/day	Evaporator
Hyde Products Inc., 810 Sharon Dr., Weshake, OH 44145.	Hyde Shipboard Sewage Treatment System.	159.15/1019/1/II	Inspected	6000 gal/day.	Physical/Chemical
International Water Saving Systems, P.O. Box 605, Avon, MA 02322.	Nautromatic 350	159.15/1009/1/I	Uninspected	4 uses/hr	Macerator/Chlorinator
	IWSS SYSTEM 1000	159.15/1009/2/I	Subchapter "T"	4 Persons	Macerator/Chlorinator
	IWSS System 1000SA	159.15/1009/3/I	Subchapter "T"	4 Persons	Macerator/Chlorinator
	IWSS System 1000E	159.15/1009/4/I	Uninspected	4 Persons	Macerator/Chlorinator
	IWSS System 1000 R	159.15/1009/5/I	Uninspected	4 Persons	Macerator/Chlorinator
Jered Industries, Inc., 1300 S. Coolidge Hwy., Birmingham, MI 48008.	118-I	159.15/1011/1/III	Uninspected	400 gal	Vacuum Flush w/holding Tank
Koehler-Dayton P.O. Box 309 New Britain, CT 06050.	Konvert-a-Head 13-701595	159.15/1013/1/III	Uninspected	22 Flushes	Recirculator.
	Enviro—Mac 702145	159.15/1013/2/I	Inspected	1730 gal/day.	Macerator/Chlorinator.
	Enviro—MacII	159.15/1013/3/I	Inspected	1730 gal/day.	Macerator/Chlorinator.
Mansfield Sanitary, 150 First St., Perryville, OH 44864.	300 Series	159.15/1014/1/III	Uninspected	Sizes 12-42 gal..	Vaccuum-Flush to Holding Tank.
	400 Series	159.15/1014/2/III	Uninspected	Sizes 12-42 gal..	Vacuum-Flush to Holding Tank.
	600 Series	159.15/1014/3/III	Uninspected	Sizes 12-42 gal..	Vacuum-Flush to Holding Tank.
	911-M28	159.15/1014/4/III	Uninspected	8¼ gal.	Unitized Toilet and Holding Tank.
	912-M28	159.15/1014/5/III	Uninspected	8¼ gal.	Vacuum-Flush to Holding Tank.
	800 Series	159.15/1014/6/III	Uninspected		Vacuum-Flush to Holding Tank.
TDX		159.15/1014/7/I	Subchapter "T"	480 gal/day	Physical/Chemical.
	TDX (Modified)	159.15/1014/8/I	Subchapter "T"	480 gal/day	Physical/Chemical.
Marland Environmental Systems, Inc., 57 west Avenue, Wayne, PA 19087.	MSS-PT	159.15/1008/1/I	Inspected	Sizes 2000-4000 gal/day.	Physical/Chemical.
	MTT-3	159.15/1008/2/I	Inspected		Physical/Chemical.
	MTT-4	159.15/1008/3/I	Uninspected		Physical/Chemical.
	MTT-3-1	159.15/1008/4/I	For NOAA vessel "ALBATROSS IV" only		
	MTT-3-2	159.15/1008/5/I	For Italia SPA Line vessels "ITALICA" and "AMERICANA" only		
Microphor, Inc., P.O. Box 490, Willits, CA 95490.	M-8	159.15/1025/1/II	Subchapter "T"	2 Persons	Biological Filter.
	M-10	159.15/1025/2/II	Subchapter "T"	3 Persons	Biological Filter.
	M-12	159.15/1025/3/II	Subchapter "T"	3 Persons	Biological Filter.
	M-14	159.15/1025/4/II	Subchapter "T"	4 Persons	Biological Filter.
	M-50	159.15/1025/5/II	Inspected	25 gal/day	Biological Filter.
	M-100	159.15/1025/6/II	Inspected	50 gal/day	Biological Filter.
	M-150	159.15/1025/7/II	Inspected	75 gal/day	Biological Filter.
	M-200	159.15/1025/8/II	Inspected	100 gal/day	Biological Filter.
	M-300	159.15/1025/9/II	Inspected	150 gal/day	Biological Filter.
	M-500	159.15/1025/10/II	Inspected	250 gal/day	Biological Filter.
	MC-50	159.15/1025/11/II	Inspected	125 gal/day	Biological Filter.
	MC-100	159.15/1025/12/II	Inspected	250 gal/day	Biological Filter.
	MC-150	159.15/1025/13/II	Inspected	375 gal/day	Biological Filter.
	MC-200	159.15/1025/14/II	Inspected	500 gal/day	Biological Filter.
	MC-300	159.15/1025/15/II	Inspected	750 gal/day	Biological Filter.
	MC-500	159.15/1025/16/II	Inspected	1250 gal/day.	Biological Filter.
	M-600	159.15/1025/17/II	Inspected	300 gal/day	Biological Filter.
	MC-600	159.15/1025/18/II	Inspected	1500 gal/day.	Biological Filter.
	M-800	159.15/1025/19/II	Inspected	400 gal/day	Biological Filter.
	MC-800	159.15/1025/20/II	Inspected	2000 gal/day.	Biological Filter.
	M-1000	159.15/1025/21/II	Inspected	500 gal/day	Biological Filter.
	MC-1000	159.15/1025/22/II	Inspected	2500 gal/day.	Biological Filter.
Misuzu Machinery & Engineering Ltd., 25,5 Chome, Ikuta-Ku, Kobe, Japan.	Wilson Elsan Mk IV Recirculating.	159.15/1033/1/III	Uninspected	1800 gal/day.	Physical/Chemical w/ recirculator.
	Wilson Elsan Mk IV Flow Through.	159.15/1033/2/II	Uninspected	1800 gal/day.	Physical/Chemical
Monogram Industries, 4030 Freeman Blvd., Redondo Beach, CA 90278.	Monotron 764	159.15/1002/1/I	Uninspected	For use with Monomatic and Handihead toilets only.	50 uses
	Handihead 158	159.15/1002/2/III	Uninspected		80 uses
	Monomatic 342	159.15/1002/3/III	Uninspected		30 uses
	Monomatic 641	159.15/1002/4/III	Uninspected		Recirculator
					Recirculator
					Recirculator
Nissin Refrigeration, 12-30 Mikunihonmachi, 1-Chome Yodogawa-ku, Osaka, Japan.	NST-30	159.15/1051/1/II	Uninspected	530 gal/day	Aerobic Digester
	NST-40	159.15/1051/2/II	Uninspected	705 gal/day	Aerobic Digester
	NST-50	159.15/1051/3/II	Uninspected	875 gal/day	Aerobic Digester
	NST-60	159.15/1051/4/II	Uninspected	1060 gal/day.	Aerobic Digester
	NST-70	159.15/1051/5/II	Uninspected	1235 gal/day.	Aerobic Digester
	NST-80	159.15/1051/6/II	Uninspected	1422 gal/day.	Aerobic Digester
	NST-90	159.15/1051/7/II	Uninspected	1590 gal/day.	Aerobic Digester
	NST-100	159.15/1051/8/II	Uninspected	1765 gal/day.	Aerobic Digester

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
	NST-125	159.15/1051/9/II	Uninspected	2200 gal/day	Aerobic Digester
	NST-150	159.15/1051/10/II	Uninspected	2652 gal/day	Aerobic Digester
Owens Manufacturing & Specialty Co., P.O. Box 2433, Lafayette, LA 70501.	Kleen Tank 1-13	159.15/1038/1/II	Inspected	625 gal/day	Aerobic Digester
	Kleen Tank 14-26	159.15/1038/2/II	Inspected	1100 gal/day	Aerobic Digester
	Kleen Tank 27-49	159.15/1038/3/II	Inspected	2000 gal/day	Aerobic Digester
	Kleen Tank 50-94	159.15/1038/4/II	Inspected	4000 gal/day	Aerobic Digester
Raritan Engineering, 1025 N. High St., Millville, NJ 08332.	CHTT	159.15/1017/1/III	Uninspected	5 gal	Holding Tank.
	RHT 15	159.15/1017/2/III	Uninspected	15 gal	Flexible Holding Tank.
	RHT 30	159.15/1017/3/III	Uninspected	30 gal	Flexible Holding Tank.
Red Fox Industries, P.O. Drawer 640, New Iberia, LA 70560.	RF-100-M	159.15/1006/1/II	Inspected	100 gal/day	Aerobic Digester.
	RF-200-M	159.15/1006/2/II	Inspected	200 gal/day	Aerobic Digester.
	RF-350-M	159.15/1006/3/II	Inspected	350 gal/day	Aerobic Digester.
	RF-500-M	159.15/1006/4/II	Inspected	500 gal/day	Aerobic Digester.
	RF-750-M	159.15/1006/5/II	Inspected	750 gal/day	Aerobic Digester.
	RF-1000-M	159.15/1006/6/II	Inspected	1000 gal/day	Aerobic Digester.
	RF-1500-M	159.15/1006/7/II	Inspected	1500 gal/day	Aerobic Digester.
	RF-2000-M	159.15/1006/8/II	Inspected	2000 gal/day	Aerobic Digester.
	RF-2500-M	159.15/1006/9/II	Inspected	2500 gal/day	Aerobic Digester.
	RF-3000-M	159.15/1006/10/II	Inspected	3000 gal/day	Aerobic Digester.
	RF-3500-M	159.15/1006/11/II	Inspected	3500 gal/day	Aerobic Digester.
	RF-4000-M	159.15/1006/12/II	Inspected	4000 gal/day	Aerobic Digester.
	RF-4500-M	159.15/1006/13/II	Inspected	4500 gal/day	Aerobic Digester.
	RF-5000-M	159.15/1006/14/II	Inspected	5000 gal/day	Aerobic Digester.
	RF-5500-M	159.15/1006/15/II	Inspected	5500 gal/day	Aerobic Digester.
	RF-6000-M	159.15/1006/16/II	Inspected	6000 gal/day	Aerobic Digester.
	RF-6500-M	159.15/1006/17/II	Uninspected	6500 gal/day	Aerobic Digester.
	RF-7000-M	159.15/1006/18/II	Uninspected	7000 gal/day	Aerobic Digester.
	RF-7500-M	159.15/1006/19/II	Inspected	7500 gal/day	Aerobic Digester.
	RF-8000-M	159.15/1006/20/II	Uninspected	8000 gal/day	Aerobic Digester.
	RF-8500-M	159.15/1006/21/II	Uninspected	8500 gal/day	Aerobic Digester.
	RF-9000-M	159.15/1006/22/II	Inspected	9000 gal/day	Aerobic Digester.
	RF-100-M/MOD	159.15/1006/23/II	Uninspected	100 gal/day	Aerobic Digester.
	RF-200-M/MOD	159.15/1006/24/II	Uninspected	200 gal/day	Aerobic Digester.
	RF-350-M/MOD	159.15/1006/25/II	Uninspected	350 gal/day	Aerobic Digester.
	RF-500-M/MOD	159.15/1006/26/II	Uninspected	500 gal/day	Aerobic Digester.
	RF-750-M/MOD	159.15/1006/27/II	Uninspected	750 gal/day	Aerobic Digester.
	RF-1000-M/MOD	159.15/1006/28/II	Uninspected	1000 gal/day	Aerobic Digester.
	RF-1500-M/MOD	159.15/1006/29/II	Uninspected	1500 gal/day	Aerobic Digester.
	RF-2000-M/MOD	159.15/1006/30/II	Uninspected	2000 gal/day	Aerobic Digester.
	RF-2500-M/MOD	159.15/1006/31/II	Uninspected	2500 gal/day	Aerobic Digester.
	RF-3000-M/MOD	159.15/1006/32/II	Uninspected	3000 gal/day	Aerobic Digester.
	RF-350-M/S-MOD	159.15/1006/33/II	Uninspected	350 gal/day	Aerobic Digester.
	RF-500-M/S-MOD	159.15/1006/34/II	Uninspected	500 gal/day	Aerobic Digester.
	RF-750-M/S-MOD	159.15/1006/35/II	Uninspected	750 gal/day	Aerobic Digester.
	RF-1000-M/S-MOD	159.15/1006/36/II	Uninspected	1000 gal/day	Aerobic Digester.
	RF-1500-M/S-MOD	159.15/1006/37/II	Uninspected	1500 gal/day	Aerobic Digester.
	RF-2000-M/S-MOD	159.15/1006/38/II	Uninspected	2000 gal/day	Aerobic Digester.
	RF-2500-M/S-MOD	159.15/1006/39/II	Uninspected	2500 gal/day	Aerobic Digester.
	RF-3000-M/S-MOD	159.15/1006/40/II	Uninspected	3000 gal/day	Aerobic Digester.
Research Products/ Blankenship, 2639 Andjon St. Dallas, TX 75220.	Incinolet	159.15/1027/1/III	Uninspected	8 Persons	Unitized Toilet and Incinerator.
Salen-Vattenvard Aktiebolag, P.O. Box S-172 03, Sundbyberg, Sweden.	Neptumatic 90/90-30	159.15/1030/1/II	Uninspected	3740 gal/day	Aerobic Digester.
	Neptumatic 90/90-50	159.15/1030/2/II	Uninspected	6240 gal/day	
	Neptumatic 90/90-70	159.15/1030/3/II	Uninspected	8340 gal/day	Aerobic Digester.
	MOC-12	.15/1030/4/II	Uninspected	3740 gal/day	Aerobic Digester.
	MOC-20	159.15/1030/5/II	Uninspected	6240 gal/day	Aerobic Digester.
	MOC-25	159.15/1030/6/II	Uninspected	8340 gal/day	Aerobic Digester.
Sanitation Equipment, Ltd., 1081 Alness St., Downsview M3J 2J1, Ontario, Canada.	Potpourri 707	159.15/1021/1/III	Uninspected	60 flushes	Recirculator.
	Potpourri 737	159.15/1021/III	Uninspected	80 flushes	Recirculator.
Sasakura engineering, 7-5 Mitejima 6-Chome Nishiyodogawa-Ku, Osaka, Japan.	ST-2	159.15/1035/1/II	Uninspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1035/2/II	Uninspected	720 gal/day	Aerobic Digester.
	ST-6	159.15/1035/3/II	Uninspected	1080 gal/day	Aerobic Digester.
	ST-8	159.15/1035/4/II	Uninspected	1440 gal/day	Aerobic Digester.
	ST-10	159.15/1035/5/II	Uninspected	1800 gal/day	Aerobic Digester.
	ST-15	159.15/1035/6/II	Uninspected	2700 gal/day	Aerobic Digester.
	ST-20	159.15/1035/7/II	Uninspected	3600 gal/day	Aerobic Digester.
	T-10	159.15/1035/8/II	Uninspected	180 gal/day	Aerobic Digester.
	T-20	159.15/1035/9/II	Uninspected	360 gal/day	Aerobic Digester.
	T-30	159.15/1035/10/II	Uninspected	540 gal/day	Aerobic Digester.
	T-40	159.15/1035/11/II	Uninspected	720 gal/day	Aerobic Digester.
	T-50	159.15/1035/12/II	Uninspected	900 gal/day	Aerobic Digester.
	T-60	159.15/1035/13/II	Uninspected	1080 gal/day	Aerobic Digester.
	T-75	159.15/1035/14/II	Uninspected	1350 gal/day	Aerobic Digester.
	T-100	159.15/1035/15/II	Uninspected	1800 gal/day	Aerobic Digester.
	RT-20	159.15/1035/16/II	Uninspected	360 gal/day	Aerobic Digester.
	RT-40	159.15/1035/17/II	Uninspected	720 gal/day	Aerobic Digester.
	RT-60	159.15/1035/18/II	Uninspected	1040 gal/day	Aerobic Digester.
	RT-80	159.15/1035/19/II	Uninspected	1440 gal/day	Aerobic Digester.
Schmidt Environmental Products, 4540 E. 60th Ave., Commerce City, Col. 80022.	MSD-40	159.15/1048/1/II	Uninspected	4000 gal/day	Physical/Chemical.
	MSD-80	159.15/1048/2/II	Uninspected	8000 gal/day	Physical/Chemical.

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Sigma Treatment System, 603 Dean St, Brooklyn, NY 11238.	STS-1	159.15/1046/1/I			
	STS-1M(C/D)	159.15/1046/2/I			
	STS-1 "STATENDAM"				
	STS-1D "MONARCH STAR".				
		159.15/1046/4/I	FOR USE ON M/V "STATENDAM" ONLY		
		159.15/1046/5/I	FOR USE ON M/V "MONARCH STAR" ONLY		
	STS-II	159.15/1046/6/II	Uninspected	3600 gal/day.	Physical/Chemical.
					Uninspected
				3600 gal/day.	Physical/Chemical.
				3600 gal/day.	Physical/Chemical.
			Uninspected		
The Standard Products Co., Product Development Div., 2401 D. Gulley Road, Dearborn, MI 48124.	Pyrosan	159.15/1044/1/III	Uninspected	8 persons	Incinerator.
St. Louis Ship, Div. of Pott Industries, 611 E. Marceau St., St. Louis, MO 63111.	Fast 15D	159.15/1003/1/II	Inspected	15 persons	Fixed Media Aerobic.
	Fast 12D	159.15/1003/2/II	Inspected	15 persons	Fixed Media Aerobic.
	Fast 18D	159.15/1003/3/II	Inspected	persons.	Fixed Media Aerobic.
	Fast 25D	159.15/1003/4/II	Uninspected	33 persons	Fixed Media Aerobic.
	Fast 40D	159.15/1003/5/II	Inspected	49 persons	Fixed Media Aerobic.
	Fast 200D	159.15/1003/6/II	Uninspected	200 persons	Fixed Media Aerobic.
	Fast 9M	159.15/1003/7/II	Uninspected	9 persons	Fixed Media Aerobic.
	Fast 18M	159.15/1003/8/II	Uninspected	18 persons	Fixed Media Aerobic.
	Fast 40DGS1	159.15/1003/9/II	Uninspected	108 persons	Fixed Media Aerobic.
	Fast 40DS2	159.15/1003/10/II	Uninspected	108 persons	Fixed Media Aerobic.
	Fast 40DS3	159.15/1003/11/II	Uninspected	108 persons	Fixed Media Aerobic.
	Fast 50D	159.15/1003/12/II	Uninspected	62 persons	Fixed Media Aerobic.
	Fast 50D4	159.15/1003/13/II	Uninspected	145 persons	Fixed Media Aerobic.
	Fast 80NS	159.15/1003/14/II—III	Uninspected	80 persons	Flow Thru w/Recirculator.
	Fast 6M	159.15/1003/15/II	Uninspected	6 persons	Fixed Media Aerobic.
	Fast 13M	159.15/1003/16/II	Uninspected	14 persons	Fixed Media Aerobic.
	Fast 1700DS	159.15/1003/17/II	Uninspected	1700 persons	Fixed Media Aerobic.
	Fast 18D4	159.15/1003/18/II	Uninspected	18 persons	Fixed Media Aerobic.
	Fast 40D4	159.15/1003/19/II	Uninspected	40 persons	Fixed Media Aerobic.
	Fast 80D4	159.15/1003/20/II	Uninspected	80 persons	Fixed Media Aerobic.
Talko-Kikai Ind., 209-1 Shimo Tabuse, Tabuse Cho Kumage-Gun, Yamagushi Prefectare, Japan.	AP-2	159.15/1032/1/II	Uninspected	20 persons	Aerobic Digester.
	AP-3	159.15/1032/2/II	Uninspected	30 persons	Aerobic Digester.
	AP-4	159.15/1032/3/II	Uninspected	40 persons	Aerobic Digester.
	AP-5	159.15/1032/4/II	Uninspected	50 persons	Aerobic Digester.
	AP-6	159.15/1032/5/II	Uninspected	75 persons	Aerobic Digester.
CT-1000		159.15/1032/6/III	Uninspected	1000 gal.	Recirculator.
	CT-2000	159.15/1032/7/III	Uninspected	2000 gal.	Recirculator.
	CT-3000	159.15/1032/8/III	Uninspected	3000 gal.	Recirculator.
	CT-4000	159.15/1032/9/III	Uninspected	4000 gal.	Recirculator.
	CT-5000	150.15/1032/10/III	Uninspected	5000 gal.	Recirculator.
	CT-6000	150.15/1032/11/III	Uninspected	6000 gal.	Recirculator.
	CT-7000	150.15/1032/12/III	Uninspected	7000 gal.	Recirculator.
	CT-8000	150.15/1032/13/III	Uninspected	8000 gal.	Recirculator.
	CT-9000	150.15/1032/14/III	Uninspected	9000 gal.	Recirculator.
	CT-10000	150.15/1032/15/III	Uninspected	10000 gal.	Recirculator.
Takuma Company Ltd, 16 Dojima Naka 1-Chome Kita-KU Osaka, Japan.	Aqua-Sans A	159.15/1036/1/III	Uninspected	20 persons	Oil-Flush Recirculator.
	Aqua-Sans AB-1	159.15/1036/2/III	Uninspected	30 persons	Oil-Flush Recirculator.
	Aqua-Sans AB-2	159.15/1036/3/III			Oil-Flush Recirculator.
			Uninspected	60 persons	
	Aqua-Sans B	159.15/1036/4/III	Uninspected	145 persons	Oil-Flush Recirculator.
Thetford Corporation, 2300 Washtenaw Ave., Ann Arbor, 48106.	Sea Farer	159.15/1018/1/III	Subchapter "T"	50 flushes.	
	Porta Potti	159.15/1018/2/III		Subchapter "T"	
	Penta Potti	159.15/1018/3/III		Subchapter "T"	
				50 flushes.	
				50 flushes.	
	Electra	159.15/1018/4/III	Subchapter "T"	50 flushes.	
Toko Seiki Co., Ltd. 6-9-13 Meguro-Honmachi Meguro-Ku, Tokyo, Japan.	AWWU Discharge	159.15/1042/1/II	Uninspected	9360 gal/day.	Physical/Chemical.
	AWWU NO Discharge	159.15/1042/2/II	Uninspected		
				9360 gal/day.	Physical/Chemical w/ holding tank.
Tridented Industria Ltda. Au Rio Branco 14-16° Rio de Janeiro, Brasil.	ST-2	159.15/1064/1/III61	Uninspected	360 gal/day	Aerobic Digester.
	ST-4	159.15/1064/2/II	Uninspected		720 gal/day
	ST-6	159.15/1064/3/II	Uninspected		
					Aerobic Digester.
					Aerobic Digeter.
				1040 gal/day.	
	ST-8	159.15/1064/4/II	Uninspected	1440 gal/day.	Aerobic Digester.
	ST-10	159.15/1064/5/II	Uninspected	1800 gal/day.	Aerobic Digester.
	ST-15	159.15/1064/6/II	Uninspected	2700 gal/day.	Aerobic Digester.
	ST-20	159.15/1064/7/II	Uninspected	3600 gal/day.	Aerobic Digester.
	RT-2	159.15/1064/8/II	Uninspected	360 gal/day	Aerobic Digester.
	RT-4	159.15/1064/9/II	Uninspected	720 gal/day	Aerobic Digester.
	RT-6	159.15/1064/10/II	Uninspected	1080 gal/day.	Aerobic Digester.
	RT-8	159.15/1064/11/II	Uninspected	1440 gal/day.	Aerobic Digester.

MARINE SANITATION DEVICES CERTIFIED BY THE U.S. COAST GUARD AS OF AUGUST 31, 1978.—*Pursuant to the Provisions of 33 CFR 159.15*—Continued

Manufacturer	Model designation	Certification number	Vessel applicability*	Estimated average capacity	System type
Weir Pumps Ltd., Cathcard Works, Glasgow 644 4EX, Scotland.	Biomac 1	159.15/1057/1/II	Uninspected	312 gal/day	Aerobic Digester.
	Biomac 2	159.15/1057/2/II	Uninspected	600/gal/day	Aerobic Digester.
	Biomac 3	159.15/1057/3/II	Uninspected	912 gal/day	Aerobic Digester.
	Thermobiomac 3T	159.15/1057/4/II	Uninspected	912 gal/day	Aerobic Digester w/heater.
	Biomac 4	159.15/1057/5/II	Uninspected	1200 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 4T	159.15/1057/6/II	Uninspected	1200 gal/day.	Aerobic Digester w/heater.
	Biomac 5	159.15/1057/7/II	Uninspected	1512 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 5T	159.15/1057/8/II	Uninspected	1512 gal/day.	Aerobic Digester w/heater.
	Biomac 6	159.15/1057/9/II	Uninspected	2256 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 6T	159.15/1057/10/II	Uninspected	2256 gal/day.	Aerobic Digester w/heater.
	Biomac 7	159.15/1057/11/II	Uninspected	3000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 7T	159.15/1057/12/II	Uninspected	3000 gal/day.	Aerobic Digester w/heater.
	Biomac 8	159.15/1057/13/II	Uninspected	3744 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 8T	159.15/1057/14/II	Uninspected	3744 gal/day.	Aerobic Digester w/heater.
	Biomac 9	159.15/1057/15/II	Uninspected	4512 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 9T	159.15/1057/16/II	Uninspected	4512 gal/day.	Aerobic Digester w/heater.
	Biomac 10	159.15/1057/17/II	Uninspected	6000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 10T	159.15/1057/18/II	Uninspected	6000 gal/day.	Aerobic Digester w/heater.
	Biomac 11	159.15/1057/19/II	Uninspected	7512 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 11T	159.15/1057/20/II	Uninspected	7512 gal/day.	Aerobic Digester w/heater.
	Biomac 12	159.15/1057/21/II	Uninspected	9000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 12T	159.15/1057/22/II	Uninspected	9000 gal/day.	Aerobic Digester w/heater.
	Biomac 13	159.15/1057/23/II	Uninspected	12000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 13T	159.15/1057/24/II	Uninspected		Aerobic Digester w/heater.
	Biomac 14	159.15/1057/25/II	Uninspected	12000 gal/day.	Aerobic Digester w/heater.
	Thermobiomac 14T	159.15/1057/26/II	Uninspected	15000 gal/day. 15000 gal/day.	Aerobic Digester w/heater.
Wilcox-Crittenden Div., Gulf & Western Mfg. Co., P.O. Box 1111, Middletown, CT 06457.	6012	159.15/1004/1/III	Subchapter "T"	10 gallons	Holding tank.
	6013	159.15/1004/2/III	Subchapter "T"	17 gallons	Holding tank
	6014	159.15/1004/3/III	Subchapter "T"	25 gallons	Holding tank.
Wilson-Elsan Int'l Ltd., Pembroke House, 44 Wellsley Road, Crowden, Surrey CR 9 2BU, United Kingdom.	MK IV Flow-through	159.15/1039/1/II	Uninspected	1800 gal/day.	Physical/Chemical.
	MK IV Recirculating	159.15/1039/2/III	Uninspected	60 persons	Recirculator.
Wilson Walton Int'l Inc., 66 Hudson St., P.O. Box M-890, Hoboken, NJ 07030.	WE-60 Flow-through	159.15/1024/1/II	Inspected	1800 gal/day.	Physical/Chemical.
	WE-60 Recirculating	159.15/1024/2/III	Inspected	60 persons	Recirculator.
Wilson Walton Int'l S.A. Espanola, Parque de las Niciones, EdiLicio Germania, Guzman 01 Bueno 133 1°, Madrid 3 Spain.	0086 Flow through	159.15/1068/1/II	Uninspected	1800 gal/day.	Physical/Chemical.
	0086 Recirculator	159.15/1068/2/III	Uninspected	60 persons	Recirculator.
Wilson Water Purification Corp., 2371 Broadway, Buffalo, NY 14212.	MA-CL-50-600	159.15/1034/1/II	Uninspected	600 gal/day	Physical Filter.
	MA-CL-25-1000	159.15/1034/2/II	Uninspected	1000 gal/day.	Physical Filter.
	MA-CL-50-2000	159.15/1034/3/II	Uninspected	2000 gal/day.	Physical Filter.

*(Evaluation may not have been made for use on inspected vessels. For this use, evaluation for compliance with 46 CFR Subchapters F and J or T (as applicable) must be completed).

[FR Doc. 79-3486 Filed 2-2-79; 8:45 am]

[4910-13-M]

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA)

Special Committee 137—Airborne Area Navigation Systems (2D & 3D)

MEETING

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 137 on Airborne Area Navigational Systems (2D & 3D) to be held February 27, 28 and March 1, 1979, in Conference Room 9A-B-C, DOT/Federal Aviation Administration Building, 800 Independence Avenue, S.W., Washington, D.C., commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of Second Meeting held August 15

through 17, 1978; (3) Summary Reports from Working Groups on Accuracy Requirements and Operational Requirements; (4) Briefing on Area Navigation Activities in Canada; (5) Working Groups Meet in Separate Sessions; (6) Committee Plenary Session; and (7) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on January 26, 1979.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 79-3619, Filed 2-2-79; 8:45 am]

[4910-22-M]

Federal Highway Administration

[FHWA Docket No. 76-9]

BAYONNE BRIDGE, GOETHALS BRIDGE, GEORGE WASHINGTON BRIDGE, AND OUTERBRIDGE CROSSING TOLLS

Order of the Federal Highway Administrator

By Orders of August 9, 1977, the Administrator issued a decision and order in this proceeding which found that the toll increase instituted in May 1975 by the Port Authority of New York and New Jersey (Port Authority) on four New York area bridges to be reasonable and just under section 4 of the General Bridge Act of 1906, 33 U.S.C. 494 (1970 edition). The subject bridges are the Bayonne, Goethals, and George Washington Bridges and the Outerbridge Crossing.

The decision that the existing toll schedule on the subject bridges was reasonable and just required the Port Authority to submit a study concerning the economic feasibility, traffic management and environmental effects, and impact on mass transit of various alternative rate structures of commuter and carpool discounts and of peak-hour pricing. This study was required to be submitted to the Administrator within one year of the date of the final order (November 7, 1977). Upon petition of the Port Authority requesting an extension of time for filing this study, the Administrator by Order of October 19, 1978, extended the date for the submission of the study to January 30, 1979.

This study has now been submitted to the Administrator and was served on all parties by the Port Authority on January 11, 1979. Therefore, in accordance with the Order of August 9, 1977, the parties hereby have 90 days from the date of this Order to submit comments pertaining to this study.

Based upon this study and comments thereon, the Administrator will then dispose of this remaining issue as he deems appropriate in the circumstances.

Issued this 23rd of January 1979.

KARL S. BOWERS,
Federal Highway Administrator.

[FR Doc. 79-3781 Filed 2-2-79; 8:45 am]

[4910-06-M]

Federal Railroad Administration

[FRA Waiver Petition Docket RST-78-31]

ILLINOIS CENTRAL GULF RAILROAD

Petition Regarding Temporary Waiver of Compliance With Track Safety Standards

As required by 45 U.S.C. 431(c) and in accordance with 49 CFR 211.41 and 211.9, notice is hereby given that the Illinois Central Gulf Railroad (ICG) has submitted a waiver petition to the Federal Railroad Administration (FRA) seeking a temporary waiver of compliance with 49 CFR Part 213 (Track Safety Standards). That part requires that certain minimum physical conditions for track structure and rails be met in order to assure the safe operation of railroad trains.

The ICG seeks a temporary waiver of compliance with specific provisions of that regulation in order to continue operating trains over a segment of trackage in the State of Indiana. This trackage involves a line of railroad extending from Bloomington, Indiana to Bargersville, Indiana, a distance of approximately 40 miles.

The ICG states that no service is being rendered over this line and that it has embargoed future traffic. Additionally, the ICG states that it has applied to the Interstate Commerce Commission (ICC) for authority to abandon this line. This abandonment request is identified as ICC Docket AB-43 (Sub. No. 42).

The trackage on this line, according to ICG, does not comply with the provisions of § 213.53 (gage), § 213.55 (alignment) and § 213.109 (crossties). The estimated cost for bringing this line into compliance with the FRA's minimum requirements is in excess of one million dollars and ICG indicates that it does not have the financial resources available to it to permit the expenditure of such funds.

In view of the pending abandonment, ICG has not provided any plan for the rehabilitation of this line. However, ICG has indicated that it will make some effort to correct what it deems critical conditions and has in fact done some work on the track in the area of the Shuffle Creek Bridge. The petitioner notes that discussions have been conducted with the State of Indiana concerning financial assistance for the needed rehabilitation of this line.

The requested waiver would permit the ICG to provide service to the customers on the line for period of time needed to resolve this matter either through abandonment or rehabilitation done with state assistance. Consequently, the ICG seeks a temporary waiver for a period not to exceed June 1, 1979. The scope of the waiver requested by ICG involves the previously identified areas of noncompliance as well as responsibility for potential civil penalties based on prior operation over the line.

Interested persons are invited to participate in this waiver proceeding by submitting written data, views or comments. The FRA does not anticipate scheduling a public hearing in connection with this proceeding since the facts do not appear to warrant a hearing. However, a public hearing will be scheduled if requested in writing by an interested person before February 12, 1979.

All communications concerning this proceeding must identify the appropriate docket number (FRA Waiver Petition RST-78-3) and should be submitted in triplicate to the Docket Clerk, Office of the Chief Counsel, Federal Railroad Administration, 2100 Second Street, S.W., Washington, D.C. 20590. Communications received before March 2, 1979 will be considered by the FRA before final action is taken. Comments received after that date will be considered to the extent practicable.

The information submitted by ICG concerning this petition and any comments that are received will be on file with the Docket Clerk. This material is available for examination during regular business hours in Room 4406, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. 20590.

(Sec. 202, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431); Sec. 1.49(n), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).

Issued in Washington, D.C. on January 26, 1979.

ROBERT H. WRIGHT,
Acting Chairman,
Railroad Safety Board.

[FR Doc. 79-3855 Filed 2-2-79; 8:45 am]

[4910-59-M]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

ADVANCED AUTOMOTIVE TECHNOLOGY CONFERENCE

Change in Public Comment Procedure

On January 22, 1979 (44 FR 4547), the National Highway Traffic Safety Administration published a notice announcing that the Transportation Systems Center will hold a conference on basic research directions for advanced automotive technology at the Sheraton-Boston Hotel on February 13 and 14. The notice stated that there will be three panels to discuss specific topics: engines; fuels and powertrain systems; and vehicle structures and materials. Meetings of these panels will take place simultaneously in the morning and afternoon of February 13, and in the morning of February 14. The conference will convene at 9 a.m. on the first day.

The purpose of this notice is to announce a change of the public comment procedure for the conference and to publish the discussion paper which will serve as the starting point for the panel sessions and for the public comments. The January 22 notice stated that questions and oral comments would be entertained from the audience at certain points in the panel discussions. Public response to that notice has been so extensive, however, that it is believed that the short time available for such questions and comments would preclude the panels from hearing many of the persons who have already indicated their desire to comment during the panel sessions.

To provide an opportunity for all interested persons to make their views known, the Department has decided to change the procedure for public comment at the conference. The public, including persons unable to attend the conference, are invited to submit written statements of up to five pages in length to Ms. Susan Swain at Transportation Systems Center, Kendall Square, Cambridge, Massachusetts, by Monday, February 12, or at the conference before 9 a.m. on Tuesday, February 13. These comments will be summarized and read orally at the end of the day in the appropriate panel sessions. Attachments, regardless of length, to the five-page comments will be accepted. However, the major points must be made within the five-page limit. To ensure the accuracy of the summaries of the written statements, commenters are urged to submit an abstract of their statement of 200 words or less. All of the comments that are received will be made a part of the proceedings of the conference and will be available from the Transportation Systems Center.

The discussion paper for the conference is set forth below. It is requested that commenters restrict their comments to the subjects in that paper.

Questions about the conference may be directed to Ms. Susan Swain at the address given above or by calling 617-494-2392.

Issued on February 1, 1979.

LINDA HELLER KAMM,
General Counsel.

BASIC RESEARCH DIRECTIONS FOR ADVANCED AUTOMOTIVE TECHNOLOGY

DISCUSSION PAPER

Introduction

On December 5, 1978, Secretary of Transportation Brock Adams called for a major program to develop a new generation of automotive technology to meet the challenging conditions we will face in the 1990's and beyond. Noting that automobiles will continue to be the major mode of personal transportation for the foreseeable future, he called for a conference of government and industry leaders, members of the research community, and others to discuss what form this program should take, and how it can be implemented.

As one step toward the conference called for by the Secretary, the Department of Transportation has organized a technical meeting in Boston, Massachusetts on February 13 and 14 to discuss basic research directions for advanced automotive technology. The purpose of the conference is to obtain views from knowledgeable and interested people from various fields and institutions on the basic research objectives and priorities that would help to create a pool of technological options which automobile manufacturers can develop and commercialize in vehicles meeting the automotive transportation needs and conditions in the 1985 to 2000 time frame.

The fundamental aspects of automobile and light truck design and technology, and federal government automotive regulatory requirements, are essentially set through model year 1985. Although there will be major changes in them, the 1985 motor vehicles will not be particularly unfamiliar:

They will probably be powered by conventional gasoline or Diesel engines driving through multi-speed transmissions, and will use today's fuels;

Nearly all structural parts of the body and chassis will probably still be made of steel, although there will be increased use of aluminum and plastics for nonstructural components; and

Front-wheel drive vehicles will probably become more prevalent.

For the purposes of the Boston meeting, the 1985 downsized motor vehicle, with an electronically controlled internal combustion engine, perhaps turbocharged, will be taken to represent the baseline state of the art.

Looking beyond 1985, some obvious general areas where further improvement in the motor vehicle system may be needed include:

energy requirements,
safety to users and others,
environmental effects,
reliability and durability,
the cost of manufacture, ownership, and use.

By 1985, we will not have exhausted the potential for improvements in motor vehicle performance based on currently known technologies. However, further improvement beyond that date will be far more limited than it is today if we do not now take steps to: (1) expand our basic knowledge and understanding of the principles behind the technologies used in motor vehicles, and (2) generate new ideas for the technology of the next generation of motor vehicles.

The central question to be addressed at the Boston meeting is: What basic research is needed to provide a foundation for a successful national policy to reduce the country's dependence on imported petroleum, consistent with our national goals of improved highway safety, improved air quality, and continuing freedom of personal mobility at reasonable cost?

Beyond defining the vehicle performance characteristics that may be important in the 1990's, we must be sensitive to the practical constraints involved in automotive transportation. Automobiles and light trucks are popular consumer products, and as such must be low cost, durable units that can be serviced in the field. Large numbers of automobiles are built each year and they are used by people of all levels of skill and concern for them.

There are many systems in a motor vehicle and a number of technology choices for virtually all of them. The Boston meeting is designed to gather ideas on what basic research questions must be addressed in order to catalyze advances in existing technologies and the adoption of new technologies to improve the performance characteristics of motor vehicles beyond what is currently contemplated. In this process it will be important to recognize and assess the current, ongoing research and development programs of the federal government, the automobile industry, and independent research institutions and to identify other promising research directions.

When this has been done, more specific basic research programs can be defined. Priorities among these programs can then be established on the basis of their scope, their likelihood of success, the potential contribution of each program to the success of a technology that would enhance motor vehicle performance, and the value given such performance by society.

At the Boston meeting, we would like to have participants provide and discuss their ideas on basic research projects and priorities. Three panels have been formed for the meeting, and the remainder of this paper will discuss each of them.

PANEL A: ENGINES

Scope.

This panel will discuss basic research needs for heat engines. The scope of discussion will include any engine that utilizes combustible fuels to generate mechanical energy through a thermodynamic cycle, and that is suitable for use in an automobile or light truck. Research areas would include the nature of the thermodynamic cycle; combustion processes, emissions, and related factors; engine configurations; engine materials and associated manu-

facturing processes; diagnostic and control systems; and any other areas of research that could have direct implications for the performance of heat engines.

Research Goals.

Heat engine technology affects a number of motor vehicle performance characteristics: fuel economy, emissions, driveability, cost of production and maintenance, and vehicle size and weight, to name some of the more important ones. The engine characteristics that affect these performance attributes include thermal efficiency, combustion completeness, susceptibility to after-treatment of emissions, internal friction and other parasitic losses, flexibility and transient responses, external size, and weight.

Research goals to be addressed by this panel are for the conception and development of practical technologies to improve these characteristics.

Current Research Directions

In the late 1960's continuous combustion engines such as the Rankine (steam), Stirling, and gas turbine engines were under active investigation because of their low exhaust emission potential. In the mid-1970's the goals were changed to emphasize fuel economy and multi-fuel capability. These programs were initiated to provide alternatives to the conventional spark ignition and Diesel engines that were then in production. In parallel with this activity, numerous development programs were undertaken on internal combustion engines that have resulted in substantial improvements in their fuel economy and exhaust emission characteristics.

The fuel economy potential of the Stirling and gas turbine engines is directly dependent upon the availability of materials that can withstand prolonged esxposure to high temperature gases. In the case of the Stirling engine, materials that can contain hydrogen gas while transfrring heat rapidly are needed. Material requirements for some key engine components are quite severe, and research is currently underway on high temperature super alloys and ceramics to advance continuous heat engine technology.

The attainable fuel economy and emission limits of vehicles powered by internal combustion engines are dependent on the states of knowledge and development in thermodynamics, engine configuration, gas heat transfer, liquid atomization, and chemical kinetics. Materials do not limit the efficiency of internal combustion engines because they are not subject to high heat loads. During the past ten years, advances in internal combustion engine technology, including catalytic converters, precision fuel metering, turbo-charging, electronic engine controls, alternative configurations (such as the rotary engine), and systems to vary the basic engine parameters (such as valve timing, compression, and even the number of cylinders that are in operation) have been based on a preexisting research base. Few resources have been expended on long term basic research. Current research and development on internal combustion engines is directed toward near term technological improvements to meet statutory performance requirements.

Illustrative Heat Engine Research

A number of studies have identified key reserarch needs for th advancement of automotive propulsion technology including the following:

Combustion Related Research. To provide a basic understanding and insight into the chemical and physical processes that control combustion and the formation of pullutants in heat engines.

Fluid Mechanics. To provide a basic understanding of heat, mass, and momentum transfer and their effect on thermodynamic processes within heat engines.

Materials Research. To provide a basic understanding and insight into metallurgy, ceramics, and chemistry to identify improved materials with high temperature and other characteristics needed for heat engines.

Tribology Research. To provide a basic understanding of friction mechanisms under various material, surface, and lubrication conditions so as to able to reduce engine/drivetrain friction losses.

References:

(1) "Research Plan for Achieving Reduced Automotive Energy Consumption," NSF Report RA 760008, October 1975.

(2) "Should We Have a New Engine?" JPL Report SP 43-17, Padadena, California, August 1975.

(3) "Diesel Engine Research and Development Status and Needs," Aerospace Report ATR-78(7753)-1, El Segundo, California, September 1978.

(4) "An Assessment of the Potential Impacts of Construction Research on Internal Combustion Engine Emission and Fuel Consumption," DOT-TSC-NHTSA Report No. 78-47, January 1979.

Panel B: Fuels and Powertrain Systems

Scope.

The panel on fuels and powertrain systems will discuss the basic research needs relating to the motor vehicle powertrain system and the tailoring of fuels for it. The most efficient and least environmentally degrading use of available energy resources is a function of the complex relationship between the energy source, the refined fuel, and the powertrain. Many research questions therefore arise regarding how the source and refining of fuels (or generation of electricity) help to determine the most desirable technology for the vehicle powertrain. Other research questions for this panel will be concerned with on-board energy storage (of fuel or electricity), mechanical and electrical energy conversion (transmissions and motors), regenerative systems, and other questions relating to powertrain technology.

Research Goals.

The choice of a fuel/powertrain system for a vehicle will obviously affect the fuel or energy economy of the vehicle. That choice can also have an important effect on the acquisition or developmental costs for the energy resources, and environmental costs, and can affect trade balances.

Thus, the specific research goals to be addressed by this panel include improving the matching of energy resource and powertrain technology for greater overall efficiency, better tailoring of fuels to engine characteristics, improving on-board energy storage systems such as batteries and hydrogen storage mechanisms, raising the efficiency of conversion of mechanical and electrical energy, and control and other systems for electric and hybrid vehicles.

Current Research Directions.

During the past several years major research and development efforts have been undertaken to tailor lead-free and low sulfur petroleum derived fuels for use in internal combustion engines equipped with catalytic converters for emission control. Additional research and development programs are under way on wide range and continuously variable transmissions, and electric and hybrid-electric vehicles. The latter work includes extensive research and development on batteries, electric motors, and electric motor controls. With the exception of the work on electric and hybrid vehicles and the continuously variable transmission, the great majority of these programs have been planned for relatively near term commercialization.

There have also been many studies of energy sources, refinement, and conversion for use in transportation.

Illustrative Fuel/Powertrain Related Research.

A number of studies have identified key research needs for the advancement and optimization of the fuel/powertrain system. These include:

Fuel Composition and Combustion Studies. To develop fundamental understanding and insight into the chemical and physical processes that control combustion behavior over a broad range of operating conditions to identify problems associated with com-

bustion, fuel composition, and fuel quality.

Fuel Synthesis. To provide insight into the fundamental thermodynamic, kinetic, and processing aspects of the conversion paths in the extraction and refinement of transportation fuel from its source.

Electrochemical Studies. To develop a basic understanding of the energy loss mechanisms involved in charge/discharge cycles of appropriate electrochemical couples to identify the potential for optimization of high energy and power density batteries.

References:

(1) "Conference on Composition of Transportation Synfuels: R and D Needs, Strategies and Actions," Executive Summary, January 1979. Conference sponsored by U.S. Department of Energy, Division of Transportation Energy Conservation, held Oct. 11-13, 1978, San Antonio, Texas.

(2) Colucci, J.M. and Gallopoulos, N.E., "Future Automotive Fuels," Plenum Press, New York, 1977.

(3) Bidwell, J.B., "Automotive Fuels—Outlook for the Future," General Motors Research Laboratories, Warren, Michigan. Publication No. GMR-2733, June 15, 1978.

(4) "Highway Vehicle Alternative Fuels Utilization Program," U.S. Department of Energy Program Planning Document DOE/CS-0029, April 1978.

(5) "Research Plan for Achieving Reduced Automotive Energy Consumption," NSF Report No. NSF/RA760008.

(6) Longwell, J.P., "Alternative Fuels and Combustion Problems," Vol. 62 of *Progress in Astronautics and Aeronautics*, "Alternative Hydrocarbon Fuels: Combustion and Chemical Kinetics," Bowman, C.T. and Birkeland, J.; Eds.

Panel C: Vehicle Structures and Materials

Scope.

This panel will discuss basic research directions affecting all aspects of the motor vehicle technology other than powertrains. This will include the basic layout or configuration of a vehicle (the placement and relationship of its components), its structure and crash energy absorption mechanisms, chassis components (wheels, tires, brakes, steering, and so on), occupant crash protection systems, and the materials used to construct the vehicle.

The research areas for this panel will include new applications of known materials, composite materials and other combined material systems, designs for structural rigidity and for crash energy management, biomechanics and occupant restraints, friction and adhesion characteristics of materials corrosion and fatigue resistance, and the scrappage and recycling potential of vehicle components.

Reserach Goals.

The central research challenge in the areas of vehicle structures and materials is to facilitate further resizing and weight reduction without compromising vehicle function, convenience, comfort, durability or reliability, while improving occupant safety and reducing hazards to impacted pedestrians.

To achieve these objectives, the research goals are to find light weight materials or material systems that are derived from plentiful resources and that can be used for rigid and durable structures and for energy absorbing components in the vehicle. Research into fastening methods could enhance the applicability of certain materials to vehicle use.

Other types of basic research on material properties may also be able to help meet the objectives for vehicle systems. These could include materials for tire construction to improve strength, tranction, and rolling resistance without sacrificing treadlife. Research may also go into the reduction of parasitic loses such as from friction and aerodynamic drag.

Basic research in manufacturing technologies would also be useful because new materials frequently present new manufacturing challenges.

Current Research Directions

The current programs of vehicle downsizing to meet Federal fuel economy requirements have resulted in a substantial amount of materials development work in plastics and high strength low alloy steels. There is also some basic research into composite materials. Composite plastics such as fiberglass have been used in new prototype and production applications for such things as wheels, engine supports, and side door beams.

New concepts for energy absorption have also been developed for both low speed impact damage and high speed crash energy management. One of the most promising for both is foam filled structures where the material containing the foam is either a plastic or sheet metal.

There have been several interesting recent developments in tire technology. The beadless, geodesic tire is probably one of the most advanced tire concepts available today to achieve high levels of performance with low weight. Other concepts for run-flat performance and bead retention have been developed, and new materials for tire cord have been introduced into production in recent years.

Some other major research and development initiatives that are currently underway are in the area of vehicle design and test methods using computers, and manufacturing techniques for new materials.

Illustrative Vehicle Structures and Materials Research

A number of studies have identified various multidisciplinary research needs for advances in structures and materials including the following:

Structural Mechanics Research. To provide an understanding of the loads sustained by vehicles, components and occupants during the normal operation and collisions of them so that greater design efficiency and safety can be achieved.

Materials Science and Engineering. To provide an understanding of the relationship between composition, microstructure and engineering properties of materials that may be used in vehicles and how these properties vary under the conditions of processing and service. Also, to provide improved experimental techniques that would reduce uncertainties in material and system behavior in manufacture and service.

Biomechanics Research. To provide insight into the biomechanical stresses imposed on occupants of vehicles, particularly in crashes, to establish relationships between injury, test specification, vehicle design, and the crash environment.

References:

(1) *Materials and Man's Needs-Material Science and Engineering*, Summary report of the Committee on the Survey of Materials Science and Engineering; National Academy of Sciences, Washington, DC, 1974.

(2) *Problems and Prospects of Fundamental Research in Multi-Disciplinary Fields-Materials*, Organization for Economic Co-Operation and Development, Paris, 1972.

(3) *The Williamsburg Conference on Highway Safety Research*, Society of Automotive Engineers, Inc., Vehicle Research Institute, New York, 1972.

Special Publication SP-377.)

(4) F.J. Hooven and F.E. Kennedy, Jr., *The Potential for Automobile Weight Reduction Outlook as of 1975-1976*, Report No. DOT-TSC-NHTSA-78-36, U.S. Department of Transportation, National Highway Traffic Safety Administration, Washington, DC 20590, August 1978.

[FR Doc. 79-4094 Filed 2-2-79; 9:24 am]

sunshine act meetings

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)

CONTENTS

	Items
Civil Rights Commission	1
Equal Employment Opportunity Commission	2, 3
Federal Communications Commission	4, 5
Federal Election Commission	6
Federal Energy Regulatory Commission	7, 8
Occupational Safety and Health Review Commission	9
Securities and Exchange Commission	10

[6335-01-M]

1

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: 10 a.m., to finish, Tuesday, February 6, 1979.

PLACE: Room 3306, Green Federal Building, Sixth and Arch Streets, Philadelphia, Pa.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Commission subcommittee meeting to receive materials for the February 20-21 hearing on police practices in Philadelphia.

Date and Time: Tuesday, February 20, 1979, 9 a.m.-5:30 p.m.; Wednesday, February 21, 1979, 8:30 a.m.-6 p.m.

Place: Auditorium, Federal Building, 300 Spring Garden Street, Philadelphia.

Status: Open to the public, except for limited portions which may be closed under certain statutory exemptions for the purpose of: (1) Taking testimony which may tend to defame, degrade, or incriminate any person; or (2) considering enforcement of hearing subpenas.

Matters To Be Considered: Public hearing on police practices in Philadelphia.

FOR FUTHER INFORMATION CONTACT:

Barbara Brooks, Public Affairs Unit, 202-254-6697.

[S-233-79 Filed 2-1-79; 11:13 am]

[6570-06-M]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, February 6, 1979.

PLACE: Commission conference room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

OPEN TO THE PUBLIC

1. Procedure for early litigation identification.
2. Instructions to field offices concerning the implementation of the amendment to title VII regarding pregnancy disability.
3. Proposed questions and answers on employee selection guidelines.
4. Reissuance of notice to field offices on cases dealing with bona fide seniority systems (*Teamsters* v. *U.S.*) and timely filing of charges and continuing violations (*United Airlines* v. *Evans*).
5. Proposed delegations of authority to perform certain functions transferred from the Civil Service Commission.
6. Office of interagency coordination priority list.
7. Proposed office of personnel management regulations for Federal recruitment program.
8. Report on Commission operations by the Executive Director.

CLOSED TO THE PUBLIC

Litigation authorization; General Counsel recommendations: Matters closed to the public under the Commission's regulations at 29 CFR 1612.13.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, 202-634-6748.

This notice issued January 30, 1979.

[S-239-79 Filed 2-1-79; 3:51 pm]

[6570-06-M]

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-172-79.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, January 30, 1979.

CHANGE IN THE MEETING:

The following matter was added to the agenda for the closed portion of the meeting:

Freedom of Information Act Appeal No. 78-7-FOIA-171, concerning a request for information in a national charge investigative file.

A majority of the entire membership of the Commission determined by recorded vote that the business of the Commission required this change and that no earlier announcement was possible.

In favor of change:
Eleanor Holmes Norton, Chair
Ethel Bent Walsh, Commissioner
J. Clay Smith, Jr., Commissioner

Opposed: None.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, 202-634-6748

[S-240-79 Filed 2-1-79; 3:51 pm]

[6712-01-M]

4

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Wednesday, January 31, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission meeting.

CHANGES IN THE MEETING: The following items have been deleted:

AGENDA, ITEM NUMBER, AND SUBJECT

General—5—Amendment of part 81 of the rules to require applicants for public coast stations to meet certain financial qualifications.

General—9—Commission briefing on Freedom of Information Act request covering internal documents involving common carrier regulation from 1950-70.

Assignment and Transfer—1—Application to assign the license of FM station KFMR, Fremont, Calif., from Alameda Broadcasting, Inc., to Robert L. Williams, Inc., and James E. (BALH-2721) et al.

Additional information concerning these items may be obtained from the FCC Public Information Office, telephone 202-632-7260.

Issued: January 30, 1979.

[S-236-79 Filed 2-1-79; 3:03 pm]

[6712-01-M]

5

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, February 6, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

AGENDA, ITEM NUMBER, AND SUBJECT

Common Carrier—1—Depreciation briefing.
Common Carrier—2—Provision of domestic facilities to International Record Carriers by A.T. & T. (CC Docket No. 21499).
Common Carrier—3—Application of French Telegraph Cable Co. seeking authority to establish facilities for the provision of its authorized international services from the gateways of San Francisco and Washington, D.C. in addition to its New York gateway.

This meeting may be continued the following work day 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: January 30, 1979.

[S-237-79 Filed 2-1-79; 3:03 pm]

[6715-01-M]

6

FEDERAL ELECTION COMMISSION.

DATE AND TIME: 10 a.m., Thursday, February 8, 1979.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

Setting of dates for future meetings.
Correction and approval of minutes.
Advisory opinions: AO 1979-1, AO 1979-3.
Policy on release of information in computer tape format.
Master plan for 1980 elections.
Policy on treatment of transfers from unregistered committees.
First quarter fiscal year 1979 management report.
Budget execution report.
Appropriations and budget.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.
Classification actions.
Routine Administrative Matters.

PORTIONS CLOSED TO THE PUBLIC (FOLLOWING OPEN SESSION)

Audits and audit policy, Compliance, personnel, litigation, labor/management relations.

PERSONS TO CONTACT FOR INFORMATION

Mr. Fred S. Eiland, Public Information Officer, 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-238-79 Filed 2-1-79; 3:51 pm]

[6740-02-M]

7

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2 p.m., January 26, 1979.

PLACE: Room 9306. 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Matters relating to an investigation.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, 202-275-4166.

[S-231-79 Filed 2-1-79; 11:13 am]

[6740-02-M]

8

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2:30 p.m., February 2, 1979.

PLACE: Room 9306, 825 North Capitol Street NE., Washington, D.C. 20426.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Matters relating to an investigation.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, 202-275-4166.

[S-232-79 Filed 2-1-79; 11:13 am]

[7600-01-M]

9

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 9:30 a.m., February 14, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Mrs. Patricia Bausell, 202-634-4015.

Dated: February 1, 1979.

[S-235-79 Filed 2-1-79; 11:13 am]

[8010-01—M]

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 5567, January 26, 1979.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: January 23, 1979.

CHANGES IN MEETING: Additional items.

The following additional items will be considered at a closed meeting scheduled for Thursday, February 1, 1979, immediately following the open meeting at 10 a.m.:
Amendment of formal order for investigation, access to investigative files by federal, state, or self-regulatory authorities and litigation matters.
Report of investigation.
Other litigation matter.
Consideration of amicus participation.

Chairman Williams and Commissioners Loomis, Evans, and Karmel determined that Commission business required the above changes and that no earlier notice thereof was possible.

JANUARY 31, 1979.

[S-234-79 Filed 2-1-79; 11:13 am]

federal register

MONDAY, FEBRUARY 5, 1979
PART II



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

LIGHT TRANSPORT AIRPLANE

Airworthiness Review Discussion Forum

[4910-13-M]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 23, 25, and 135]

[Docket No. 18600; Notice No. 78-17A]

LIGHT TRANSPORT AIRPLANE AIRWORTHINESS REVIEW DISCUSSION FORUM

Announcement

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice announcing a Discussion Forum.

SUMMARY: This notice announces the location, times, and dates of the Light Transport Airplane Airworthiness Review Discussion Forum.

DATES: The Light Transport Airplane Airworthiness Review Discussion Forum will be held March 5-9, 1979. The dates for the Conference associated with this Review will be announced in a subsequent notice.

ADDRESSES: The Light Transport Airplane Airworthiness Review Discussion Forum will be held at the Sheraton Century Center Hotel, One North Broadway, Oklahoma City, Oklahoma 73102.

The compilation of FAA proposals, to be discussed at the Forum, may be requested at the following address: Federal Aviation Administration, Flight Standards Service, Airworthiness Review Branch (AFS-910), 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT

Thomas E. McSweeny, Airworthiness Review Branch (AFS-910), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-755-8714.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Information relating to the objectives of the Light Transport Airplane Airworthiness Review and additional information relating to this Discussion Forum are contained in Notice No. 78-17, "Light Transport Airplane Airworthiness Review," issued December 21, 1978 (43 FR 60846; December 28, 1978).

A compilation of FAA proposals has been distributed to known interested persons. Interested persons who have not received this compilation may request it at the aforementioned address.

At this Forum, only clarification of the FAA proposals will be entertained. There will be no decision-making or consideration of counter proposals at this time. Formal comments, proposals, and counter proposals will be discussed at the Review Conference to be held in May 1979. Conference details will be announced in a subsequent notice.

The FAA proposals have been divided as following: Subpart A—General, Subpart B—Flight, Subpart C—Structure, Subpart D—Design and Construction, Subpart E—Powerplant, Subpart F—Equipment, Subpart G—Operating Limitations and Information, Appendix C of FAR Part 23, Appendix A through F of FAR Part 25, Part 135 standards as applicable.

FORUM SCHEDULE

The schedule for the 5 day Forum is set forth below. Lunch breaks will be from noon until 1:30 p.m. each day.

MONDAY, MARCH 5

PLENARY SESSION

MORNING

9:30—Call to order
9:45—Welcoming Address
11:05—Prologue; Forum Mission
11:30—Public response

AFTERNOON

1:30—Subparts A, B, and C

TUESDAY, MARCH 6

(8:30 to 5:00)

Subpart D

WEDNESDAY, MARCH 7

(8:30 to 5:00)

Subpart E

THURSDAY, MARCH 8

(8:30 to 5:00)

Subparts F and G, Appendices, and Part 135

FRIDAY, MARCH 9

(8:30 to 5:00)

Carryover items and Plenary Session

Registration for this Forum will take place at the Sheraton Century Center Hotel during the Forum dates.

There is no admission fee or any other charge required to be paid in order to attend and participate in the Forum.

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

Issued in Washington, D.C., on January 30, 1979.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 79-3788 Filed 2-2-79; 8:45 am]

federal register

MONDAY, FEBRUARY 5, 1979
PART III



DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Review of the Status of Two Species of Crocodiles

[4310-55-M]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Review of the Status of Two Species of Crocodiles

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Review of the status of the American crocodile populations outside of Florida and the estuarine crocodile.

SUMMARY: The Service will review the status of the American crocodile (*Crocodylus acutus*) populations outside of Florida and the estuarine crocodile (*Crocodylus porosus*) to determine if they should be proposed as Endangered or Threatened. This status review is being conducted because there is strong evidence indicating that these species have experienced population declines and loss of much available habitat within the last decade.

DATES: Information regarding the status of these species should be submitted on or before May 7, 1979.

ADDRESSES: Comments on this notice of review should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, United States Department of the Interior, Washington, D.C. 20240, telephone: 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The American crocodile, *Crocodylus acutus*, ranges throughout the Caribbean Sea, and on the Pacific Coast of Central and South America from Mexico to Ecuador in coastal waters. Portions of the following countries are known to have or have had populations of this species: United States, Mexico, Colombia, Venezuela, Ecuador, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Trinidad and Tobago, Jamaica, Cuba, Haiti, the Dominican Republic, and Belize. The Florida population is currently listed as Endangered and its Critical Habitat has been designated. (See 50 CFR 17.11 and the FEDERAL REGISTERS of September 25, 1975 (40 FR 44149-44151) and September 24, 1976 (41 FR 41914-41916)).

On May 23, 1975, Professor Federico Medem of the Faculty of Science of the National University of Colombia petitioned the Secretary of the Interior to list, under protection of the Endangered Species Act of 1973, the American crocodile throughout its range. However, only the Florida population was actually proposed and eventually listed. *Crocodylus acutus* was proposed as Endangered under the Similarity of Appearance clause of the Act (FEDERAL REGISTER of April 6, 1977; 42 FR 18287-18291) in other portions of its range; no final action has been taken as of this date on that proposal.

Since 1968, *Crocodylus acutus* has been listed as Endangered in the Red Data Book of the International Union for the Conservation of Nature and Natural Resources. At the First Working Meeting of the IUCN Survival Service Commission's Crocodile Specialist Group, the status of *Crocodylus acutus* was reviewed in detail. It was the view of the Group that because of the expansive range of the species (Florida, Cuba, Jamaica, Hispaniola, Mexico south through Central America to Colombia, Peru, Ecuador and Venezuela) it was difficult to say—at that time—whether the species was in critical danger of extinction. Incomplete data indicated it was endangered in some localities. This is summarized in the minutes of the meeting (Section 12, page 22), and in papers 6 and 7 (pages 54-71 and 72-82, respectively) of IUCN Publications New Series, Suppl. Paper No. 32, 1971.

Following that first meeting of the Crocodile Specialist Group, the New York Zoological Society funded a survey of all South American crocodilians undertaken by Professor Federico Medem. That survey extended over the period 1972 through 1974, and took Dr. Medem to every country in South America. His survey revealed that *Crocodylus acutus* is probably endangered throughout its South American range. Data from this survey were supplied to Dr. Howard Campbell, then on the staff of the U.S. Office of Endangered Species and International Activities in Washington, and are in the Service files. In addition, some of the data were summarized in paper A.3.1 of the Second Working Meeting of the Crocodile Specialist Group in IUCN Publications New Series, Suppl. Paper No. 41, 1973. New data on the Central American and West Indian populations were also presented in paper A.21 of that same volume.

More information on the status of the American crocodile populations in Mexico has been gathered from the fieldwork of Dr. Campbell, Charles A. Ross, Division of Amphibians and Reptiles, U.S. National Museum of Natural History, Washington, D.C., and Dr. Miguel Alvarez del Toro, Director of the Parque Zoologico de Tuxtla Gutierrez, in Mexico. The status of the Mexican populations and the history of their exploitation by the hide industry was presented in the publication of Casas and Guzman (1970), *Mexico, Instituto Nacional de Investigaciones Biologico Pesqueras Boletin*, no. 3, pp. 1-52. In every instance the results of these Mexico-based studies show *Crocodylus acutus* is endangered, rare, or absent from parts of its former range and declining in numbers. It is protected by law in Mexico, but until recent years the law was not enforced.

As part of an effort to discover the ecological requirements of this species which will permit the development of a recovery plan for the species, Dr. Leslie Garrick of the New York Zoological Society staff attempted to find populations where the reptiles are still abundant enough to permit study. He was able to locate two moderate-sized populations, one in Jamaica and a second in the Panama Canal Zone. Even in these locations the future of the species is uncertain. Though nominally protected by Panamanian law, the species is hunted everywhere. The river habitat that shelters the majority of the Jamaican crocodiles is scheduled to be destroyed as a result of the development of a water impoundment and diversion project that will benefit rice production in that island nation. Even so, Dr. Garrick was successful in alerting the Jamaican government to the need to conserve this species.

In a letter to the Interior Department on June 5, 1975, Dr. F. Wayne King of the New York Zoological Society, and presently chairman of the IUCN Survival Service Commission, stated "In most populations hunting is either legal, or if illegal, the laws are not rigorously enforced. As a consequence the species is on the verge of extinction in most parts of its range and is declining rapidly in the others. It is clearly endangered." Finally, the Crocodile Specialist Group of the IUCN, at their meeting held February 6-10, 1978, in Madras, India, recommended placement of the entire species, *Crocodylus acutus*, on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

For those reasons, the Fish and Wildlife Service believes that a comprehensive review of the status of this species is warranted for all populations outside the United States.

The estuarine crocodile, *Crocodylus porosus*, ranges throughout southeast Asia and includes the countries of Australia, Papua-New Guinea, Indonesia, Philippines, Malaysia, Thailand, Burma, Bangladesh, India, Cambodia,

Vietnam, and Sri Lanka. In a letter dated April 17, 1978, Dr. Faith Campbell of the National Resources Defense Council provided information on the status of this species in connection with the review of the appendices of the Convention on International Trade in endangered species of Wild Fauna and Flora. Dr. Campbell notes that certain populations are threatened with habitat destruction although trade may be the species' greatest threat. Dr. Campbell states:

> The Estuarine Crocodile is hunted virtually throughout its range for its hide, which is considered the most valuable of all the crocodiles. The result of this pressure has been a major depletion of the crocodiles. In Indonesia they had been "virtually exterminated" by hunting by 1972. In Papua-New Guinea they are so reduced that they are difficult to find in any water accessible by boat. There are very few animals left in the wild in Thailand. In India hunting pressure has restricted them to Orissa, West Bengal, and the Andaman Islands. On Timor there are only two small breeding colonies on the southern coast. In western Malaysia hunting pressure has so reduced the wild populations that it is feared that they have little chance of recovery. In Australia they have been reduced to levels at which commercial shooting is no longer profitable in most areas.
>
> Data on annual harvests and total skins traded are not available. Figures for skins imported and exported from Malaysia-Singapore for the years 1953-1965 and from Malaysia for 1960-1969 indicate that the volume of hides traded is kept fairly constant by importing them from ever more remote areas. Since 1960 exports from Malaysia have declined as imports into that country have dwindled to nearly zero.
>
> Reputable scientists consider that the Estuarine Crocodile is threatened with extinction by hide hunters. The Red Data Book of the International Union for Conservation of Nature and Natural Resources list *C. porosus* as vulnerable.

Dr. Campbell provided reference sources for her statements at the end of her letter.

The IUCN Crocodile Specialist Group's trip report for the February 6-10, 1978 meeting in Madras, India, states:

> The Group expressed continued concern over the endangered plight of the majority of the world's crocodile species. Particular attention was called to the critically endangered status of the estuarine crocodile (*Crocodylus porosus*) in Australia, Bangladesh and India. Recent surveys suggest that only the wild populations of this species in Papua-New Guinea may be free from the threat of extinction. As a consequence, the Group recommends placement of the estuarine crocodile on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Therefore, the Service believes that a comprehensive review of status should also be undertaken for this species.

The Director of the Service is hereby seeking the views of all persons who have information on the status of these species, as well as the views of the governments where these species exist, to determine if sufficient biological data exist to warrant a proposal as either Endangered or Threatened under provisions of the Act. All interested persons are invited to submit any factual information, especially publications and written reports, which is germane to this status review.

This notice of review was prepared by Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (703/235-1975).

Dated: January 29, 1979.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc. 79-3872 Filed 2-2-79; 8:45 am]

federal register

MONDAY, FEBRUARY 5, 1979
PART IV



DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline from the Mandatory Petroleum Allocation Regulations

[6450-01-M]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-78-5; Docket No. ERA-R-78-6]

PART 210—GENERAL ALLOCATION AND PRICE RULES

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline from the Mandatory Petroleum Allocation Regulations

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending 10 CFR Parts 210 and 211 to exempt kerosene-base jet ("kerojet") fuel and aviation gasoline from its Mandatory Petroleum Allocation Regulations. This exemption amendment has been transmitted to the Congress as DOE Energy Action No. 3 under the procedures set forth in the Energy Policy and Conservation Act which provide for a fifteen-day review period. In connection with its exemption of kerojet fuel and aviation gasoline from the allocation regulations, the ERA is issuing concurrently with this rule a separate amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations. Both exemptions will become effective on the first day following the expiration of the fifteen-day Congressional review period. We are also issuing two documents entitled *Findings and Views Concerning the Exemption of Kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and the *Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations* ("Findings"). The Secretary of Energy (the "Secretary") is submitting both amendments and the Findings to the Congress for review.

EFFECTIVE DATE: The first day following the expiration of the fifteen-day Congressional review period.

FOR FURTHER INFORMATION CONTACT:

Bill Webb (Office of Public Information), 2000 M Street, NW., room B110, Washington, D.C. 20461, (202) 634-2170.

Gerald P. Emmer or William E. Caldwell, (Economic Regulatory Administration), 2000 M Street, NW., room 2304, Washington, D.C. 20461, (202) 254-8034.

Joel M. Yudson or Jack O. Kendall, (Office of General Counsel), 1200 Pennsylvania Avenue, NW., room 5134, Washington, D.C. 20461, (202) 633-8622.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Received.
III. Findings and Views.
IV. Standby Authority.

I. Background

On February 12, 1978, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued advance notices of proposed rulemaking and public hearing on kerojet fuel deregulation (43 FR 6959, February 17, 1978) and aviation gasoline deregulation (43 FR 6962, February 17, 1978). We concurrently issued two documents entitled *Preliminary Findings and Views Concerning the Exemption of Kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and *Preliminary Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations* ("Preliminary Findings"). The advance notices were issued to obtain public comment on the Preliminary Findings for the purpose of determining whether the ERA should initiate rulemaking proceedings proposing the exemption of kerojet fuel and aviation gasoline from the price and allocation regulations.

The comments submitted in response to the advance notices generally supported our Preliminary Findings. Therefore, on June 22, 1978 we concurrently issued notices of proposed rulemaking on kerojet fuel deregulation (43 FR 27974, June 27, 1978) and aviation gasoline deregulation (43 FR 27976, June 27, 1978).

The comments and statements in response to the advance notices enabled us to prepare the Findings in support of exempting kerojet fuel and aviation gasoline.

Section 402(c)(1) of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) requires the FERC to consider any proposal by the Secretary to amend any regulation under section 4(a) of the Emergency Petroleum Allocation Act, as amended (EPAA, Pub. L. 93-159), when either section 8 or section 12 of the EPAA requires the President to transmit the proposal to each House of Congress for its review under section 551 of the Energy Policy and Conservation Act, as amended (EPCA, Pub. L. 94-163).

Under this statutory provision, the Secretary forwarded to the FERC by letter dated June 22, 1978, the proposed amendments to exempt kerojet fuel and aviation gasoline from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations.

The FERC published a notice of public hearing (43 FR 29298, July 7, 1978) and conducted its hearings concerning the proposed exemptions of aviation gasoline and kerojet fuel on August 1 and 3, 1978, respectively. In addition, the FERC accepted written comments through August 11, 1978. The FERC's hearings transcripts, the written comments, the transcripts of the ERA hearings of March 22, 1978 and March 23, 1978, the ERA's Findings, and the earlier comments submitted to the ERA were the basis of the FERC's subsequent deliberations on kerojet fuel and aviation gasoline deregulation.

By letter of September 6, 1978, the FERC responded to the Secretary, advising him of its preliminary conclusions and that unless by noon, September 8, 1978 the Secretary were to inform the FERC that he wished to consult on any matter addressed in the letter, the FERC would forward to the Secretary a further letter stating its concurrence in the proposals without formal recommendations. The Deputy Secretary responded on September 11, 1978, stating that in light of the fact that the FERC's concurrence in the amendments proposed by the Secretary would not be subject to any binding recommendations within the meaning of section 404(b) of the DOE Act, no further consultation beyond the exchange of letters would be necessary. The FERC, on September 12, 1978, concurred without recommendations in the Secretary's kerojet fuel and aviation gasoline deregulation proposals and on that date issued its *Analysis and Recommendations* in these matters.

Section 404(c) of the DOE Act provides that the Secretary, following the publication of the FERC's recommendations, (1) may issue a final rule in the form initially proposed if the FERC has concurred, (2) may issue a final rule in amended form so that the rule conforms in all respects with the FERC's recommended changes, or (3) may issue no rule. Inasmuch as the FERC concurred without recommendations, we are issuing the kerojet fuel and aviation gasoline deregulation amendments under section 404(c)(1) of the DOE Act.

Concurrently with the issuance of this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations, we are issuing a separate amendment to exempt kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations. The

Secretary is concurrently submitting both amendments for Congressional review, as DOE Energy Actions Nos. 3 and 4, respectively, pursuant to section 551 of the EPCA, and in accordance with section 102 of the Energy Conservation and Production Act, as amended (ECPA, Pub. L. 94-385), which requires that the DOE submit separate energy actions to the Congress when proposing the exemption of any oil, refined petroleum product, or refined product category from both price and allocation regulations, but does not prohibit concurrent submissions of such separate energy actions. We are combining kerojet fuel and aviation gasoline into one refined product category, as permitted under the definition of that term in section 12(c)(3) of the EPAA. Thus, we are submitting for Congressional review a single energy action for the removal of allocation controls from both kerojet fuel and aviation gasoline and another energy action for the removal of price controls from both products.

II. Comments Received

A. Advance Notice on Kerojet Fuel Deregulation

The ERA invited written comments on the advance notice concerning kerojet fuel deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 23, 1978. Over sixty parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, consumer groups and governmental representatives.

All of those commenting in response to the advance notice on kerojet fuel recommended that the ERA propose the exemption of kerojet fuel from the allocation and price regulations. This recommendation was based generally upon agreement with our projections as to supply and demand, competition, and other findings and views set forth in the Preliminary Findings. In particular, there was widespread agreement that competition and market forces are adequate to protect consumers following the exemption of kerojet fuel from regulation. Many commenters expressed the opinion that deregulation would enhance competition in all sectors of the kerojet fuel market.

Retailers indicated that there may be kerojet fuel price increases in certain regions by fixed base operators to reflect increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

The airline industry and, in particular, the Air Transport Association, generally recommended the establishment of a mechanism, similar to the proposed Special Rule No. 4 for motor gasoline (See 42 FR 40915, August 12, 1977), to assure airlines a source of kerojet fuel supply during the transition period following deregulation. The airline industry also favored the establishment of a price monitoring system, without a pre-set index or "trigger," coupled with a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment with regard to pricing or supply of kerojet fuel. Other commenters were nearly unanimously opposed to both recommendations.

B. Advance Notice on Aviation Gasoline Deregulation

The ERA invited written comments on the advance notice concerning aviation gasoline deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 22, 1978. Forty-six parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations representing consumers, and governmental representatives.

All of those commenting in response to the advance notice on aviation gasoline recommended that the ERA propose the exemption of aviation gasoline from the allocation and price regulations. This recommendation was based generally upon agreement with our projections as to supply and demand, competition, and other findings and views set forth in the Preliminary Findings. As in the hearing on kerojet fuel, there was agreement that competition and market forces are adequate to protect consumers following the exemption of aviation gasoline from regulation. Many commenters expressed the opinion that deregulation would enhance competition in the aviation gasoline market.

In general, retailers concurred with the Preliminary Findings that there will be only minor pressure to increase prices of aviation gasoline as a result of deregulation. Retailers indicated, however, that fixed base operators in certain regions may increase prices to reflect localized increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that, while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

C. FERC Comments Received on Kerojet Fuel and Aviation Gasoline Deregulation

The FERC invited written comments on the ERA's proposals to exempt kerojet fuel and aviation gasoline through August 11, 1978 and held a public hearing on aviation gasoline on August 1, 1978 and a public hearing on kerojet fuel on August 3, 1978. Four parties commented orally on the aviation gasoline proposal and seven parties so commented on the kerojet fuel proposal. The FERC also received fifty-one written comments. Those offering comments on the deregulation proposals included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, and governmental representatives.

None of the oral or written comments to the FERC expressed opposition to the deregulation of either aviation gasoline or kerojet fuel. There were, however, some suggestions for modifications. A large majority of the written comments expressed support for the proposal without further elaboration. A few commenters provided additional factual material or added analysis to supplement the ERA's Findings.

In its September 6 letter to the Secretary the FERC indicated that, after reviewing the comments, it found two areas of particular concern. The first related to the possibility that spot shortages of aviation fuels may occur. This concern apparently stemmed from the July 26, 1978 letter from the Energy Planning Division of the Montana Department of Natural Resources and Conservation to the FERC which indicated that, although the supply of aviation products had appeared sufficient in the spring of 1978, new fixed base operators and small, established fixed base operators were currently experiencing difficulty in obtaining supplies. Adequacy of supplies for forest firefighting and other emergency situations was expressed as being of immediate concern. Comments from the organizations representing fixed base operators and other marketers did not express such concern over supply availability. The FERC requested the Secretary to consider the possibility of a transitional supply protection program, more limited in scope than proposed Special Rule No. 4 for motor gasoline, applicable to only certain regions of the country. In this connection, the comments submitted to the FERC by the commercial airlines repeated the recom-

mendation made to the ERA that a mechanism be established to provide airlines adequate sources of supply of kerojet fuel during the transition period following deregulation. The airlines, despite their desire for a transitional supply protection program, supported the exemptions in any event.

The FERC's second concern related to price monitoring. The substance of the FERC's suggestion in this regard—that we set forth the means by which we intend to monitor aviation fuel prices after deregulation—is dealt with in the preamble to the amendment exempting kerojet fuel and aviation gasoline from the price regulations.

After carefully considering all the comments, we have concluded that the initial view that kerojet fuel and aviation gasoline should be exempted from regulations is correct. No information or data were presented which meaningfully alter the ERA's conclusions in its Findings.

Our analysis indicates that when free market forces emerge following kerojet fuel and aviation gasoline deregulation, supply problems will be minimized. We project adequate supplies of kerojet fuel and aviation gasoline at least through 1980. As we have done with respect to products previously deregulated, we will continue to collect supply data pursuant to our general statutory authority to receive such information. The supply data collected by the Energy Information Administration will enable us to detect any significant supply problems which may develop following deregulation.

Based on our projections concerning supplies of kerojet fuel and aviation gasoline and the demonstrated ability of airlines to cope with supply problems, we conclude that it is not necessary to establish a mechanism to assure airlines a source of kerojet fuel supply during the transition period following the effective date of the exemptions or to establish a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment. To the degree that possible local shortages of aviation gasoline or kerojet fuel might occur following deregulation, we could reimpose controls to the limited extent necessary to meet an emergency and redirect product or take other action as the situation would require. In addition, in some instances, problems may be resolved without resort to formal action, as ERA could suggest voluntary measures to relieve individual problems.

III. Findings and Views

In addition to this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations and the concurrent amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations, we are issuing the Findings supporting these amendments, as required by section 12 of the EPAA. They are based upon our consideration of the comments of those persons who participated in the rulemaking proceedings and other available information.

Our general conclusions set forth in the Findings may be summarized, in part, as follows:

1. Kerojet fuel and aviation gasoline are not in short supply.

2. Exemption of kerojet fuel and aviation gasoline from the allocation and price regulations will not have an adverse impact on the supply of any other oil or refined petroleum product subject to the EPAA.

3. Following exemption of kerojet fuel and aviation gasoline from regulations, competition and market forces should be adequate to protect consumers.

4. Exemption of kerojet fuel and aviation gasoline from regulation will not result in inequitable prices for any class of user of kerojet fuel, aviation gasoline, or other products.

5. The exemption of kerojet fuel and aviation gasoline will not have adverse impacts on any governmental unit, state or region.

6. As long as supplies remain adequate, exemption of kerojet fuel and aviation gasoline will not have an adverse effect on the availability of consumer goods and services; the Gross National Product (GNP); competition; small business; supply and availability of energy resources as fuel or feedstock for industry; consumer prices; the Consumer Price Index, or the implicit price deflator for the GNP; or the rate of unemployment.

We also believe that as long as supplies continue to be adequate, the continuation of allocation and price controls on kerojet fuel and aviation gasoline is unnecessary to protect the public health, safety and welfare, and the national defense (section 4(b)(1)(A)); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section (4)(b)(G)). Adequate supply and the positive effects of increased competition should also ensure that exemption of kerojet fuel and aviation gasoline would be consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortion, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). The exemption of kerojet fuel and aviation gasoline should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)).

IV. Standby Authority

Section 12(f) of the EPAA provides that following the exemption of any refined product category from regulation, the DOE shall have the authority at any time to reimpose allocation regulations if necessary to attain the objectives of the EPAA. For this reason, we are adopting amendments which exempt kerojet fuel and aviation gasoline from the general allocation regulations but which do not delete those regulations from the Code of Federal Regulations. We have, in effect, converted them to standby status, so that, in the event of shortages or other occurrences which might require reimposition of controls, we may, with appropriate modifications, quickly put them back into effect. In this connection, we have recently adopted additional standby product allocation and price regulations (44 FR 3928, January 18, 1979) that may be ordered into effect as to kerojet fuel and aviation gasoline.

(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, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and 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 FR 23185; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Parts 210 and 211 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective on the first day following the expiration of the fifteen-day Congressional review period provided for by section 551 of the Energy Policy and Conservation Act.

Issued in Washington, D.C., January 31, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

1. Section 210.35 is amended by revising subparagraph (g)(1) and by adding subparagraph (h)(1) to read as follows:

§ 210.35 Exempted products.

* * * * *

(g)(1) Aviation turbine fuel (naphtha-base and kerosene-base) as defined

in § 211.142 of this chapter is exempt from the provisions of Part 211 of this chapter.

* * * * *

(h)(1) Aviation gasoline as defined in § 211.142 of this chapter is exempt from the provisions of Part 211 of this chapter.

* * * * *

2. Section 211.1 is amended in paragraph (b) by revising subparagraph (9) and adding new subparagraph (10) to read as follows:

§ 211.1 Scope.

* * * * *

(b) *Exclusions.* * * *

(9) Notwithstanding the other provisions of this part, including Subpart H of this part, aviation turbine fuel (naphtha-base and kerosene-base) is excluded from this part.

(10) Notwithstanding the other provisions of this part, including Subpart H of this part, aviation gasoline is excluded from this part.

[FR Doc. 79-3907 2-1-79: 8:45 am]

federal register

MONDAY, FEBRUARY 5, 1979
PART V



DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline from the Mandatory Petroleum Price Regulations

[6450-01-M]

Title 10—Energy
CHAPTER II—DEPARTMENT OF ENERGY

[Docket No. ERA-R-78-5 Docket No. ERA-R-78-6]

PART 210—GENERAL ALLOCATION AND PRICE RULES

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Exemption of Kerosene-Base Jet Fuel and Aviation Gasoline From the Mandatory Petroleum Price Regulations.

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is amending 10 CFR Parts 210 and 212 to exempt kerosene-base jet ("kerojet") fuel and aviation gasoline from its Mandatory Petroleum Price Regulations. The exemption has been transmitted to the Congress as DOE Energy Action No. 4 under the procedures set forth in the Energy Policy and Conservation Act which provide for a fifteen-day review period. In connection with its exemption of kerojet fuel and aviation gasoline from the price regulations, the ERA is issuing concurrently with this rule a separate amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations. Both exemptions will become effective on the first day following the expiration of the fifteen-day Congressional review period. We are also issuing two documents entitled *Findings and Views Concerning the Exemption of Kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and the *Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations* ("Findings"). The Secretary of Energy (the "Secretary") is submitting both amendments and the Findings to the Congress for review.

EFFECTIVE DATE: The first day following the expiration of the fifteen-day Congressional review period.

FOR FURTHER INFORMATION CONTACT:

Bill Webb (Office of Public Information), 2000 M Street, NW., Room B110, Washington, D.C. 20461 (202) 634-2170.

Gerald P. Emmer or William E. Caldwell (Economic Regulatory Administration), 2000 M Street, NW., Room 2304, Washington, D.C. 20461 (202) 254-8034.

Joel M. Yudson or Jack O. Kendall (Office of General Counsel), 1200 Pennsylvania Avenue, NW., Room 5134, Washington, D.C. 20461 (202) 633-8622.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Comments Received.
III. Findings and Views.
IV. Standby Authority.

I. Background

On February 12, 1978, the Economic Regulatory Administration of the Department of Energy issued advance notices of proposed rulemaking and public hearing on Kerojet fuel deregulation (43 FR 6959, February 17, 1978) and aviation gasoline deregulation (43 FR 6962, February 17, 1978). We concurrently issued two documents entitled *Preliminary Findings and Views Concerning the Exemption of kerojet Fuels from the Mandatory Petroleum Allocation and Price Regulations* and *Preliminary Findings and Views Concerning the Exemption of Aviation Gasoline from the Mandatory Petroleum Allocation and Price Regulations* ("Preliminary Findings"). The advance notices were issued to obtain public comment on the Preliminary Findings for the purpose of determining whether the ERA should initiate rulemaking proceedings proposing the exemption of kerojet fuel and aviation gasoline from the price and allocation regulations.

The comments submitted in response to the advance notices generally supported our Preliminary Findings. Therefore, on June 22, 1978 we concurrently issued notices of proposed rulemaking on kerojet fuel deregulation (43 FR 27974, June 27, 1978) and aviation gasoline deregulation (43 FR 27976, June 27, 1978).

The comments and statements in response to the advance notices enabled us to prepare the Findings in support of exempting kerojet fuel and aviation gasoline.

Section 402(c)(1) of the Department of Energy Organization Act (DOE Act, Pub. L. 95-91) requires the FERC to consider any proposal by the Secretary to amend any regulation under section 4(a) of the Emergency Petroleum Allocation Act, as amended (EPAA, Pub. L. 93-159), when either section 8 or section 12 of the EPAA requires the President to transmit the proposal to each House of Congress for its review under section 551 of the Energy Policy and Conservation Act, as amended (EPCA, Pub. L. 94-163).

Under this statutory provision, the Secretary forwarded to the FERC by letter dated June 22, 1978, the proposed amendments to exempt kerojet fuel and aviation gasoline from both the Mandatory Petroleum Allocation Regulations and the Mandatory Petroleum Price Regulations.

The FERC published a notice of public hearing (43 FR 29298, July 7, 1978) and conducted its hearings concerning the proposed exemptions of aviation gasoline and kerojet fuel on August 1 and 3, 1978, respectively. In addition, the FERC accepted written comments through August 11, 1978. The FERC's hearing transcript, the written comments, the transcripts of the ERA hearings of March 22, 1978 and March 23, 1978, the ERA's Findings, and the earlier comments submitted to the ERA were the basis of the FERC's subsequent deliberations on kerojet fuel and aviation gasoline deregulation.

By letter of September 6, 1978, the FERC responded to the Secretary, advising him of its preliminary conclusions and that unless by noon, September 8, 1978 the Secretary were to inform the FERC that he wished to consult on any matter addressed in the letter, the FERC would forward to the Secretary a further letter stating its concurrence in the proposals without formal recommendations. The Deputy Secretary responded on September 11, 1978, stating that in light of the fact that the FERC's concurrence in the amendments proposed by the Secretary would not be subject to any binding recommendations within the meaning of 404(b) of the DOE Act, no further consultation beyond the exchange of letters would be necessary. The FERC, on September 12, 1978, concurred without recommendations in the Secretary's kerojet fuel and aviation gasoline deregulation proposals and on that date issued its *Analysis and Recommendations* in these matters.

Section 404(c) of the DOE Act provides that the Secretary, following the publication of the FERC's recommendations, (1) may issue a final rule in the form initially proposed if the FERC has concurred, (2) may issue a final rule in amended form so that the rule conforms in all respects with the FERC's recommended changes, or (3) may issue no rule. Inasmuch as the FERC concurred without recommendations, we are issuing the kerojet fuel and aviation gasoline deregulation amendments under section 404(c)(1) of the DOE Act.

Concurrently with the issuance of this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations, we are issuing a separate amendment to exempt kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations. The Secretary is concurrently submitting both amendments for Congressional review, as DOE Energy Actions Nos. 4 and 3, respectively, pursuant to section 551 of the EPCA, and in accordance with section 102 of the Energy Conser-

vation and Production Act, as amended (ECPA, Pub. L. 94-385), which requires that the DOE submit separate energy actions to the Congress when proposing the exemption of any oil, refined petroleum product, or refined product category from price and allocation regulations but does not prohibit concurrent submissions of such separate energy actions. We are combining kerojet fuel and aviation gasoline into one refined product category, as permitted under the definition of that term in section 12(c)(3) of the EPAA. Thus, we are submitting for Congressional review a single energy action for the removal of allocation controls from both kerojet fuel and aviation gasoline and another energy action for the removal of price controls from both products.

II. Comments Received

A. Advance Notice on Kerojet Fuel Deregulation

The ERA invited written comments on the advance notice concerning kerojet fuel deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 23, 1978. Over sixty parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, consumer groups and governmental representatives.

All of those commenting in response to the advance notice on kerojet fuel recommended that the ERA propose the exemption of kerojet fuel from the allocation and price regulations. This recommendation was based generally upon agreement with our projections as to supply and demand, completion, and other findings and views set forth in the Preliminary Findings. In particular, there was widespread agreement that competition and market forces are adequate to protect consumers following the exemption of kerojet fuel from regulation. Many commenters expressed the opinion that deregulation would enhance competition in all sectors of the kerojet fuel market.

Retailers indicated that there may be kerojet fuel price increases in certain regions by fixed base operators to reflect increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

The airline industry and, in particular, the Air Transport Association, generally recommended the establishment of a mechanism, similar to the proposed Special Rule No. 4 for motor gasoline (See 42 FR 40915, August 12, 1977), to assure airlines a source of kerojet fuel supply during the transition period following deregulation. The airline industry also favored the establishment of a price monitoring system, without a pre-set index or "trigger," coupled with a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment with regard to pricing or supply of kerojet fuel. Other commenters were nearly unanimously opposed to both recommendations.

B. Advance Notice on Aviation Gasoline Deregulation

The ERA invited written comments on the advance notice concerning aviation gasoline deregulation through March 27, 1978 and held a public hearing in Washington, D.C. on March 22, 1978. Forty-six parties submitted oral and written comments in response to the February 17 advance notice. Those offering comments included major integrated refining companies, large and small independent refining companies, retailers, trade associations representing consumers, and governmental representatives.

All of those commenting in response to the advance notice on aviation gasoline recommended that the ERA propose the exemption of aviation gasoline from the allocation and price regulations without an accompanying price monitoring or supply protection program. This recommendation was based generally upon agreement with our projections as to supply and demand, competition, and other findings and views set forth in the Preliminary Findings. As was the case with regard to kerojet fuels, there was agreement that competition and market forces are adequate to protect consumers following the exemption of aviation gasoline from regulation. Many commenters expressed the opinion that deregulation would enhance competition in the aviation gasoline market.

In general, retailers concurred with the Preliminary Findings that there will be only minor pressure to increase prices of aviation gasoline as a result of deregulation. Retailers indicated, however, that fixed base operators in certain regions may increase prices to reflect localized increased non-product costs. Refiners generally agreed with our projections in the Preliminary Findings that, while regional price increases may occur as both refiner and retailer non-product cost increases are fully passed through on the volume of product on which they are incurred, these regional increases should be offset in part by reductions in other regions.

C. FERC Comments Received on Kerojet Fuel and Aviation Gasoline Deregulation

The FERC invited written comments on the ERA's proposals to exempt kerojet fuel and aviation gasoline through August 11, 1978 and held a public hearing on aviation gasoline on August 1, 1978 and a public hearing on kerojet fuel on August 3, 1978. Four parties commented orally on the aviation gasoline proposal and seven parties so commented on the kerojet fuel proposal. The FERC also received fifty-one written comments. Those offering comments on the deregulation proposals included major integrated refining companies, large and small independent refining companies, retailers, trade associations, air carriers, and governmental representatives.

None of the oral or written comments to the FERC expressed opposition to the deregulation of either aviation gasoline or kerojet fuel. There were, however, some suggestions for modifications. A large majority of the written comments expressed support for the proposal without further elaboration. A few comments provided additional factual material or added analysis to supplement the ERA's Findings.

In its September 6 letter to the Secretary the FERC indicated that, after reviewing the comments, it found two areas of particular concern. The first reflected its apprehension over the possibility of spot shortages. This concern arose partially in response to the July 26, 1978 letter from the Energy Planning Division of the Montana Department of Natural Resources and Conservation to the FERC indicating potential difficulties new fixed base operators and small, established fixed base operators could have in providing supplies of aviation products for forest fire fighting and other emergency situations. The FERC's concern also related to the commercial airlines' recommendation that a mechanism be established to provide airlines adequate sources of supply of kerojet fuel during the transition period following deregulation. This concern is addressed more fully in the preamble to the aviation gasoline and kerojet fuel allocation exemption.

FERC's other concern related to the price monitoring program recommended by the airlines. In its September 6 letter the FERC concluded that in view of our announced intent generally to monitor aviation fuel prices, a binding recommendation in this regard under Section 404 of the DOE Act was not necessary. The FERC did suggest, however, that the manner in which we intend to monitor prices be

described at the time we announce the exemption and that such a program should not contain a "trigger."

After carefully considering all the comments, we have concluded that the initial view that kerojet fuel and aviation gasoline should be exempted from regulations is correct. No information or data were presented which meaningfully alter the ERA's conclusions in its Findings.

In response to the FERC's suggestion regarding the price monitoring system, we reemphasize that we intend to analyze kerojet fuel and aviation gasoline prices after deregulation. As we have done with respect to previously deregulated products, we will continue to collect supply and price data pursuant to our general statutory authority to receive such information so as to enable us to detect any significant changes in market conditions which may develop following deregulation of kerojet fuel and aviation gasoline.

As part of its role in monitoring market price trends, the Energy Information Administration (EIA) of the DOE collects pricing data on kerojet fuel and aviation gasoline from refiners, large reseller, retailers, and gas plant operators. The EIA uses the data reported on FEA Form P302-M-1 to calculate national weighted average wholesale and retail prices of kerojet fuel and aviation gasoline on a monthly basis. This information is made available to the public in two monthly publications prepared by the EIA, the "Monthly Energy Review" and the "Monthly Petroleum Product Price Report."

We also anticipate continued reliance in our monitoring activities on the Civil Aeronautics Board's monthly report "Fuel Cost and Consumption." This publication provides average prices per gallon for aviation fuels on a monthly basis. It also indicates the percentage price increase per gallon over the average price per gallon in the preceding month, the same month in the preceding year, and in July 1973. This data is provided separately for individual domestic and international trunk, local service, cargo, and supplemental carriers.

In view of the relatively small universe of suppliers and purchasers of kerojet fuel, we do not believe a price monitoring or survey system more detailed than that presently existing is necessary to detect significant changes in market conditions.

We have decided not to establish a formal procedure which would require the ERA to take action on an air carrier's complaint of discriminatory treatment with regard to pricing or supply of kerojet fuel. Our analysis indicates that when free market forces emerge following kerojet fuel and aviation gasoline deregulation, such problems will be minimized. We believe therefore that a formal complaint procedure is unnecessary, inasmuch as most airlines are capable of bringing to our attention instances of discriminatory treatment with respect to the pricing or supply of kerojet fuel. We encourage communication from any party which may experience difficulty in securing adequate supplies of either kerojet fuel or aviation gasoline following deregulation, inasmuch as such information will facilitate our analysis of the effects of deregulation on price trends and supply distribution.

While fixed base operators may increase prices for kerojet fuel and aviation gasoline in certain regions after deregulation to reflect increased nonproduct costs, these regional increases should be offset in part by reductions in other regions. We have concluded that during a period of adequate supplies which is expected at least through 1980, average prices for kerojet fuel and aviation gasoline will not rise to levels significantly higher than if regulations were continued.

III. Findings and Views

In addition to this amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Price Regulations and the concurrent amendment exempting kerojet fuel and aviation gasoline from the Mandatory Petroleum Allocation Regulations, we are issuing the Findings supporting these amendments, as required by section 12 of the EPAA. They are based upon our consideration of the comments of those persons who participated in the rulemaking proceedings and other available information.

Our general conclusions set forth in the Findings may be summarized, in part, as follows:

1. Kerojet fuel and aviation gasoline are not in short supply.

2. Exemption of kerojet fuel and aviation gasoline from the allocation and price regulations will not have an adverse impact on the supply of any other oil or refined petroleum product subject to the EPAA.

3. Following exemption of kerojet fuel and aviation gasoline from regulations, competition and market forces should be adequate to protect consumers.

4. Exemption of kerojet fuel and aviation gasoline from regulation will not result in inequitable prices for any class of user of kerojet fuel, aviation gasoline, or other products.

5. The exemption of kerojet fuel and aviation gasoline will not have adverse impacts on any governmental unit, state or region.

6. As long as supplies remain adequate, exemption of kerojet fuel and aviation gasoline will not have an adverse effect on the availability of consumer goods and services; the Gross National Product (GNP); competition; small business; supply and availability of energy resources as fuel or feedstock for industry; consumer prices; the Consumer Price Index, or the implicit price deflator for the GNP; or the rate of unemployment.

We also believe that as long as supplies continue to be adequate, the continuation of allocation and price regulations on kerojet fuel and aviation gasoline is unnecessary to protect the public health, safety and welfare, and the national defense (section 4(b)(1)(A)); the maintenance of all public services (section 4(b)(1)(B)); the maintenance of agricultural operations (section 4(b)(1)(C)); or the maintenance of exploration for and production or extraction of fuels and minerals (section (4)(b)(1)(G)). Adequate supply and the positive effects of increased competition should also ensure that the exemption of kerojet fuel and aviation gasoline would be consistent with the preservation of an economically sound and competitive petroleum industry (section 4(b)(1)(D)); the equitable distribution of crude oil, residual fuel oil and refined petroleum products at equitable prices (section 4(b)(1)(F)); economic efficiency (section 4(b)(1)(H)); and minimization of economic distortion, inflexibility, and interference with market mechanisms (section 4(b)(1)(I)). The exemption should have no adverse effect on the allocation of suitable crude oil to domestic refineries (section 4(b)(1)(E)).

IV. Standby Authority

Section 12(f) of the EPAA provides that following the exemption of any refined product category from regulation, the DOE shall have the authority at any time to reimpose price regulations if necessary to attain the objectives of the EPAA. For this reason, we are adopting amendments which exempt kerojet fuel and aviation gasoline from the general price regulations but which do not delete those regulations from the Code of Federal Regulations. We have, in effect, converted them to standby status, so that, in the event of shortages or other occurrences which might require reimposition of regulations, we may, with appropriate modifications, quickly put them back into effect. In this connection, we have recently adopted additional standby production allocation and price regulations (44 FR 3928, January 18, 1979) that may be ordered into effect with respect to kerojet fuel and aviation gasoline.

(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, and Pub. L. 95-91; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385, and 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 FR 23185; E.O. 12009, 42 FR 46267)

In consideration of the foregoing, Parts 210 and 212 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective on the first day following the expiration of the fifteen-day Congressional review period provided for by section 551 of the Energy Policy and Conservation Act.

Issued in Washington, D.C., January 31, 1979.

DAVID J. BARDIN,
Administrator, Economic Regulatory Administration.

1. Section 210.35 is amended by revising subparagraph (g)(2) and by adding subparagraph (h)(2) to read as follows:

§ 210.35 Exempted products.

* * * * *

(g) * * *

(2) Aviation jet fuel as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

(h) * * *

(2) Aviation gasoline as defined in § 212.31 of this chapter is exempt from the provisions of Part 212 of this chapter.

2. Section 212.31 is amended in the definition of "covered products" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means butane, crude oil, gasoline, natural gas liquids, natural gasoline, and propane. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend. A blend of one or more covered products with one or more non-petroleum-based products is a covered product if the covered product or products constitutes more than 50 percent by volume of the blend, and is that covered product which is the most predominant by volume in the blend.

* * * * *

3. Section 212.56 is amended to read as follows:

§ 212.56 General refinery products.

(a) The following general refinery products are exempt from the provisions of this part: Aviation gasoline, benzene, gas oil, greases, hexane, kerosene, lubricant base oil stocks, lubricants, naphthas, No. 1 heating oil, No. 1-D diesel fuel, residual fuel oil, special naphthas (solvents), toluene, unfinished oils, xylene, and other finished products.

(b) The following general refinery products are not exempt from the provisions of this part: Butane, natural gas liquids, natural gasoline, and propane.

4. Part 212 is amended by adding a new § 212.58 as follows:

§ 212.58 Aviation jet fuel.

The sales of aviation jet fuel are exempt from the provisions of this part.

[FR Doc. 79-3908 Filed 2-1-79; 8:45 am]

federal register

MONDAY, FEBRUARY 5, 1979
PART VI



OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

[3110-01-M]

OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report ten proposals to rescind a total of $914.6 million in budget authority previously provided by the Congress. In addition, I am reporting six new deferrals of budget authority totalling $1,169.8 million and six revisions to previously transmitted deferrals increasing the amount deferred by $28.8 million.

The rescission proposals affect programs in the Departments of Energy, Health, Education and Welfare, Housing and Urban Development, the Interior, and several independent agencies.

The new deferrals and revisions to existing deferrals involve programs of the Departments of Agriculture, Commerce, Defense, Energy, the Interior, Justice, Labor, Transportation, the Treasury, and the Tennessee Valley Authority.

The details of each rescission proposal and deferral are contained in the attached reports.

THE WHITE HOUSE,
January 31, 1979.

JIMMY CARTER.

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission No.	Item	Budget Authority
	Department of Energy:	
R79-2	Fossil energy construction	50,000
	Department of Health, Education and Welfare:	
	National Institutes of Health	
R79-3	Buildings and facilities	37,000
	Health Resources Administration	
R79-4	Health Resources	167,893
	Office of Education	
R79-5	Special projects and training	22,365
	Department of Housing and Urban Development:	
R79-6	Subsidized housing programs	600,000
	New Communities Development Corporation	
R79-7	New community assistance grants	8,167
	Department of the Interior:	
	Bureau of Mines	
R79-8	Helium fund	3,127
	National Aeronautics and Space Administration:	
R79-9	Research and program management	2,400
	Foreign Claims Settlement Commission:	
R79-10	Payment of Vietnam prisoner of war claims	9,000
	Small Business Administration:	
R79-11	Salaries and expenses	14,665
	Subtotal, rescission proposals	914,617

Deferral No.	Item	Budget Authority
	Department of Agriculture:	
	Forest Service	
D79-3A	Expenses, brush disposal	37,501
	Department of Commerce:	
	National Oceanic and Atmospheric Administration	
D79-47	Operations, research and facilities	500
D79-7A	Fisheries loan fund	5,637
	Department of Defense - Civil:	
D79-9A	Wildlife conservation, military reservations	588
	Department of Energy:	
	Energy Programs	
D79-48	Uranium enrichment-operating expenses	63,000
	Department of the Interior:	
	Bureau of Land Management	
D79-46A	Oregon and California grant lands	14,712
	Department of Justice:	
	Community Relations Service	
D79-49	Salaries and expenses	572

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Department of Labor:	
	Employment and Training Administration	
D79-50	Employment and training assistance	122,133
	Department of Transporation:	
	Federal Aviation Administration:	
D79-20A	Facilities and equipment	311,435
	Urban Mass Transportation Administration	
D79-51	Urban mass transportation fund	968,616
	Department of the Treasury:	
	Office of the Secretary	
D79-40A	Antirecesssion financial assistance fund	8 1/
	Tennessee Valley Authority:	
D79-52	Payment to the Tennessee Valley Authority fund.	15,000
	Subtotal, deferrals	1,539,702
	Total, rescission proposals and deferrals	2,454,319

1/ Outlays only.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979
(in thousands of dollars)

	Rescissions	Deferrals
Fifth special message:		
New Items	914,617	1,169,821
Changes to amounts previously submitted	—	28,777
Effect of the fifth special message	914,617	1,198,598
Previous special messages	75	2,866,522
Total amount proposed in special messages	914,692	4,065,120 1/
	(in 11 rescission proposals)	(in 52 deferrals)

1/ This amount represents budget authority except for $3,974,000 in two Treasury Department deferrals of outlays only (D79-40A and D79-25A).

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Energy	New budget authority (P.L. 95-465) $ 99,709,000
Bureau	Other budgetary resources 62,351,000
Appropriation title & symbol Fossil Energy Construction 89X0214	Total budgetary resources 162,060,000
	Amount proposed for rescission $ 30,000,000
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: These funds were appropriated in fiscal year 1979 and prior years for the construction of a low/medium BTU coal gasification demonstration plant. The rescission proposal results from the conclusion reached by the Administration that construction of a third coal gasification demonstration plant is not necessary given the limited market outlook for this fuel, the expected cost of the product gas, the limited technical and economic information which would be produced and the existence of adequate incentives in the private sector to construct such facilities where circumstances warrant. The two coal gasification demonstration plants which are currently supported with Federal funds are sufficient to demonstrate this technology.

Estimated Effects: If the rescission proposal is approved, the construction of a third coal gasification demonstration plant will not be undertaken in fiscal year 1979 or 1980. This will not adversely affect fossil energy research and development efforts which include an aggressive coal gasification program.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	$0.3
2. Outlay savings included in the budget outlay estimate	10.0
Current Outlay Estimates for FY 1979:	
3. Without rescission	90.3
4. With rescission	80.3
5. Current outlay savings (line 3 - line 4)	10.0
Outlay savings for FY 1980	20.0
Outlay savings for FY 1981	10.0
Outlay savings for FY 1982	10.0

R79-2

TITLE II - RELATED AGENCIES

Department of Energy

Fossil Energy Construction

Of the funds appropriated under this head in Public Law 95-465, $50,000,000 are rescinded.

Rescission Proposal No: R79-3

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. 95-480) $ 67,950,000
Bureau National Institutes of Health	Other budgetary resources 26,998,655
Appropriation title & symbol Buildings and Facilities 75X0838	Total budgetary resources 94,948,655
	Amount proposed for rescission $ 37,000,000
OMB identification code: 75-0838-0-1-552	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year _____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979 (P.L. 95-480) appropriated $37 million to construct a four-story child health research building on the grounds of the National Institutes of Health (NIH) in Bethesda, Maryland. There is no evidence that a new intramural facility would materially improve the quality of research in this area. Research that would be done in this facility is presently being conducted at other NIH locations. Although these are located in various facilities across the NIH campus, there is no noticeable negative impact on the research effort being conducted. Therefore, these funds are proposed for rescission.

The Administration has proposed and Congress has enacted increases in funding for clinical health research grants and contracts in recognition of the priority placed on such research. Resource increases for child health can be utilized more effectively for research projects than facility construction.

Estimated effect:

If this proposal is approved, the new child health research facility will not be built. This will have no negative impact on the quality of the research conducted in this area.

Outlay effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimated for 1979	$65.8
2. Outlay savings included in the budget outlay estimate	4.0
Current Outlay Estimates for FY 1979:	
3. Without rescission	69.8
4. With rescission	65.8
5. Current outlay savings (line 3 - line 4)	4.0
Outlay savings for FY 1980	12.0
Outlay savings for FY 1981	19.0
Outlay savings for FY 1982	2.0

TITLE II - DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Buildings and Facilities

Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $37,000,000 are rescinded.

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Department of Health, Education and Welfare	New budget authority (P.L. 95-480; 95-482; 95-355): $ 759,912,000
Bureau: Health Resources Administration	Other budgetary resources: 2,281,000
Appropriation title & symbol: Health Resources 7590712 756/90712	Total budgetary resources: $ 762,193,000
	Amount proposed for rescission: $ 167,893,00
OMB identification code: 75-0712-0-1-550	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program 1/ ☐ Yes ☐ No	☐ Other
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year September 30, 1979 (expiration date)	☐ Contract authority
☐ No-year	☐ Other

Justification: During the 1960's and 1970's, there was a major increase in the supply of health manpower, partly as a result of increased Federal institutional and student assistance to support expanded numbers of health professions students and training programs. It is estimated that the number of practitioners in the major health professions categories will increase by another 70% between 1975 and 1990. In every case, the supply increase will far exceed population growth, raising the practitioner-to-population ratios well above current levels.

The ratio of physicians to population is projected to rise from about 177 per 100,000 in 1975 to 241 per 100,000 in 1990, a 37% increase. Moreover, the number of active nurses has more than doubled since 1957 to over 1,000,000 in 1978. The outlook is also good for adequate growth in the supply of nurses during the coming decade. The current adequate supply and projected increases in the numbers of health professionals underscore the fact that special Federal subsidies are no longer required merely to increase the supply of particular categories of health professionals.

Federal support for health professions training is being redirected as part of a national health plan strategy to address the needs of the poor and underserved. The President's 1979 Budget emphasized support for service commitment scholarships rather than continued funding for institutional subsidies or non-service-related student assistance. Moreover, increased emphasis is being placed on the needs-based student assistance grant and loan programs of the Office of Education and undergraduate health professions training, e.g., nurse training.

1/ These funds support both grant and non-grant programs.

The $167,893,000 in health professions training funds proposed for rescission in 1979 includes funding for capitation grants, nursing student and institutional assistance, health professions non-service student loans, and emergency medical training grants. These funds have been identified as unnecessary to program needs for meeting the goal of providing health services to the medically underserved. This is in keeping with the strategy further articulated in the President's 1980 Budget to terminate capitation grants and initiate a phaseout of other institutional subsidies and student assistance programs that in the past have served to increase the supply of health professionals without regard to specialty or geographic shortages. There are more efficient and effective means for addressing health manpower needs in shortage areas than the programs supported by the training funds proposed for rescission. The Administration supports numerous approaches, including service commitment scholarships and family medicine and primary care residency training grants.

Estimated Effects: Federal support for health professions training will continue at a level of nearly $375 million in 1979, including $77 million for service commitment scholarships. These scholarships will support health professions training in return for service in medically underserved areas. The proposed rescission of $168 million in institutional subsidies and non-service-related student assistance would not affect the goal of providing services to the medically underserved.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:

1. Budget outlay estimate for FY 1979	$630.4
2. Outlay savings, included in the budget outlay estimate	30.0

Current outlay estimates for FY 1979:

3. Without rescission	660.4
4. With rescission	630.4
5. Current outlay savings	30.0
Outlay savings for FY 1980	109.1
Outlay savings for FY 1981	28.8

R79-4

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

Of the funds provided for "Health resources" for fiscal year 1979 in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, and in P.L. 95-482, $167,893,000 are rescinded.

Rescission Proposal No: R79-5

R79-5

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Health, Education and Welfare	New budget authority (P.L. 95-480) $ 134,472,000
Bureau Office of Education	Other budgetary resources ____
Appropriation title & symbol	Total budgetary resources 134,472,000
Special projects and training 7590270	Amount proposed for rescission $ 22,365,000
OMB identification code: 75-0270-0-1-503	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☒ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ____ (expiration date)	☐ Contract authority
☐ No-year	☐ Other ____

Justification: Public Law 95-207 authorized a new program of formula grants to States as an incentive for State and local education agencies to carry out comprehensive career education efforts using their own financial resources. In addition, discretionary grants were authorized to demonstrate the best career education procedures at the postsecondary level.

The Administration does not believe this career education incentive program is needed or is a Federal responsibility. There is no evidence that States need Federal intervention in order to implement career education programs using their own funds. Nine States already have laws requiring career education programs or have line items in their state budgets for career education. All of the States have career education plans. Demonstration of career education programs is a valid Federal activity and authority exists to conduct such demonstrations. The Administration is proposing to reprogram $10.1 million of the $32.5 million enacted for Career Education Incentives in 1979 to carry out career education demonstration projects under the Special Projects Act. The remaining $22.4 million is proposed for rescission. In addition, $10.1 million is being requested in FY 1980 to continue the demonstration projects under the Special Projects Act.

Estimated Effects: The effect of the reprogramming and rescission proposal will be to terminate the career education incentives program in FY 1979. However, career education programs would not suffer because the Administration is requesting funding under the Special Projects Act.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	$101.1
2. Outlay savings included in the budget outlay estimate	4.5
Current Outlay Estimates for FY 1979:	
3. Without rescission	105.6
4. With rescission	101.1
5. Current outlay savings (line 3 - line 4)	4.5
Outlay savings for FY 1980	7.1
Outlay savings for FY 1981	10.8

R79-5

TITLE II - DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

EDUCATION DIVISION

Office of Education

Special Projects and Training

Of the funds appropriated under this head in the Departments of Labor and Health, Education, and Welfare Appropriations Act, 1979, $22,365,000 are rescinded.

Rescission Proposal No: R79-6

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L.) $
Bureau	Other budgetary resources 600,000,000
Appropriation title & symbol Subsidized Housing Programs (State Housing Finance and Development Agencies) 86X0165	Total budgetary resources 600,000,000 Amount proposed for rescission $ 600,000,000
OMB identification code: 86-0139-0-1-604	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Section 802 of the Housing and Community Development Act of 1974 (Public Law 93-383) authorized interest subsidy grants to and Federal guarantees of obligations issued by State housing finance and development agencies. The Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1976 (Public Law 94-116) provided $15,000,000 in contract authority over a 40-year period (totalling $600,000,000). These funds were made available to State housing agencies for interest subsidies on obligations issued to finance Section 8 lower-income housing assistance projects.

Since enactment of the legislation, State agencies have been able to obtain financing under more favorable terms because of market conditions. The agencies have shown little or no additional interest in this program. Of the eleven contracts that were written, all have been cancelled and no funds have been utilized. Therefore, rescission of this unneeded contract authority is proposed.

Estimated Effects: This rescission proposal will terminate this unused grant program.

Outlay Effect: There is no outlay effect from this proposal because the funds would not be used if made available.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

State Housing Finance and Development Agencies

Appropriations and contract authority provided for in the Housing and Urban Development - Independent Agencies Appropriation Act, 1976, for interest grant payments pursuant to Section 802(c) (2) of the Housing and Community Development Act of 1974 (88 Stat. 722) are rescinded.

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L.) $ —
Bureau New Community Development Corporation	Other budgetary resources 8,167,000
Appropriation title & symbol	Total budgetary resources 8,167,000
New Community Assistance Grants 86X0149	Amount proposed for rescission $ 8,167,000
OMB identification code: 86-0149-0-1-451	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: Section 718 of the Housing and Urban Development Act of 1970, as amended, authorizes grants for distribution to developers to supplement public facility projects in existing new communities. These supplemental grants are no longer necessary for the communities which remain in the program. The communities are eligible for assistance under the Community Development Block Grant program as authorized by Title I of the Housing and Community Development Act of 1974, as amended. This program is more flexible than the supplemental grants program. Consequently, very few communities have used the supplemental grants in the past few years. In fact, there has been no new net activity in this program since September 30, 1976.

Estimated Effects: This rescission will have no effect on either the budget program of the New Community Development Corporation or the communities themselves due to the adequate availability of necessary funds under the block grant program for which new community developers are eligible recipients.

Because there has been no new activity over the past few years, it is unlikely that there would be any use of the program if the funds continued to be available.

Outlay Effect: There is no outlay effect resulting from this rescission proposal.

R79-7

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Community Assistance Grants

Any amounts not administratively committed from appropriations provided for grants, as authorized by section 412 of the Housing and Urban Development Act of 1968, as amended (42 U.S.C. 3911) and sections 718 and 720 of the Housing and Urban Development Act of 1970 (42 U.S.C. 4519, 45 U.S.C. 4521), are rescinded.

Special Proposal No: R79-8

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L.) $
Bureau Bureau of Mines	Other budgetary resources 20,369,000
Appropriation title & symbol Helium Fund 14X4053	Total budgetary resources 20,369,000
	Amount proposed for rescission $ 3,127,000
OMB identification code: 14-4053-0-3-306	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☐ Appropriation ☐ Contract authority ☒ Other (Borrowing Authority)

Justification: Since its discovery in 1893 until the early 1960's, helium was produced and sold only by the Federal Government. Demand for helium for traditional uses, such as welding and leak detection, grew over the years but was greatly expanded in the late 1950's with NASA and Defense efforts which used helium in rocket programs. Projection of such demand led to the belief that helium concentrated in producing natural gas wells should be extracted and stored for future Government needs. This led to amendments of the Helium Act (50 U.S.C. 167) which authorized the Department of the Interior to enter into helium purchase contracts with natural gas producers and to stockpile the acquired helium. To this end, the Department was provided with contract and borrowing authority for helium contract purchases.

Since 1971 significant changes in helium demand have occurred. NASA and DOD efforts have either been cut back or new methods not requiring helium have been adopted. Government purchases of helium were therefore terminated in the early 1970's and the available contract authority has either lapsed or been rescinded since that time. However, a residual amount of $3,127,000 of borrowing authority still remains available to the helium program.

Since contracts by which the Government would purchase and store helium at public expense are not justifiable in view of past experience and the estimated future availability of and demand for helium, this excess amount of borrowing authority is proposed for rescission.

Estimated Effects: There are no programmatic or budgetary effects resulting from this proposal.

Outlay Effect: No effect on outlays results from this rescission proposal.

DEPARTMENT OF THE INTERIOR

Bureau of Mines

Helium Fund

Of the borrowing authority provided in the Department of the Interior and related agencies Appropriation Act, 1962, $3,127,000 are rescinded.

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency National Aeronautics and Space Administration	New budget authority (P.L. 95-392) $910,500,000
Bureau	Other budgetary resources 33,300,000
Appropriation title & symbol: Research and program management 8090103	Total budgetary resources 943,800,000
	Amount proposed for rescission $2,400,000
OMB identification code: 80-0103-0-1-999	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification: The Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1979 (Public Law 95-392) provided funds for the National Aeronautics and Space Administration (NASA) to purchase an administrative aircraft for which existing aircraft may be exchanged in part payment. NASA estimates the cost to the appropriations in FY 1979 would be approximately $2,400,000. This rescission is proposed since procurement of a new administrative aircraft at this time is: (a) not essential to carry out the objectives of the Nation's aeronautics and space programs, and (b) is not consistent with the President's desire to reduce governmental operating and administrative travel costs. Existing agency administrative aircraft and commercial airlines can adequately meet the travel requirements of NASA management.

Estimated Effects: This proposal will not significantly impact the travel needs of the agency. Existing administrative aircraft and commercial airlines can adequately meet the travel requirements of NASA.

Outlay Effect: (estimated in millions of dollars)

Comparison with President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	936.5
2. Outlay savings, if any, included in the budget outlay estimate	2.4
Current Outlay Estimates for FY 1979:	
3. Without rescission	938.9
4. With rescission	936.5
5. Current outlay savings (line 3 - line 4)	2.4
Outlay savings for FY 1980	---

R79-9

TITLE II - INDEPENDENT AGENCIES

National Aeronautics and Space Administration

Research and Program Management

Of the funds appropriated under this head in the Department of Housing and Urban Development - Independent Agencies Appropriation Act, 1979, $2,400,000 are rescinded.

R79-10

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency Foreign Claims Settlement Commission	New budget authority (P.L.) $
Bureau	Other budgetary resources 10,044,000
Appropriation title & symbol: Payment of Vietnam Prisoner of War Claims 1/ 79X0104	Total budgetary resources 10,044,000
	Amount proposed for rescission 2/ $ 9,000,000
OMB identification code: 79-0104-0-1-152	Legal authority (in addition to sec. 1012): ☒ Antideficiency Act
Grant program ☐ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☐ Multiple-year (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Public Law 91-289, approved June 24, 1970, authorizes the Foreign Claims Settlement Commission to adjudicate and certify for payment the claims of American military and civilian prisoners of war held during the Vietnam conflict, or their survivors. Before claims can be certified for payment by the Commission, the appropriate military services must determine the individual's POW status and, in the case of claims by the survivors of missing persons where evidence of captivity exists, it must also determine the date of death. Most of these determinations have been completed.

Appropriations totalling $16,565,000 were provided in 1971, 1972, and 1973 to remain available until expended for the payment of Vietnam POW claims. Of the $11,059,000 remaining available in fiscal year 1979, $1,015,000 was transferred to the Commission's Salaries and expenses account pursuant to the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act of 1979 (Public Law 95-431), $150,000 was apportioned for the payment of any claims that may result from status determinations of the military services, and $9,000,000 is proposed for rescission. The remaining balance of $894,000 is considered adequate to pay any additional claims and cover any awards that may be made during the three years a claimant has to contest an adjudicated claim. That balance remains deferred.

1/ This account is the subject of a deferral (D79-29).
2/ This amount was included in a deferral (D79-29) transmitted to the Congress on October 2, 1978.

Estimated Effects:

There are no programmatic or budgetary effects resulting from this rescission proposal.

Outlay Effect:

There is no outlay effect of this rescission proposal because the funds could not be used if made available.

Chapter X
RELATED AGENCIES
Foreign Claims Settlement Commission
Payment of Vietnam and U.S.S. Pueblo Prisoner of War Claims

Of the funds appropriated under this head in Public Law 93-50, $9,000,000 are rescinded.

Rescission Proposal No: R79-11

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

Agency: Small Business Administration	New budget authority (P.L. 95-431): $200,000,000
Bureau:	Other budgetary resources: —
Appropriation title & symbol: Salaries and Expenses 7390100	Total budgetary resources: $200,000,000
	Amount proposed for rescission: $14,665,000
OMB identification code: 73-0100-0-1-376	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other: —
Type of account or fund: ☒ Annual ☐ Multiple-year — (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other: —

Justification

The Departments of State, Justice, Commerce, the Judiciary, and Related Agencies Appropriation Act 1979 (P.L. 95-431) provided $200,000,000 for salaries and operational expenses of the Small Business Administration (SBA). This amount was $34,900,000 in excess of the President's request of $165,100,000. This proposal is to rescind $14,665,000 of that additional funding in those areas where funds could not be spent in an efficient and effective manner.

Funds are proposed for rescission which would permit a significant expansion of the small business development center (SBDC) program beyond its current pilot stage. The SBA is now undertaking a comprehensive evaluation of its SBDC pilot program. Until results of that evaluation are available, it would be premature to provide additional funds for this program.

Funding for increased economic research and other special studies are also proposed for rescission. Before conducting more sophisticated economic policy studies, the SBA needs to concentrate on establishing a more accurate, credible data base on the performance of the small business sector in the U.S. economy. When more reliable economic and statistical data on small business is available, the SBA will be able to determine more exactly what research studies should be conducted and in what order of priority.

The rescission proposal also includes reductions in management assistance contracts and other procurement support activities. Both areas will receive significant funding increases in fiscal year 1979, and the amounts to be rescinded would, if retained, place severe strains on the agency's capability to spend funds effectively.

R79-11

Finally, this proposal includes reductions in administrative expenses for non-essential travel and printing activities in support of the Administration's anti-inflation efforts to hold down Federal spending.

Estimated Effects

This rescission will reduce funding for certain activities in SBA's Salaries and Expenses budget account, but will not significantly impact the agency's essential programs.

Outlay Effect (estimated in millions of dollars)*

Comparison with the President's FY 1980 Budget:	
1. Budget outlay estimate for FY 1979	185.0
2. Outlay savings included in the Budget outlay estimate	14.7
Current outlay estimates for FY 1979:	
3. Without rescission	199.6
4. With rescission	185.0
5. Current outlay savings (line 3 - line 4)	14.7
Outlay savings for FY 1980	—

* Detail does not add to total due to rounding.

TITLE V - RELATED AGENCIES

Small Business Administration

Salaries and Expenses

Of the funds appropriated under this head in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, $14,665,000 are rescinded.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-3 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral for the Department of Agriculture's Expenses, brush disposal account increases the amount previously reported as deferred from $32,224,790 to $37,501,072. This increase of $5,276,282 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $5,276,282 higher than had been originally estimated.

Deferral No: D79-3A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Agriculture	New budget authority (P.L. 16 USC 490): $36,902,000
Bureau: Forest Service	Other budgetary resources: 45,111,072*
Appropriation title & symbol: Expenses, Brush Disposal 1/ 12X5206	Total budgetary resources: 82,013,072*
	Amount to be deferred: Part of year: $; Entire year: 37,501,072*
CFDA identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: Purchasers of National Forest timber deposit the estimated cost to the Forest Service of the disposing of brush and other debris resulting from their cutting operations pursuant to 16 USC 490. The deposits becoming available in the current year are estimated and the related disposal operations are planned for the following year. Efficient program planning and accomplishment is facilitated by operating a stable program well within the funds available in any one year for this purpose. An apportionment of $44.5 million has been requested by the Forest Service for this program in the current fiscal year compared with $37.8 million in 1978 and $39.5 million in 1977. The current fiscal year reserve of $37.5 million was established pursuant to the Antideficiency Act (31 USC 665) as a reserve for contingencies compared with reserves of $34.5 million in 1978 and $22.3 million in 1977.

Disposal operations related to deposits made during certain periods of the year cannot be initiated until weather conditions permit. Thus, seasonal factors frequently require deferring the use of deposits until the following fiscal year.

Estimated Effect: There are no programmatic or budgetary effects that result from this deferral action. Rather, the reserve merely reflects the seasonal nature of program funding requirements.

Outlay Effect: There is no outlay effect of this deferral because the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1978.
* Revised from previous report.

Deferral No: D79-47

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 95-431): $660,650,000
Bureau: National Oceanic and Atmospheric Administration (NOAA)	Other budgetary resources: 88,946,596
Appropriation title & symbol: Operations, research and facilities 1/ 13x1450	Total budgetary resources: 749,596,[illegible]
	Amount to be deferred: Part of year: $ 500,000; Entire year:
CFDA identification code: 13-1450-0-1-306	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: Funds were provided in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1979, for the expansion of the National Weather Service's (NWS) community preparedness program. The additional funding and personnel are to be transferred to the new Federal Emergency Management Administration (FEMA) pursuant to Reorganization Plan No. 3 of 1978. FEMA is expected to begin operation in April, 1979. In order to allow FEMA to hire its own personnel and utilize the appropriated funds in concert with its overall mission, $500,000 is deferred for part of the year.

This action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects: This deferral will have the effect of delaying for a few months the application of these funds to the functions of the Community Preparedness Program. It will also assure continued funding of this function with the advent of FEMA. Funds not utilized in FY 1979 will be applied to meeting the cost of the program in FY 1980.

Outlay Effect: This deferral will have the effect of shifting an estimated $400,000 in outlays from FY 1979 to FY 1980.

1/ This account was the subject of a deferral in FY 1978.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-7 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral for the Commerce Department's Fisheries loan fund increases the amount previously reported as deferred from $5,428,795 to $5,637,189. This increase of $208,394 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $208,394 higher than had been originally estimated.

Deferral No: D79-7A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Commerce	New budget authority (P.L. ____) $ ____
Bureau National Oceanic and Atmospheric Administration	Other budgetary resources 6,237,189*
Appropriation title & symbol: Fisheries Loan Fund 1/ 137/04317	Total budgetary resources 6,237,189*
	Amount to be deferred: Part of year $ ____
	Entire year 5,637,189*
CIS identification code: 13-4317-0-3-376	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☐ Appropriation
☒ Multiple-year September 30, 1980 (expiration date)	☐ Contract authority
☐ No-year	☒ Other 16 U.S.C. 742c

Justification: This fund was established pursuant to the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742c). Its purpose is to provide funds for loans to segments of the fishing industry unable to obtain commercial loans on reasonable terms for financing the cost of purchasing, constructing, equipping, maintaining, repairing and operating new or used fishing vessels or gear.

In 1965, the Act was amended to require the National Oceanic and Atmospheric Administration (NOAA) to pay interest to the Treasury on the difference between the available funds and the cash balance at the end of the year. The current program covers the 1979 interest liability of $580,000 and provides $20,000 for the care and preservation of collateral throughout the year. Of the total budgetary resources in the fund, only these amounts are presently planned for expenditure in 1979 to support the estimated program requirements.

On February 20, 1973, the Administrator of NOAA declared a moratorium on accepting further loan applications effective March 1, 1973, due to a level of loans outstanding and loan applications pending which exceeded the Fund's capital. Additionally, the General Accounting Office concluded in a report issued February 22, 1973, that loans made from the Fisheries Loan Fund (1) allowed the continued use of inefficient vessels rather than improving vessels and equipment for more efficient and profitable fishing, and (2) maintained or added vessels to segments of the fishing industry which were considered to have excess, but not necessarily efficient harvesting capacity. GAO recommended that

1/ This account was the subject of a similar deferral in FY 1978.

* Revised from previous report.

the Secretary of Commerce develop criteria for evaluating vessel efficiency and priorities for directing these program funds.

The Department has determined that legislative clarification of the Act is needed to establish criteria for directing the Fund. Draft legislation is being prepared. This reserve is in accordance with the Antideficiency Act (31 U.S.C. 665) The funds could not be used effectively until there is clarification of legislative intent.

Estimated Effects: Under the existing laws and regulations the proposed deferral has no effect on the Fisheries Loan Fund activities as planned for FY 1979.

Outlay Effect: No outlay effect results from this deferral action.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-9 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral of Department of Defense wildlife conservation funds increases the amount previously reported as deferred from $457,975 to $587,790. This increase of $129,815 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $129,815 higher than had been originally estimated.

Deferral No: D79-9A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Defense-Civil	New budget authority (16 U.S.C. 670f (a))	$ 898,000
Bureau:	Other budgetary resources	587,790*
Appropriation title & symbol: See coverage section below	Total budgetary resources	1,485,790*
	Amount to be deferred: Part of year	$
	Entire year	587,790*
OMB identification code: See Coverage section below	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act	
Grant program: ☐ Yes ☒ No	☐ Other	
Type of account or fund: ☐ Annual; ☐ Multiple-year (expiration date); ☒ No-year	Type of budget authority: ☒ Appropriation; ☐ Contract authority; ☐ Other	

Coverage 1/*

Appropriation	Symbol	OMB Identification Code	Amount Deferred
Wildlife conservation, Army	21X1500	21-1500-0-1-303	$442,248
Wildlife conservation, Navy	17X1501	17-1501-0-1-303	103,376
Wildlife conservation, Air Force	57X1502	57-1502-0-1-303	42,166
			$587,790

Justification: These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law—to carry out a program of natural resource conservation.

Since apportionments have been made for all known program requirements, prudent financial management requires the deferral of the balance of the funds, which could not be used effectively during the current year even if made available for obligation. These funds are being deferred under the provisions of the Antideficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project, and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months. Additional amounts will be apportioned if program requirements are identified.

Estimated Effects: These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

Outlay Effect: There is no outlay effect of this deferral because the funds could not be used if made available.

1/ These accounts were the subject of a similar deferral during FY 1978.
* Revised from previous report.

Deferral No: D79-48

D79-46A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 95-482): $4,818,431,000
Bureau:	Other budgetary resources: 2,141,289,000
Appropriation title & symbol1/: Uranium Enrichment-Operating Expenses 89X0226 (Energy Science and Defense Activities - Operating Expenses - 89X0210)	Total budgetary resources: 6,959,720,000
	Amount to be deferred: Part of year: $; Entire year: 63,000,000
OMB identification code: 89-0226-0-1-271	Legal authority (in addition to sec. 1013): [X] Antideficiency Act; [ ] Other
Grant program: [ ] Yes [X] No	
Type of account or fund: [ ] Annual; [ ] Multiple-year (expiration date); [X] No-year	Type of budget authority: [X] Appropriation; [ ] Contract authority; [ ] Other

Justification: These funds were provided in FY 1979 and prior years to enable the Department of Energy to furnish uranium enrichment services to domestic and foreign utilities. The current anticipated demand for these services has shifted from 1979 to 1980 which would result in decreased production in 1979 with a corresponding production increase in 1980. The deferral would permit this shift to occur and would more correctly correlate production with demand, eliminating unnecessary additions to stockpile in FY 1979.

This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665), which authorizes the President to establish reserves to effect savings whenever savings are made possible through changes in requirements or greater efficiency of operations.

Estimated Effect: Presently, enriched uranium production is scheduled to be lower in 1980 than in 1979. Shifting of production into 1980 thus tends to equalize continuing production levels, which will actually decrease the cost of individual plant operation. In addition, present estimates for production in 1980 are so low that the Department of Energy would be subject to penalties in 1980 for not using power which has already been ordered to run the plants. This deferral would allow production to increase sufficiently to forestall any such penalties.

Outlay Effect: The net effect on outlays will be to shift $63 million in outlays from 1979 into 1980.

1/ These funds were appropriated to Energy Science and Defense Activities-Operating Expenses (89X0210). The President's Budget for 1980 displays the funds in Uranium Enrichment-Operating Expenses (89X0226).

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-46 transmitted to the Congress on December 12, 1978.

This revision to a deferral for the Interior Department's Oregon and California Grant Lands account increases the amount previously reported as deferred from $12,811,000 to $14,712,058. This increase of $1,901,058 is attributable to an unobligated balance brought forward on October 1, 1978, that was $3,221,058 higher than anticipated when the deferral was first reported. This increase is partially offset by an allocation of $1,320,000 to the Forest Service.

Deferral No: D79-46A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 95-465) $55,000,000 1/
Bureau: Bureau of Land Management	Other budgetary resources 21,151,058*
Appropriation title & symbol: Oregon and California Grant Lands 2/ 14X5136	Total budgetary resources 76,151,058*
	Amount to be deferred: Part of year $ ———
	Entire year 14,712,058*
OMB identification code: 14-5136-0-2-302	Legal authority (in addition to sec. 1013): [X] Antideficiency Act
Grant program: [ ] Yes [X] No	[ ] Other ———
Type of account or fund: [ ] Annual; [ ] Multiple-year ——— (expiration date); [XX] No-year	Type of budget authority: [ ] Appropriation; [ ] Contract authority; [X] Other Appropriated Receipts

Justification:* The Interior and Related Agencies Appropriation Act of 1979 includes an indefinite no-year appropriation equivalent to 25 percent of timber sale receipts from revested Oregon and California Railroad grant lands. The appropriated receipts provide for management, development, and protection of Federal Oregon and California grant lands including the construction and maintenance of roads. Because the appropriation is based on receipts collected in the same fiscal period and the receipts are based on the timber harvested, the total amount which will be available for obligation can only be estimated. Not only may actual receipts vary from estimates, but receipts for the last two months of the fiscal period are not known in time to make programmatic adjustments to offset a possible shortfall between estimated and actual amounts. Deferral is planned to cushion fluctuating receipt levels. This deferral is taken pursuant to the Antideficiency Act (31 U.S.C. 665).

Receipts for FY 1978 were $172,579,472 with an actual unobligated balance of $21,151,058 carried forward in FY 1979 of which $1,320,000 will be allocated to the Forest Service. New budget authority available in 1979 under terms of the appropriation is estimated to equal $55,000,000. Total resources for this program equal $76,151,058. The FY 1979 obligation program is $60,119,000 resulting in a deferral of $14,712,058.

1/ Estimated. The appropriation is for "an amount equivalent to 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands."

2/ This account was the subject of a similar deferral during FY 1978.

* Revised from previous report.

Estimated Effects: There will be no programmatic impact from this deferral in FY 1979.

Outlay Effect: There is no outlay effect resulting from this deferral.

Deferral No: D79-49

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Justice	New budget authority (P.L. 95-431) $ 5,353,000
Bureau Community Relations Service	Other budgetary resources ---
Appropriation title & symbol Salaries and expenses 1590500	Total budgetary resources 5,353,000
	Amount to be deferred: Part of year $ 572,000 Entire year
OMB identification code: 15-0500-0-1-752	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☐ Yes ☒ No	☐ Other
Type of account or fund: ☒ Annual ☐ Multiple-year (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

Justification

Funds totalling $572,000 of annual budget authority provided to the Community Relations Service (CRS) salaries and expenses account are being deferred pending Congressional approval and enactment of a transfer of these funds to the Drug Enforcement Administration in the Department of Justice.

These funds are proposed for transfer because of a reduction in CRS overhead and a reduction in the CRS staff due to implementation of a new management system that will, among other improvements, more efficiently target the Service toward cases that hold the largest potential for CRS impact.

Estimated Effect

Funds not used by the CRS because of overhead reduction and management improvements are proposed for transfer to the Drug Enforcement Administration to defray the costs of increased pay in FY 1979.

Outlay Effect

This deferral action will have the effect of reducing outlays in FY 1979 for CRS by $572 thousand, offset by an increase of the same amount in outlays for DEA.

Deferral No: D79-50

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 95-482) $ 740,200,000
Bureau Employment and Training Administration	Other budgetary resources 120,600,000
Appropriation title & symbol Employment and Training Assistance 1690174	Total budgetary resources 860,800,000
	Amount to be deferred: Part of year $ --- Entire year 122,133,000
OMB identification code: 16-0174-0-1-504	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program ☒ Yes ☐ No	☐ Other
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1980* (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other

This deferral would delay until 1980 obligation of $122,133,000 which is available for the 1979 Summer Youth Program, established in Part C, Title IV of the Comprehensive Employment and Training Act (CETA). P.L. 95-482, the continuing resolution for 1979, provided funding for 1979 at the 1978 funding level of 1.165 million part-time summer jobs, and section 112(c) of P.L. 95-524 (CETA reauthorization) extends the availability of all 1979 CETA funds which are unobligated at the end of 1979 through fiscal year 1980.

The Administration has determined that the 1979 program should be funded at 1 million jobs, approximately the level of service actually provided in 1978. This judgment is based on the potential for efficient use of funds and on the benefits of the summer program relative to other youth training and employment programs. The excess summer funds will be carried over into 1980 and used to help support the 1980 summer youth program.

Estimated Effect: This deferral will maintain the 1979 program at the 1 million summer job level achieved in 1978.

Outlay Effect: This deferral will reduce outlays in 1979 by $112,362,000.

*While the current account is an annual account, unobligated balances have been reappropriated for availability in 1980.

D79-20A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-20 transmitted to the Congress on October 2, 1978, and printed as House Document No. 95-392.

This revision to a deferral for facilities and equipment (Airport and airway trust fund) in the Federal Aviation Administration increases the amount previously reported as deferred from $290,176,286 to $311,434,629. This increase of $21,258,343 is attributable to an adjustment in unobligated balances brought forward on October 1, 1978. The adjustment was necessary because the actual amount of unobligated balances brought forward was $21,258,343 higher than had been originally estimated.

Deferral No: D79-20A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 95-335): $282,297,000
Bureau: Federal Aviation Administration	Other budgetary resources: 335,755,629*
Appropriation title & symbol: Facilities and Equipment (Airport and Airway Trust Fund), FAA 1/ 69X8107 697/98107 698/08107 699/18107	Total budgetary resources: 618,052,629*
	Amount to be deferred: Part of year: $ —— ; Entire year: 311,434,629*
CFS identification code: 69-8107-0-7-402	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ——
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multiple-year ☒ No-year — 697/98107 Sept. 30, 1979 2/ 698/08107 Sept. 30, 1980 699/18107 Sept. 30, 1981 (expiration date)	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ——

Justification:* Funds from this account are used to procure specific Congressionally approved facilities and equipment for the expansion and modernization of the national airway system. Projects financed from this account include construction of buildings and purchase of new equipment for new or improved air traffic control towers, automation of the en route airway control system and expansion and improvement in the navigational and landing aid systems. These funds were appropriated in the Department of Transportation and Related Agencies Appropriation Acts of 1979 and prior years. The estimated total cost for each project is included in the budget submission and appropriation for the year in which it is requested. Because of the lengthy procurement and construction time for interrelated new facilities and complex equipment systems, it is not possible to obligate all funds necessary to complete each project in the year funds are appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consister with the Congressional intent to provide multi-year funding for the total costs of these projects and is taken under provisions of the Antideficiency Act (31 U.S.C. 665) which requires that funds be apportioned so as to achieve their most effective and economical use.

1/ This account was the subject of a similar deferral in FY 1978.
2/ None of these funds is deferred.
* Revised from previous report.

Deferral No: D79-51

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Transportation	New budget authority (P.L. 95-335) $2,361,600,000
Bureau: Urban Mass Transportation Administration	Other budgetary resources 2,129,516,204
Appropriation title & symbol: Urban Mass Transportation Fund (Interstate Transfers) 69X1119	Total budgetary resources 4,491,116,204
	Amount to be deferred: Part of year $ ____
	Entire year 968,616,204
OMB identification code: 69-1119-0-1-401	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☐ Other ____
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☒ Contract authority ☐ Other ____

Justification: The Interstate transfer grant program was authorized by the Federal Aid Highway Act of 1973, as amended. It provides Federal financing to allow States and localities to withdraw a planned interstate highway segment, and substitute locally planned and programmed public transportation needs. These funds are available through the Department of Transportation and Related Agencies Appropriations Acts of 1979 and prior years, and the Federal-Aid Highway Acts of 1973 and 1976.

A program level of $700 million is planned for Interstate transfer grants in FY 1979 which is consistent with the level proposed for this activity in the public transportation legislative proposal which the Administration submitted to the 95th Congress. This program level is in the general range approved by the Congress in appropriations acts in recent years for Interstate transfer grants.

This deferral is proposed to maintain budgetary control in the same way that obligation limitations in appropriations acts have been used in prior years. No limitation was provided in the 1979 appropriation act because the then pending surface transportation bill included a provision that prior year contract authority would no longer be available for obligation after September 30, 1978. As enacted, however, P.L. 95-599 continues the use of contract authority as well as appropriations. The amount deferred is not expected to be used in FY 1979. This deferral action is taken in accordance with the Antideficiency Act (31 U.S.C. 665).

Estimated Effects:

This deferral action is consistent with normal operation for this program. The amount deferred could not be economically used if made available in FY 1979 because of the planned multi-year procurement, construction, and installation cycle.

Outlay Effect:

There is no outlay effect of this deferral because the funds could not be used if made available.

Estimated Effects: This deferral action will have no programmatic effects. A total of $700 million in obligations is expected in 1979 which is consistent with the budget plan.

Outlay Effect: There is no outlay effect of this deferral because the funds are not expected to be used if made available.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014 (c) of Public Law 93-344.

This report updates Defarral No. D79-40 transmitted to the Congress on December 7, 1978.

This revision of a deferral for the Antirecession financial assistance fund in the Office of the Secretary of the Treasury increases the amount previously reported as deferred from $5,000 to $8,234. This increase of $3,234 results from allocation adjustments of newly recognized governments.

Deferral No: D79-40A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. ____): $ ---
Bureau: Office of the Secretary	Other budgetary resources: 2,278,233
Appropriation title & symbol: Antirecession Financial Assistance Fund 208/90108 1/ 2/	Total budgetary resources: 2,278,233
	Amount to be deferred: Part of year 3/: $ 8,234*
	Entire year: ---
OMB identification code: 20-0108-0-1-852	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☒ Yes ☐ No	☒ Other P.L. 94-369 & P.L. 95-30
Type of account or fund: ☐ Annual ☒ Multiple-year September 30, 1979 (expiration date) ☐ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification

The Antirecession Financial Assistance Fund provides for federal economic assistance to State and local governments to help prevent those governments from taking budget relate actions which are injurious to national economic health. Scheduled payments are made on a quarterly basis. This deferral represents payments which have been withheld from various governments for reasons of noncompliance with the requirements of the Public Works Employment Act of 1976 (P.L. 94-369).

Estimated Effects

The release of these funds is contingent upon the various government's compliance with the law by submitting required forms and reports.

Outlay Effect

There is no outlay effect of this deferral. The funds will be made available this fiscal year.

1/ This account was the subject of a similar deferral during FY 1978.
2/ This account is the subject of another deferral, D79-23A.
3/ Outlays only.
* Revised from previous report.

Deferral No: D79-52

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Tennessee Valley Authority	New budget authority (P.L. 95-482): $ 154,531,000
Bureau:	Other budgetary resources: 89,823,000
Appropriation title & symbol: Payment to the Tennessee Valley Authority Fund 64x4110	Total budgetary resources: 244,354,000
	Amount to be deferred: Part of year: $ ____
	Entire year: 15,000,000
OMB identification code: 64-4110-0-3-999	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☒ Other P.L. 95-482; TVA Act of 1933
Type of account or fund: ☐ Annual ☐ Multiple-year ____ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ____

Justification:

Several endangered mussel species have been identified as inhabiting the Duck River in the vicinity of the Columbia Dam. Several snail species which have been proposed for listing as threatened or endangered are also found in this area. Completion of the Columbia Reservoir as presently designed would impound a portion of the Duck River that contains at least one endangered species of mussel, (the birdwing pearly mussel), and two of the species of snails which have been proposed for listing as threatened (Dutton's river and the geniculate river snails).

The Fish and Wildlife Service has issued a biological opinion that the completion of the Columbia Dam project as presently planned will jeopardize the continued existence of the three endangered mussel species--the birdwing pearly mussel and two others. Accordingly, in light of the U.S. Supreme Court's June 15, 1978, decision in the Tellico case, (Tennessee Valley Authority v. Hill, 46 U.S.L.W. 4673 (U.S. June 15, 1978)), it would be unlawful to complete the project as originally designed absent delisting of the affected species, a modification to the Fish and Wildlife Service's biological opinion, or an exemption under the 1978 Endangered Species Act amendments.

In addition, completion of the project as planned is dependent upon issuance by the Corps of Engineers of a permit for placement of fill material under section 404 of the Clean Water Act. The section 404 permit cannot be issued without a certification issued by the State of Tennessee under section 401 of the Clean Water Act that discharges authorized by the permit will not cause violation of State water quality standards. The State's certification is being held up by an administrative appeal filed by environmental groups which oppose the project. In addition, EPA's regional staff has stated that EPA will disapprove, pursuant to section 404(b) of the Clean Water Act, the Corps' issuance of a section 404 permit on endangered species grounds should the Corps ultimately propose to do so.

As a result of these legal impediments to completion of the project, TVA must curtail certain construction activities at Columbia until a solution to the problem is found. TVA is studying alternative approaches to the project that are economical and in accordance with applicable law. The study will be completed in fiscal year 1979 and should indicate the future course of the project. Therefore, $15,000,000 is deferred pending completion of this study.

Estimated Effect:

The construction of various portions of the Columbia Dam will be delayed pending resolution of the legal and environmental problems discussed above. It is expected that this delay will result in a $15 million unobligated balance at the end of FY 1979 in the Tennessee Valley Authority Fund. This balance would then be available for obligation in subsequent fiscal years.

Outlay Effect:

There is no outlay effect from this deferral.

[FR Doc. 79-3973 Filed 2-1-79; 2:23 pm]

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