AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Vol. 44 No. 72
PAGES 21757-22024

federal register

Thursday
April 12, 1979

Highlights

NOTE— The Reader Aids section appears at the end of this issue.

21757 **National Architectural Barrier Awareness Week** Presidential proclamation

21801 **Industrial Development Grants** USDA/FmHA proposes to amend and redesignate rules, comments by 6–11–79

21768 **Section 8 Housing Assistance Payments** HUD/FHC revises method of computing adjusted monthly amount of contract rent; effective 5–14–79

21994 **Rural Housing** USDA/FmHA proposes to implement the Technical and Supervisory Assistance Grant Program to provide funds for use by low-income families in rural areas, comments by 5–14–79 (Part III of this issue)

21761 **Rural Rental Housing Loans** USDA/FmHA amends rules concerning an interim lender's making of partial payments during the construction of rural housing projects; effective 4–12–79

21824 **Tax-Exempt Organizations** Treasury/IRS proposes rules relating to the constructive filing of waivers of exemption from social security taxes, comments by 6–11–79

CONTINUED INSIDE

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202–523–5240

Highlights

22010 **Mandatory Petroleum Price Regulations** DOE/ERA adopts amendments designed to provide additional incentives for increased production of crude oil; effective 6–1–79; comments by 6–15–79 (Part IV of this issue)

21762 **Federal Credit Unions** NCUA issues statement of policy with respect to credit union service corporations

21829 **Community Services-Grantee Financial Management** CSA proposes rules concerning non-Federal share contribution requirements for financial assistance, comments by 6–11–79

21829 **Grantee Property** CSA proposes rule informing public of availability to certain grantees of surplus personal property through State agencies, comments by 4–11–79

21809 **Aircraft Vessel Reports** INS withdraws proposal requiring submission of passenger reports to INS on direct U.S.-Canadian flights

21911 **Minority Owned Businesses** OMB issues updated and expanded list

21786 **Environmental Effects Abroad of Major Defense Department Actions** DOD provides policies and procedures to implement Executive Order 12114; effective 3–31–79

21810 **Energy-Regulatory Reform** DOE solicits comments by 6–11–79 concerning the retroactive application of rules or rule interpretations

22022 **Public Utility Regulatory Policies Act** DOE/ERA solicits comments by 6–11–79 on the authority of DOE to prescribe guidelines and provide technical assistance to help state authorities to carry out responsibilities under the act (Part V of this issue)

21892 **Alcohol, Drug Abuse and Mental Health—Contractors** HEW/ADAMHA initiates policy concerning the disclosure of special relationships between ADAMHA employees and contractors that might be an indication of conflicts of interest

21785 **Search Warrant Issuance** Justice issues rule revising categories of officers authorized to requests use; effective 4–4–79

21954 **Sunshine Act Meetings**

Separate Parts of This Issue

21974 **Part II, DOT/CG**
21994 **Part III, USDA/FmHA**
22010 **Part IV, DOE/ERA**
22022 **Part V, DOE/ERA**

Contents

Federal Register

Vol. 44, No. 72

Thursday, April 12, 1979

The President

PROCLAMATIONS

21759 Architectural Barrier Awareness Week, National (Proc. 4656)

Executive Agencies

Agency for International Development

NOTICES

Meetings:

21925 International Food and Agricultural Development Board

Agricultural Marketing Services

RULES

21761 Lemons grown in Ariz. and Calif.

21759 Oranges, grapefruit, tangerines, and tangerines, grown in Fla.

21760 Oranges (navel) grown in Ariz. and Calif.

21760 Oranges (valencia) grown in Ariz. and Calif.

Agriculture Department

See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

Alcohol, Drug Abuse, and Mental Health Administraton

NOTICES

21892 Contracting process; special relationships

Antitrust Division

NOTICES

Competitive impact statements and proposed consent judgments:

21900 Childers Products Co., Inc., et al.

21903 Wholesale Tobacco Distributors of New York, Inc., et al.

Arts and Humanities, National Foundation

NOTICES

Meetings:

21905 Humanities Panel

21904 Visual Arts Policy Panel

Census Bureau

NOTICES

Meetings:

21839 Agriculture Statistics Census Advisory Committee

Civil Aeronautics Board

RULES

Air freight forwarders and cooperative shippers associations:

21767 Operating authority extension

21767 Foreign civil aircraft; navigation within U.S.; editorial amendments

PROPOSED RULES

Policy statements:

21816 Airline Deregulation Act of 1978; discrimination, prejudice, and preference in pricing

NOTICES

Hearings, etc.:

21837 Aero Uraguay

21837 Cargolux Airlines International S.A.

21838 Chatham Air Services Ltd

21836 Commuter/certificated carrier joint fares

21838 Daetwyler IWT Airfreight Corp.

21838 Delta Air Lines

21839 Miramichi Air Service Ltd.

Coal, President's Commission

NOTICES

21917 Factors affecting wildcat strikes; seminar

Coast Guard

RULES

Anchorage regulations:

21792 Rhode Island

PROPOSED RULES

Vessel traffic management:

21974 Tank vessel operation in Puget Sound

Commerce Department

See also Census Bureau; Maritime Administration; National Oceanic and Atmospheric Administration.

NOTICES

Meetings:

21842 National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete

Commodity Futures Trading Commission

NOTICES

21954 Meetings; Sunshine Act

Community Services Administration

PROPOSED RULES

Grantees, funding:

21829 Non-federal share requirements

21829 Surplus personal property; availability

Customs Service

RULES

Liquidation of duties; countervailing duties:

21768 Fasteners from Japan; correction

21768 Industrial fasteners from Japan; correction

Defense Department

RULES

21786 Environmental effects abroad of major DOD actions

Economic Regulatory Administration

RULES

Petroleum allocation and price regulations:

22010 Production incentives for marginal properties

NOTICES

Oil import allocations and licensing, 1979; reports:

21844 March

Public Utility Regulatory Policies Act of 1978:
22022 Electric utilities; DOE's assistance and intervention in State regulatory proceeding; inquiry

Energy Department
See also Economic Regulatory Administration; Federal Energy Regulatory Commission.
PROPOSED RULES
21810 Retroactive application of rules or rule interpretations; regulatory reform initiative #16; draft report; inquiry
NOTICES
Meetings:
21843 National Petroleum Council

Environmental Protection Agency
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States, etc.:
21828 Mississippi
NOTICES
Air pollution; ambient air monitoring reference and equivalent methods applications, etc.:
21861 Thermo Electron 43 Pulsed Flourescent SO_2 Analyzer
Pesticides, emergency exemption applications:
21861 Benomyl
Pesticides; temporary tolerances:
21862 Oxyfluorfen
Pesticides; tolerances in animal feeds and human food:
21862 ICI Americas, Inc.

Farmers Home Administration
RULES
Rural housing loans and grants:
21761 Rental housing loan policies, procedures, and authorizations
PROPOSED RULES
Loan and grant making:
21801 Associations; industrial development grants
Rural housing loans and grants:
21994 Technical and supervisory assistance grants

Federal Aviation Administration
RULES
Airworthiness directives:
21763 Piper
21766 Restricted areas
21763–21765 Transition areas (4 documents)
21764 VOR Federal airways
21766 VOR Federal airways and restricted areas
PROPOSED RULES
Airworthiness directives:
21811 British Aerospace
21812 Control zone and transition area
21812 Control zones
21813, 21815 Transition areas (2 documents)
21814 VOR Federal airways
NOTICES
Meetings:
21927 Aeronautics Radio Technical Commission
21926 Rochester, New York Terminal Control Area; meeting
21926 Seattle-Tacoma Terminal Control Area; meeting
21927 Terminal control areas; airspace configurations; Rocky Mountain Region

Federal Communications Commission
RULES
Frequency allocations and radio treaty matters:
21793 Joint Tactical Information Distribution System; correction
Organizations and functions:
21793 Office of the Executive Directors reporting function
PROPOSED RULES
Radio services, special:
21831 Maritime services; Class III–B public coast stations; exemption from watch requirements
NOTICES
Common carrier services:
21863 Domestic public message services; regulatory policies concerning entities other than Western Union
Hearings, etc.:
21888 Fanon/Courier Corp.
21887 WJAN Television Station
Meetings:
21887 UHF–TV Receiver Noise Figure Measurement Standards Advisory Committee

Federal Deposit Insurance Commission
NOTICES
21954 Meetings; Sunshine Act (2 documents)

Federal Energy Regulatory Commission
NOTICES
Hearings, etc.:
21852 Appalachian Power Co.
21852 Cities Service Gas Co.
21852 Colorado Interstate Gas Co.
21853 Consolidated Gas Supply Corp.
21853 El Paso Natural Gas Co.
21854 Florida Gas Transmission Co.
21853 Florida Power & Light Co
21854 Great Lakes Gas Transmission Co.
21857 Gulf & Western Industries, Inc.
21855 Gulf Power Co.
21855 Indiana & Michigan Electric Co.
21855 Kansas-Nebraska Natural Gas Co., Inc. (2 documents)
21856 Locust Ridge Gas Co.
21856 Miami Power Corp.
21856 Montana Power Co.
21856 Mountain Fuel Supply Co.
21857 New England Power Co.
21857 Niagara Mohawk Power Corp.
21858 Pacific Gas Transmission Co.
21858 Philadelphia Electric Co.
21858 South Carolina Public Service Authority
21859 St. Joseph Light & Power Co.
21859 Transcontinental Gas Pipeline Corp.
21860 Utah Power & Light Co.
21860 Valley Gas Transmission, Inc.
21954 Meetings; Sunshine Act
Natural gas companies:
21847 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend

Federal Insurance Administration
RULES
Flood elevation determinations:
21770, 21771 Lousiana (3 documents)
21722 Maine
21772–21774 Mississippi (5 documents)
21775 New York
21776–21778 North Carolina (5 documents)
21779, 21780 Oklahoma (3 documents)
21781, 21782 South Carolina (3 documents)
21782–21784 Texas (5 documents)
Flood insurance, communities eligible for sale:
21769 North Carolina et al

Federal Maritime Commission
NOTICES
21889 Agreements filed, etc.; correction
21954 Meetings; Sunshine Act

Federal Procurement Policy Office
NOTICES
21912 Minority-owned advertising agencies, production companies, media outlet and newspaper and magazine publishing companies; list

Federal Reserve System
NOTICES
Applications, etc.:
21890 Industrial National Corp.
21889 Manufacturers Hanover Corp.
21891 Meta Banco, Inc.
21891 Tuscumbia Bancshares, Inc.

Federal Trade Commission
PROPOSED RULES
Consent orders:
21820 Airco, Inc.

Fish and Wildlife Service
RULES
Fishing:
21800 Cibola National Wildlife Refuge, Calif., et al.; correction
Hunting:
21799 Charles M. Russell National Wildlife Refuge

Forest Service
NOTICES
Environmental statements; availability, etc.:
21834 Mt. Hood National Forest, roadside vegetation control, Oreg.
21835 Pacific Northwest Region, USFS Region 6; vegetation management (2 documents)
21833 Siskiyou National Forest, forest land and resource management plan, Oreg.
21833 Siskiyou National Forest, noxious weed control program, Oreg.
21834 Umpqua National Forest, forest land and resource management plan, Oreg.
21834 Wallowa-Whitman National Forest, Lower Cove yellowstar thistle control project, Oreg.
21835 Willamette National Forest; vegetation control, Oreg.

General Services Administration
RULES
Procurement, Federal:
21792 Small purchase procedures and schedule contracts for ADP requirements; extension of expiration date
NOTICES
Authority delegations:
21891 Defense Department Secretary (2 documents)
Public utilities; hearings, etc.:
21891 District of Columbia Public Service Commission

Health, Education, and Welfare Department
See also Alcohol, Drug Abuse, and Mental Health Administration; Health Care Financing Administration; National Institutes of Health.
NOTICES
21896 Health Maintenance Organizations; list correction

Health Care Financing Administration
NOTICES
Professional Standards Review Councils, Statewide; nominations, designations, etc.:
21893 New York

Holocaust, President's Commission
NOTICES
21917 Meetings

Housing and Urban Development Department
See also Federal Insurance Administration.
RULES
Low-income housing:
21768 Fair market rents and contract rent automatic annual adjustment factors

Immigration and Naturalization Service
PROPOSED RULES
21809 Aircraft-vessel reports (forms I–92); submission; flights between U.S. and Canada; withdrawal

Interior Department
See also Fish and Wildlife Service; Land Management Bureau.
NOTICES
Environmental statements; availability, etc.:
21900 Grand Junction Grazing Management, Colo.

Internal Revenue Service
PROPOSED RULES
Employment taxes:
21824 Constructive filing of waivers of exemption by tax-exempt organizations

Interstate Commerce Commission
RULES
Railroad car service orders:
21797, 21798 Boxcars; substitution (2 documents)
Railroad car service orders; various companies:
21797 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
21798 Freight cars; distribution

NOTICES
21956 Meetings; Sunshine Act
Motor carriers:
21953 Finance applications; antitrust and competition factors
21927–21941 Temporary authority applications (3 documents)
Railroad services abandonment:
21952 Chicago, Milwaukee, St. Paul & Pacific Railroad Co.
21951 Illinois Central Gulf Railroad Co.
21952 Oregon Short Line Railroad Co.

Justice Department
See also Antitrust Division; Immigration and Nationalization Service.
RULES
Organization, functions, and authority delegations:
21785 Federal law enforcement officers; issuance of search warrants
NOTICES
Pollution control; consent judgments:
21904 Douglas County Sewer Improvement District No. 1 (DCSID), et al.

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
21896 Bannock-Oneida counties, Idaho; livestock grazing
Outer Continental Shelf:
21896 Mineral and oil and gas leases; Alaska; protraction diagrams; availability
Wilderness areas; characteristics, inventories, etc.:
21896 Arizona
21898 Utah

Management and Budget Office
See also Federal Procurement Policy Office.
NOTICES
21911 Agency forms under review

Maritime Administration
NOTICES
Applications, etc.:
21839 Waterman Steamship Corp.

Materials Transportation Bureau
RULES
Hazardous materials:
21793 Exemptions, individual; conversion to regulations of general applicability

National Credit Union Administration
RULES
Federal Credit Unions:
21762 Credit union service corporations; policy statement

National Institutes of Health
NOTICES
Meetings:
21895 Allergy and Infectious Diseases National Advisory Council
21894 Cancer Control and Rehabilitation Advisory Committee
21895 Environmental Health Sciences National Advisory Council
21894 Maternal and Child Health Research Committee
21893 National Library of Medicine, Board of Regents
21895 Nutrition, Behavior, and the Life Cycle Conference
21894 Scientific Counselors Board (2 documents)

National Oceanic and Atmospheric Administration
RULES
Marine mammals:
21800 Dolphin, northern striped; commerical fishing operations; taking prohibitied
PROPOSED RULES
Financial aid to fisheries:
21832 Fishing vessel or gear damage in U.S. fishery; compensation; extension of time
NOTICES
Coastal zone management programs
21841 Michigan
21841 Wisconsin
Coastal zone management programs; environmental statements; meetings, etc.:
21841 North Carolina
Marine mammal permit applications, etc.:
21840 Marine Animal Productions, Inc.
21840 Northwest & Alaska Fisheries Center
21840 Weber, Dr. Lavern J.
Meetings:
21842 Marine Fisheries Advisory Committee
21842 Mid-Atlantic Fishery Management Council

National Transportation Safety Board
NOTICES
21905 Aircraft accidents; Gulfport, Miss.; investigation hearings
21956 Meetings; Sunshine Act
21910 Railroad accident; New York City subway train; hearings
21906 Safety recommendations and accident reports; availability, responses, etc.

Nuclear Regulatory Commission
NOTICES
Applications, etc.:
21910 Texas Utilities Generating Co., et al.
Meetings:
21905, 21906 Reactor Safeguards Advisory Committee (2 documents)
21956 Meetings; Sunshine Act

Securities and Exchange Commission
NOTICES
Hearings, etc.:
21917 Current Interest, Inc.
21919 Jersey Central Power & Light Co.
21920 Metropolitan Edison Co.
21921 Pennsylvania Electric Co.
21921 Piedmont-Forrest Corp.
21923 Southern Co.
Self-regulatory organizations; proposed rule changes:
21922 Boston Stock Exchange Clearing Corp.

Small Business Administration
NOTICES
Applications, etc.:
21924 Brentwood Capital Corp.
21924 Commercial Venture Capital Corp.
Disaster areas:
21925 Missouri

State Department
See also Agency for International Development.
NOTICES
21925 International security assistance programs; secretarial determination; correction

Tennessee Valley Authority
NOTICES
Environmental statements; availability, etc.:
21925 Chickamauga Reservoir, Dayton, Tenn.; meeting

Textile Agreements Implementation Committee
NOTICES
21843 Textile and apparel categories; correlation with Tariff Schedules of U.S.

Transportation Department
See Coast Guard; Federal Aviation Administration; Materials Transportation Bureau.

Treasury Department
See Customs Service; Internal Revenue Service.

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
Proclamations:
4656 21757

7 CFR
905 21759
907 21760
908 21760
910 21761
1822 21761
Proposed Rules:
1823 21801
1942 21801
1944 21994

8 CFR
Proposed Rules:
231 21809

10 CFR
212 22010
Proposed Rules:
Ch. I 21810
Ch. II 21810

12 CFR
701 21762

14 CFR
39 21763
71 (6 documents) 21763–21766
73 (2 documents) 21766
296 21767
375 21767
Proposed Rules:
39 21811
71 (5 documents) 21812–21815
399 21816

16 CFR
Proposed Rules:
13 21820

19 CFR
159 (2 documents) 21768

24 CFR
888 21768
1914 21769
1917 (26 documents) 21770–21784

26 CFR
Proposed Rules:
31 21824

28 CFR
60 21785

32 CFR
197 21786

33 CFR
110 21792
Proposed Rules:
161 21974

40 CFR
Proposed Rules:
52 21828

41 CFR
Ch. 1 21792

45 CFR
Proposed Rules:
1068 21829
1071 21829

47 CFR
0 21793
2 21793
Proposed Rules:
81 21831

49 CFR
172 21793
173 21793
178 21793
1033 (4 documents) 21797, 21798

50 CFR
32 21799
33 21800
216 21800
Proposed Rules:
258 21832

Federal Register
Vol. 44, No. 72
Thursday, April 12, 1979

Presidential Documents

Title 3—
The President

Proclamation 4656 of April 10, 1979

National Architectural Barrier Awareness Week, 1979

By the President of the United States of America

A Proclamation

Architectural and other barriers often keep millions of Americans from participating in and contributing to our society. These barriers come in all shapes and sizes—from a six-inch curb and inaccessible bus to an unbrailled menu and uncaptioned news broadcast.

These physical and other kinds of barriers deny daily access for millions of America's elderly and handicapped citizens to jobs, transportation, recreation and public service. Attitudes and customs contribute to this problem.

Physical access often determines whether people can enjoy their rights and freedoms and exercise their responsibilities. Most of us take such access for granted. However, many disabled and disabled elderly cannot.

The first Federal legislation to eliminate barriers was the Architectural Barriers Act of 1968. To help implement that law, Congress created—within Section 502 of the Rehabilitation Act of 1973—the Architectural and Transportation Barriers Compliance Board.

The Board has worked to remove and prevent environmental barriers in this country. By doing so it helps ensure that disabled persons can enter and use facilities that their tax dollars support. And it helps inform Federal agencies that these facilities must be accessible from the time United States dollars are used to design, build, alter or lease them.

The Board has mounted a national media campaign about barriers under its slogan, "Access America." In May 1979 it will launch a series of national seminars on barriers for leaders in business, industry and education. The Board is also surveying more than 1,000 federally-owned and funded facilities in the ten federal regions to assess compliance with Federal law.

A number of agencies have already taken important steps to eliminate barriers. The Veterans Administration, for example, has surveyed all of its 172 hospitals and has earmarked $1.2 million for 86 barrier-removal projects in fiscal year 1979. The General Services Administration intends to obligate $26 million between now and 1982 to retrofit many of its properties. I will continue to support such efforts.

But many barriers that block people from opportunity and fulfillment need the attention of State and local governments and the private sector. I herewith call upon all State and local governments and the private sector to join with the Federal Government in a partnership to eliminate barriers which limit full social participation by our disabled citizens. Only by working together as a Nation can we promote and provide full access to all of our citizens.

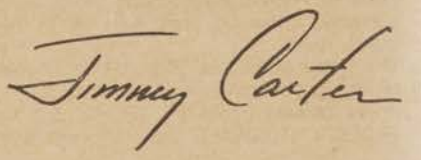
To encourage this national commitment, the Ninety-fifth Congress adopted House Joint Resolution 578 authorizing the President to proclaim the third weeks of May of 1978 and 1979 as National Architectural Barrier Awareness Week and to call for its appropriate observance.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the third week of May 1979 as National Architectural Barrier Awareness Week and ask all Americans to do all that lies within their power to remove all barriers—architectural, social, and psychological. Together we can make access a reality for all Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April, 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.

[FR Doc. 79-11511
Filed 4-10-79; 2:16 pm]

Billing Code 3195-01-M



Rules and Regulations

Federal Register
Vol. 44, No. 72
Thursday, April 12, 1979

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

Amendment of Grade and Size Requirements for Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to Final Rule.

SUMMARY: This amendment lowers the minimum grade requirements for domestic and export shipments of fresh Florida Honey tangerines from Florida No. 1 Golden to U.S. No. 2 during the period April 9 through October 14, 1979. The amendment also lowers the minimum diameter (size) requirements for white seedless grapefruit from 3 $^{9}/_{16}$ inches to 3 $^{5}/_{16}$ inches during the period April 9 through August 26, 1979. This action recognizes current market demand for U.S. No. 2 Honey tangerines and the smaller size of white seedless grapefruit and is consistent with the grade and size composition of the available crop in the interest of growers and consumers.

EFFECTIVE DATES: April 9, 1979, through October 14, 1979, for Honey tangerines. April 9, 1979, through August 26, 1979, for white seedless grapefruit.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader (202) 447-6393.

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

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

(2) The minimum grade and size requirements, herein specified, for domestic and export shipments of Honey tangerines and domestic shipments of white seedless grapefruit reflect the Department's appraisal of the need for the amendment of the current regulation based on current supply and demand conditions. Relaxation of the minimum grade and size requirements of these fruits will make additional supplies available to meet market needs and will tend to promote the orderly marketing of these fruits.

The Citrus Administrative Committee, at an open meeting on April 3, 1979, reported there is market demand for larger quantities of Honey tangerines and white seedless grapefruit.

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

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

Accordingly, it is found that the provisions of § 905.302 (Orange, Grapefruit, Tangerine, and Tangelo Regulation 2) (43 FR 43013; 52197; 53027; 54617; 57139; 58175; 58353; 59335; 44 FR 6349; 9589; 12605), should be and are amended by revising Table I, paragraph (a) applicable to domestic shipments, and Table II, paragraph (b) applicable to export shipments, to read as follows:

§ 905.302 Orange, Grapefruit, Tangerine, and Tangelo Regulation 2.

(a) * * *

Table I

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
Grapefruit:			
Seedless, except pink	Apr. 9, 1979, thru Aug. 26, 1979	Improved No. 2	3 $^{9}/_{16}$
	Aug. 27, 1979, thru Oct. 14, 1979	do	3 $^{5}/_{16}$
Tangerines:			
Honey	Apr. 9, 1979, thru Oct. 14, 1979	U.S. No. 2	2 $^{9}/_{16}$

(b) * * *

Table II

Variety (1)	Regulation period (2)	Minimum grade (3)	Minimum diameter (in.) (4)
Tangerines:			
Honey	Apr. 9, 1979, thru Oct. 14, 1979	U.S. No. 2	2 $^{9}/_{16}$

* * * * * * *

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

Dated: April 9, 1979.

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

[Orange, Grapefruit, Tangerine, and Tangelo Regulation 2, Amdt. 12]

[FR Doc. 79-11410 Filed 4-11-79: 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona navel oranges that may be shipped to market during the period April 13–19, 1979, and increases the quantity of such oranges that may be so shipped during the period April 6–12, 1979. Such action is needed to provide for orderly marketing of fresh navel oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective April 13, 1979, and the amendment is effective for the period April 6–12, 1979.

FOR FURTHER INFORMATION CONTACT:
Charles R. Brader, (202) 447–6393.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of navel oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Navel Orange Administrative Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act by tending to establish and maintain, in the interests of producers and consumers, an orderly flow of oranges to market and avoid unreasonable fluctuations in supplies and prices. The action is not for the purpose of maintaining prices to farmers above the level which is declared to be the policy of Congress under the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on April 10, 1979 to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of navel oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for navel oranges continues to be strong on most sizes and grades.

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

§ 907.761 Navel Orange Regulation 461.

Order. (a) The quantities of navel oranges grown in Arizona and California which may be handled during the period April 13, 1979, through April 19, 1979, are established as follows:

(1) District 1: 1,100,000 cartons;

(2) District 2: Unlimited movement;

(3) District 3: Unlimited movement.

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

§ 907.760 [Amended]

2. Paragraph (a)(1) in § 907.760 Navel Orange Regulation 460 (44 F.R. 20395), is hereby amended to read:

(1) District 1: 1,150,000 cartons;

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

Dated:

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[Navel Orange Reg. 460, Amdt. 1; Navel Orange Reg. 461]
[FR Doc. 79-11674 Filed 4-11-79; 11:33 am]
BILLING CODE 3410-02-M

7 CFR Part 908

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

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period April 13–19, 1979. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: April 13, 1979.

FOR FURTHER INFORMATION CONTACT:
Charles R. Brader, 202–447–6393.

SUPPLEMENTARY INFORMATION: *Findings.* This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under

the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act. This regulation has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on April 10, 1979 to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is increasing.

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

§ 908.907 Valencia Orange Regulation 607.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period April 13, 1979, through April 19, 1979, are established as follows:

(1) District 1: Unlimited;

(2) District 2: Unlimited;

(3) District 3: 249,703 cartons.

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

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

Dated:

Charles R. Brader,

Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[Valencia Orange Reg. 607]

[FR Doc. 79–11675 Filed 4–11–79; 11:33 am]

BILLING CODE 3410–02–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period April 1–7, 1979. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The amendment is effective for the period April 1–7, 1979.

FOR FURTHER INFORMATION CONTACT: Charles R. Brader, 202–447–6393.

SUPPLEMENTARY INFORMATION: Findings. This amendment is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee, and upon other information. It is hereby found that this action will tend to effectuate the declared policy of the act. This amendment has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met on April 5, 1979, to consider supply and market conditions and other factors affecting the need for regulation, and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports continued good order business for lemons.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Paragraph (a) of § 910.492 Lemon Regulation 192 (44 FR 18937) is amended to read as follows: "The quantity of lemons grown in California and Arizona which may be handled during the period April 1, 1979, through April 7, 1979, is established at 255,000 cartons."

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

Dated: April 6, 1979.

Charles R. Brader,

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

[Lemon Reg. 192, Amdt. 1]

[FR Doc. 79–11411 Filed 4–11–79; 8:45 am]

BILLING CODE 1505–010–M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1822

Rural Rental Housing Loan Policies, Procedures, and Authorizations; Deletion and Clarification

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations by deleting a statement regarding an interim lender's making of partial payments during the construction phase of Rural Rental Housing projects. The intended effect of this action is to make it clear to interim lenders that builders should provide a 100% surety bond during the construction of such Rural Rental Housing projects but that each lender may elect not to require such a bond. This action is taken because of previous misinterpretation of the statement.

EFFECTIVE DATE: April 12, 1979.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Hammond, (202) 447–7207.

SUPPLEMENTARY INFORMATION: Exhibit I of Subpart D, Part 1822, Chapter XVIII, Title 7 in the Code of Federal Regulations is amended to delete a sentence concerning builder's inability to provide a surety bond and to clarify the making of subsequent RRH loans. The elimination of the sentence concerning the builder's inability to provide a surety bond is needed because interim lenders have been interpreting this sentence to mean that FmHA requires the surety bond. FmHA recommends a surety bond in every case but the lender may elect not to require

the bond. In addition, paragraph 4 has been amended to provide for making subsequent RRH loans when they are justified not as a general rule. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This deletion, however, is not published for proposed rulemaking since the purpose of the change is to clarify FmHA policy and any delay would be contrary to the public interest. The official making this determination is Paul Conn, telephone 202-447-7207.

Therefore, the second sentence of the 7th paragraph under the heading "(For Individuals)" is deleted and the second sentence in paragraph 4 is amended as follows:

Exhibit I—Guide Letter for Use in Informing Interim Lender of FmHA's Commitment

* * * * *

(For Individuals)

* * * * *

These problems can be * * *. [If the builder * * * of previous payments] [Deleted].

* * * * *

It is a general practice for FmHA to make subsequent loans * * * is amended to read:

When justified FmHA may make subsequent loans * * *.

* * * * *

This regulation has not been determined significant under the USDA criteria implementing Executive Order 12044. A copy of the Impact Statement prepared according to these criteria is available from the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 20250.

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agriculture, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: March 30, 1979.

Gordon Cavanaugh,
Administrator, Farmers Home Administration.

[FR Doc. 79-11378 Filed 4-11-79; 8:45 am]

BILLING CODE 3410-07-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Statement of Policy Regarding Relationship of Credit Union Service Corporations and Existing Accounting Service Centers

AGENCY: National Credit Union Administration.

ACTION: Statement of Policy.

SUMMARY: The purpose of this action is to restate the policy of the National Credit Union Administration concerning the relationship of credit union service corporations established pursuant to 12 CFR 701.27-2, published on March 7, 1979 (44 FR 12401) and effective April 9, 1979 and existing accounting service centers approved either under the version of 12 CFR 701.27-2 that existed prior to the promulgation of the new 12 CFR 701.27-2 published on March 7, 1979, or other service corporations approved pursuant to Section 107(7)(I) of the Federal Credit Union Act (12 U.S.C. § 1757(I)) upon which the new version of 12 CFR 701.27-2 was based.

EFFECTIVE DATE: April 9, 1979.

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

FOR FURTHER INFORMATION CONTACT: Todd A. Okun, Senior Attorney, Office of General Counsel, at the above address. Telephone: (202) 632-4870.

SUPPLEMENTARY INFORMATION: On November 3, 1978, the Administration published a proposed rule (43 FR 51407) to implement the provisions of the April 19, 1977, amendments to the Act (Pub. L. 95-22, 91 Stat. 49) which authorize Federal credit unions to invest in, to make loans to, or to extend lines of credit to, organizations providing services associated with the routine operation of credit unions. The proposed rule was to amend existing 12 CFR 701.27-2, Participation in Accounting Service Center. Public comment was invited, to be received on or before January 2, 1979. The preamble to the proposed rules stated National Credit Union Administration policy regarding existing service corporations under the heading *Existing Service Corporation Desiring To Be Approved As A Credit Union Service Corporation.* However, when the final rule was published on March 7, 1979, effective April 9, 1979, this policy was inadvertantly omitted.

In order to avoid any misunderstanding as to application requirements for existing service corporations, the following states the policy of the National Credit Union Administration.

It is noted that publication of this statement marks the beginning of procedures whereby the National Credit Union Administration will publish interpretive rulings and policy statements in the **Federal Register.** For further information regarding these procedures, contact Robert S. Monheit, Senior Attorney, Telephone: (202) 632-4870.

Interpretive Rulings and Policy Statements, No. 79-1

Statement of Policy Regarding Existing Service Corporations That Desire To Be Approved as Credit Union Service Corporations

The final rule, effective April 9, 1979, will replace the existing Section 701.27-2 of the National Credit Union Administration Rules and Regulations. Therefore, all existing accounting service centers operating under the prior provisions of 701.27-2 must apply for approval as a credit union service corporation. The Administration feels that a period of 1 year is sufficient time to effect the changes required and to process the applications of the existing accounting service centers.

The final rule will also replace and amend any previously approved "leeway" organizations approved by the Administration. These corporations will also be required to apply to the Administration under the provisions of the final rule and comply within a 1 year time period from its effective date.

It is expected that certain service corporations owned and operated exclusively by state chartered credit unions *may* desire to service and receive investments from Federal credit unions. If so, these organizations will also need to file applications with the Administration for consideration and must modify their operations to comply with the final rule.

Therefore, it is the policy of the National Credit Union Administration to forego taking any action against existing accounting service centers approved pursuant to the 12 CFR 701.27-2 in force prior to April 9, 1979, or against existing "leeway" organizations approved pursuant to 12 U.S.C. § 1757(7)(I) prior to April 19, 1979, because of their failure to apply for approval as credit union

service corporations, for a period of one year from the effective date of the Credit Union Service Corporation regulation (April 9, 1979).

Lawrence Connell,
Administrator.

April 6, 1979.

[FR Doc. 79-11478 Filed 4-10-79; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

Piper Aircraft; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Piper PA-38-112 type airplanes and requires an inspection of the edges of the stabilizer pulley bracket mounting, Part Number 77615-07, at the bend radius, for cracks and replacement where necessary. An inspection is also required of the 18 stabilizer to fin and fin to fuselage attach bolts for proper torquing. The purpose of the requirement is to preclude failure of the fitting and the described bolts. This failure can lead to loss of control.

DATE: April 12, 1979. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: J. Maher, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430 Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: There had been reports of cracks in the fittings found in aircraft at the manufacturer and in stock. The cracks could lead to loss of control. The amendment requires a dye penetrant inspection and requires replacement with an undamaged part. The AD also requires an inspection of the 18 bolts to assure they are torqued between 90 and 110 in—lbs. Since this deficiency affects air safety, notice and public procedure hereon are impractical and good cause exists for making the rule effective in less than 30 days.

Adoption of the Amendment

Accordingly, and pursuant to the authority delegated to me by the administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by issuing a new airworthiness directive, as follows:

Piper: Applies to Model PA-38-112, Serial Nos. as shown below, certificated in all categories.

To avoid possible hazards in flight associated with a crack in the stabilizer pulley bracket mounting fitting P/N 77615-07 or improperly torqued stabilizer to fin or fin to fuselage attaching bolts, accomplish the following:

(a) Serial Nos. 38-78A0001 through 38-78A0040, 38-78A0042 through 38-78A0592, 38-78A0594, 38-78A0596, 38-78A0598 through 38-78A0620, 38-78A0622 through 38-78A0658, 38-78A0660 through 38-78A0714, 38-78A0716 through 38-78A0721, 38-78A0723 through 38-78A0735, 38-78A0737 through 38-78A0740, 38-78A0742, 38-78A0743, 38-78A0745 through 38-78A0766, 38-78A0768 through 38-78A0778, 38-78A0780 through 38-78A0784, 38-78A0787 through 38-78A0811, 38-78A0813, 38-78A0814, 38-78A0816, 38-78A0818, 38-78A0820, 38-78A0821, 38-78A0829, 38-78A0844, 38-79A0003 through 38-79A0005, 38-79A0007, 38-79A0008, 38-79A0010 through 38-79A0014, 38-79A0017 through 38-79A0030, 38-79A0033 through 38-79A0036, 38-79A0038 through 38-79A0041, 38-79A0043 through 38-79A0047, 38-79A0049 through 38-79A0078, 38-79A0080 through 38-79A0089, 38-79A0092, 38-79A0093, 38-79A0095, 38-79A0097 through 38-79A0099, 38-79A0101 through 38-79A0110, 38-79A0112 through 38-79A0114, 38-79A0116, 38-79A0119 through 38-79A0121, 38-79A0123 through 38-79A0128, 38-79A0130 through 38-79A0132, 38-79A0135 through 38-79A0137, 38-79A0139, 38-79A0140, 38-79A0142 through 38-79A0148, 38-79A0150 through 38-79A0165, 38-79A0167, 38-79A0168, 38-79A0170, 38-79A0172 through 38-79A0175, 38-79A0177, 38-79A0179 through 38-79A0181, 38-79A0184 through 38-79A0189, 38-79A0191 through 38-79A0197, 38-79A0199, 38-79A0200, 38-79A0204 through 38-79A0206, 38-79A0208 through 38-79A0212, 38-79A0214, 38-79A0216, 38-79A0217, 38-79A0220 through 38-79A0222, 38-79A0226, 38-79A0229 through 38-79A0231, 38-79A0234 through 38-79A0236, 38-79A0238, 38-79A0240, 38-79A0242, 38-79A0246, 38-79A0248, 38-79A0250, 38-79A0253, 38-79A0259, 38-79A0271 through 38-79A0273, 38-79A0277, 38-79A0301, 38-79A0307 and 38-79A0312.

Compliance required within the next ten hours in service unless previously accomplished.

1. Remove the dorsal fin forward fairing P/N 77606-03 and inspect the edges of the stabilizer pulley bracket mounting fitting P/N 77615-07 at the bend radius for cracks using a dye penetrant inspection method.

2. Report positive findings including crack length from paragraph (a) Inspection to Chief, Engineering and Manufacturing Branch, FAA, Eastern Region within ten days of inspection. (Reporting approved by Office of Management and Budget under OMB No. 04-RO174).

3. If a cracked fitting is found, replace with an undamaged part of the same part number before further flight except a ferry flight under FAR 21.197 to a place of repair may be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(b) Serial Nos. 38-78A0001 through 38-79A0254.

Compliance required within the next 100 hours in service unless previously accomplished.

1. Disconnect rudder cables from rudder, remove lower rudder hinge bolt and displace rudder to gain access to rear spare attachment bolts.

2. Remove lower vertical fin fairing, upper vertical fin fairing, upper vertical fin inspection panel and lower aft vertical fin inspection panel.

3. Using a calibrated torque wrench, check the torque of each of eighteen (18) stabilizer to fin and fin to fuselage attach bolts and tighten as required to 90-110 in-lbs. Torque value given takes into account friction drag torque. (Piper Service Bulletin No. 637 refers to the subject)

Effective Date: This amendment is effective April 12, 1979.

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

Issued in Jamaica, New York, on March 29, 1979.

Louis J. Cardinali,
Acting Director, Eastern Region

[Docket No. 79-EA-2; Amdt. 39-3446]

[FR Doc. 79-11212 Filed 4-11-79; 8:45]

BILLING CODE 4910-13-M

14 CFR Part 71

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Cullowhee, North Carolina, Transition Area and will lower the base of controlled airspace within a 20-mile radius of the Jackson County Airport from 1200 to 700 feet AGL to accommodate Instrument Flight Rule (IFR) operations. A new public use instrument approach procedure has been developed for the Jackson County Airport, and the additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: June 14, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic

Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the **Federal Register** on Thursday, December 28, 1978, (43 FR 60579) which proposed the designation of the Cullowhee, North Carolina, transition area. No objections were received from this notice.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, June 14, 1979, by adding the following:

Cullowhee, North Carolina

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Jackson County Airport (Lat. 35°19'06" N., 83°12'43" W.).

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

Note.—The Federal Aviation Administration 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 East Point, Georgia, on March 29, 1979.

George R. LaCaille,
Acting Director, Southern Region.

[Airspace Docket No. 78-SO-73]
[FR Doc. 79-1121 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Alteration of Transition Area: Patterson, Louisiana

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to alter the transition area at Patterson, La. The intended effect of the action is to provide additional controlled airspace for aircraft executing the instrument approach procedures to the Harry P. Williams Memorial Airport. The circumstance which created the need for the action is that higher performance aircraft are utilizing the airport requiring additional controlled airspace for their protection.

EFFECTIVE DATE: June 14, 1979.

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

SUPPLEMENTARY INFORMATION:

History

On January 29, 1979, a notice of proposed rule making was published in the **Federal Rigister** (44 FR 5676) stating that the Federal Aviation Administration proposed to alter the Patterson, La., transition area. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the Federal Aviation Administration. We received no opjections to the proposal. Except for editorial changes, this amendment is that proposed in the notice.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) alters the Patterson, La., transition area. This action provides controlled airspace from 700 feet above the ground for the protection of aircraft executing established instrument approach procedures to the Harry P. Williams Municipal Airport.

Adoption of the amendment

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

In subpart G, 71.181 (44 FR 442), the following transition area is altered to read:

Patterson, La.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Harry P. Williams Memorial Airport (latitude 29°42'40" N., longitude 91°20'18" W.), and within 3.5 miles each side of the 228° bearing from the Patterson NDB (latitude 29°42'32" N., longitude 91°20'14" W.) extending from the 8.5-mile radius area to 11.5 miles southwest of the NDB.

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

The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas, on March 28, 1979.

Henry N. Stewart,
Acting Director, Southwest Region.

[Airspace Docket No. 79-ASW-1]
[FR Doc. 79-11183 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Part 71

Revocation of Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes alternate victor airway V–35W between Macon, Ga., and Albany, Ga., since this airway segment is not being used. This action supports FAA's continuing review of airway utilization to eliminate unneeded airways to reduce chart clutter.

EFFECTIVE DATE: June 14, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT–230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426–8525.

SUPPLEMENTARY INFORMATION: On January 29, 1979, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revoke V–35W between Macon, Ga., and Albany, Ga., (44 FR 5675), since this airways segment was not being used. Interested persons were invited to participate in the rulemaking proceeding by submitting comments on the proposal to the FAA. No comments were received. This amendment is the same as that proposed in the notice. Section 71.123 was republished in the **Federal Register** on January 2, 1979, (44 FR 307).

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR

Part 71) revokes alternate airway V–35W between Macon, Ga., and Albany, Ga. This action supports FAA's continuing review of airway utilization to eliminate routes where possible, thereby reducing chart clutter.

Adoption of the amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.123 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) and amended (43 FR 51005, 60430 and 44 FR 1087) is further amended, effective 0901 GMT, June 14, 1979, as follows:

Under V–35 "Albany, Ga.; Macon, Ga.; including a west alternate via INT Albany 013° and Macon 240° radials;" is deleted and "Albany, Ga.; Macon, Ga.;" is substituted therefor.

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

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

Issued in Washington, D.C., on April 5, 1979.

William E. Broadwater,

Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket No. 79–SO–62]

[FR Doc. 79–11181 Filed 4–11–79; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

Alteration of Cullman, Ala., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Cullman, Alabama, Transition area. The City of Cullman has selected a new site for the proposed Cole Spring Radio Beacon and this change requires that the new site be reflected in the Transition Area description.

EFFECTIVE DATE: June 14, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320.

FOR FURTHER INFORMATION CONTACT: William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION: The City of Cullman has selected a new site for the proposed Cole Spring Radio Beacon and a new Instrument Flight Rules (IFR) standard instrument approach procedure has been developed to serve the Folsom Field Airport. The new site required a change in the final approach course and outbound heading from the Radio Beacon. This alteration of the Transition Area is required to provide controlled airspace for aircraft conducting Instrument Flight Rules (IFR) operations to Folsom Field Airport. Since this alteration is minor in nature, notice and public procedure hereon are not considered necessary.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, June 14, 1979, as follows:

Cullman, Alabama

". . . and 6.5 miles southeast of the 023° bearing of the Cole Spring RBN (latitude 34°20'24" N., longitude 86°49'28" W.). . . ." is deleted and ". . . and 6.5 miles southeast of the 016° bearing of the Cole Spring RBN (latitude 34°22'04" N., longitude 86°49'26" W.). . . ." is substituted therefor.

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

Note.—The Federal Aviation Administration 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 East Point, Georgia, on March 27, 1979.

George R. LaCaille,

Acting Chief, Southern Region.

[Airspace Docket No. 79–SO–25]

[FR Doc. 79–11209 Filed 4–11–79; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

Alteration of Transition Area, Union City, Tenn.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction of final rule.

SUMMARY: This rule alters the Union City, Tennessee, transition area by lowering the base of controlled airspace south of Everett-Stewart Airport from 1200 to 700 feet and eliminating the existing north transition area extension. The final rule published on March 15, 1979, contained an erroneous effective date. This correction will reflect the correct date.

EFFECTIVE DATE: April 1, 1979.

ADDRESS: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT: Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: 404–763–7646.

SUPPLEMENTARY INFORMATION: The final rule published in the **Federal Register** on Thursday, March 15, 1979 (44 FR 15653) contained an incorrect effective date. Since this action is editorial in nature, notice and public procedure hereon are not necessary.

Adoption of the Amendment

Accordingly, Subpart G, § 71.181 (44 FR 442) of Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 GMT, April 1, 1979, as follows:

Union City, Tennessee

"* * * within 3 miles each side of the 186° and 347° bearings from the Union City RBN (latitude 36°23'06" N., longitude 88°58'50" W.), extending from the 5.5-mile radius area to 8.5 miles north and south of the RBN * * *" is deleted, and "* * * within 3 miles each side of the 186° bearing from the Obion RBN (latitude 36°17'51" N., longitude 88°59'40" W.), extending from the 5.5-mile radius area to 8.5 miles south of the RBN * * *" is substituted therefor.

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

Note.—The Federal Aviation Administration 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 East Point, Georgia, on March 29, 1979.

George R. LaCaille,
Acting Director, Southern Region.

[Airspace Docket No. 78-50-48]
[FR Doc. 79-11210 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

14 CFR Parts 71 and 73

Alteration of Restricted Area and Extension of VOR Federal Airway

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments extend Victor Airway V-298 from Yakima, Wash., to Seattle, Wash., and further subdivide the nearby Restricted Area R-6714. These alterations will relieve traffic congestion on Victor Airway V-4 between Yakima and Seattle, Wash. Adoption of these actions will enhance the management of air traffic in the area.

EFFECTIVE DATE: June 14, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone (202) 426-8525.

SUPPLEMENTARY INFORMATION:

History

On January 2, 1979, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to extend V-298 between Yakima and Seattle, Wash., and further subdivide R-6714 into R-6714D to provide sufficient lateral spacing between the restricted area and the centerline of the extended V-298. The overall vertical and lateral limits of R-6714 are not changed. These actions will improve air traffic service by relieving traffic congestion on V-4 over which all low altitude traffic between Yakima and Seattle, Wash., is currently routed. Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposals to the FAA. One comment was received stating no objection. These amendments are the same as those proposed in the notice. Section 71.123 and § 73.67 was republished in the **Federal Register** on January 2, 1979 (44 FR 307 and 716).

The Rule

These amendments to Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) extend V-298 from Yakima, Wash., Via Yakima 331°T radial to its intersection with V-2, and then codesignation with V-2 to Seattle, Wash. Restricted Area R-6714 is further subdivided as R-6714D so that there will be sufficient lateral spacing between the restricted area and the centerline of V-298. This will reduce controller workload by providing an alternate route to/from Seattle and also simplify flight planning.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (44 FR 307 and 716) and amended (43 FR 59477), are further amended, effective 0901 GMT, June 14, 1979, as follows:

In § 71.123, Under V-298 "From Yakima, Wash., via" is deleted and "From Seattle, Wash., INT Seattle 106° and Yakima, Wash., 331° radials to Yakima," is substituted therefor.

In § 73.67, R-6714A Yakima, Wash., is amended to read as follows: R-6714A Yakima, Wash.

Boundaries. Beginning at Lat. 46°51'00" N., Long. 119°58'00" W.; along the west shore of the Columbia River to Lat. 46°42'30" N., Long. 119°58'15" W.; to Lat. 46°33'00" N., Long. 120°04'00" W.; to Lat. 46°37'00" N., Long. 120°20'00" W.; to Lat. 46°43'00" N., Long. 120°26'38" W.; to Lat. 46°51'00" N., Long. 120°21'30" W.; to Lat. 46°51'00" N., Long. 120°16'30" W.; to Lat. 46°54'30" N., Long. 120°15'00" W.; clockwise along the arc of a 12-mile radius circle centered at Lat. 46°44'45" N., Long. 120°20'00" W.; to Lat. 46°51'00" N., Long. 120°08'30" W.; to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Intermittent, activated by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Seattle ARTC Center.

Using agency. Commanding General, Fort Lewis, Wash.

R-6714 Yakima, Wash., is amended by adding a new restricted area described as follows:

"R-6714D Yakima, Wash.

Boundaries. Beginning at Lat. 46°43'00" N., Long. 120°26'38" W.; to Lat. 46°37'00" N., Long. 120°20'00" W.; to Lat. 46°40'35" N., Long. 120°26'35" W.; to point of beginning.

Designated altitudes. Surface to 29,000 feet MSL.

Time of designation. Intermittent, activated by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Seattle ARTC Center.

Using agency. Commanding General, Fort Lewis, Wash."

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

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

Issued in Washington, D.C., on April 3, 1979.

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket No. 78-NW-20]
[FR Doc. 79-11182 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment divides the present restricted area at Quantico, Va., into two areas and provides for additional time of designation by issuing a Notice to Airmen (NOTAM) in advance of intended additional use. This action provides for more efficient use of the airspace by permitting nonmilitary operations to use one portion of the area while the military is using another portion. The change in time of designation provides for make up time of training schedules that cannot be met because of weather or other delays.

EFFECTIVE DATE: June 14, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

On January 25, 1979, the FAA proposed to amend Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to divide the present R–6608 into R–6608A and R–6608B, north and south areas (44 FR 5151). Interested persons were invited to participate in the rulemaking proceeding by submitting written comments on the proposal to the FAA. The two comments received expressed no objection to the proposal. Section 73.66 of Part 73 was republished in the **Federal Register** on January 2, 1979 (44 FR 714).

The Rule

This amendment to Part 73 of the Federal Aviation Regulations divides the Quantico Restricted Area into two areas. R–6608A is designated north of a line from Lat. 38°35'10" N., Long. 77°34'07" W.; to Lat. 38°35'45" N., Long. 77°24'55" N.; and R–6608B is designated south of this line. These two areas combined are equal to the original area in airspace. The time of designation is different and provides for simultaneous use for military and nonmilitary operations in the separate areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 73.66 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (44 FR 714) is amended, effective 0901 GMT, June 14, 1979, as follows:

Under § 73.66, R–6608 title and text is deleted. R–6608A and R–6608B Quantico, Va., are added to read as follows: R–6608A Quantico, Va.

Boundaries. Beginning at Lat. 38°35'10" N., Long. 77°34'07" W.; to Lat. 38°37'00" N., Long. 77°34'07" W.; to Lat. 38°37'50" N., Long. 77°32'20" W.; to Lat. 38°37'00" N., Long. 77°25'34" W.; to Lat. 38°35'45" N., Long. 77°24'55" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0700 to 2400 hours, local time; other times by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTCC.

Using agency. Commanding General, Marine Corps Development and Education Command, Quantico, Va.

R–6608B Quantico, Va.

Boundaries. Beginning at Lat. 38°35'10" N., Long. 77°34'07" W.; to Lat. 38°35'45" N., Long. 77°24'55" W.; to Lat. 38°34'00" N., Long. 77°24'00" W.; to Lat. 38°31'15" N., Long. 77°24'20" W.; to Lat. 38°29'00" N., Long. 77°28'45" W.; to Lat. 38°31'20" N., Long. 77°34'07" W.; to point of beginning.

Designated altitudes. Surface to 10,000 feet MSL.

Time of designation. Continuous, 0700 to 2400 hours, local time; other times by NOTAM issued at least 24 hours in advance.

Controlling agency. Federal Aviation Administration, Washington ARTCC.

Using agency. Commanding General, Marine Corps Development and Education Command, Quantico, Va.

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

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

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

William E. Broadwater,
Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket No. 78–EA–89]
[FR Doc. 79–11184 Filed 4–11–79; 8:45 am]
BILLING CODE 4910–13–M

CIVIL AERONAUTICS BOARD

[14 CFR Part 296]

Airfreight Forwarders and Cooperative Shippers Associations; Extension of Operating Authority

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This amendment extends the existing operating authority of air freight forwarders and international air freight forwarders from April 9 to May 9, 1979, to allow them time to register under the new regulations.

DATES: Effective: April 6, 1979. Adopted: April 6, 1979.

FOR FURTHER INFORMATION CONTACT: Curtis B. Maloy, Chief, Special Authorities Division, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673–5088.

SUPPLEMENTARY INFORMATION: By ER–1094 (44 FR 6634, February 1, 1979), the Board reissued its regulations for indirect air carriers of property (14 CFR Part 296). In that rule, all indirect cargo carriers holding existing operating authority from the Board, and all new indirect cargo carriers, are required only to register with the Board, and no longer receive any type of operating authority implying a fitness determination by the Board. Existing freight forwarders were instructed not to register, however, until the General Accounting Office (GAO) had reviewed their use of the new registration form (Form 296B). GAO has now approved the use of this form by existing forwarders.

ER–1094 also included a provision (§ 296.24) that terminates all existing freight forwarder operating authority on April 9, 1979. Because of the delay caused by GAO review, the Board is extending this termination date until May 9, 1979. This should give all air freight forwarders sufficient time to complete the registration process. Copies of Form 296B and the notice of GAO clearance are being sent to all air freight forwarders that have not yet registered.

Because this amendment relieves a restriction, and terminating the existing operating authority of those forwarders that have not registered would place them at an unintended competitive disadvantage, there is good cause to make this amendment effective immediately.

The Board is therefore amending 14 CFR § 296.24 to read as follows:

§ 296.24 Termination of operating authority.

The operating authorization held under this part by any indirect air carrier of property on January 24, 1979, shall terminate as of May 9, 1979.

(Sec. 101(3) and 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743; 49 U.S.C. 1301, 1324.)

By the Civil Aeronautics Board.

Phyllis T. Kaylor,
Secretary.

[Reg. ER–1113; Amdt. 2]
[FR Doc. 79–11435 Filed 4–11–79; 8:45 am]
BILLING CODE 6320–01–M

CIVIL AERONAUTICS BOARD

14 CFR Part 375

Navigation of Foreign Civil Aircraft Within the United States

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., April 5, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Editorial Amendment.

SUMMARY: In SPR–148, 43 FR 34119, August 3, 1978, the Board amended Part 375 to reflect a transfer of functions from the former Bureau of Operating Rights to the Bureau of International Aviation. A change in the designation of the recipient of notices of proposed transit flights was inadvertently omitted. This amendment makes that change.

DATES: Adopted: April 5, 1979. Effective: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Richard B. Dyson, Associate General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428; 202–673–5444.

SUPPLEMENTARY INFORMATION: This editorial amendment is issued pursuant to the delegation of authority from the Board to the General Counsel in 14 CFR 385.19. Procedures for review of this amendment are set forth in Subpart C of Part 385 (14 CFR 385.50 through 385.54).

Amendment

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 375, *Navigation of Foreign Civil Aircraft within the United States*, as follows:

In § 375.45, paragraph (b) is amended by replacing "Bureau of Operating Rights" with "Bureau of International Aviation", so that it reads:

§ 375.45 Transit flights; scheduled international air service operations.

* * * * *

(b) *Filing of the notice.* An original and two copies of the Notice shall be filed with Director, Bureau of International Aviation, Civil Aeronautics Board. Copies of the Notice shall be served upon the Department of State and the Administrator, Federal Aviation Administration. The filing date shall be the date of actual receipt by the Board.

* * * * *

(Section 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 49 U.S.C. 1324; Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989, 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

Phillip J. Bakes, Jr.,
General Counsel.

[Regulation SPR–157; Special Regulations Amdt. No. 11]
[FR Doc. 79–11265 Filed 4–11–79; 8:45 am]
BILLING CODE 6320–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 159

Certain Fasteners From Japan, Suspension of Liquidation and Estimated New Net Amount of Bounty or Grant

Correction

In FR Doc. 79–8921, appearing at page 17653 in the issue for Friday, March 23, 1979, the T.D. number was inadvertently omitted. That number should read "T.D. 79–95".

BILLING CODE 1505–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 159

Certain Fasteners From Japan, Suspension of Liquidation and Estimated New Net Amount of Bounty or Grant

Correction

In FR Doc. 79–8921, appearing at page 17653 in the issue for Friday, March 23, 1979, the T.D. number was inadvertently omitted. That number should read "T.D. 79–95".

BILLING CODE 4810–22–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Rescinding Change in Method of Computing Adjusted Monthly Amount of Contract Rent

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

ACTION: Final rule.

SUMMARY: In response to public comment, the Secretary is rescinding a recent change in the method of computing the adjusted monthly amount of contract rent under the Section 8 housing assistance payments program and reinstating the previous method of computation.

EFFECTIVE DATE: This amendment will become effective on May 14, 1979, but the new provisions will apply retroactively to all contract rents adjusted since November 8, 1978.

FOR FURTHER INFORMATION CONTACT: Fred Pfaender, Acting Director, Office of Multifamily Housing Management and Occupancy, Department of Housing and Urban Development, 451 Seventh Street, S.W., Room 6156, Washington, D.C. 20410 (202) 755–5677. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: On January 18, 1979 (44 FR 3908) HUD published an interim rule which amended Part 888, Subpart B, regarding contract rent annual adjustment factors. Under this interim rule, the adjusted monthly amount of the contract rent of dwelling units is determined by multiplying the portion of the rent allocated to operating expense by the applicable annual adjustment factor. In addition, under the interim rule, the operating expense does not include depreciation, interest or amortization and is limited to 45 percent of the total operating revenue. These adjustment factors are applicable to Section 8 New Construction, Substantial Rehabilitation, Housing Finance and Development Agencies, New Construction Set-Aside for Section 515 Rule Rental Housing Projects, and Additional Assistance Programs for Projects with HUD-Insured and HUD-Held Mortgages.

In response to the invitation for public comment on the interim rule, the Department received 60 comments, all of which were adverse. The principal objections were directed against: (1) use of a ceiling of 45 percent of total operating revenue in computing contract rent increases; and (2) the requirement that owners submit audited financial statements supporting each increase. The 45 percent ceiling was intended to reduce distortion in reported project expenses resulting from cost elements that do not fluctuate with economic conditions and therefore do not need adjustment. However, experience has shown, and the comments point out, that the 45 percent ceiling appears arbitrary and tends to penalize efficient project operators. The Department is considering the impact of a requirement that audited financial statements be submitted to support each contract rent increase but not imposing that requirement at this time.

For these reasons, the Secretary has determined that the interim rule adopted on January 18, 1979 (44 FR 3908), effective November 8, 1978, should be rescinded and that contract rents amended under that rule should be re-amended using the method of computation in effect prior to November

8, 1978. Thus, this rule amends 24 CFR 888.203(b) and 888.204 to read as they did before the January 18, 1979 amendments.

Since this amendment reinstates the original language that was contained in §§ 888.203(b) and 888.204 prior to November 8, 1978, when they were amended by the interim rule, and since this amendment results from consideration of the comments submitted on the interim rule, the Secretary finds (1) that notice and public procedure on this amendment are unnecessary and (2) that good cause exists for making this amendment applicable retroactively to all contract rents adjusted since November 8, 1978. Accordingly, this amendment is published as a final rule without further opportunity for public comment. However, pursuant to the requirements of Section 7(o)(3) of the Department of Housing and Urban Development Act, this amendment may not become effective until a 20-day period after publication has elapsed. Thus, this amendment will become effective on May 14, 1979; and on that date the new provisions will apply retroactively as stated above.

The Secretary has determined that this rescission will not effect the quality of the environment and a statement to that effect has been prepared. This statement is available for inspection and copying in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

Accordingly, 24 CFR §§ 888.203(b) and 888.204 are revised to read as follows:

§ 888.203 Use of contract rent automatic annual adjustment factors.

* * * * *

(b) The adjusted monthly amount of the Contract Rent of a dwelling unit shall be determined by multiplying the Contract Rent in Effect on the anniversary date of the contract by the applicable Automatic Annual Adjustment Factor (see paragraph (a) of this section) and rounding the result to the next higher whole dollar amount.

§ 888.204 Revision to the automatic annual adjustment factors.

If the application of the Automatic Annual Adjustment Factors results in rents that are substantially lower than rents charged for comparable units not receiving assistance under the U.S. Housing Act of 1937, in the area for which the factor was published or a portion thereof, and it is shown to HUD that the costs of operating comparable rental housing have increased at a substantially greater rate than the Adjustment Factors, the HUD Field Office will consider establishing separate or revised Automatic Annual Adjustment Factors for that particular area. Any request for revision of the factors must be accompanied by an identification of the area, its boundaries and evidence that the area constitutes the largest contiguous area in which substantially the same rent levels prevail. The HUD Field Office will publish appropriate notice of the establishment of any such revised Automatic Annual Adjustment Factors. These factors will remain in effect until superseded by the subsequent publication of Automatic Annual Adjustment Factors pursuant to § 888.202.

(Sec. 7(d) of the Department of HUD Act; 42 U.S.C. 3535(d).)

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

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[Docket No. R-79-613]

[FR Doc. 79-11459 Filed 4-11-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

24 CFR Part 1914

National Flood Insurance Program; Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the national flood insurance program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: 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 (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638-6620.

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

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. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of 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. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also funds 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. The entry reads as follows:

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

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

§ 1914.6 List of eligible communities.

State	County	Location	Community No.	Effective dates of authorization/ cancellation of sale of flood insurance in community	Special flood hazard area identified
North Carolina	Northampton	Woodland, town of	370177	Mar. 27, 1979, emergency.	Mar. 17, 1978.
Ohio	Ottawa	Clay Center, village of	390875—New	do	
Texas	Carson	Panhandle, city of	480727-A	do	June 25, 1976 and May 24, 1977.
North Dakota	Cass	North River, city of	380623—New	Mar. 29, 1979, emergency.	
New York	Nassau	North Hills, village of	361600—New	do	
Ohio	Seneca	Unincorporated areas	390779	Apr. 3, 1979, emergency	June 9, 1978.
Do	Shelby	do	390503	do	Dec. 20, 1974 and Dec. 23, 1977.
Pennsylvania	Columbia	Sugarloaf, township of	421558	do	Apr. 4, 1975.
Do	Lawrence	Washington, township of	422468	do	Feb. 7, 1975.
Do	Schuylkill	West Penn, township of	422029	do	Nov. 15, 1974.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 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, Pub. 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: March 30, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI 5366]

[FR Doc. 79–11034 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

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24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Town of Franklinton, Washington Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Franklinton, Washington Parish, Louisiana. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Franklinton, Washington Parish, Louisiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Franklinton, Washington Parish, Louisiana, are available for review at the City Hall, 301 Eleventh Avenue, Franklinton, Louisiana.

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 final determinations of flood elevations for the town of Franklinton, Washington Parish, Louisiana.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bogue Chitto River	Southern Corporate Limits	144
	Just downstream of State Highway 10.	147
Mile Branch	Approximately 100 feet downstream of Main Street.	153
	Just downstream of State Highway 430.	159
	Sixteenth Avenue	168
Jones Branch	Approximately 80 feet upstream Lee Street Bridge.	150
	Just downstream of 15th Avenue.	155

(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.)

NOTE.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-4952]

[FR Doc. 79-11041 Filed 4-11-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

Appeals from Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the town of Mandeville, St. Tammany Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Mandeville, St. Tammany Parish, Louisiana. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Mandeville, St. Tammany Parish, Louisiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Mandeville, St. Tammany Parish, Louisiana, are available for review at the Town Hall, 3100 East Causeway Approach, Mandeville, Louisiana.

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 final determinations of flood elevations for the Town of Mandeville, St. Tammany Parish, Louisiana.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Chinchuba	West of West Approach Road.	12
	North of Katherin Parkway	12
Little Bayou Castine	Jackson Avenue	12
Lake Pontchartrain	Monroe Street	12

(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.)

NOTE: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. 4210-01]

[FR Doc. 79-11042 Filed 4-11-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for The Village of Tangipahoa, Tangipahoa Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Tangipahoa, Tangipahoa Parish, Louisiana. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Village of Tangipahoa, Tangipahoa Parish, Louisiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Tangipahoa, Tangipahoa Parish, Louisiana are available for review at the City Clerk's Office, City Hall, Tangipahoa, Louisiana.

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 final determinations of flood elevations for the Village of Tangipahoa, Tangipahoa Parish, Louisiana.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Creek	At the Eastern Corporate Limits.	173
	Just upstream of U.S. Highway 51.	176
	Approximately 170 feet west of L.A. Highway 1050 along the Northern Corporate Limits.	180

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-4904]

[FR Doc. 79-11043 Filed 4-11-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Lewiston, Androscoggin County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lewiston, Androscoggin County, Maine. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Lewiston, Androscoggin County, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lewiston, Androscoggin County, Maine, are available for review at the City Planning Department, City Hall, Lewiston, Maine.

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 final determinations of flood elevations for the City of Lewiston, Androscoggin County, Maine.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Androscoggin River	Downstream of the Gulf Island Dam.	215
	Just downstream of the Vietnam Veteran's Memorial Bridge.	179
	At North Bridge (Main Street)	137
	At Maine Turnpike	133
No Name Brook	At No Name Pond Road	246
	Approximately 50 feet upstream of Sabattus Street.	246
	Just upstream of Grove Street.	203
	Just upstream of Webster Road.	197
	Just upstream of Foss Road	189
No Name Brook Tributary A.	Approximately 100 feet downstream of Sabattus Street.	210
	Approximately 200 feet upstream of No Name Pond Road.	204
Salmon Brook	Eastern Corporate Limits	138
Moody Brook	At Pinewoods Road	160
Hart Brook	Just downstream of Westminster Street.	207
	Approximately 100 feet upstream of Lisbon Road.	189
	Just downstream of River Road.	153
Jepson Brook	Approximately 50 feet upstream of Farwell Street.	245
	At Brault Street	216
	Just downstream of College Road.	208
	Just downstream of Main Street.	199
Stetson Brook	Just upstream of Hamel Road.	242
	Approximately 200 feet downstream of Saint Tekakwitha Drive.	234
	At College Road, upstream of Fairgrounds.	206
	Just downstream of Main Street.	195

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-4440]

[FR Doc. 79-11044 Filed 4-11-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for The City of Columbia, Marion County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Columbia, Marion County, Mississippi. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Columbia, Marion County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Columbia, Marion County, Mississippi are available for review at City Hall, Columbia, Mississippi.

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 final determinations of flood elevations for the City of Columbia, Marion County, Mississippi.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of

the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pearl River	Intersection of Old Foxworth Road and High School Avenue.	145
	Approximately 200 feet east of intersection of Mississippi Highway 35 and Washington Street.	153
Balls Mill Creek Tributary.	Just upstream of Lumberton Road.	147
	Just downstream of Park Avenue.	147
Dry Creek	Just upstream of Main Street.	150
	Just downstream of High School Avenue.	154
	Approximately 150 feet upstream of West Avenue.	160
	Approximately 100 feet upstream of Park Avenue.	167
Webb Creek	Just upstream of Mississippi State Highway 13.	150
	Approximately 150 feet upstream of Marion Avenue.	151
	Just upstream of Owens Street.	153
	Approximately 150 feet downstream of West Avenue.	159
Jones Creek	Approximately 100 feet upstream of North Main Street.	150
	Approximately 100 feet upstream of Evergreen Street.	156
	Just downstream of Mississippi State Highway 13.	165

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4810]

[FR Doc. 79–11045 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Town of Crenshaw, Panola and Quitman Counties, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Crenshaw, Panola and Quitman Counties, Mississippi. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Crenshaw, Panola and Quitman Counties, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Crenshaw, Panola and Quitman Counties, Mississippi, are available for review at City Hall, Crenshaw, Mississippi.

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 final determinations of flood elevations for the Town of Crenshaw, Panola and Quitman Counties, Mississippi

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fowler Creek	Approximately 300 feet downstream of the Illinois Central Gulf Railroad.	190
	Intersection of Moon Avenue and McDade Street.	192
	Intersection of South Avenue and McDade Street.	192

(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 Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4811]

[FR Doc. 79–11046 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Town of Jonestown, Coahoma County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Jonestown, Coahoma County, Mississippi. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Jonestown, Coahoma County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Jonestown, Coahoma County, Mississippi, are available for review at Town Hall, Jonestown, Mississippi.

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 final determinations of flood elevations for the Town of Jonestown, Coahoma County, Mississippi.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertcial datum
Moore Bayou	Washington Avenue (extended).	171
	Mosley Street (extended)	171

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4812]
[FR Doc. 79–11047 Filed 4–11–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Unincorporated Areas of Sunflower County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Sunflower County, Mississippi. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Sunflower County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Sunflower County, Mississippi, are available for review at the Sunflower County Courthouse, Indianola, Mississippi.

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 final determinations of flood elevations for the unincorporated areas of Sunflower County, Mississippi.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Powell Bayou	Upstream corporate limits of Drew.	134
Tributary Z	At the confluence with Powell Bayou.	134
Sunflower Diversion Channel.	Just upstream of Highway 49W.	121
Tributary Y	Approximately 100 feet upstream of County Road.	119
Tributary X	Approximately 100 feet downstream of Highway 3 bridge.	115
Moorhead Bayou	At U.S. 82 bridge	115

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4755]
[FR Doc. 79–11048 Filed 4–11–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Unincorporated Areas of Yazoo County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Yazoo County, Mississippi. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Yazoo County, Mississippi.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Yazoo County, Mississippi, are available for review at the Flood Inspector's Office, Yazoo County Courthouse, 211 East Broadway, Yazoo City, Mississippi.

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 final determinations of flood elevations for the unincorporated areas of Yazoo County, Mississippi.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Piney Creek	Confluence of Piney Creek Tributary.	113
	Just upstream of U.S. Highway 49E Bridge.	121
Piney Creek Tributary	Just upstream of U.S. Highway 49E Bridge.	115

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4815]

[FR Doc. 79–11049 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for the Town of La Grange, Dutchess County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of La Grange, Dutchess 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of La Grange, Dutchess County, New York.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of La Grange, Dutchess County, New York, are available for review at the La Grange Town Hall, Springham Road, Pleasant Valley, New York.

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 final determinations of flood elevations for the Town of La Grange, Dutchess County, New York.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wappinger Creek	Approximately 425 feet downstream of State Route 376.	134
	Approximately 1,500 feet upstream of Red Oaks Mill Dam.	148
	Just upstream of State Route 55.	160
Branch 3 Wappinger Creek.	Just upstream of Noxon Road.	245
	Just downstream State Highway 55.	345
Branch 4 Wappinger Creek.	Approximately 100 feet upstream of Sleight-Plass Road.	178
	Just downstream of Birch Hill Drive.	250
	Just upstream of Birch Hill Drive.	258
	Old Overlook Road	362
Sprout Creek	Just upstream of Noxon Road.	297
	Just upstream of Stringham Road.	311
	Just upstream of Barmore Road.	336
Jackson Creek	Approximately 100 feet downstream of Arthursburg Road.	307
	Approximately 60 feet upstream of Arthursburg Road.	310
	Emans Road	344
	Just downstream of State Route 82.	365
Branch 3 Sprout Creek.	Just upstream of Todd Hill-Bushwick Road.	308
	Dr. Fink Road	315
Branch 4 Sprout Creek.	Just upstream of Velie Road.	329
	Just downstream of State Route 82.	385
	Just upstream of State Route 82.	390
Whortle Kill Creek	Just upstream of Arthursburg Road.	339
	Just upstream of Clapp Hill Road.	400

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban

Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 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: March 23, 1979

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4910]

[FR Doc. 79–11050 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Town of Boone, Watauga County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Boone, Watauga County, North Carolina. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Boone, Watauga County, North Carolina.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Boone, Watauga County, North Carolina are available for review at City Hall, Boone, North Carolina.

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 final determinations of flood elevations for the Town of Boone, Watauga County, North Carolina.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Boone Creek	Just downstream of Meadow View Drive.	3120
	Just downstream of Deck Hill Road.	3127
	Just upstream of Clement St.	3157
Hodges Creek	Just upstream of Deck Hill Road.	3128
Middle Fork	At Deerfield Road	3104
	Southern Corporate Limits	3122
Rocky Knob	Just downstream of Daniel Boone Drive.	3126
	Just downstream of King Street (U.S. 221 & 421).	3135
	Just upstream of Jefferson Road (N.C. 194).	3142
Winkler Creek	Just downstream of Blowing Rock Road.	3111
	Just downstream of Meadow View Drive.	3119
	Just downstream of Deck Hill Road.	3131

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4922]

[FR Doc. 79–11051 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Mount Holly, Gaston County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Mount Holly, Gaston County, North Carolina. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Mount Holly, Gaston County, North Carolina.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Mount Holly, Gaston County, North Carolina are available for review at City Hall, 1033 South Main Street, Mount Holly, North Carolina.

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 final determinations of flood elevations for the City of Mount Holly, Gaston County, North Carolina.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dutchmans Creek.....	Approximately 1700 feet upstream of Seaboard Coastline Railroad.	578
	Approximately 200 feet downstream of Main Street.	585

(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.)

Note.—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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4921]

[FR Doc. 79–11052 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for the Town of Pine Knoll Shores, Carteret County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pine Knoll Shores, Carteret County, North Carolina. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Pine Knoll Shores, Carteret County, North Carolina.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pine Knoll Shores, Carteret County, North Carolina are available for review at Town Hall, Pine Knoll Boulevard, Pine Knoll Shores, North Carolina.

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 final determinations of flood elevations for the Town of Pine Knoll Shores, Carteret County, North Carolina.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean.....	Pine Knoll Boulevard (Extended).	11
	Juniper Road (Extended).....	11
Bogue Sound.....	Arborvitae Court (Extended)...	7
	Juniper Road (Extended).....	7
	West of Mimosa Blvd. Bridge	7
	Intersection of Sycamore Dr. and Beechwood Drive.	7

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4921]

[FR Doc. 79–11052 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Statesville, Iredell County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Statesville, Iredell County, North Carolina. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Statesville, Iredell County, North Carolina.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Statesville, Iredell County, North Carolina are available for review at City Clerk's Office, City Hall, Statesville, North Carolina.

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 final determinations of flood elevations for the City of Statesville, Iredell County, North Carolina.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Third Creek	Just upstream of Amity Hill Road.	774
	Just downstream of U.S. Highway 21.	787
	Just downstream of Buffalo Shoals Road.	801
Fourth Creek	Just upstream of Broad Street.	773
	Just downstream of I-77	787
	Just upstream of U.S. Highway 21.	795
Morrison Creek	Confluence with Fourth Creek.	798
	Just upstream of N.C. State Route 1907.	819
Gregory Creek	Gaither Road	819
	Just downstream of N.C. Highway 115.	825
Free Nancy Branch	Just upstream of Georgia Avenue.	805
	Just upstream of North Mulberry Street.	847
Tributary A	Just upstream of Gregory Road.	850
	Just Upstream of Hendricks Road.	873
Tributary B	Just downstream of Newton Drive.	838
Tributary 1	Approximately 1700 feet upstream of the confluence with Fourth Creek.	771
Tributary 2	Valley Stream Road	808
	Just downstream of Salisbury Road.	834
Tributary 3	Just upstream of I-40	803

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4912]

[FR Doc. 79–11054 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Thomasville, Davidson County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Thomasville, Davidson County, N.C. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Thomasville, Davidson County, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Thomasville, Davidson County, N.C., are available for review at the City Engineer's Office, City Hall, Thomasville, N.C.

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 final determinations of flood elevations for the City of Thomasville, Davidson County, N.C.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beck Creek	Approximately 50 feet upstream of the confluence of Short Creek.	770
Black Creek	Just downstream of Doak Street.	737
	Just upstream of Doak Street	744
Brooke Branch	Just upstream of Doak Street	739
	Approximately 100 feet upstream of the Fairview Road.	796
Carlan Creek	Approximately 100 feet upstream of the Southern Corporate Limits.	850
	Just upstream of Raleigh Road.	868
Charles Creek	Just upstream of the High Point, Thomasville, and Denton Railroad.	808
	Just upstream of Hillcrest Drive.	815
	Just upstream of Maplewood Avenue.	823
	Just upstream of Carolina Avenue.	841
Crest Creek	Just upstream of Crestview Drive.	861
	Approximately 50 feet downstream of Hill Top Road.	864
Crooked Creek	Approximately 100 feet downstream of Blair Street.	843
Cucumber Creek	Approximately 100 feet downstream of County Line Road.	903
Davidson Creek	Approximately 100 feet upstream of the confluence with Sour Creek.	841
Douty Creek	Just upstream of Welfoske Drive.	820
East Creek	Approximately 100 feet upstream of the confluence with Carlan Creek.	838
	Just downstream of Raleigh Road.	855
	Just upstream of Raleigh Road.	859
Hall Creek	Approximately 100 feet downstream of Burgin Stream.	821
Hamby	Just upstream of Lake Road..	745
	Approximately 100 feet downstream of Kendall Mill Road.	751
	Approximately 100 feet upstream of Fisher Ferry Street.	768
	Approximately 100 feet upstream of Access Road.	774
	Approximately 100 feet downstream of Ferndale Drive.	776
	Just upstream of the High Point, Thomasville, and Denton Railroad.	816
	Just upstream of Liberty Drive.	831
	Just upstream of Holly Hill Road.	854
Hanks Branch	Approximately 100 feet upstream of Young Street.	731
	Approximately 100 feet upstream of Salem Street.	746
	Just upstream of Burke Trail Avenue.	776
	Just upstream of Memorial Park Drive.	789
	Just upstream of Cox Avenue.	810
	Approximately 100 feet downstream of Griffith Street.	822
Hogeye Creek	Approximately 100 feet downstream of Carolina Avenue.	826
	Just upstream of Warner Street.	830
	Approximately 150 feet downstream of Julian Avenue.	836
Huntsford Creek	Just upstream of Huntsford Terrace.	763
Hunts Fork	Just downstream of Ball Park Road.	735

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 100 feet downstream of Valley Road.	744
	Just upstream of Menderhall Road.	763
	Approximately 150 feet downstream of National Highway.	790
	Approximately 150 feet upstream of Albertson Road.	826
	Approximately 150 feet downstream of Blair Street.	843
Kayle Creek	Approximately 200 feet upstream of the confluence with North Hamby Creek.	870
Leonard Creek	Just upstream of Randolph Street.	847
Liberty Creek	Just upstream of Holly Hill Drive.	846
	Approximately 150 feet upstream of Liberty Drive.	859
	Just upstream of Duke Street	875
Mitchell Creek	Approximately 100 feet upstream of the confluence with Spencer Creek.	865
Myers Creek	Approximately 100 feet downstream of Circle Drive.	776
	Just upstream of Kinreed Drive.	813
	Approximately 100 feet downstream of National Highway.	815
	Just upstream of Turner Street.	833
North Hamby Creek	Approximately 100 feet upstream of Lake Road.	737
	Approximately 200 feet upstream of Wastewater Treatment Plant Road.	762
	Approximately 100 feet downstream of Field Road.	764
	Just upstream of Farmview Road.	775
	Approximately 200 feet downstream of Carmalt Street.	797
	Approximately 100 feet downstream of Fisher Ferry Street.	804
	Approximately 150 feet upstream of Taylor Street.	820
	Just downstream of Sherman Street.	837
	Approximately 100 feet upstream of Mason Way.	857
	Just upstream of Cucumber Road.	884
Pineywood Branch	Just upstream of Pineywood Road.	765
Regan Creek	Approximately 150 feet upstream of Stadium Drive.	779
	Just upstream of June Street.	802
	Just upstream of Leonard Street.	820
School Creek	Approximately 100 feet upstream of the confluence with Huntsford Creek.	784
Short Creek	Approximately 50 feet upstream of the confluence with Beck Creek.	770
Small Creek	Approximately 210 feet upstream of the confluence with Hunts Fork.	737
Sour Creek	Approximately 150 feet upstream of the Davidson County Line.	838
Spencer Creek	Just upstream of Randolph Street.	827
	Just upstream of Raleigh Road.	846
Spitting Creek	Approximately 200 feet upstream of the confluence with Spencer Creek.	861
Straight Creek	Just upstream of Dirt Road	867
Trinity Creek	Just downstream of Trinity Street.	865
	Just upstream of Trinity Street.	872
Ward Creek	Approximately 100 feet upstream of Kendall Mill Road.	767
	Approximately 150 feet upstream of Fisher Ferry Road.	797
	Approximately 150 feet upstream of Old North Carolina 109.	815
Warner Creek	Just upstream of Randolph Street.	821
	Just upstream of Liberty Drive.	843
	Just upstream of Holly Hill Road.	856
Wash Creek	Approximately 400 feet upstream of the confluence with Spencer Creek.	860

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4913]

[FR Doc. 79–11055 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations;

Final Flood Elevation Determinations for the Town of Bixby, Tulsa and Wagoner Counties, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Bixby, Tulsa and Wagoner Counties, Okla. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Bixby, Tulsa and Wagoner Counties, Okla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Bixby, Tulsa and Wagoner Counties, Okla., are available for review at City Clerk's Office, City Hall, 112 North Armstrong Street, Bixby, Okla.

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 final determinations of flood elevations for the Town of Bixby, Tulsa and Wagoner Counties, Okla.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arkansas River	Just upstream Mingo Road	600
	Just upstream Memorial Drive Bridge (Oklahoma Highway 64).	602
Haikey Creek	Just upstream 131st Street	607
	Just upstream 121st Street	621
Little Haikey Creek	Just downstream 111th Street.	631
White Church Creek	Just downstream Garnett Road.	615
Fry Ditch No. 1	Just upstream 116th Street	629
	Just upstream South 89th East Avenue Bridge.	642
Fry Ditch No. 2	East 118th Street South Extended.	624
Tributary Snake Creek	Just upstream Garnett Road	599
	Just upstream Mingo Road	604

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary Arkansas River.	Just upstream Mingo Road	600
	Just downstream 151st Street.	602

(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.)

Issued: March 23, 1979.

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4915]

[FR Doc. 79–11056 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Town of Boynton, Muskogee County, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Boynton, Muskogee County, Okla. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Boynton, Muskogee County, Okla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Boynton, Muskogee County, Oklahoma, are available for review at the Town Hall, Boynton, Okla.

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 final determinations of flood elevations for the Town of Boynton, Muskogee County, Okla.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mosquito Creek	Just downstream of Sixth Street.	607
	Just upstream of Kenefick Avenue.	612
	Just upstream of Buckner Avenue.	614

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4616]

[FR Doc. 79–11057 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Yukon, Canadian County, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Yukon, Canadian County, Okla. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Yukon, Canadian County, Okla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Yukon, Canadian County, Okla., are available for review at Russell, Gravlin and Douglas, Inc., City Engineers, Yukon, Okla.

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 final determinations of flood elevations for the City of Yukon, Canadian County, Okla.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Canadian River.	Just downstream of Czech Hall Road.	1,267
	Just upstream of Cameron Road.	1,280
North Canadian River Tributary A.	At Eastern corporate limits Corporate Limits.	1,272
	Just downstream of U.S. Highway 66 (Main Street).	1,286
Main Stem of Turtle Creek.	Just upstream of Czech Hall Road.	1,286
	At Oak Avenue	1,290
	Just upstream of Third Street	1,293
Middle Branch of Turtle Creek.	Just upstream of Bass Avenue.	1,301
	Just downstream of Vandament Avenue.	1,310
East Branch Turtle Creek.	Just downstream of U.S. Highway 66 (Main Street).	1,285
	Sky View Lane Extended 1,291.	
West Branch of Turtle Creek.	Just downstream of Holly Avenue.	1,300
	Just downstream of Yukon Avenue.	1,310

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4924]

[FR Doc. 79–11058 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Town of Conway, Horry County, South Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Conway, Horry County, South Carolina. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Conway, Horry County, South Carolina.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Conway, Horry County, South Carolina, are available for review at the Office of the City Building Inspector, Conway, South Carolina.

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 final determinations of flood elevations for the Town of Conway, Horry County, South Carolina.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Waccamaw River	Just downstream of U.S. 501 Bypass.	13
	Just upstream of Main Street (U.S. 501 Business).	
	Confluence of Kingston Lake Swamp.	13
Crab Tree Swamp (Backwater effects of Waccamaw River).	Just upstream of Long Avenue.	13

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–49177]

[FR Doc. 79–11059 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Greer, Greenville County, South Carolina

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Greer, Greenville County, South Carolina. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Greer, Greenville County, South Carolina.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Greer, Greenville County, South Carolina, are available for review at City Hall, 106 South Main Street, Greer, South Carolina.

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 final determinations of flood elevations for the City of Greer, Greenville County, South Carolina.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maple Creek	Just downstream of Bushy Creek Road.	911
	Just downstream of Polar Drive.	881
	Just upstream of Harvey Road.	872

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4785]

[FR Doc. 79–11060 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for the town of South Congaree, Lexington County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of South Congaree, Lexington County, S.C. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of South Congaree, Lexington County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of South Congaree, Lexington County, S.C., are available for review at the South Congaree Town Hall, 1633 Verry Road, West Columbia, S.C.

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 final determinations of flood elevations for the town of South Congaree, Lexington County, S.C.

This final rule is issued 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 Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Congaree Creek	Just downstream of Pine Street (Route 168).	160
	Approximately 100 feet downstream of Main Street (Route 215).	157
First Creek	Approximately 300 feet upstream of Southern Railroad.	166
	Approximately 100 feet upstream of Ramblin Road.	159
		164

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4823]

[FR Doc. 79–11061 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the city of Alvin, Brazoria County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Alvin, Brazoria County, Tex. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Alvin, Brazoria County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Alvin, Brazoria County, Tex. are available for review at the City Secretary's Office, 216 West Sealy, Alvin, Tex.

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 final determinations of flood elevations for the city of Alvin, Brazoria County, Tex.

This final rule is issued 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 Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mustang Bayou	Just downstream of State Highway 35.	38
	Just upstream of Second Street.	45

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. 4210–01]

[FR Doc. 79–11062 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Ganado, Jackson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Ganado, Jackson County, Texas. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Ganado, Jackson County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ganado, Jackson County, Texas, are available for review at City Hall, 208 West Putnam Street, Ganado, Texas.

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 final determinations of flood elevations for the City of Ganado, Jackson County, Texas.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Devers Creek	Approximately 100 feet downstream of Sutherland Street.	53
	Approximately 150 feet downstream of Menefee Street.	55
Devers Creek Tributary No. 1.	Approximately 200 feet downstream of Fifth Street.	54
Mustang Creek Tributary No. 9.	Just downstream of Southern Pacific Railroad.	63
	Approximately 200 feet upstream of U.S. Highway 59.	64

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 23, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4824]

[FR Doc. 79–11063 Filed 4–11–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Junction, Kimble County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Junction, Kimble County, Texas. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Junction, Kimble County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the

flood-prone areas and the final elevations for the city of Junction, Kimble County, Texas, are available for review at the Office of the County Clerk, Kimble County Courthouse, Junction, Texas.

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 final determinations of flood elevations for the city of Junction, Kimble County, Texas.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Llano River	Just upstream I–10	1,700
North Llano	At the intersection of Hickory Street and North 9th Street.	1,706
	Just downstream Highways 290, 83, and 377.	1,712
South Llano River	At the intersection of Oak Street and 4th Street.	1,706
	Intersection of Patricia Drive and South 12th Street.	1,710

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development 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: March 30, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4934]
[FR Doc. 79–11064 Filed 4–11–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of LaWard, Jackson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of LaWard, Jackson County, Texas. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of LaWard, Jackson County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of LaWard, Jackson County, Texas, are available for review at the LaWard Community Center, LaWard, Texas.

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 final determinations of flood elevations for the City of LaWard, Jackson County, Texas.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Keller's Creek	Washington Street Extended.	41
West Carancahua Creek Tributary No. 18.	At the Northern Corporate Limits.	38
West Carancahua Creek Tributary No. 19.	At the Southern Corporate Limits.	42

(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.)

Note: In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4935]
[FR Doc. 79–11065 Filed 4–11–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for the City of San Leanna, Travis County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of San Leanna, Travis County, Texas. 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).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of San Leanna, Travis County, Texas.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of San Leanna, Travis County, Texas, are available for review at the City Secretary's Office, P.O. Box 86, Manchaca, Texas.

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 final determinations of flood elevations for the City of San Leanna, Travis County, Texas.

This final rule is issued 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)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Slaughter Creek	Eastern Corporate Limits	621
	Western Corporate Limits	640

(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.)

Note.—In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. 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: March 23, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4825]
[FR Doc. 79–11066 Filed 4–11–79; 8:45 am]
BILLING CODE 4210–01–M

DEPARTMENT OF JUSTICE

28 CFR Part 60

Federal Law Enforcement Officers Authorized To Request the Issuance of a Search Warrant

AGENCY: Department of Justice.
ACTION: Final rule.

SUMMARY: Rule 41(h) of the Federal Rules of Criminal Procedure authorizes the Attorney General to designate categories of federal law enforcement officers who may request issuance of search warrants. Previous authorizations were made by Order No. 510–73 (38 FR 7244, March 19, 1973) as amended by Order No. 521–73 (38 FR 18389, July 10, 1973). This order revises the categories of authorized officers by adding civilian agents of the Department of Defense authorized to enforce the Uniform Code of Military Justice and civilian agents of the Department of Defense not subject to military direction who are authorized to enforce the criminal laws of the United States. The order also makes the categories of authorized officers part of the Department's permanent published regulations. Organizational changes have been recognized.

EFFECTIVE DATE: April 4, 1979.

FOR FURTHER INFORMATION CONTACT: Philip B. Heymann, Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C. 20530 (202–633–2601).

SUPPLEMENTARY INFORMATION: Previous versions of the Attorney General Order had been published in the **Federal Register** (Order No. 510–73 (38 FR 7244, March 19, 1973) as amended by Order No. 521–73 (38 FR 18389, July 10, 1973)) but not published in the Code of Federal Regulations. For the convenience of the public, this order classifies the federal officers authorized to obtain search warrants. In that the material contained herein is a matter of Department of Justice procedure and practice, the requirement of the Administrative Procedure Act (5 U.S.C. section 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable.

By virtue of the authority vested in me by Rule 41(h), Fed. R. Crim. P., Chapter I of Title 28, Code of Federal Regulations, is amended by adding the following new Part 60:

PART 60—AUTHORIZATION OF FEDERAL LAW ENFORCEMENT OFFICERS TO REQUEST THE ISSUANCE OF A SEARCH WARRANT

Sec.
60.1 Purpose.
60.2 Authorized categories.
60.3 Agencies with authorized personnel.

Authority: Rule 41(h), Fed. R. Crim. P.

§ 60.1 Purpose.

This regulation authorizes certain categories of federal law enforcement officers to request the issuance of search warrants under Rule 41, Fed. R. Crim. P., and lists the agencies whose officers are so authorized. Rule 41(a) provides in part that a search warrant may be issued "upon the request of a federal law enforcement officer," and defines that term in Rule 41(h) as "any government agent, * * * who is engaged in the enforcement of the criminal laws and is within the category of officers authorized by the Attorney General to request the issuance of a search warrant." The publication of the categories and the listing of the agencies is intended to inform the courts of the personnel who are so authorized. It should be noted that only in the very rare and emergent case is the law enforcement officer permitted to seek a search warrant without the concurrence of the appropriate United States Attorney's office.

§ 60.2 Authorized categories.

The following categories of federal law enforcement officers are authorized to request the issuance of a search warrant:

(a) Any person authorized to execute search warrants by a statute of the United States.

(b) Any person who has been authorized to execute search warrants by the head of a department, bureau, or agency (or his delegate, if applicable) pursuant to any statute of the United States.

(c) Any peace officer or customs officer of the Virgin Islands, Guam, or the Canal Zone.

(d) Any officer of the Metropolitan Police Department, District of Columbia.

(e) Any person authorized to execute search warrants by the President of the United States.

(f) Any civilian agent of the Department of Defense not subject to military direction who is authorized by statute or other appropriate authority to enforce the criminal laws of the United States.

(g) Any civilian agent of the Department of Defense who is

authorized to enforce the Uniform Code of Military Justice.

§ 60.3 Agencies with authorized personnel.

The following agencies have law enforcement officers within the categories listed in § 60.2 of this part:

(a) *National Law Enforcement Agencies:*

(1) Department of Agriculture:

National Forest Service

(2) Department of Defense:

Defense Investigative Service

Criminal Investigation Command, United States Army

Naval Investigative Service, United States Navy

Office of Special Investigation, United States Air Force

(3) Department of Health, Education, and Welfare:

Center for Disease Control

Food and Drug Administration

(4) Department of the Interior:

Bureau of Indian Affairs

Bureau of Sport Fisheries and Wildlife

National Park Service

(5) Department of Justice:

Drug Enforcement Administration

Federal Bureau of Investigation

Immigration and Naturalization Service

U.S. Marshals Service

(6) Department of Transportation:

U.S. Coast Guard

(7) Department of the Treasury:

Bureau of Alcohol, Tobacco, and Firearms

Executive Protective Service

Internal Revenue Service

Criminal Investigation Division

Internal Security Division, Inspection Service

U.S. Customs Service

U.S. Secret Service

(8) U.S. Postal Service:

Inspection Service

(b) *Local Law Enforcement Agencies:*

(1) District of Columbia Metropolitan Police Department

(2) Law Enforcement Forces and Customs Agencies of Guam, The Virgin Islands, and the Canal Zone

Dated: April 4, 1979.

Griffin B. Bell,

Attorney General.

[Order 626-79]

[FR Doc. 79-11380 Filed 4-11-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 197

Environmental Effects Abroad of Major Department of Defense Actions; Policies and Procedures

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule provides Department of Defense policies and procedures to implement Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions," that was signed by the President on January 4, 1979. It provides for procedural and other actions to be taken to enable officials to be informed and take account of pertinent considerations with respect to the environment of places outside the United States when authorizing or approving certain major Department of Defense actions, and it provides for exceptions from these requirements. This rule outlines the process and assigns responsibilities.

EFFECTIVE DATE: March 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Gurden E. Drake, Office of the Assistant General Counsel, (Logistics), Office of the Secretary of Defense, Washington, D.C. 20301, telephone 202-697-6921.

Accordingly, Title 32 of the Code of Federal Regulations is amended by adding a new Part 197, reading as follows:

PART 197—ENVIRONMENTAL EFFECTS ABROAD OF MAJOR DEPARTMENT OF DEFENSE ACTIONS.

Sec.

197.1 Purpose.
197.2 Applicability.
197.3 Definitions.
197.4 Policy.
197.5 Responsibilities.
197.6 Information Requirements.
Enclosure 1 Requirements for Environmental Considerations—Global Commons
Enclosure 2 Requirements for Environmental Considerations—Foreign Nations and Protected Global Resources

Authority: Title 10, U.S.C., and Executive Order 12114.

§ 197.1 Purpose.

Executive Order 12114 provides the exclusive and complete requirement for taking account of considerations with respect to actions that do significant harm to the environment of places *outside* the United States. This Part provides policy and procedures to enable Department of Defense (DoD) officials to be informed and take account of environmental considerations when authorizing or approving certain major federal actions that do significant harm to the environment of places outside the United States. Its sole objective is to establish internal procedures to achieve this purpose, and nothing in it shall be construed to create a cause of action. Guidance for taking account of considerations with respect to the environment of places *within* the United States is set out in 32 CFR 214 (under rev.) That guidance is grounded on legal and policy requirements different from those applicable to this Part.

§ 197.2 Applicability.

The provisions of this Part apply to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD components").

§ 197.3 Definitions.

(a) *Environment* means the natural and physical environment, and it excludes social, economic, and other environments. Social and economic effects do not give rise to any requirements under this Part.

(b) *Federal Action* means an action that is implemented or funded directly by the United States Government. It does not include actions in which the United States participates in an advisory, information-gathering, representational, or diplomatic capacity but does not implement or fund the action; actions taken by a foreign government or in a foreign country in which the United States is a beneficiary of the action, but does not implement or fund the action; or actions in which foreign governments use funds derived indirectly from United States funding.

(c) *Foreign Nation* means any geographic area (land, water, and airspace) that is under the jurisdiction of one or more foreign governments; any area under military occupation by the United States alone or jointly with any other foreign government; and any area that is the responsibility of an international organization of governments. "Foreign nation" includes contiguous zones and fisheries zones of foreign nations. "Foreign government" in this context includes governments regardless of whether recognized by the United States, political factions, and organizations that exercise governmental power outside the United States.

(d) *Global Commons* are geographical areas that are outside the jurisdiction of any nation, and include the oceans outside territorial limits and Antarctica. Global commons do not include contiguous zones and fisheries zones of foreign nations.

(e) *Major Action* means an action of considerable importance involving substantial expenditures of time, money, and resources, that affects the environment on a large geographic scale or has substantial environmental effects on a more limited geographical area, and that is substantially different or a significant departure from other actions, previously analyzed with respect to environmental considerations and approved, with which the action under consideration may be associated. Deployment of ships, aircraft, or other mobile military equipment is not a major action for purposes of this Part.

(f) *United States* means all States, territories, and possessions of the United States; and all waters and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Island, Guam, Palmyra Island, Johnston Atoll, Navassa Island, and Kingman Reef.

§ 197.4 Policy.

(a) Executive Order 12114 is based on the authority vested in the President by the Constitution and the laws of the United States. The objective of the Order is to further foreign policy and national security interests while at the same time taking into consideration important environmental concerns.

(b) The Department of Defense acts with care in the global commons because the stewardship of these areas is shared by all the nations of the world. The Department of Defense will take account of environmental considerations when it acts in the global commons in accordance with procedures set out in enclosure 1 and its attachment.

(c) The Department of Defense also acts with care within the jurisdiction of a foreign nation. Treaty obligations and the sovereignty of other nations must be respected, and restraint must be exercised in applying United States laws within foreign nations unless Congress has expressly provided otherwise. The Department of Defense will take account of environmental considerations in accordance with enclosure 2 and its attachments when it acts in a foreign nation.

(d) Foreign policy considerations require coordination with the Department of State on communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this Part.

Informal working-level communications and arrangements are not included in this coordination requirement. Consultation with the Department of State also is required in connection with the utilization of additional exemptions from this Part as specified in paragraph C.3.b. of enclosure 2. Coordination and consultation with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

(e) Executive Order 12114, implemented by this Part prescribes the exclusive and complete procedural measures and other actions to be taken by the Department of Defense to further the purpose of the National Environmental Policy Act with respect to the environment outside the United States.

§ 197.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall:

(1) Serve as the responsible Department of Defense official for policy matters under Executive Order 12114 and this Part;

(2) Modify or supplement any of the enclosures to this Part in a manner consistent with the policies set forth in this Part;

(3) Maintain liaison with the Council on Environmental Quality with respect to environmental documents;

(4) Participate in determining whether a recommendation should be made to the President that a natural or ecological resource of global importance be designated for protection; and

(5) Consult with the Assistant Secretary of Defense (International Security Affairs) on significant or sensitive actions or decisions affecting relations with another nation.

(b) The *Assistant Secretary of Defense (International Security Affairs)* shall:

(1) Maintain liaison and conduct consultations with the Department of State as required under this Part; and

(2) Serve as the responsible official, in consultation with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), for monitoring the continuing cooperation and the exchange of information with other nations concerning the environment.

(c) The *General Counsel, DoD*, shall provide advice and assistance concerning the requirements of Executive Order 12114 and this Part.

(d) The *Secretaries of the Military Departments, Directors of the Defense Agencies*, and *Commanders of the Unified and Specified Commands*, for operations under their jurisdiction, shall:

(1) Prepare and consider environmental documents when required by this directive for proposed actions within their respective DoD component (this reporting requirement has been assigned Report Control Symbol DD-M(AR) 1327 (§ 197.6));

(2) Insure that regulations and other major policy issuances are reviewed for consistency with Executive Order 12114 and this Part;

(3) Designate a single point-of-contact for matters pertaining to this Part; and

(4) Consult with the Assistant Secretary of Defense (International Security Affairs) on significant or sensitive actions or decisions affecting relations with another nation.

§ 197.6 Information requirements.

The documents to be prepared under § 197.5(d) and enclosures 1 and 2, "Requirements for Environmental Considerations—Global Commons," and "Requirements for Environmental Considerations—Foreign Nations and Protected Global Resources," respectively, are assigned Report Control Symbol DD-M(AR) 1327.

Enclosure 1.—Requirements for Environmental Considerations—Global Commons

A. *General.* This enclosure implements the requirements of Executive Order 12114 with respect to major Department of Defense actions that do significant harm to the environment of the global commons. The focus is not the place of the action, but the location of the environment with respect to which there is significant harm. The actions prescribed by this enclosure are the exclusive and complete requirement for taking account of environmental considerations with respect to Department of Defense activities that affect the global commons.

B. *Actions included.* The requirements of this enclosure apply only to major federal actions that do significant harm to the environment of the global commons.

C. *Environmental Document Requirements.*

1. *General.* When an action is determined to be a major federal action that significantly harms the environment of the global commons, an environmental impact statement, as described below, will be prepared to enable the responsible decision-making official to be informed of pertinent environmental considerations. The statement may be a specific statement for the particular

action, a generic statement covering the entire class of similar actions, or a program statement.

2. *Limitations on Actions.* Until the requirements of this enclosure have been met with respect to actions involving the global commons, no action concerning the proposal may be taken that does significant harm to the environment or limits the choice of reasonable alternatives.

3. *Emergencies.* Where emergency circumstances make it necessary to take an action that does significant harm to the environment without meeting the requirements of this enclosure, the DoD component concerned shall consult with the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics). This includes actions that must be taken to promote the national defense or security and that cannot be delayed, and actions necessary for the protection of life or property.

4. *Combining Documents.* Environmental documents may be combined with other agency documents to reduce duplication. If an environmental impact statement for a particular action already exists, regardless of what federal agency prepared it, no new statement is required by this Part.

5. *Collective Statements.* Consideration should be given to the use of generic and program statements. Generic statements may include actions with relevant similarities such as common timing, environmental effects, alternatives, methods of implementation, or subject matter.

6. *Tiering.* Consideration should be given to tiering of environmental impact statements to eliminate repetitive discussions of the same issue and to focus the issues. Tiering refers to the coverage of general matters in broader environmental impact statements, with succeeding narrower statements or environmental analyses that incorporate by reference the general discussion and concentrate only on the issues specific to the statement subsequently prepared.

7. *Lead Agency.* When one or more other federal agencies are involved with the Department of Defense in an action or program, a lead agency may be designated to supervise the preparation of the environmental impact statement. In appropriate cases, more than one agency may act as joint lead agencies. The following factors should be considered in making the lead agency designation: a. The magnitude of agency involvement;

b. Which agency or agencies have project approval and disapproval authority;

c. The expert capabilities concerning the environmental effects of the action;

d. The duration of agency involvement; and

e. The sequence of agency involvement.

8. *Categorical Exclusions.* The Department of Defense may provide categorical exclusions for actions that normally do not, individually or cumulatively, do significant harm to the environment. If an action is covered by a categorical exclusion no environmental assessment or environmental impact statement is required. Categorical exclusions will be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) and will be identified in Attachment 1 to this enclosure, to be entitled, "Categorical Exclusions—Global commons. "DoD components identifying recurring actions that have been determined, after analysis, not to do significant harm to the environment should submit recommendations for cateorical exclusions and accompanying justification to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

9. *Environmental Assessments.* The purpose of an environmental assessment is to assist DoD components in determining whether an environmental impact statement is required for a particular action. The assessment should be brief and concise but should include sufficient information on which a determination can be made whether the proposed action is major and federal, and whether it significantly harms the environment of the global commons. As a minimum, the assessment should include consideration of the need for the proposed action and the environmental effect of the proposed action. The environmental assessment will be made available to the public in the United States upon request, but there is no requirement that it be distributed for public comment.

D. *Environmental Impact Statements.* 1. *General.* Environmental impact statements will be concise and no longer than necessary to permit an informed consideration of the environmental effects of the proposed action on the global commons and the reasonable alternatives. If an action requiring an environmental impact statement also has effects on the environment of a foreign nation or on a resource designated as one of global importance, the statement need not consider or be prepared with respect to these effects. The procedures for considering these effects are set out in enclosure 2, below.

2. *Draft Statement.* Environmental impact statements will be prepared in two stages and may be supplemented. The first, or draft statement, should be sufficiently complete to permit meaningful analysis and comment. The draft statement will be made available to the public, in the United States, for comment. The Department of State, the council on environmental Quality, and other interested federal agencies will be informed of the availability of the draft statement and will be afforded an opportunity to comment. Contacts with foreign governments are discussed in § 197.4(d) and subsection D.11. of this enclosure.

3. *Final statement.* Final statements will consider, either individually or collectively, substantive comments received on the draft statement. The final statement will be made available to the public in the United States.

4. *Supplemental statement.* Supplements to the draft or final statement should be used when substantial changes to the proposed action are made relative to the environment of the global commons or when significant new information or circumstances, relevant to environmental concerns, bears on the proposed action or its environmental effects on the global commons. Supplemental statements will be circulated for comment as in subsection 2. above unless alternative procedures are approved by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

5. *Statement content.* The statement will include: a section on consideration of the purpose of and need for the proposed action; a section on the environmental consequences of the proposed action and reasonable alternatives; a section that provides a succinct description of the environment of the global commons affected by the proposed action and reasonable alternatives; and a section that analyzes, in comparative form, the environmental effects on the global commons of the proposed action and reasonable alternatives.

6. *Incomplete Information.* The statement should indicate when relevant information is missing due to unavailability or scientific uncertainty.

7. *Hearings.* Public hearings are not required. consideration should be given in appropriate cases to holding or sponsoring public hearings. Factors in this consideration include: foreign relations sensitivities; whether the hearings would be an infringement or create the appearance of infringement on the sovereign responsibilities of another government; requirements of domestic and foreign governmental confidentiality; requirements of national security; whether meaningful information could be obtained through hearings; time considerations; and requirements for commercial confidentiality. There is no requirement that all factors listed in this section be considered when one or more factors indicate that public hearings would not produce a substantial net benefit to those responsible for authorizing or approving the proposed action.

8. *Decision.* Relevant environmental documents developed in accordance with this enclosure will accompany the proposal for action through the review process to enable officials responsible for authorizing or approving the proposed action to be informed and to take account of environmental considerations. One means of making an appropriate record with respect to this requirement is for the decision-maker to sign and date a copy of the environmental impact statement indicating that it has been considered in the decision-making process. Other means of making an appropriate record are also acceptable.

9. *Timing.* No decision on the proposed action may be made until the later of 90 days after the draft statement has been made available and notice thereof published in the Federal Register, or 30 days after the final statement has been made available and notice thereof published in the Federal Register. The 90-day period and the 30-day period may run concurrently. Not less than 45 days may be allowed for public comment. The Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) may, upon a showing of probable important adverse effect on national security or foreign policy, reduce the 30-day, 45-day, and 90-day periods.

10. *Classified Information.* Environmental assessments and impact statements that address classified proposals will be safeguarded and classified information will

be restricted from public dissemination in accordance with Department of Defense procedures (32 CFR 159) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this Part. Only unclassified portions of environmental documents may be disseminated to the public.

11. *Foreign Governments.* Consideration will be given to whether any foreign government should be informed of the availability of environmental documents. Communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this Part will be coordinated with the Department of State. Informal, working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

Enclosure 2.—Requirements for Environmental Considerations—Foreign Nations and Protected Global Resources

A. *General.* This enclosure implements the requirements of Executive Order 12114 to provide for procedural and other actions to be taken to enable officials to be informed of pertinent environmental considerations when authorizing or approving certain major Department of Defense actions that do significant harm to the environment of a foreign nation or to a protected global resource.

B. *Actions included.* 1. The requirements of this enclosure apply only to the following actions:

a. Major federal actions that significantly harm the environment of a foreign nation that is not involved in the action. The involvement of the foreign nation may be directly by participation with the United States in the action, or it may be in conjunction with another participating nation. The focus of this category is on the geographical location of the environmental harm and not on the location of the action.

b. Major federal actions that are determined to do significant harm to the environment of a foreign nation because they provide to that nation: (1) a product, or involve a physical project that produces a principal product, emission, or effluent, that is prohibited or strictly regulated by federal law in the United States because its toxic effects on the environment create a serious public health risk; or (2) a physical project that is prohibited or strictly regulated in the United States by federal law to protect the environment against radioactive substances. Included in the category of "prohibited or strictly regulated" are the following: asbestos, vinyl chloride, acrylonitrile, isocyanates, polychlorinated biphenyls, mercury, beryllium, arsenic, cadmium, and benzene.

c. Major federal actions outside the United States that significantly harm natural or ecological resources of global importance designated for protection by the President or, in the case of such a resource protected by international agreement binding on the United States, designated for protection by the Secretary of State. Such determinations by the President or the Secretary of State to be listed in Attachment 1 to this enclosure, entitled, "Protected Global Resources".

2. The actions prescribed by this enclosure are the exclusive and complete requirement for taking account of environmental considerations with respect to federal actions that do significant harm to the environment of foreign nations and protected global resources as described in subsection B.1., above. No action is required under this enclosure with respect to federal actions that affect only the environment of a participating or otherwise involved foreign nation and that do not involve providing products or physical projects producing principal products, emissions, or effluents that are prohibited or strictly regulated by federal law in the United States, or resources of global importance that have been designated for protection.

C. *Environmental Document Requirements.*

1. *General.* a. There are two types of environmental documents officials shall use in taking account of environmental considerations for actions covered by this enclosure:

(1) Environmental studies—bilateral or multilateral environmental studies, relevant or related to the proposed action, by the United States and one or more foreign nations or by an international body or organization in which the United States is a member or participant; and

(2) Environmental reviews—concise reviews of the environmental issues involved that are prepared unilaterally by the United States.

b. This section identifies the procedures for the preparation of environmental studies or reviews when required by this enclosure and the exceptions from the requirement to prepare environmental studies or reviews. If an environmental document already exists for a particular action, regardless of what federal agency prepared it, no new document is required by this enclosure.

2. *Lead Agency.* When one or more other federal agencies are involved with the Department of Defense in an action or program, a lead agency may be designated to supervise the preparation of environmental documentation. In appropriate cases, more than one agency may act as joint lead agencies. The following factors should be considered in making the lead agency designation:

a. The magnitude of agency involvement;

b. Which agency or agencies have project approval and disapproval authority;

c. The expert capabilities concerning the environmental effects of the action;

d. The duration of agency involvement; and

e. The sequence of agency involvement.

3. *Exemptions.* There are general exemptions from the requirements of this enclosure provided by Executive Order 12114, and the Secretary of Defense has the authority to approve additional exemptions.

a. *General Exemptions.* The following actions are exempt from the procedural and other requirements of this enclosure under general exemptions established for all agencies by Executive Order 12114:

(1) Actions that the DoD component concerned determines do not do significant harm to the environment outside the United States or to a designated resource of global importance.

(2) Actions taken by the President. These include: signing bills into law; signing treaties and other international agreements; the promulgation of Executive Orders; Presidential proclamations; and the issuance of Presidental decisions, instructions, and memoranda. This includes actions taken within the Department of Defense to prepare or assist in preparing recommendations, advice, or information for the President in connection with one of these actions by the President. It does not include actions taken within the Department of Defense to implement or carry out these instruments and issuances after they are promulgated by the President.

(3) Actions taken by or pursuant to the direction of the President or a cabinet officer in the course of armed conflict. The term "armed conflict" refers to: hostilities for which Congress has declared war or enacted a specific authorization for the use of armed forces; hostilities or situations for which a report is prescribed by section 4(a)(1) of the War Powers Resolution, 50 U.S.C.A. § 1543(a)(1) (Supp. 1978); and other actions by the armed forces that involve defensive use or introduction of weapons in situations where hostilities occur or are expected. This exemption applies as long as the armed conflict continues.

(4) Actions taken by or pursuant to the direction of the President or a cabinet officer when the national security or national interest is involved. The determination that the national security or national interest is involved in actions by the Department of Defense must be made in writing by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

(5) The activities of the intelligence components utilized by the Secretary of Defense under Executive Order 12036, 43 FR 3674 (1978). These components include the Defense Intelligence Agency, the National Security Agency, the offices for the collection of specialized intelligence through reconnaissance programs, the Army Office of the Assistant Chief of Staff for Intelligence, the Office of Naval Intelligence, and the Air Force Office of the Assistant Chief of Staff for Intelligence.

(6) The decisions and actions of the Office of the Assistant Secretary of Defense (International Security Affairs), the Defense Security Assistance Agency, and the other responsible offices within DoD components with respect to arms transfers to foreign nations. The term "arms transfers" includes the grant, loan, lease, exchange, or sale of defense articles or defense services to foreign governments or international organizations, and the extension or guarantee of credit in connection with these transactions.

(7) Votes and other actions in international conferences and organizations. This includes all decisions and actions of the United States with respect to representation of its interests

at international organizations, and at multilateral conferences, negotiations, and meetings.

(8) Disaster and emergency relief actions.

(9) Actions involving export licenses, export permits, or export approvals, other than those relating to nuclear activities. This includes: advice provided by DoD components to the Department of State with respect to the issuance of munitions export licenses under section 38 of the Arms Export Control Act, 22 U.S.C. § 2778 (1976); advice provided by DoD components to the Department of Commerce with respect to the granting of export licenses under the Export Administration Act of 1969, 50 U.S.C. App. §§ 2401–2413 (1970 & Supp. V 1975); and direct exports by the Department of Defense of defense articles and services to foreign governments and international organizations that are exempt from munitions export licenses under section 38 of the Arms Export Control Act, 22 U.S.C. § 2778 (1976). The term "export approvals" does not mean or include direct loans to finance exports.

(10) Actions relating to nuclear activities and nuclear material, except actions providing to a foreign nation a nuclear production or utilization facility, as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility.

b. *Additional Exemptions.* The Department of Defense is authorized under Executive Order 12114 to establish additional exemptions that apply only to the Department's operations. There are two types of additional exemptions: case-by-case and class.

(1) *Case-by-Case Exemptions.* Exemptions other than those specified above may be required because emergencies, national security considerations, exceptional foreign policy requirements, or other special circumstances preclude or are inconsistent with the preparation of environmental documentation and the taking of other actions prescribed by this enclosure. The following procedures apply for approving these exemptions:

(a) *Emergencies.* This category includes actions that must be taken to promote the national defense or security and that cannot be delayed, and actions necessary for the protection of life or property. The heads of the DoD components are authorized to approve emergency exemptions on a case-by-case basis. The Department of Defense is required to consult as soon as feasible with the Department of State and the Council on Environmental Quality with respect to emergency exemptions. The requirement to consult as soon as feasible is not a requirement of prior consultation. A report of the emergency action will be made by the DoD component head to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), who, with the Assistant Secretary of Defense (International Security Affairs), shall undertake the necessary consultations.

(b) *Other Circumstances.* National security considerations, exceptional foreign policy requirements, and other special circumstances not identified in paragraph C.3.a. above, may preclude or be inconsistent with the preparation of environmental documentation. In these circumstances, the head of the DoD component concerned is authorized to exempt a particular action from the environmental documentation requirements of this enclosure after obtaining the prior approval of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), who, with the Assistant Secretary of Defense (International Security Affairs), shall consult, before approving the exemption, with the Department of State and the Council on Environmental Quality. The requirement for prior consultation is not a requirement for prior approval.

(2) *Class Exemptions.* Circumstances may exist where a class exemption for a group of related actions is more appropriate than a specific exemption. Class exemptions may be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), who, with the Assistant Secretary of Defense (International Security Affairs), shall consult, before approving the exemption, with the Department of State and the Council on Environmental Quality. The requirement for prior consultation is not a requirement for prior approval. Requests for class exemptions will be submitted by the head of the DoD component concerned to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) after coordination with other interested DoD components. Notice of the establishment of a class exemption will be issued as Attachment 2 to this enclosure to be entitled, "Class Exemptions—Foreign Nations and Protected Global Resources."

4. *Categorical Exclusions.* The Department of Defense is authorized by Executive Order 12114 to provide for categorical exclusions. A categorical exclusion is a category of actions that normally do not, individually or cumulatively, do significant harm to the environment. If an action is covered by a categorical exclusion, no environmental document is required. Categorical exclusions will be established by the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), and will be identified in Attachment 3 to this enclosure to be entitled, "Categorical Exclusions—Foreign Nations and Protected Global Resources." DoD components identifying recurring actions that have been determined, after analysis, not to do significant harm to the environment should submit requests for categorical exclusions and accompanying justification to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

D. *Environmental studies.* 1. *General.* Environmental studies are one of two alternative types of documents to be used for actions described by section B. of this enclosure.

a. An environmental study is an analysis of the likely environmental consequences of the action that is to be considered by DoD components in the decision-making process. It includes a review of the affected environment, significant actions taken to avoid environmental harm or otherwise to better the environment, and significant environmental considerations and actions by the other participating nations, bodies, or organizations.

b. An environmental study is a cooperative action and not a unilateral action undertaken by the United States. It may be bilateral or multilateral, and it is prepared by the United States in conjunction with one or more foreign nations, or by an international body or organization in which the United States is a member or participant. The environmental study, because it is prepared as a cooperative undertaking, may be best suited for use with respect to actions that provide strictly regulated or prohibited products or projects to a foreign nation (B.l.b.) and actions that affect a protected global resource (B.l.c.).

2. *Department of State Coordination.* Communications with foreign governments concerning environmental studies and other formal arrangements with foreign governments concerning environmental matters under this directive will be coordinated with the Department of State. Informal, working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

3. *Whether to Prepare an Environmental Study.* The judgment whether the action is one that would do significant harm to one of the environments covered by this enclosure normally will be made in consultation with concerned foreign governments or organizations. If a negative decision is made, the file will be documented with a record of that decision and the decision-makers who participated. If a decision is made to prepare a study then, except as provided by this enclosure, no action concerning the proposal may be taken that would do significant harm to the environment until the study has been completed and the results considered.

4. *Content of the Study.* The document is a study of the environmental aspects of the proposed action to be considered in the decision-making process. The precise content of each study must be flexible because of such considerations as the sensitivity of obtaining information from foreign governments, the availability of useful and understandable information, and other factors identified under "Limitations," (subsection D.6., below). The study should, however, include consideration of the following:

a. A general review of the affected environment;

b. The predicted effect of the action on the environment;

c. Significant known actions taken by governmental entities with respect to the proposed action to protect or improve the environment; and

d. If no actions are being taken to protect or enhance the environment, whether the decision not to do so was made by the affected foreign government or international organization.

5. *Distribution of the Study.* Except as provided under "Limitations," (subsection D.6., below), and except where classified information is involved, environmental studies will be made available to the

Department of State, the Council on Environmental Quality, other interested federal agencies, and, on request, to the public in the United States. Interested foreign governments also may be informed of the studies, subject to the "Limitations" (subsection D.6., below) and controls on classified information, and furnished copies of the documents. No distribution is required prior to the preparation of the final version of the study or prior to taking the action that caused the study to be prepared.

6. *Limitations.* The requirements with respect to the preparation, content, and distribution of environmental studies in the international context must remain flexible. The specific procedures must be determined on a case-by-case basis and may be modified where necessary to:

a. Enable the component to act promptly. Considerations such as national security and foreign government involvement may require prompt action that must take precedence in the environmental review process;

b. Avoid adverse impacts on relations between the United States and foreign governments and international organizations;

c. Avoid infringement or the appearance of infringement on the sovereign responsibilities of another government. The collection of information and the preparation and distribution of environmental documentation for actions in which another nation is involved, or with respect to the environment and resources of another nation, unless done with proper regard to the sovereign authority of that nation, may be viewed by that nation as an interference in its internal affairs and its responsibility to evaluate requirements with respect to the environment;

d. Ensure consideration of:

(1) Requirements of governmental confidentiality. This refers to the need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure regardless of its classification;

(2) National security requirements. This refers to the protection of classified information and other national security interests;

(3) Availability of meaningful information. Information on the environment of foreign nations may be unavailable, incomplete, or not susceptible to meaningful evaluation, particularly where the affected foreign nation is not a participant in the analysis. This may reduce or change substantially the normal content of the environmental study;

(4) The extent of the participation of the DoD component concerned and its ability to affect the decision made. The utility of the environmental analysis and the need for an in-depth review diminishes as DoD's role and control over the decision lessens; and

(5) International commercial, commercial confidentiality, competitive, and export promotion factors. This refers to the requirement to protect domestic and foreign trade secrets and confidential business information from disclosure. Export promotion factors includes the concept of not unnecessarily hindering United States exports.

7. *Classified Information.* Classified information will be safeguarded from disclosure in accordance with the Department of Defense procedures (32 CFR 159) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this directive.

E. *Environmental Reviews.* 1. *General.* Environmental reviews are the second of the two alternative types of documents to be used for actions covered by section B. of this enclosure.

a. An environmental review is a survey of the important environmental issues involved. It includes identification of these issues, and a review of what if any consideration has been or can be given to the environmental aspects by the United States and by any foreign government involved in taking the action.

b. An environmental review is prepared by the DoD component concerned either unilaterally or in conjunction with another federal agency. While an environmental review may be used for any of the actions identified by section B., it may be uniquely suitable, because it is prepared unilaterally by the United States, to actions that affect the environment of a nation not involved in the undertaking (B.1.a.).

2. *Department of State Coordination.* Communications with foreign governments concerning environmental agreements and other formal arrangements with foreign governments concerning environmental matters under this enclosure will be coordinated with the Department of State. Informal working-level communications and arrangements are not included in this coordination requirement. Coordination with the Department of State will be through the Assistant Secretary of Defense (International Security Affairs).

3. *Whether to Prepare an Environmental Review.* Sufficient information will be gathered, to the extent it is reasonably available, to permit an informed judgment as to whether the proposed action would do significant harm to the environments covered by this enclosure. If a negative decision is made, a record will be made of that decision and its basis. If a decision is made to prepare a review, then, except as provided by this enclosure, no action concerning the proposal may be taken that would do significant environmental harm until the review has been completed.

4. *Content of the Review.* An environmental review is a survey of the important environmental issues associated with the proposed action that is to be considered by the DoD component concerned in the decision-making process. It does not include all possible environmental issues and it does not include the detailed evaluation required in an environmental impact statement under enclosure 1 of this Part. There is no foreign government or international organization participation in its preparation, and the content therefore may be circumscribed because of the availability of information and because of foreign relations sensitivities. Other factors affecting the content are identified under "Limitations," (subsection E.6., below). To the extent reasonably practical the review should include consideration of the following:

a. A statement of the action to be taken including its timetable, physical features, general operating plan, and other similar broad-guage descriptive factors;

b. Identification of the important environmental issues involved;

c. The aspects of the actions taken or to be taken by the DoD component that ameliorate or minimize the impact on the environment; and

d. The actions known to have been taken or to be planned by the government of any participating and affected foreign nations that will affect environmental considerations.

5. *Distribution.* Except as provided under "Limitations," (subsection E.6., below), and except where classified information is involved, environmental reviews will be made available to the Department of State, the Council on Environmental Quality, other interested federal agencies, and, on request, to the public in the United States. Interested foreign governments also may be informed of the reviews and, subject to the "Limitations" (subsection E.6., below) and controls on classified information, will be furnished copies of the documents on request. This provision for document distribution is not a requirement that distribution be made prior to taking the action that is the subject of the review.

6. *Limitations.* The requirements with respect to the preparation, content, and distribution of enviornmental reviews in the international context must remain flexible. The specific procedures must be determined on a case-by-case basis and may be modified where necessary to:

a. Enable the component to act promptly. Considerations such as national security and foreign government involvement may require prompt action that must take precedence in the environmental review process;

b. Avoid adverse impacts on relations between the United States and foreign governments and international organizations;

c. Avoid infringement or the appearance of infringement on the sovereign responsibilities of another government. The collection of information and the preparation and distribution of environmental documentation for actions in which another nation is involved or with respect to the environment and resources of another nation, unless done with proper regard to the sovereign authority of that nation, may be viewed by that nation as an interference in its internal affairs and its prerogative to evaluate requirements with respect to the environment; and

d. Ensure consideration of:

(1) Requirements of governmental confidentiality. This refers to the need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure regardless of its classification;

(2) National security requirements. This refers to the protection of classified information;

(3) Availability of meaningful information. Information on the environment of foreign nations may be unavailable, incomplete, or not susceptable to meaningful evaluation, and this may reduce or change substantially the normal content of the evironmental review;

(4) The extent of the participation of the DoD component concerned and its ability to affect the decision made. The utility of the environmental analysis and the need for an in-depth review diminishes as the role of the Department of Defense and control over the decision lessens; and

(5) International commercial, commercial confidentiality, competitive, and export promotion factors. This refers to the requirements to protect domestic and foreign trade secrets and confidential business information from disclosure. Export promotion factors includes the concept of not unnecessarily hindering United States exports.

7. *Classified Information.* Classified information will be safeguarded from disclosure in accordance with the DoD procedures (32 CFR 159) established for such information under Executive Order 12065. The requirements of that Executive Order take precedence over any requirement of disclosure in this Part.

H. E. Lofdahl,

Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

April 9, 1979.

[DoD Directive 6050.7]

[FR Doc. 79-11365 Filed 4-11-79; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

Anchorage Regulations; Anchorage Grounds and Special Anchorage Areas, Newport Harbor, Newport, R.I.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule disestablishes two anchorage grounds and establishes three special anchorage areas in Newport Harbor, Newport, Rhode Island. This regulation is needed to provide adequate anchorage space for pleasure craft in this vicinity. 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. This amendment will enhance maritime safety in Newport Harbor by providing areas, well removed from channels and traffic traversing the harbor, in which small craft may safely anchor.

EFFECTIVE DATE: This amendment is effective on May 12, 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 November 30, 1978, the Coast Guard published a proposed rule (43 FR 56058), concerning this amendment. Interested persons were given until January 16, 1979 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 as follows:

1. By adding a new section 110.46 to read as follows:

§ 110.46 Newport Harbor, Newport, Rhode Island.

(a) Area No. 1. The waters of Brenton Cove south of a line extending from latitude 41°28'50" N., longitude 71°18'58" W.; to latitude 41°28'45" N., longitude 71°20'08" W.; thence along the shoreline to the point of beginning.

(b) Area No. 2. The waters east of Goat Island beginning at a point bearing 090°, 245 yards from Goat Island Shoal Light; thence 007°, 505 yards; thence 054°, 90 yards; thence 086°, 330 yards; thence 122°, 90 yards; thence 179°, 290 yards; thence 228°, 380 yards; thence 270°, 250 yards to the point of beginning.

(c) Area No. 3. The waters north of Goat Island Causeway Bridge beginning at Newport Harbor Light; thence 023° to the southwest corner of Anchorage E; thence 081° following the southerly boundary of Anchorage E to the shoreline; thence south along the shoreline to the east foot of the Goat Island Causeway bridge; thence west following Goat Island Causeway Bridge to the shoreline of Goat Island; thence north following the east shore of Goat Island to the point of beginning. 2. By deleting from section 110.145 subparagraphs (a)(6) and (a)(7).

§ 110.145 Narragansett Bay, Rhode Island.

(a) * * *

(6) Delete.

(7) Delete.

(Sec. 1, 30 Stat. 98, as amended (33 U.S.C. 180); Sec. 7, 38 Stat. 1053, as amended (33 U.S.C. 471); Sec. 6(g)(1) 80 Stat. 937 (49 U.S.C. 1655(g)(1); 49 CFR 1.46(c)).)

Dated: April 4, 1979.

R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Acting Commandant.

[CGD 76-104]

[FR Doc. 79-11353 Filed 4-11-79; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch 1

Appendix—Temporary Regulation; Use of Small Purchase Procedures and Schedule Contracts for Automatic Data Processing (ADP) Requirements

AGENCY: General Services Administration.

ACTION: Extension of expiration date.

SUMMARY: This regulation extends the expiration date of Federal Procurement Regulations Temporary Regulation 46 (43 FR 40015, September 8, 1978). The extension will allow more time for an orderly codification process. The intended effect is to lower administrative costs by including other anticipated changes in the codification of the temporary regulation provisions.

DATES: Effective date: March 1, 1979. Expiration date: September 30, 1979, unless revised or superseded prior to that time.

FOR FURTHER INFORMATION CONTACT: Philip G. Read, Acting Director, Federal Procurement Regulations Directorate, 703-557-8947.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

In 41 CFR Chapter 1, FPR Temporary Regulation 46, Supplement 1 is added to the appendix at the end of the chapter.

Federal Procurement Regulations Temporary Regulation 46 Supplement 1

TO: Heads of Federal agencies.

SUBJECT: Use of small purchase procedures and schedule contracts for automated data processing (ADP) requirements.

1. *Purpose.* This supplement extends the expiration date of FPR Temporary Regulation 46.

2. *Effective date.* This regulation was effective March 1, 1979.

3. *Expiration date.* This regulation expires September 30, 1979, unless revised or superseded prior to that time.

4. *Explanation of changes.* The expiration date of March 31, 1979, contained in paragraph 3 of FPR Temporary Regulation 46, is extended to September 30, 1979.

Dated: March 30, 1979.

Jay Solomon,
Administrator of General Services.

[Temporary Regulation 46, Supplement 1]
[FR Doc. 79-11441 Filed 4-11-79; 8:45 am]
BILLING CODE 6820-82-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Reflecting a Reorganization of Offices of the General Counsel and the Office of Executive Director

Preamble

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The FCC Reports function currently the responsibility of the Office of the General Counsel is being reassigned to The Secretary in the Office of the Executive Director. The Reports function will be merged with the present functions of The Secretary concerned with the FCC Rules Volumes, the **Federal Register** and the Code of Federal Regulations.

EFFECTIVE DATE: April 4, 1979.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William Gaston, Office of Executive Director, (202) 632-7513.

Order

Adopted: April 3, 1979.
Released: April 6, 1979.

By the Commission:

In the Matter of Amendment of Part 0 of the Commission Rules to Reflect a reorganization of Offices of the General Counsel and the Office of Executive Director.

1.The Commission believes that sound management actions will improve Commission efficiency. As a result, the FCC Reports function currently the responsibility of the Office of the General Counsel is being reassigned to The Secretary in the Office of the Executive Director. The Reports function will be merged with the present functions of The Secretary which are concerned with the FCC Rules Volumes, the **Federal Register** and the Code of Federal Regulations.

2. The amendments adopted herein pertain to agency organization. The prior notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act are therefore inapplicable. Authority for the amendments adopted herein is contained in Sections 4(i) and 5(b) of the Communications Act of 1934, as amended, and in Section 0.231(d) of the Commission's Rules.

3. In view of the above, *It is ordered* that, effective April 4, 1979, that Part 0 of the Rules and Regulations is amended as set forth in the appendix hereto.

Federal Communications Commission.

(Secs. 4, 5, 303, 48 Stat., as amended. 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

William J. Tricarico,
Secretary.

Appendix

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

1. In § 0.11, paragraph (g) is revised to read as follows:

§ 0.11 Functions of the Office.

* * * * *

(g) To give general direction to The Secretary of the Commission. The Secretary maintains records of official Commission actions and has the responsibility to prepare the bound volumes of the FCC Reports; with minor exceptions, signs correspondence and documents adopted by the Commission; maintains records of docketed cases; is the recipient of papers filed with the Commission; and is custodian of the Commission's seal and records.

§ 0.41 [Amended]

2. In Section 0.41, paragraph (n) is deleted.

[FCC 79-214]
[FR Doc. 79-11349 Filed 4-11-79; 8:45 am]
BILLING CODE 6712-0-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

Providing for the Establishment of a Joint Tactical Information Distribution System in the 960-1215 MHz Aeronautical Radionavigation Band; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Correction to the Appendix to the Report and Order (FR Doc. 79-9062, 44 FR 18023, March 26, 1979) in this matter to insert into the Table of Frequency Allocations a footnote number which was left out. This action will correct that error.

EFFECTIVE DATE: April 30, 1979.

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

FOR FURTHER INFORMATION CONTACT: Kemp J. Beaty, Private Radio Bureau, (202) 632-7175.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Parts 2 and 87 of the Commission's rules to provide for the establishment of a Joint Tactical Information Distribution System in the 960-1215 MHz aeronautical radionavigation band, Gen. Docket No. 78-231 RM 3095, [44 FR 18023] Released: April 4, 1979.

1. The Appendix to the Report and Order in the above matter (FCC 79-155; released March 22, 1979) contains an error in § 2.106 the Table of Frequency Allocations. Inadvertently the footnote number US 224 was not inserted in column 6.

2. Therefore, § 2.106, the Table of Frequency Allocations is amended as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

Band (MHz)	Allocation
5	6
960-1215	G, NG (US 224)

* * * * *

Federal Communications Commission.

William J. Tricarico,
Secretary.

[Gen. Docket No. 78-231; Rm-3095]
[FR Doc. 79-11348 Filed 4-11-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Parts 172, 173, 178

Conversion of Individual Exemptions to Regulations of General Applicability

AGENCY: Materials Transportation Bureau, Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on the data and analysis supplied in selected exemption applications or from existing exemptions. The need for this action has been created by the public demand to make available new packaging and shipping alternatives that have proven themselves safe under the Department's exemption program. The intended effect of these amendments is to provide wider

access to the benefits of transportation innovations recognized and shown to be effective and safe.

EFFECTIVE DATE: April 12, 1979.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Office of Hazardous Materials Regulations, 2100 2nd Street, S.W., Washington, D.C. 20590 (202–755–4962).

SUPPLEMENTARY INFORMATION: On December 18, 1978, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking, Docket HM–139A; Notice No. 78–14 (43 FR 58834) which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of January 17, 1979.

Primary drafters of this document are Darrell L. Raines and John C. Allen, Office of Hazardous Materials Regulations, Exemptions and Regulations Termination Branch, and Evan C. Braude, of the Office of the Chief Counsel, Research and Special Programs Administration.

The Bureau received only five comments on Notice 78–14, all of which were favorable to the proposed changes except for slight modifications.

One commenter expressed support for the proposal to lower the silicon content in 4130X steel used for DOT Specification 3AA cylinders (E 7935). In addition, this commenter recommended that this same change also be made for AISI 4130 steel used for DOT Specification 3HT and 4DA. The Bureau agrees with the recommendation and has gone one step further and included this change for DOT Specification 4D. By making these changes, the silicon range now corresponds with that applying to DOT Specification 3T. Silicon is added to molten steel as part of the deoxidation process—e.g., to remove gaseous oxygen. While the addition of silicon is the traditional method of accomplishing this, it is not the only method. This deoxidation may be accomplished also by the addition of such chemical elements as aluminum or titanium. When such additions are made in combination with silicon, the minimum level of silicon may be lowered without any loss in the quality of the steel.

Three of the five commenters corresponding with the Bureau on Notice 78–14 voiced general support for the proposal to add diborane to the hazardous materials table and include the specific packaging previously authorized for over twenty-five years by DOT Exemption No. 930. However, each of the three commenters proposed to delete some of the requirements which have been part of the exemption, but which should not be included in the general regulations. It is maintained that these requirements are not consistent with the existing regulatory provisions pertaining to other compressed gases and are superfluous with respect to safety in transportation.

Two of the requirements pertaining to diborane proposed in Notice 78–14 are being deleted based on the above comments. First, the requirement that the cylinders be overpacked in a DOT–15A wooden box is being deleted. Instead, the shipper is being given the option of using either the wooden box or metal caps for valve protection. Secondly, the requirement for notification of the shipper by wire after receipt of a cylinder of diborane is being deleted as not directly related to safety in transit and inconsistent with requirements for other compressed gases in the hazardous materials regulations.

The biggest disagreement with the proposal to add diborane to the table in § 172.101 is over the proper hazard class and labeling required. Diborane has been shipped under E 930 for many years with the primary hazard class being flammable gas with both the flammable compressed gas label and poison gas label required.

Several commenters maintain that the primary hazard class should be poison A rather than flammable gas. However, little information has been submitted to support this contention. The holder of E 930 has had over 25 years of experience in shipping pure diborane and adamantly maintains that the primary hazard of this material is its flammability and that safety relief devices are absolutely necessary. Information on file with MTB also supports the conclusion that diborane and diborane mixed with other compatible compressed gases should be classed as flammable.

In addition, there are presently several other materials listed by name in § 172.101 which are classed as flammable gases and which require both the flammable gas label and poison label. Some of these, for example hydrogen selenide, are more toxic than diborane, yet are still not classed as Poison A because flammability is considered the primary hazard. For these reasons, MTB believes diborane should be incorporated into the regulations classed as a flammable gas.

However, the Bureau does agree with several commenters who argued that the secondary label should be poison and not poison gas. As mentioned, there are other materials in § 172.101 which are classed as a flammable gas and which also require a secondary label because of their toxicity. The secondary label required for these materials is the poison label and not the poison gas label. There is no apparent reason why labeling required for diborane should not be consistent with this practice.

In consideration of the foregoing, 49 CFR Part 172, 173, and 178 are amended as follows:

1. In § 172.101 the Hazardous Materials Table is amended as follows:

BILLING CODE 4910–60–M

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.101 Hazardous Materials Table.

(1)	(2)	(3)	(4)	(5) Packaging		Maximum net quantity in one package		(7) Water shipments		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Labels(s) required (if not excepted)	(a) Exception	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirement
	(Add)									
	Diborane or diborane mixtures.	Flammable gas	Flammable gas and Poison	None	173.302	Forbidden	Forbidden	1	5	Separate from chlorine and materials bearing the oxidizer label.
	*	*			*		*			*
	Sodium potassium alloy (liquid)	Flammable solid	Flammable solid and Dangerous when wet	None	173.202	Forbidden	25 pounds	1,2	5	Under deck stowage must be readily accessible. Segregation same as for flammable solids labeled Dangerous when wet.
	*	*			*		*			*
	(Revise)									
	Sodium potassium alloy (solid)	Flammable solid	Flammable solid and Dangerous when wet	None	173.206	Forbidden	25 pounds	1,2	5	Under deck stowage must be readily accessible. Segregation same as for flammable solids labeled Dangerous when wet.
	*	*			*		*			*
	Sulfur trioxide	Corrosive material	Corrosive	173.244	173.273	Forbidden	1 gallon	1,2	1,2	Keep dry. Glass bottles not permitted under deck
	*	*			*		*			*

BILLING CODE 4910-60-C

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.100 paragraph (p) is amended by changing "0.006" in the first sentence to read "0.005."

3. § 173.186 is revised to read as follows:

§ 173.186 Paper waste, wet.

Paper waste, wet, must be packed in hermetically sealed metal-lined wooden boxes or air-tight metal containers except that paper waste, wet, free from oil or other foreign matter liable to cause spontaneous ignition may be shipped in tight bales.

4. In § 173.202 the section heading and the introductory text of paragraph (a) are revised; paragraphs (a)(3) and (a)(4) are added to read:

§ 173.202 Sodium metal liquid alloy, potassium metal liquid alloy, and sodium potassium liquid alloy.

(a) Sodium metal liquid alloy, potassium metal liquid alloy, and sodium potassium liquid alloy, must be packed in specification containers as follows:

* * * * *

(3) Specification 4BW240 (§ 178.61 of this subchapter) cylinder. Each cylinder must be equipped with steel valve protection caps or collars, or be packed in strong wooden boxes and secured therein to protect the valves.

(4) Specification 51 (§ 178.245 of this subchapter) portable tank. Tanks shall have a minimum design pressure of 175 pounds per square inch. Safety relief devices must communicate with the vapor space when tanks are fully loaded. Tank must be blanketed with dry nitrogen at a pressure not to exceed 15 psig at all times.

5. In § 173.245 paragraph (a)(32) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(32) Specification 103AW, 103A–ALW, 103ANW, 103BW, 103CW, 103EW, 105A100W, 105A200ALW, 111A100F2, 111A60ALW2, 111A60W2, 111A60W5, or AAR–201–A80W (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars. Specification 105A200ALW tank cars authorized only for acetic anhydride. Specification 105A100W and AAR–201A80W tank cars authorized only for ammonium hydroxide.

* * * * *

6. In § 173.273 the heading is revised; paragraph (b) is added to read as follows:

§ 173.273 Sulfur trioxide.

* * * * *

(b) Sulfur trioxide, unstabilized, must be packed in specification containers as follows:

(1) Cylinders as prescribed for any compressed gas, except acetylene. Cylinders must be closed by metal plugs or valves. If valves are used, they must be protected by a valve protection cap, and each valve outlet must be capped or plugged. Cylinders must have a minimum service pressure of 400 psig and a maximum capacity of one gallon. Safety relief devices are not permitted. Cylinders must be overpacked in strong outside containers.

(2) Specification MC 311 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Tanks must be insulated and equipped with a safety relief valve. If the valve incorporates a rupture disc it may not exceed a maximum pressure of one and one-half times the design pressure of the tank. Tanks equipped with interior heater coils not permitted.

(3) Specification 105A300W (§ 179.100, 179.101 of this subchapter). Tank car. Tank car must be externally coiled and have a safety relief valve set at not more than 225 psig. Cars equipped with interior heater coils not permitted.

(i) Each tank car must be marked "SULFUR TRIOXIDE" in accordance with the requirements of § 172.330 of this subchapter.

7. In § 173.302 paragraph (g) is added to read as follows:

§ 173.302 Charging of cylinders with non-liquefied compressed gases.

* * * * *

(g) *Diborane and diborane mixtures.* Diborane and diborane mixed with compatible compressed gas in specification 3AA1800 (§ 178.37 of this subchapter), cylinders. The maximum filling density of the diborane shall not exceed 7 percent. Diborane mixed with compatible compressed gas must not have a pressure exceeding the service pressure of the cylinder if complete decomposition of the diborane occurs. Cylinder valves must be protected either by metal caps or by over packing cylinder in strong wooden boxes.

8. In § 173.357 paragraph (b)(2) is revised to read as follows:

§ 173.357 Chloropicrin and chloropicrin mixtures containing no compressed gas or Poison A liquid.

* * * * *

(b) * * *

(2) Specification 5A or 5B (§ 178.81, 178.82 of this subchapter). Metal drums not exceeding 33-gallon capacity with welded seams. Specification 5B authorized only for chloropicrin mixtures containing not over 45 percent chloropicrin by weight. Removable head containers not authorized.

* * * * *

9. In § 173.358 paragraph (a)(15) is added to read as follows:

§ 173.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, organic phosphorus compound, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.

(a) * * *

(15) Specification 17E (§ 178.116 of this subchapter). Steel drum (single-trip) which must be made of not less than 18-gauge body and heads. Authorized only for methyl parathion, organic phosphate compound, and parathion. Shipments authorized by private motor carrier only.

10. In § 173.359 paragraphs (a)(18) and (b)(13) are added to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, liquid (includes solutions, emulsions, or emulsifiable liquids).

(a) * * *

(18) Specification 17E (§ 178.116 of this subchapter). Steel drum (single-trip), which must be made of not less than 18-gauge body and heads. Authorized for methyl parathion mixtures, organic phosphate compound mixtures, and parathion mixtures only, and by private motor carrier only.

(b) * * *

(13) Specification 17E (§ 178.116 of this subchapter). Steel drum (single-trip), which must be made of not less than 18-gauge body and heads. Authorized for methyl parathion mixtures, organic phosphate compound mixtures, and parathion mixtures only, and by private motor carrier only.

* * * * *

11. In § 173.377 paragraph (b)(6) is revised to read as follows:

§ 173.377 Hexaethyl tetraphosphate mixtures; methyl parathion mixtures; organic phosphorus compound mixtures; organic phosphate compound mixtures; parathion mixtures; tetraethyl dithio pyrophosphate mixtures; and tetraethyl pyrophosphate mixtures, dry.

* * * * *

(b) * * *

(6) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside specification 2D (§ 178.23 of this subchapter) paper bags not over 5-pound capacity each and having an additional foil liner. Completed package

may not exceed 65 pounds gross weight and must meet the test requirements of paragraphs (d) and (e) of this section. Authorized only for mixtures in which the liquid is absorbed in concentrations no greater than 67 percent.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§§ 178.37–5, 178.44–5, 178.53–5, 178.58–5 [Amended]

12. In § 178.37–5 the Table in paragraph (a) is amended by changing the low silicon content prescribed for 4130X steel from "0.20/0.35" to "0.15/0.35."

13. In § 178.44–5 the Table in paragraph (a) is amended by changing the low silicon content prescribed for AISI 4130 steel from "0.20/0.35" to "0.15/0.35."

14. In § 178.53–5 the Table in paragraph (a) is amended by changing the low silicon content prescribed for 4130X steel from "0.20/0.35" to "0.15/0.35."

15. In § 178.58–5 the Table in paragraph (a) is amended by changing the low silicon content prescribed for 4130 steel from "0.20/0.35" to "0.15/0.35."

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and paragraph (a) of Appendix A to Part 106.)

Note.—The Materials Transportation Bureau has determined that this document constitutes a non-major regulation under Executive Order 12044 and DOT implementing procedures (43 FR 9582). A regulatory evaluation is available for review in the docket.

Issued in Washington, D.C. on April 2, 1979.

L. D. Santman,

Director, Materials Transportation Bureau.

[Docket No. HM–139A; Amdt. Nos. 172–51, 173–129, 178–55]

[FR Doc. 79–11035 Filed 4–11–79; 8:45 am]

BILLING CODE 4910–60–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Tracks of Chicago and North Western Transportation Company

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Service Order No. 1372.

SUMMARY: The Chicago and North Western Transportation Company's line at Spencer, Iowa, is inoperable because of track conditions. Shippers located at Spencer are urgently in need of rail service to ship their products. The Chicago, Milwaukee, St. Paul and Pacific Railroad Company has agreed to operate over tracks of the Chicago and North Western Transportation Company in Spencer in order to serve those shippers. Service Order No. 1372 authorizes operation by the Chicago, Milwaukee, St. Paul and Pacific over tracks of the Chicago and North Western at Spencer, Iowa.

DATES: Effective 11:59 p.m., April 9, 1979. Expires when modified or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C., 20423, Telephone (202) 275–7840, Telex 89–2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

Decided: April 9, 1979.

The line of the Chicago and North Western Transportation Company (CNW) serving Spencer, Iowa, is inoperable because of track conditions depriving shippers located adjacent to these tracks of essential railroad service. The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milw) connects with the CNW in Spencer and has consented to operation over the tracks of the CNW in Spencer. The CNW has consented to this use of its tracks by the Milw.

It is the opinion of the Commission that an emergency exists requiring operation of Milw trains over these tracks of the CNW in the interest of the public; that notice and public procedure are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that:

§ 1033.1372 S.O. 1372

(a) *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company.* The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milw) is authorized to operate over tracks of the Chicago and North Western Transportation Company (CNW) at Spencer, Iowa, for the purpose of serving industries located adjacent to these tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the Milw over tracks of the CNW is deemed to be due to carrier's disability, the rates applicable to traffic moved by the Milw over the tracks of the CNW shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 11:59 p.m., April 9, 1979.

(e) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

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

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

H. G. Homme, Jr.,

Secretary.

[S.O. 1372]

[FR Doc. 79–11417 Filed 4–11–79; 8:45 am]

BILLING CODE 7035–11–M

49 CFR Part 1033

Decision on Substitution of Insulated Boxcars for Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Service Order No. 1373.

SUMMARY: There is a substantial shortage of boxcars on the Atchison, Topeka and Santa Fe Railway for shipments of grain. The ATSF has an available supply of certain insulated boxcars that may be substituted for this traffic at the ratio of one insulated boxcar for each boxcar. Service Order No. 1373 authorizes ATSF, with consent of the shipper, to substitute one insulated boxcar for each boxcar ordered for shipments of grain from any station on ATSF for interchange to Mexican Railroads.

DATES: Effective 12:01 a.m., April 10, 1979. Expires when modified or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington,

D.C. 20423, Telephone (202) 275–7840, Telex 89–2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

Decided April 9, 1979.

An acute shortage of boxcars for transporting shipments of grain exists on The Atchison, Topeka and Santa Fe Railway Company (ATSF) at stations on its lines. The ATSF has an available supply of certain insulated boxcars that may be substituted for this traffic at the ratio of one insulated boxcar for each boxcar, and use of these insulated boxcars for the transportation of grain is precluded by certain tariff provisions, thus curtailing shipments of grain. There is a need for the use of these insulated boxcars to supplement the supplies of plain boxcars for transporting shipments of grain. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1033.1373 Substitution of insulated boxcars for boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars.* The Atchison, Topeka and Santa Fe Railway Company (ATSF) may substitute one insulated boxcar for each boxcar ordered for shipments of grain from any station on the ATSF and destined to any other station on the ATSF, for interchange to Mexican Railroads, subject to the conditions provided in paragraphs (2) through (6) of this order.

(2) *Concurrence of shipper required.* The concurrence of the shipper must be obtained before one insulated boxcar is substituted for each boxcar ordered.

(3) *Exclusive ATSF movement required.* Shipments of grain for which insulated boxcars are substituted for boxcars must originate at stations on the ATSF and must not be routed over any other carrier, and these loaded cars will be interchanged to Mexican Railroads.

(4) *Minimum weights.* The minimum weight per shipment of grain in each insulated boxcar shall be 110,000 pounds.

(5) *Rates.* The cwt. rate for the 110,000 pound shipment in the insulated boxcar moving under authority of this service order will be the same as the cwt. rate for 120,000 pounds in the applicable tariff.

(6) *Endorsement of billing.* Bills of lading and waybills covering movements authorized by this order shall contain a notation that shipment is moving under authority of Service Order No. 1373.

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(d) *Effective date.* This order shall become effective at 12:01 a.m., April 10, 1979.

(e) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

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

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

H. G. Homme, Jr.,
Secretary.

[S.O. 1373]
[FR Doc. 79–11414 Filed 4–11–79; 8:45 am]
BILLING CODE 7035–01–M

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49 CFR Part 1033

Decision on Substitution of Refrigerator Cars for Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1358–A).

SUMMARY: Service Order No. 1358 authorizes the substitution of refrigerator cars for boxcars for shipment of grain from ATSF Railroads points destined Mexico. Service Order No. 1358 is being vacated as the substitution of insulated boxcars for these shipments is being provided under another service order.

DATES: Effective 12:01 a.m., April 10, 1979. Expires when modified or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington D.C. 20423, Telephone: (202) 275–7840, Telex 89–2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

Decided April 9, 1979.

Upon further consideration of Service Order No. 1358, because of a change in type of car being substituted and the provisions of this order are covered by another service order;

It is ordered, Service Order No. 1358 is vacated.

This order shall become effective at 12:01 a.m., April 10, 1979.

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

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

H. G. Homme, Jr.,
Secretary.

[S.O. 1358-A]
[FR Doc. 79–11415 Filed 4–11–79; 8:45 a.m.]
BILLING CODE 7035–01–M

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49 CFR Part 1033

Decision on Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order, Nineteenth Revised Service Order No. 1234.

SUMMARY: Because of a severe shortage of high-capacity cars, railroads are unable to furnish all of the large-capacity cars to transport the minimum quantities of freight required to be transported by their tariffs. Supplies of smaller cars are often available except for capacity for transporting the required minimum quantities. Nineteenth Revised Service Order No.

1234 authorizes railroads to furnish sufficient smaller cars to transport the shipments regardless of tariff limitations as to the number of cars that must be tendered or specifying minimum weights per car. Minimum weights per shipment must be maintained. Nineteenth Revised Service Order No. 1234 authorizes the substitution of smaller cars of any type for larger cars ordered, with the consent of the carrier and the shipper.

DATES: Effective 12:01 a.m., April 7, 1979. Expires when modified or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, Telephone (202) 275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

Decided April 5, 1979.

There is an acute shortage of high capacity freight cars for transporting shipments of numerous commodities, caused by certain tariff provisions specifying the minimum quantities that must be loaded into cars offered to the shippers. At the same time smaller cars, suitable except as to capacity, are available for transporting these products. The inability of the carriers and shippers to utilize the smaller capacity cars in place of the larger cars required by tariff provisions is resulting in great economic loss to both shippers and carriers.

In the opinion of the Commission, an emergency exists requiring immediate action to modify existing rules, regulations and practices with respect to car service to secure maximum utilization of the available supply of freight cars and to alleviate shortages of cars. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered:

§ 1033.1234 Distribution of freight cars.

(a) Subject to the concurrence of the carrier and the shipper, carriers may substitute a sufficient number of smaller cars of * any car type for larger cars ordered to transport shipments of numerous commodities, regardless of tariff requirements specifying minimum cubic or weight carrying capacity. (See exceptions (b) and (c).)

(b) *Exception.* This order shall not apply to shipments subject to tariff provisions requiring the use of twenty-five or more cars per shipment.

(c) *Exception.* This order shall not apply to shipments subject to tariff provisions which require that cars be furnished by the shipper.

(d) *Rates and Minimum Weights Applicable.* The rates to be applied and the minimum weights applicable to shipments for which cars smaller than those ordered have been furnished and loaded as authorized by Section (a) of this order shall be the rates and minimum weights applicable to the larger cars ordered.

(e) *Billing to be Endorsed.* The carrier substituting smaller cars for larger cars as authorized by Section (a) of this order shall place the following endorsement on the bill of lading and on the waybills authorizing movement of the car:

"Car of (——) cu. ft. and of (——) lbs. or greater capacity ordered. Smaller cars furnished authority Nineteenth Revised ICC Service Order No. 1234."

(f) *Concurrence of Carrier and Shipper Required.* Smaller cars shall not be furnished in lieu of cars of greater capacity without the consent of the carrier and shipper.

(g) *Exceptions.* Exceptions to this order may be authorized to railroads by the Railroad Service Board, Washington, D.C. 20423. Requests for such exception must be submitted in writing, or confirmed in writing, and must clearly state the points at which such exceptions are requested and the reason therefor.

(h) *Rules and Regulations Suspended.* The operation of all rules, regulations, or tariff provisions is suspended insofar as they conflict with the provisions of this order.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(j) *Effective date.* This order shall become effective at 12:01 a.m., April 7, 1979.

(k) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

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

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

H. G. Homme, Jr.,
Secretary.

[19th Rev. S.O. No. 1234]

[FR Doc. 79-11416 Filed 4-11-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

Opening of the Charles M. Russell National Wildlife Refuge, Montana, to Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: The Director has determined that the opening to hunting of the Charles M. Russell National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunities to the public.

DATES: April 14, 1979 through April 30, 1979.

FOR FURTHER INFORMATION CONTACT: Larry L. Calvert, Refuge Manager, Charles M. Russell National Wildlife Refuge, P.O. Box 110, Lewistown, Montana 59457; telephone 406/538-8706.

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Turkey may be hunted on the Charles M. Russell National Wildlife Refuge in Montana only in the Fergus and Garfield County portions of the Refuge. These areas comprise approximately 248,000 acres and are delineated on maps available at the refuge headquarters in Lewistown, Montana, and from the office of the Area Manager, U.S. Fish and Wildlife Service, Federal Building, 316 North 26th Street, Billings, MT 59101. Hunting shall be in accordance with all applicable state regulations and subject to the following condition:

1. Vehicle travel is permitted only on designated roads and trails and all off-road vehicle traffic is prohibited; including the retrieval of downed game.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time. The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of

the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that no area of the refuge system is used for forms of recreation not directly related to the primary purposes for which the area was established; and (2) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which the Charles M. Russell National Wildlife Refuge was established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A–107.

Larry L. Calvert,

Refuge Manager, Charles M. Russell, National Wildlife Refuge, Lewistown, Montana.

March 23, 1979.

[FR Doc. 79–11427 Filed 4–11–79; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Sport Fishing

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Special regulation; Correction.

SUMMARY: This document corrects the dates of the fishing season in Special Condition No. 1.

SUPPLEMENTARY INFORMATION: In FR Doc. 79–7914, appearing on page 15725 of the issue for Thursday, March 15, 1979, the fishing season closing date should be changed.

FOR FURTHER INFORMATION CONTACT: Joshua J. Harman, Refuge Manager, Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Okla. 73460, telephone number 405–371–2402.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

On page 15725, under the heading "Oklahoma", paragraph (1) appearing in the third column under "Tishomingo National Wildlife Refuge" is corrected in the seventh line to read:

"March 1 through September 30, 1979,"

W. O. Nelson, Jr.,

Regional Director, Albuquerque, N. Mex.

April 4, 1979.

[FR Doc. 79–11401 Filed 4–11–79; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

Prohibition of Take Incidental to Commercial Fishing Operations—Northern Striped Dolphin

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of prohibition of take of the northern stock of striped dolphin incidental to commercial fishing operations.

SUMMARY: A prohibition on taking the northern stock of striped dolphin *(Stenella coeruleoalba)* is being implemented because observer records show that the 1979 quota for that stock has been exceeded. The northern stock of striped dolphin may not be taken incidental to fishing operations pursuant to the Category 2 General Permit; Encircling gear, purse seining involving the intentional taking of marine mammals, issued to the American Tunaboat Association.

DATES: The effective date of this notice is April 19, 1979.

ADDRESS: Observer records may be reviewed at the Office of the Director, Southwest Region, 300 South Ferry Street, Terminal Island, California, telephone: 213–548–2575.

FOR FURTHER INFORMATION CONTACT: William P. Jensen, Marine Mammal Program Manager, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C. 20235, telephone 202–634–7461.

SUPPLEMENTARY INFORMATION: 50 CFR 216.24(d)(2)(i)(A)(3) and the permit issued to the American Tunaboat Association for 1978 through 1980, impose a limit of forty (40) mortalities of the northern stock of striped dolphin in 1979. The Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration has determined that this limit has been exceeded. Therefore, further taking of the northern stock of striped dolphin will be prohibited except as provided for in 50 CFR 216.24(d)(2)(i)(C) (accidental take policy), and notice of the effective date of this prohibition is hereby published in accordance with 50 CFR 216.24(d)(2)(i)(B).

Dated: April 9, 1979.

Winfred H. Meibohm,

Executive Director National Marine Fisheries Service.

[FR Doc. 79–11433 Filed 4–11–79; 8:45 a.m.]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 44, No. 72
Thursday, April 12, 1979

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

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Parts 1823 and 1942]

Industrial Development Grants; Amendment of Regulations

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend and redesignate its regulations pertaining to Industrial Development (ID) Grants. This action is intended to simplify the administration of this program, clarify program regulations, and provide increased guidance to field personnel in program administration. This action results from a desire by program officials to provide simple clear program regulations and to provide maximum guidance to field personnel in program administration.

DATES: Comments must be received on or before June 11, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: John R. Bowles, Director, Community Facilities Loan Division, telephone 202–447–7667.

SUPPLEMENTARTY INFORMATION: FmHA proposes to amend its regulations by adding a new Subpart G to Part 1942, Chapter XVIII, Title 7, Code of Federal Regulations. This new Subpart will replace O of Part 1823, Chapter XVIII, Title 7, Code of Federal Regulations which will be deleted.

In addition, portions of the regulation have been amended to more clearly communicate FmHA grant processing policies to our field offices and to reflect a reassignment of responsibilities within the Agency.

As proposed, the major changes reflected in Subpart G of Part 1942 are:

1. Except for preapplication review and transmittal, all references to County Supervisor are changed to District Director. This is done to reflect the transfer of responsibility for grant making and servicing from the County to the District Office.

2. Section 1942.304 is added to more fully define rural area, urbanized area, and urbanizing area. These terms are utilized in making a rural area determination for eligibility.

3. Section 1942.305(a)(1) is modified to provide more guidance in the procedure to follow in making rural area determinations.

4. Section 1942.305(a)(2) is modified to clearly state that, for FmHA to administer a Federal Regional Commission grant under the authorities in this Subpart, the proposed recipient of the grant must be eligible for an FmHA ID grant.

5. Section 1942.305(b) is added to outline the priorities to be followed when selecting applications for funding.

6. Section 1942.308 clarifies the administrative requirements to be adhered to when administering a Federal Regional Commission grant.

7. Section 1942.310(d) clarifies under what circumstances a Department of Labor (DOL) certification will be required and what procedures will be followed to obtain the DOL certification.

8. Section 1942.310(a) is amended to allow the Federal Regional Commission to make civil rights compliance reviews for projects in which FmHA is administering the Regional Commission grant but no FmHA ID grant funds are involved.

9. Section 1942.310(c)(4) is added to permit a waiver of the need for DOL certifications for Federal Regional Commission grant projects when the Regional Commission requests the waiver.

10. Section 1942.311(a) is amended to require submission of project summaries to the National Office.

11. Section 1942.317(c)(2) is added to provide for the use of multiple advances of funds.

12. Exhibit A and Guides 1 and 2 are added incorporate an Exhibit of the formalized agreements between FmHA and the ARC governing administration of ARC grants by FmHA, a guide agreement for use in administering Federal Regional Commission grants other than ARC grants and a guide for use by grant recipients when DOL certifications are required.

It is proposed to amend 7 CFR Chapter XVIII by revising and redesignating Subpart O of Part 1823 (§§ 1823.450–1823.460) as a new Subpart G, reading as follows, of Part 1942:

PART 1942—ASSOCIATIONS

Subpart G—Industrial Development Grants

Sec.

1942.301 Purpose.
1942.302 Policy.
1942.303 Authorities, delegation, and redelegation.
1942.304 Definitions.
1942.305 Eligibility and priority.
1942.306 Purposes of grants.
1942.307 Limitations on use of grant funds.
1942.308 Regional Commission grants.
1942.309 [Reserved]
1942.310 Other considerations.
1942.311 Application processing.
1942.312 Appraisals.
1942.313 Planning and performing development.
1942.314 [Reserved]
1942.315 Docket preparation and Letter of Conditions.
1942.316 Grant approval, fund obligation, approval announcement, and cancellation.
1942.317 Grant closing and delivery of funds.
1942.318 Actions subsequent to grant closing.
1942.319 Grant servicing.
1942.320 Subsequent grants.
1942.321 State supplements and guides.
1942.322—1942.349 [Reserved]
1942.350 Forms, guides and exhibits.
Attachments:
Exhibit A—Interagency Agreement Between Federal Cochairman of the Appalachian Regional Commission and Administrator of Farmers Home Administration.
Guide 1—Project Management Agreement Between the ———— Regional Commission and the Farmers Home Administration, Department of Agriculture pertaining to ———— (grantee) county ————.
Guide 2—Resolution.

Subpart G—Industrial Development Grants

§ 1942.301 Purpose.

This Subpart outlines Farmers Home Administration (FmHA) policies and authorizations and sets forth procedures for making grants to public bodies to facilitate development of private business enterprises.

§ 1942.302 Policy.

(a) The grant program will be used to support the development of private business enterprises in rural areas.

(b) FmHA officials will maintain liaison with officials of other federal, state, regional and local planning and development agencies including State and substate planning agencies to coordinate related programs to achieve rural development objectives.

(c) FmHA officials shall cooperate with appropriate state agencies in making grants that support state strategies for rural area development.

(d) Funds allocated for use in accordance with this Subpart are also to be considered for use of Indian tribes within the State regardless of whether State development strategies include Indian reservations within the State's boundaries. Indians residing on such reservations must have equal opportunity along with other rural residents to participate in the benefits of these programs. This includes equal application of outreach activities of FmHA County and District Offices.

§ 1942.303 Authorities, delegation and redelegation

The State Director is responsible for implementing the authorities contained in this Subpart and to issue State Supplements redelegating these authorities to appropriate FmHA employees. Grant approval authorities are contained in Subpart A of Part 1901 of this chapter.

§ 1942.304 Definitions.

(a) *Industrial Development (ID) grants.* Grants made to facilitate development of private business enterprises in rural areas. They are made from FmHA funds under authority of the Consolidated Farm and Rural Development Act, as amended, Sec. 310B (7 USC 1932).

(b) *Regional Commission grants.* Grants made from funds made available to FmHA by the Appalachian Regional Commission (ARC) or other Federal Regional Commissions.

(c) *Rural and rural area.* Includes all territory of a State, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, or the Commonwealth of the Mariana Islands, that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than one hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States.

(d) *Urbanized area.* An area immediately adjacent to a city having a population of 50,000 or more which, for general social and economic purposes, constitutes a single community and has a boundary contiguous with that of the city. Such community may be incorporated or unincorporated and extends from the contiguous boundary(ies) to recognizable open country, less densely settled areas, or natural boundaries such as forests or water. Minor open spaces such as airports, industrial sites, recreational facilities, or public parks shall be disregarded. Outer boundaries of an incorporated community extend at least to its legal boundaries. Cities which may have a contiguous border with another city but are located across a river from such city and are recognized as a separate community and are not otherwise considered a part of an urbanized or urbanizing area, as defined in this section, are not in a nonrural area.

(e) *Urbanizing area.* A community which is not now, or within the foreseeable future not likely to be, clearly separate from and independent of a city of 50,000 or more population and its immediately adjacent urbanized areas. A community is considered "separate from" when it is separated from the city and its immediately adjacent urbanized area by open country, less densely settled areas, or natural barriers such as forests or water. Minor open spaces such as airports, industrial sites, recreational facilities, or public parks shall be disregarded. A community is considered "independent of" when its social and economic structure (e.g., government; educational, health, and recreational facilities; and business, industry, tax base, and employment opportunities) is not primarily dependent on the city and its immediately adjacent urbanized area.

§ 1942.305 Eligibility and priority.

(a) *Eligibility.* (1) ID grants may be made to public bodies serving rural areas such as states, counties, cities, townships, and incorporated towns and villages, boroughs, authorities, districts, and Indian tribes on Federal and State reservations and other Federally recognized Indian tribal groups in rural areas. The State Director will proceed as follows in rural area determinations: When the FmHA State Director determines an area to be urbanized or urbanizing, the State Director must then determine the population density per square mile. If the area appears to be eligible, the State Director will request the National Office to provide the correct density figure. All such density determinations will be made on the basis of minor civil division or census county division as used by the Bureau of the Census. In making the density calculations, large nonresidential tracts devoted to urban land uses such as railroad yards, airports, industrial sites, parks, golf courses, and cemeteries or land set aside for such purposes will be excluded.

(2) Regional Commission Grant applicants must meet eligibility requirements of the Regional Commission and also of FmHA, in accordance with paragraph (a)(1) of this section, for FmHA to administer the Regional Commission Grant under this Subpart.

(b) *Priority.* Priority for ID grants shall be given to cities having a population of less than twenty-five thousand. Projects selected for funding should, as much as practicable, adhere to the following priorities:

(1) Projects which will save existing jobs.

(2) Projects which will create jobs.

(3) Projects which will create job opportunities.

(4) Projects which will contribute to overall economic stability of the area but generates few or no jobs.

§ 1942.306 Purposes of grants.

(a) ID grant funds may be used to finance industrial sites in rural areas including the acquisition and development of land and the construction, conversion, enlargement, repairs or modernization of buildings, plants, machinery, equipment, access streets and roads, parking areas, transportation serving the site, utility extensions, necessary water supply and waste disposal facilities, pollution control and abatement incidental to site development, fees, interest cost for interim financing, and to refinance debts incurred by or on behalf of an association before an application for a grant when all of the following conditions exist:

(1) The debts were incurred for the facility or part thereof or service to be

installed or improved with the grant, and

(2) Arrangements cannot be made with the creditors to extend or modify the terms of the existing debt.

(b) ID grants may be made only when there is a reasonable prospect that they will result in development of private business enterprises.

(c) FmHA grant funds may be used jointly with funds furnished by the grantee or from other sources including FmHA loan funds. Pursuant to Pub. L. 95–334, other departments, agencies, and executive establishments of the Federal Government may participate and provide financial and technical assistance jointly with FmHA. The amount of participation by the other department, agency, or executive establishment shall only be limited by its authorities other than authorities which impose restrictions on joint financing.

§ 1942.307 Limitations on use of grant funds.

(a) Funds will not be used to:

(1) Pay salaries for office or clerical assistance, administrative, transportation, or publication costs and expenses.

(2) Finance comprehensive areawide type planning. This does not preclude the use of grant funds for planning for a given project.

(b) Funds should not be used to finance or aid the development of shopping centers, motels, or restaurants or other retail establishments.

§ 1942.308 Regional Commission grants.

(a) Grants are sometimes made by Federal Regional Commissions for projects eligibile for FmHA assistance. FmHA has agreed to administer such funds in accordance with FmHA regulations and the requirements of the commission.

(b) The transfer of funds from a Regional Commission to FmHA will be based on specific applications determined to be eligible for an authorized purpose in accordance with the requirements of FmHA and the Regional Commission.

(c) ARC is authorized under the Appalachian Regional Development Act of 1965, as amended, to serve the Appalachian region. ARC grants are handled in accordance with the FmHA-ARC Agreement (Exhibit A of this subpart) which applies to all ARC grants administered by FmHA. Therefore, a separate Project Management Agreement between FmHA and ARC is not needed for each ARC grant.

(d) Other Federal Regional Commissions are those authorized under Title V of the Public Works and Economic Development Act of 1965. Grants by these commissions are handled in accordance with a separate Project Management Agreement between the respective Regional Commission and FmHA for each Commission grant administered by FmHA (Guide 1 of this Subpart). The agreement should be prepared by the FmHA State Director and the appropriate Commission official when the State Director receives a notice from the Commission of the amount of the grant to be made.

§ 1942.309 [Reserved]

§ 1942.310 Other considerations.

(a) *Civil rights compliance requirements.* All grants made under this Subpart are subject to Title VI of the Civil Rights Act of 1964 as outlined in Subpart E of Part 1901 of this chapter. All Construction Contracts of $10,000 or more must be in compliance with the requirements of Subpart E of Part 1901. When FmHA is administering a Federal Regional Commission grant and no FmHA ID grant funds are involved, the Federal Regional Commission may make its own determination of compliance with the Civil Rights Act of 1964. In these instances, FmHA will not conduct a review for compliance with the Act unless specifically requested to do so by the Commission.

(b) *Environmental impact assessment and Statement.* Environmental Impact Assessments and Statements will be prepared in accordance with Subpart G of Part 1901 of this Chapter.

(c) *Excess capacity or transfer of employment.* (1) If the proposed ID grant is for more than $1,000,000 and will increase direct employment by more than 50 employees, the applicant will be requested to provide a written indication and FmHA determine that the proposal will not result in a project which is calculated to or likely to result in:

(i) The transfer of any employment or business activity from one area to another, (This limitation shall not prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the expansion will not result in an increase in the unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such expansion is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operations), or

(ii) An increase in the production of goods, materials, or commodities or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area. The applicants written indication will consist of a resolution from the applicant and Form FmHA 449–22, "Certificate of Non-Relocation and Market and Capacity Information Report," from each existing and future occupant of the site. The applicant may use Guide 2 of this Subpart as an example in preparing the resolution. Future occupants of the site must be certified by DOL as outlined in paragraph (c)(3) of this section for a period of 3 years after the initial certification by DOL.

(2) The State Director will check each document for completeness and accuracy and, submit nine copies of each to the National Office for forwarding to DOL. The submittal to the National Office should be accompanied by a cover memorandum giving the amount and purpose of the grant. Information should *not* be submitted directly to DOL from the applicant or the State Office.

(3) Grants shall not be made if the Secretary of Labor certifies within 30 days after the matter has been submitted to him by the Secretary of Agriculture that the provisions of § 1942.307(a)(3) have not been complied with. Information for obtaining this certification will be submitted in writing by the applicant to FmHA. The information will be submitted to DOL by the FmHA National Office. Grant approval may be given and funds may be obligated subject to the DOL certification being received provided FmHA has made its own separate determinations of paragraph (c)(1)(i) and (ii) of this section when the project is in excess of $1 million and affects over 50 employees.

(4) When a grant is being administered for a Federal Regional Commission and no FmHA ID grant funds are being used, the requirements for DOL determinations may be waived upon written request from the Commission. If the Commission so desires, the request will be included in the letter from the Commission to FmHA

that gives notice of transfer of funds and conditions under which the funds are to be made available to the grantee. In such cases the letter of conditions from FmHA to the grantee will not include the requirement for DOL determinations.

(d) *Management assistance.* Grant recipients will be supervised as necessary to assure construction of facilities in accordance with approved plans and specifications and expenditure of funds for approved purposes.

(e) *Grant-in-aid information.* Action will be taken in accordance with Subpart J of Part 1901 of this chapter.

(f) *Architectural Barriers Act of 1968.* All facilities financed with FmHA loans and grants and which are accessible to the public or in which physically handicapped persons may be employed or reside must be developed in compliance with this act.

§ 1942.311 Application processing.

(a) *Preapplications and applications.* (1) The application review and approval procedures outlined in § 1942.2 of Subpart A of Part 1942 of this chapter will be followed. When an ID grant is being processed, only those provisions apply which are necessary to assure (i) that the proposed development is completed in accordance with approved plans and specifications, (ii) that grant funds are used for authorized purposes, and (iii) that the recipient complies with terms of the grant agreement, Form FmHA 442–50, "Grant Agreement (Public Bodies) for Facilitating Private Business Enterprises in Rural Areas." A copy of the proposed Form FmHA 442–50 along with the Letter of Conditions and Form FmHA 442–43, "Project Summary Community Facilities (Other than Utility Type Projects)," (including, Form FmHA 442–14, "Association Project Fund Analysis,") will be submitted to the National Office when the Letter of Conditions is issued.

(b) *Office of General Counsel (OGC) Review:* For ID grants, when FmHA is not making a loan, the FmHA State Director will request an opinion from the Regional Attorney, OGC, that the applicant is an eligible applicant with authority to carry out the purposes of the proposed grant. The applicant will be requested to provide the necessary information to FmHA for submission to the Regional Attorney by the State Director.

(c) *Review of decision.* When the District Director is informed that favorable action will not be taken on a preapplication or application, the applicant will be notified in writing of the reasons why the request was not favorably considered. The notification to the applicant will state that a review of this decision by FmHA may be requested by the applicant in accordance with Subpart B of Part 1900 of this chapter.

§ 1942.312 Appraisals.

When land is to be purchased in accordance with § 1942.306(a), the State Director, to establish "fair market value," may require the applicant to provide an appraisal report prepared by an independent qualified appraiser.

§ 1942.313 Planning and performing development.

The applicable provisions of § 1942.5 of Subpart A of Part 1942 of this chapter related to planning and performing development are to be adhered to for construction of ID grant projects. This includes requirements for actions pertaining to:

(a) Professional services, design policies, preliminary engineering and architectural reports and construction bids, contract awards, and construction inspections.

(b) Concurrence in agreements between grantees and third parties.

(c) Preconstruction conferences.

§ 1942.314 [Reserved]

§ 1942.315 Docket preparation and Letter of Conditions.

(a) The applicable provisions of § 1942.5 of Subpart A of Part 1942 of this chapter relating to preparation of loan dockets will be followed in preparing grant dockets.

(b) The State Director or the State Director's designated representative will prepare a Letter of Conditions outlining the conditions under which the grant will be made. It will include those matters necessary to assure that the proposed development is completed in accordance with approved plans and specifications, that grant funds are expended for authorized purposes, and that the terms of the grant agreement are complied with. The Letter of Conditions will be addressed to the applicant, signed by the State Director or other designated FmHA representative, and mailed or handed to appropriate applicant officials. Each Letter of Conditions will contain the following paragraphs.

This letter establishes conditions which must be understood and agreed to by you before further consideration may be given to the application.

This letter is not to be considered as grant approval nor as a representation as to the availability of funds. The docket may be completed on the basis of a grant not to exceed $———.

Please complete and return the attached Form FmHA 442–46, 'Letter of Intent to Meet Conditions,' if you desire further consideration be given your application.

At the time of grant closing you shall execute the attached Form FmHA 442–50, Grant Agreement (Public Bodies) for Facilitating Private Business Enterprises in Rural Areas.

Other items in the Letter of Conditions should include those relative to: Maximum amount of grant, contributions, interim financing, final plans and specifications, construction contract documents and bidding, required project audit, evidence of compliance with all applicable Federal, State, and local requirements, closing instructions, DOL certifications, and other requirements including those of Regional Commissions when a grant is being made by a Regional Commission.

§ 1942.316 Grant approval, fund obligation, approval announcement, and cancellation.

(a) *Grant approval.* FmHA State Directors are authorized to approve grants made in accordance with this Subpart and Subpart A of Part 1901 of this chapter.

(b) *Fund obligation and approval announcement.* Funds will be obligated and approval announcement made in accordance with the provisions of § 1942.5(d) of Subpart A of Part 1942 of this chapter.

(c) *Cancellation:* Grants may be cancelled by the grant approval official by use of Form FmHA 440–10 "Cancellation of Loan or Grant Check and/or Obligation" (See FMI). The State Director will notify the applicant by letter that the grant has been cancelled. A copy of the letter will be sent to the applicant's attorney and engineer and to the Regional Attorney, OGC, if the Regional Attorney has been involved.

§ 1942.317 Grant closing and delivery of funds.

(a) *Grant closing.* Closing is the process by which FmHA determines that administrative actions and requirements of the grantee have been completed and grant funds may be delivered.

(1) Grants will be closed in accordance with this Subpart, applicable parts of Subpart A of Part 1942 of this chapter including § 1942.7 and § 1942.17(o) and any closing instructions from the Regional Attorney, OGC.

(2) Grants will be considered closed when the grant agreement, Form FmHA 442–50 is executed.

(3) The State Director, or District Director will execute an original and one copy of the grant agreement at grant closing. The original will be kept in the grantees case file. The copy will be given to the grantee. The reimbursement provisions of the grant agreement should be thoroughly explained to the applicant to assure compliance if the property or facilities are no longer needed for the original grant purpose.

(b) *Delivery of funds.* When grants are closed, funds will be delivered in accordance with the following:

(1) Grant funds from other agency(s) transferred to FmHA will be disbursed in proportion to funds indicated in the grant agreement with the agency(s) for funding the project. Any funds not used for completing the project will be refunded by FmHA to the granting agency(s) in the same proportionate manner.

(2) Multiple advances may be made to the grantee to construct facilities or complete developments for which grant funds are provided. Multiple advances will be made in accordance with FmHA Instruction 402.1. The advances will be made as needed to cover required disbursements for not less than 30 day periods. Advances will be requested for the next 30 day period by the grantee on Form FmHA 440–11, "Estimate of Funds Needed for 30 Day Period Commencing———." Form SF–272, "Report of Federal Cash Transactions," will be submitted with each Form FmHA 440–11 after the initial advance has been made. Payments for construction will be made in amounts approved on Form FmHA 424–18, "Partial Payment Estimate," or equivalent and Form SF–271, "Outlay Report and Request for Reimbursement for Construction Programs." Each payment estimate must be approved by the grantee. A final Form SF–272 will be submitted to FmHA to include the final advance not later than 90 days after the final advance.

§ 1942.318 Actions subsequent to grant closing.

(a) *Refunds.* When final costs have been determined through the use of Form SF–272, the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the grantor as provided for in the grant agreement.

(b) *Recovery of funds.* FmHA retains the right to recover any funds which are found to have been improperly used by the grantee.

§ 1942.319 Grant servicing.

Grants will be serviced in accordance with Subpart F of Part 1861 of this chapter (FmHA Instruction 451.5) and Form FmHA 442–50.

§ 1942.320 Subsequent grants.

Subsequent grants will be processed in accordance with this Subpart.

§ 1942.321 State supplements and guides.

(a) *State supplements.* State Directors may supplement this Subpart as appropriate to meet State and local laws and regulations and to provide for orderly application processing and efficient service to applicants. State supplements shall not contain any requirements pertaining to bids, contract awards, and materials more restrictive than those in § 1942.18 of Subpart A of this part.

(b) *State guides.* State Directors may develop guides for use by applicants if guides in § 1942.20 of Subpart A of Part 1942 of this chapter are not adequate. State Directors may prepare guides for items needed for the application, items necessary for the docket, and items required before loan closing or construction starts.

§§ 1942.322–1942.349 [Reserved]

§ 1942.350 Forms, Guides and exhibits.

Form FmHA 442–50 is incorporated in this Subpart, made a part hereof, and appears as an attachment to this Subpart in the **Federal Register.**

Guides 1 and 2 and Exhibit A are for use in administering ID grants.

Exhibit A—Interagency Agreement Between Federal Cochairman of the Appalachian Regional Commission and Administrator of Farmers Home Administration

1. The Federal Cochairman of the Appalachian Regional Commission (ARC) and Administrator of the Farmers Home Administration (FmHA) make this agreement which is in furtherance of:

(A) The Appalachian Regional Development Act of 1965, as amended;

(B) Executive Order 11386;

(C) The Interagency Agreement between ARC and the Department of Agriculture (copy attached as Attachment A and made part of this agreement); and

(D) The Consolidated Farm and Rural Development Act of 1972 as amended and is consistent with 31 U.S.C. 686.

2. Under Section 306(a) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), FmHA is authorized to make grants for not to exceed 50 percent of the cost of water and waste facility projects. Under Section 310B of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), FmHA is authorized to make grants, not to exceed $50,000,000 annually, to public bodies for measures designed to facilitate development of private business enterprises, including the development, construction or acquisition of land, buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refinancing, services and fees. Under Section 214 of the Appalachian Regional Development Act of 1965, ARC is authorized to provide grant funds for all or any part of the basic Federal contribution to projects under certain Federal grant-in-aid programs upon certain conditions and, in addition, is authorized to provide supplemental grants to basic grants under such Federal Grant-in-aid programs: *Provided*, That, in no such case shall to the total Federal grant be more than 80 percent. Thus, under the Appalachian Act, the Commission may approve either basic grants and/or supplemental grants and transfer funds therefor to the agency which has authority over such grant-in-aid programs so that it may award and administer such grant. This agreement establishes the procedures by which ARC and FmHA will process projects in which *no* FmHA funds are involved and the total Federal funding for such projects is being provided from Appalachian Act appropriations. In such cases, in accordance with Section 223 and other applicable provisions of the Appalachian Regional Development Act, ARC will approve basic and/or supplemental grants under Section 214 for water and waste facility projects which qualify under Section 306(a) of the Consolidated Farm and Rural Development Act and to facilitate development of private business enterprises which qualify under Section 310B of the Consolidated Farm and Rural Development Act and FmHA shall award and administer such grants.

In cases of such basic grants, FmHA shall be responsible for:

(A) Reviewing the project application, making an environmental assessment of the project, and as necessary, preparing an environmental impact statement, and determining that such project meets all the requisites for assistance under Section 306(a) or 310B, as the case may be, of the Consolidated Farm and Rural Development Act;

(B) Determining and advising ARC that grant funds cannot be made available under FmHA's funding program for the current fiscal year for the project although it meets all the requisites for assistance under Section 306(a) or 310B, as the case may be, of the latter Act; and

(C) Advising ARC when grant funds are likely to or will become available under its funding program for such project.

ARC shall be responsible for determining that not only are sufficient funds not currently available under the basic Federal program, but whether it appears that the insufficiency will continue for such a period that deferring the project for that time would endanger the success of the development program for a multicounty area or a growth area as identified in the State's approved Appalachian Development Plan.

3. In accordance with paragraph four (4) of the Interagency Agreement payments by the Secretary of Agriculture involving funds transferred pursuant to such agreement will be made with the following specific conditions:

(A) *Project Cost.* The eligible project costs for projects funded under this agreement and in accord therewith shall include the costs of construction, technical services, legal services, land acquisition, permits and rights-of-way.

(B) *Maximum ARC Commitment.* ARC's maximum commitment will be either the ARC approved amount or the approved percentage of actual eligible costs, whichever is less.

(C) *FmHA Assurances.* The FmHA State Director will provide for each project the following assurances:

(1) The estimated cost of the project is reasonable and the basic grant, together with the funds to be supplied by the applicant, are, in its judgment, sufficient to complete the project.

(2) The funds to be supplied by the applicant are available or FmHA is reasonably satisfied that the applicant has the capability of supplying such funds.

(3) FmHA is reasonably satisfied that the facility will be properly and efficiently administered, operated and maintained and that the applicant will provide sufficient funds to assure the successful and continuing operation of the facility.

(D) *Equal Opportunity and Nondiscrimination.* The grantee is subject to Executive Order 11246 and will be required to evidence compliance by execution of the following:

(1) Equal Opportunity Agreement—Form FmHA 400–1.

(2) Nondiscrimination Agreement—Form FmHA 400–4.

(E) *Davis-Bacon Act.* The construction contracts for project work in all applicable cases will contain binding provisions for paying prevailing wages as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276 a *et seq*).

4. *Construction Management.* (A) The forms and format for the documents shall conform to the requirements in FmHA Regulations. Generally, the following items shall be included:

(1) Contract Documents

(2) Specifications

(3) Plans

(B) FmHA will approve the plans for specifications.

(C) FmHA will obtain a nonpollution certificate from the appropriate State agency for 306(a) type of assistance.

(D) FmHA will make monthly inspections.

(E) Contract change orders will not beccome effective until approved by FmHA.

(F) Final inspection will be conducted by FmHA.

5. Financial Management.

(A) Financial management of the project shall be according to FmHA Instruction 442.1.

(B) FmHA will provide the Appalachian Regional Commission with a copy of an audit report of the final project costs.

(C) If actual costs fall below the costs on which the grant was approved the reduced cost will first be used to reduce the ARC supplemental grant; thereafter reductions will be proportionate to the ARC basic grant and the non-Federal contribution for such basic grant.

(D) FmHA will conform to the financial reporting requirements for transferred funds as required by the document entitled "Reporting of Funds Transfer by Participating Agencies".

6. Compensation.

(A) It is agreed that in cases where there are no FmHA funds involved, the total cost of services to be performed on each project by FmHA will be five percent of the ARC grant up to $50,000 and an additional one percent of any amount over the first $50,000 of the commission grant.

(B) All funds for grant and administrative costs will be provided to FmHA by S.F. 1151.

Dated: December 8, 1975.

Appalachian Regional Commission,

Donald W. Whitehead,

Federal Cochairman.

Dated: November 2, 1975.

Farmers Home Administration,

Frank B. Elliot,

Administrator.

Attachment A—The Appalachian Regional Commission

1666 Connecticut Avenue, Washington, D.C. 20235

Office of Federal Cochairman

Agreement

1. The Federal Cochairman of the Appalachian Regional Commission and the Secretary of Agriculture, make this agreement in furtherance of the Appalachian Regional Development Act of 1965, as amended, and Executive Order 11386.

2. The Federal Cochairman, subject to such conditions and limitations as he may prescribe, will from time to time transfer funds appropriated for Sections 203, 204, and 214 of the Act to the Secretary, to be used to carry out programs and projects pursuant to Section 223 of the Act and for the administrative expenses incident thereto.

3. The Federal Cochairman may withdraw the unobligated balances of any funds transferred to the Secretary pursuant to this agreement, or he may direct a transfer of any such balances, in whole or in part, from one program account to another.

4. Payments by the Secretary involving transferred funds will be made in accordance with this agreement and any specific terms, conditions, and limitations prescribed by the Appalachian Regional Commission.

5. The Commission will inform the Secretary in writing of each State 203 program plan, Section 204 program, and Section 214 project to be assisted; the amount approved for each; the costs and funding plan on which it premised its approval; and any specific terms, conditions, and limitations thereon not otherwise provided for in this agreement.

6. The Secretary will inform the Commission promptly of any change in such program or project costs or funding plan, and the Commission may, as a result, approve appropriate increase or decrease in the amount of transferred funds available for such program or project.

7. The Commission may revoke or revise its approval of any program or project if the work intended to be undertaken is not started or placed under contract within 18 months after the date of the grant agreement or contract by the Secretary.

8. The Secretary will incorporate in each agreement involving transferred funds appropriate provisions (a) as necessary to carry out this agreement; (b) to insure compliance with applicable Federal laws, including Sections 302(e) and 402 of the Appalachian Act, and Title VI of the Civil Rights Act of 1964; and (c) to implement Commission Resolution Number 31 regarding employment of local labor.

9. Each disbursement of funds for a project receiving assistance from more than one Federal source will be deemed to be a proportionate disbursement from each source.

10. The Secretary will furnish to the Commission (a) a copy of the executed grant agreement, and amendments thereto, for each program or project involving transferred funds excepting Section 203; (b) copies of such information, data, documents, or other materials pertaining to programs or projects as the Commission may require; (c) information on any unusual problems encountered; (d) a final report on the costs of each program or project, in sufficient detail to permit a reasonable review of the expenditures; and (e) progress reports, including the following:

(1) *Monthly Report.* To be submitted as may be required by the Appalachian Regional Commission to meet its reporting needs to the Bureau of the Budget and the Treasury Department, and indicating for each program or project as applicable (i) the grant contract date, showing for each State 203 plan the date of transfer of funds to the CCC; (ii) an indication of work progress.

(2) *Annual Reports.* (a) SF–220, Statement of Financial Conditions, to be submitted by September 20 for previous fiscal year (Treasury Circular 966); and (b) Report on Federal grants-in-aid to States and payments to individuals, by September 20 for previous fiscal year (Treasury Circular 1014).

Joe W. Fleming,

Federal Cochairman.

Joe Robertson,

Acting Secretary of Agriculture.

Guide 1

Page No. ——

Project Management Agreement Between the ———— Regional Commission and the Farmers Home Administration, Department of Agriculture Pertaining to (grantee) ———— ———— County, ————

I. Introduction. A. the ———— Regional Commission is providing a (basic or supplemental) grant for ———— (purpose) to ———— (grantee), and the U.S. Department of Agriculture, Farmers Home Administration (FmHA) has approved and will administer that grant. The FmHA has determined that funds (can or cannot) be made available under its funding program for this fiscal year from the project. The project does meet all the requisites for assistance under Section 310(B) of the Consolidated

Farm and Rural Development Act, as amended (7 USC 1926). In order to accomplish these purposes, the ———— Regional Commission's Federal Cochairman and the FmHA State Director hereby enter into this Memorandum of Understanding which is in accordance with 31 USC 686.

B. This agreement is intended to cover the application phase, construction phase, and final audit.

II. General. A. *Project Cost*—The project costs for the purposes of this agreement shall include the costs of construction, technical services, legal services, land acquisition, permits and rights-of-way, interest during construction and contingencies.

B. *Grant*—The ———— Regional Commission shall make a (basic or supplemental) grant of $ ———— up to but not exceeding —— percent of the total cost of the project. These funds will be transferred to the Treasury Account of the Farmers Home Administration by Standard Form 1151, "Nonexpenditure Transfer Authorization."

C. The undersigned FmHA State Director on behalf of FmHA, in concurring to this Project Management Agreement, hereby assures the Federal Cochairman that:

1. The estimated cost of the project is reasonable and the (basic or supplemental) grant, with the funds to be supplied by the applicant, are, in its judgment, sufficient to complete the project.

2. The funds to be supplied by the applicant are available or FmHA is reasonably satisfied that the applicant has the capability of supplying such funds.

3. FmHA is reasonably satisfied that the facility will be properly and efficiently administered, operated, and maintained and that the applicant will provide sufficient funds to assure the successful and continuing operation of the facility.

D. The ———— (grantee) is subject to Executive Order 11246 and will be required to evidence compliance by execution of the following:

1. Equal Opportunity Agreement—Form FmHA 400–1

2. Nondiscrimination Agreement—Form FmHA 400–4

E. The ———— (grantee) shall execute assurances of nonrelocation. (If applicable.)

III. Construction Management. A. the forms and format for the documents shall conform to the requirements in Subpart A of Part 1942 of this Chapter. Generally, the following items shall be included:

1. Contract Documents
2. Specifications
3. Plans

B. FmHA will approve the plans and specifications.

C. FmHA will obtain a certification of adequacy from the Federal Environmental Protection Agency (include only when applicable).

D. FmHA will obtain a non-pollution certificate from the ———— (state) ————(agency) (include only when applicable).

E. FmHA will make monthly inspections.

F. Contract change orders will not become effective until approved by FmHA.

G. Final inspection will be conducted by FmHA.

IV. Financial Management. A. Financial management of the project shall be according to Subpart A of Part 1942 of this Chapter.

B. FmHA will provide the ———— Regional Commission with a copy of the audit report.

C. If actual costs fall below the costs on which the grant was calculated, the Federal and non-Federal shares will be reduced proportionately.

D. FmHA will conform to the financial reporting requirements for transferred funds as required by the attached copy of "Reporting of Funds Transfer by Participating Agencies."

V. Compensation. Services rendered by FmHA for the processing and administration of Commission grants in cases where neither FmHA loan nor grant funds are involved shall be on a reimbursable basis. Reimbursement will be based on five percent of the amount of the grant up to $50,000 and an additional one percent of any amount over the first $50,000 of the Commission grant. The full amount of the reimbursement will be transferred to FmHA at the time the grant funds are transferred to FmHA.

VI. No provision in this agreement shall abrogate the legal requirements of administrative responsibilities as set forth in the Consolidated Farm and Rural Development Act or Section 509 of the Public Works and Economic Development Act of 1965, as amended.

For the ———— Regional Commission

For the Farmers Home Administration, USDA

(name) ————

(name) ————

Federal Cochairman ————

State Director ————

————, 197—.

————, 197—.

Resolution

Whereas the ———— (hereinafter called public body) desires to obtain financial assistance from the Farmers Home Administration, United States Department of Agriculture, pursuant to Section 310 B of the Consolidated Farm and Rural Development Act, for the purpose of providing

———— (describe briefly the nature of the project)

———— (herein referred to as the facility) and as a condition to and in consideration of receiving financial assistance from the Farmers Home Administration this resolution is being adopted.

Therefore, in consideration of the premises the public body agrees as follows:

1. No private business enterprises shall be allowed to use or occupy the facility if such use or occupancy would be calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the private business enterprises but this limitation shall not be construed to prohibit use and enjoyment of the facility by such private business entity through the establishment of a new branch, affiliate, or subsidiary if the establishment of such branch, affiliate, or subsidiary will not result in the increase in unemployment in the area of original location or in any other area where such entity conducts business operations unless there is reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operations of the existing business entity in the area of its original location or in any other area where it conducts such operation.

2. No private business enterprises shall be allowed to use or occupy the facilities if such use or occupancy would be calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, where there is not sufficient demand for such goods, materials, commodities, services or facilities, to employ the sufficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

3. Prior to allowing the use or occupancy of the facilities by any private business enterprise, the public body shall clear such use or occupancy with the Manpower Administration, Department of Labor, Washington, D.C., by submitting information required by the Department of Labor for certification under the Act. This information shall be submitted to Farmers Home Administration for transmittal to the Department of Labor. The public body agrees to make no final commitment with any private business enterprise regarding such use or occupancy if the Department of Labor issues a negative certification under the Act. The public body shall obtain prior clearance in this matter for a period of three years after the date of an affirmative certification by the Department of Labor on the application for financial assistance now pending before the Farmers Home Administration.

This resolution shall be in force and effect immediately.

The voting was yeas ——, nays ——, absent ——.

(name of public body) ————

by (Name and Title) ————

Certification

I the undersigned as (Secretary) (Town Clerk) of the ———— do hereby certify that the foregoing resolution was duly adopted at a meeting of ———— duly called and held on the ———— day of ————, 19—, and that such resolution has not been rescinded or amended in any way. Dated this ———— day of ————, 19—.

(Seal)

(Town Clerk) (Secretary) of ————.

Grant Agreement (Public Bodies) for Facilitating Private Business Enterprises in Rural Areas

This Agreement dated ————, 19—, between ————

————

a public body corporate organized and operating under ———————— *(Authorizing State Statute).*

Herein called "Grantee," and the United States of America acting through the Farmers Home Administration, Department of Agriculture, herein called "Grantor," Witnesseth:

Grantee has determined to undertake a project of acquisition, construction, enlargement, or capital improvement of facilities to serve the area under its jurisdiction at an estimated cost of $————, and has duly authorized the undertaking of such project;

Grantee is able to finance not more than $———— of the development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee. Said sum has been committed to and by Grantee for such project development costs.

The Grantor agrees to grant to Grantee a sum not to exceed $———— subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant.

In consideration of said grant by Grantor to Grantee, to be made pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act (7 USC 1932(c)) for the purpose only of defraying a part of the development costs, as defined by applicable Farmers Home Administration regulations.

Grantee agrees that Grantee will

1. Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any necessary modifications thereof prepared by Grantee and approved by Grantor.

2. Permit periodic inspection of construction by a representative of Grantor during construction.

3. Make the facility available to all persons in Grantee's service area without regard to race, color, or national origin.

4. Use the real property including land, land improvements, structures, and appurtenances thereto, for authorized purposes of the grant as long as needed.

a. The Grantee shall obtain approval of the Grantor before using the real property for other purposes when the Grantee determines that the property is no longer needed for the original grant purposes.

b. When the real property is no longer needed as provided above, return all real property furnished or purchased wholly with Federal grant funds to the Grantor. In the case of property purchased in part with Federal grant funds, the Grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

This Grant Agreement covers the following described real property (use continuation sheets as necessary).

5. Abide by the following conditions pertaining to nonexpendable personal property which is furnished by the Grantor or acquired wholly or in part with Grant Funds.

a. The Grantee shall retain such property as long as there is a need for the property to accomplish the purpose of the grant. When there is no longer a need for the property to accomplish the purpose of the grant, the Grantee shall use the property in connection with other Federal grants it has received in the following order of priority:

(1) Other grants of the Grantor needing the property.

(2) Grants of other Federal agencies needing the property.

b. When the Grantee no longer has need for the property in any of its Federal grant programs, the property may be used for its own official activities in accordance with the following standards:

(1) *Nonexpendable property with an acquisition cost of less than $500 and used four years or more.* The Grantee may use the property for its own official activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(2) *All other nonexpendable property.* The Grantee may retain the property for its own use provided that a fair compensation is made to the Grantor. The amount of compensation shall be computed by applying the percentage of the Grantor participation in the grant program to the current fair market value of the property as determined by the Grantor.

c. If the Grantee has no need for the property, disposition shall be made as follows:

(1) *Nonexpendable property with an acquisition cost of $1,000 or less.* Except for that property which meets the criteria of b (1) above, the Grantee shall sell the property and reimburse the Grantor an amount which is computed in accordance with (3) below.

(2) *Nonexpendable property with an acquisition cost of over $1,000.* The Grantee shall request disposition instructions from Grantor.

(3) If disposition instructions are not issued within 120 days after reporting, the Grantee shall sell the property and reimburse the Grantor an amount which is computed by applying the percentage of the Grantor participation in the grant program to the sales proceeds. Further, the Grantee shall be permitted to retain $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(d). The Grantee's property management standards for nonexpendable personal property shall also include:

(1) Property records which accurately provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the Grantor for its share.

(2) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

(3) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft to the property shall be investigated and fully documented.

(4) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(5) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

This Grant Agreement covers the following described nonexpendable property (use continuation sheets as necessary).

6. Provide Financial Management Systems which will include:

a. Accurate, curent, and complete disclosure of the financial results of each grant. Financial Reporting will be on an accrual basis.

b. Records which identify adequately the source and aplication of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

c. Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

d. Accounting records supported by source documentation.

7. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee governments which are pertinent to the specific grant program for the purpose of making audit, examination, excerpts and transcripts.

8. Provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

9. Provide an audit report prepared in sufficient detail to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations and this agreement.

10. Agree to account for and to return to Grantor interest earned on grant funds pending their disbursement for program purposes when the Grantee is a unit of local government. States and agencies or instrumentalities of states shall not be held

accountable for interest earned on grant funds pending their disbursement.

11. Not encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provide in item 5 above.

12. Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a designated representative of the Grantor.

13. To execute Form FHA 400–1, "Equal Opportunity Agreement;" to execute Form FHA 400–4, "Nondiscrimination Agreement;" and to execute any other agreements required by Grantor to implement the civil rights requirements. If any such Form has been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this grant, another Form of the same type need not be executed in connection with this grant.

14. To include in all contracts for construction or repair a provision for compliance with the Copeland "Anti-Kick Back" Act (18 USC 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). The Grantee shall report all suspected or reported violations to the Grantor.

15. In Construction Contracts in excess of $2,000 and in other contracts in excess of $2,500 which involve the employment of mechanics or laborers, to include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327–330) as supplemented by the Department of Labor regulations (29 CFR, Part 5).

16. To include in all contracts in excess of $2,500 a provision for compliance with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. Grantee shall report any violations of such regulation and standards to the Grantor and the local Internal Revenue Service field office.

17. To include in all contracts in excess of $100,000 a provision for compliance with all applicable standards, orders, or regulations issued pursuant to the Clear Air Act of 1970. Violations shall be reported to the Grantor and the Regional Office of the Environmental Protection Agency.

18. Upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to Grantor forthwith the original principal amount of the grant stated hereinabove, with interest at the rate of five percentum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

Grantor agrees that it will:

1. Assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans and with any State or area plans for the area in which the project is located.

2. In its sole discretion, Grantor may at any time any give consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interest therein, and (b) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

Grantee on the date first above written has caused this agreement to be executed by its duly authorized _____ and attested and its corporate seal affixed by its duly authorized

_____

Grantee

Attest: _____

(Seal) By _____

By

(Title)

_____

(Title)

Grantor

UNITED STATES OF AMERICA

FARMERS HOME ADMINISTRATION

By _____

_____

(Title)

An approved Draft Impact Analysis is available from Directives Management Branch, Farmers Home Administration, Washington, DC.

This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190 and Environmental Impact Statement is not required.

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

Authorities: 7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture; 7 CFR 2.23; delegation of authority by Assistant Secretary for Rural Development; 7 CFR 2.70.

Dated: March 19, 1979.

Gordon Cavanaugh,

Administration, Farmers Home Administration.

[FR Doc. 79–11379 Filed 4–11–79; 8:45 am]

BILLING CODE 3410–07–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 231]

Submission of Aircraft-Vessel Reports (Forms I–92) for Direct Flights Between the United States and Canada; Withdrawal of Proposed Rulemaking

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Withdrawal of Proposed Rulemaking.

SUMMARY: This notice withdraws a proposed amendment to the regulations of the Immigration and Naturalization Service under which air carriers would have been required to submit Forms I–92 to this Service on direct U.S.-Canadian flights, to enable statistics to be gathered re airport usage. The proposal was advanced at the request of the Department of Transportation. The proposal is being withdrawn because further study on the matter indicates that there is no authority under the Immigration and Nationality Act to authorize promulgation of this proposed rule for the reasons stated in the notice of proposed rulemaking.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: On July 14, 1978, at 43 FR 30268 the Service published "final" rules amending 8 CFR 231.1(b) and 8 CFR 231.2(b) to require air carriers to prepare and collect Forms I–92 for passengers on arriving and departing aircraft on direct flights between the United States and Canada. The existing rule does not require the airlines to prepare and collect Forms I–92 for these passengers, and the amendment advanced was requested by the Department of Transportation in order to augment its statistical capability and assist that Department in carrying out its responsibilities under the Airport Development Program.

At the request of the Air Transport Association, the "final" rules were stayed to allow for the submission of public comment, by an order published in the **Federal Register** on July 28, 1978 at 43 FR 32471.

On December 28, 1978 at 43 FR 60429, the final rules were withdrawn as such, and formally designated as proposed rules.

The Service received representations from the Air Transport Association, and from the Citizens Committee on Paperwork Reduction in opposition to the adoption of these proposed rules. The bases for their objections were:

1. The Service lacked statutory authority to promulgate these regulations under 8 U.S.C. 1103 because they are not rationally related to the statute the Service is administering.

2. The statistics this proposed regulation was designed to collect are already available from the Civil Aeronautics Board.

3. Paperwork should be reduced, not increased.

The Service took these comments under consideration.

Under section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), the Attorney General is empowered to establish regulations for carrying out the provisions of the Immigration and Nationality Act. Concededly, the proposed amendments of 8 CFR 231.1(b) and 8 CFR 231.2(b), were not specifically proposed to implement provisions of the Act. Thus, the principal point made in the representations is well taken. For that reason, the proposed amendments to 8 CFR 231.1(b) and 8 CFR 231.2(b), are hereby withdrawn.

Dated: April 9, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

[FR Doc. 79-11418 Filed 4-11-79; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

[10 CFR Ch. II and III]

Draft Report on Regulatory Reform Initiative No. 16: Retroactive Application of Rules or Rule Interpretations

AGENCY: Department of Energy.

ACTION: Request for public comment.

SUMMARY: The Department of Energy (DOE) is issuing this notice to obtain comments on its proposed report on Regulatory Reform Initiative Number 16, concerning the retroactive application of rules or rule interpretations.

DATE: Comments by June 11, 1979.

ADDRESS: Department of Energy, Office of Public Hearings Management, 2000 M Street, N.W., Room 2313, Box XD, Washington, D. C. 20461

FOR FURTHER INFORMATION CONTACT: Ms. Lona L. Feldman, Office of the General Counsel, Room 5302F, 2000 M Street, N.W., Mail Stop #461, Washington, D.C. 20461 ((202) 254–8700).

Regulatory Reform Initiative #16 proposed that the Department of Energy (DOE) abolish the retroactive application of rules or rule interpretations, except for firms which specifically request retroactive application in particular cases. In addition, it was proposed that the Department of Energy revise its auditing procedures which might conflict with section 7(k) of the Federal Energy Administration Act of 1974. This initiative was proposed by the New England Fuel Institute, Mobil Oil Company, Shell Oil Company, and The Energy Consumers and Producers Association. DOE agreed to prepare a report in response to this proposal, and to publish a draft in the **Federal Register.** DOE invites written comments on its draft report.

DOE has fully considered this proposal. DOE does not believe the term "retroactive" is appropriate when used in reference to rule interpretations, because the publication of an interpretation does not change the meaning of a rule. Rather, publication of an interpretation is a public statement by DOE of what DOE believes a statute or rule has meant since its promulgation. DOE gives such rule interpretations in two different circumstances.

The first circumstance is interpretative "rulings." *See generally* 10 CFR 205.150 *et seq.* These rulings interpret generally either an existing DOE rule or a statute. The interpretive rulings process may be initiated by DOE itself or it may arise as a result of inquires from the public. When such a ruling is the initial ruling on particular subject, it ordinarily states DOE's interpretation of the rule or statute as of the date of the promulgation of that rule or statute. As a legal matter such rulings merely clarify what the law has always been, *see Energy Reserves Group* v. *DOE*, 589 F.2d 1082 (TECA 1978), and do not create any new legal obligations or liabilities. This method of proceeding fully comports with applicable statutes and is consistent with the practices of other agencies. To give only prospective effect to such rulings would extinguish otherwise applicable obligations and liabilities which DOE believes already exist under existing statutes and rules. Such an effect would create a severe disincentive to issuance of interpretative rulings, the intended effect of which is to clarify and make explicit DOE's interpretation of the law.

The second circumstance in which DOE gives rule interpretations is in the context of "interpretations." *See generally* 10 CFR 205.80 *et seq.* "Interpretations" are distinguished from "rulings" in that the former are issued only upon request, are interpretations of the effect of a rule only upon a particular fact situation presented by the requesting party or parties, and only the parties to the interpretation are entitled to rely upon it. Like "rulings," "interpretations" merely state DOE's view of the law, applying this view to particular facts. Again, this practice comports with applicable statutes and is consistent with the practices of other agencies. *See generally ARCO* v. *FEA*, 556 F2d. 542 (TECA 1977). To give only prospective effect to interpretations might create an incentive for firms to seek interpretations merely to insulate their past conduct from DOE enforcement. That is, if the rule or statute as interpreted could not be applied to conduct occurring before the interpretation was rendered, DOE might be barred from proceeding against the party for pre-interpretation conduct even though DOE believed the conduct was always illegal. *Cf., Diversified Chemicals* v. *FEA*, 432 F. Supp. 859 (N.D. Ill. 1977).

The proposal also suggests the abolition of the retroactive applications of rules. Ordinarily, legislative rules issued by DOE are prospective only. In the rare instances where DOE issues retroactive legislative rules, DOE follows all applicable legal requirements and specifically identifies the proposed rule as having retroactive effect so that interested persons may comment on that aspect of the proposal. Given the infrequency of such retroactive legislative rules and the importance of the public interest served in those instances, DOE does not believe it is appropriate to eliminate altogether the possibility of issuing retroactive rules.

Finally, the proposal suggest revision of DOE's auditing procedures because they might conflict with section 7(k) of the FEA Act. Section (k) provided:

The Administrator or his delegate may not exericise discretion to maintain a civil action (other than an action for injunctive relief) or issue a remedial order against any person whose sole petroleum industry operation related to the marketing of petroleum products, for any violation of any rule or regulations if

(1) such civil action or order is based upon a retroactive application of such rule or regulation or is based upon a retroactive interpretation of such rule or regulation; and

(2) such person relied in good faith upon rules, regulations, or rulings in interpreting such rules or regulations, in effect on the date of the violation.

Section 7(k) was repealed by section 709(a)(2)(G) of the Department of Energy Organization Act (DOE Act), Pub. L. No. 95–91. Virtually identical language, however, was reenacted in section 805 of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. No. 95–620, as an amendment to section 503 of the DOE Act. While there is no legislative history of section 805, the legislative history of the same language in section 7(k) made clear that it was not intended to preclude the application of interpretations of rules (i.e., "interpretations" or "ruling") as practiced by DOE. The conference report stated: [i]t is intended to apply where the agency has officially taken one position then changes its mind and takes another." H.R. Rep. No. 94–1392, 94th Cong., 2d Sess. (1976). Moreover, DOE does not bring civil actions or issue circumstances described in section 805.

DOE consequently believes that there is no conflict between its audit procedures and section 503(g) of the DOE Act, as amended

Issued in Washington, D.C., April 5, 1979.

Lynn R. Coleman,
General Counsel.

[FR Doc. 79–11226 Filed 4–11–79; 8:45 am]
BILLING CODE 6450–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

British Aerospace (Formerly Hawker Siddeley) Model DH/BH/HS 125 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require reinforcement of the main engine mount beam on certain Model DH/BH/HS 125 Series airplanes which have installed an auxiliary power unit (APU) with turbine wheel containment features or a new model starter/generator. This AD is needed to prevent failure of the main engine mounting beam from the resulting additional load which could result in further aft fuselage damage and loss of an engine.

DATES: Comments must be received on or before June 12, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–24), Docket No. 18925; 800 Independence Avenue, S.W., Washington, D.C. 20591.

The applicable service bulletin may be obtained from:

British Aerospace, Inc., U.S.A. Spares Department, 13850 McLearen Road, Herndon, VA 22070,

or

British Aerospace Aircraft Group, Product Support Department, Hatfield, Hertfordshire, AL10 9TL, England.

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

FOR FURTHER INFORMATION CONTACT: Don. C. Jacobsen, Chief, Aircraft Certification Staff, AEU–100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone 513.38.30, or C. Christie, Chief, Technical Standards Branch, AFS–110, FAA, 800 Independence Ave., S.W., Washington, D.C. 20591, Telephone: 202–426–8374.

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. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments 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 the proposed AD, will be filed in the Rules Docket.

The FAA has determined that the structural integrity of the main engine mount beam on certain serial numbered British Aerospace (formerly Hawker Siddeley) Model DH/BH/HS 125 series airplanes can be adversely affected to a significant degree by the increased weight resulting from installation of an auxiliary power unit with APU turbine wheel containment features or a new model starter/generator, or both. The additional weight could cause failure of the engine mounting beam which could result in further aft fuselage damage and loss of an engine.

Since this condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require that the main engine mount beam be reinforced by the installation of cleats on the top boom of the main engine mount beam on certain British Aerospace DH/BH/HS 125 airplanes. This modification is necessary to assure that the same main engine mount beam structural design criteria, margins, and integrity required for type certification of the original lower weight APU installation are retained when the higher weight APU is installed.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

British Aerospace (formerly Hawker Siddeley, Ltd.). Applies to Model DH/BH/HS 125 Series airplanes, certificated in all categories, which have incorporated British Aerospace modification 251605 and have any of the following: an Airesearch APU Model GTCP30–92(c) installed as a replacement for Airesearch APU Model GTCP3–92, Airesearch Service Bulletin 30–49–3689 incorporated, or British Aerospace modification 257513, 252502, 256817, 256855, 258015, 258027, or 258037 incorporated.

Note.—This AD is known to apply, but is not necessarily limited, to the airpanes listed below.

Model	Series—all variants	Serial number
DH/HS 125	1	25/097
DH/HS 125	3	25/113, 117, 125, 133, 140, 143, 144, 154, 157, 162, 164, through 168, 172
HS/BH 125	400, 401, 403	25/178, 189, 194, 197, 209, 215, 217, 227, 231, 240, 242, 243, 246 through 251, 254, 257, 270, 271, 272, 274
HS/BH 125	600	25/256 and 25/6012, 6015, 6017, 6019, 6021, 6024, 6027, 6029, 6030, 6031, 6033, 6035, 6037, 6039, 6041, 6042, 6045, 6048, 6049, 6050, 6052, 6053, 6054, 6056, 6057, 6058, 6059, 6060, 6062, through 6071
HS 125	700	25/7001, 7007, 7010, 7013, 7020, 7022, 7025, 7028, 7031, 7032, NA 0201 0218

Compliance is required as indicated, unless already accomplished.

To prevent failure of the main engine mount beam, accomplish the following:

(a) Within the next 500 hours time in service after the effective date of this AD, modify the main engine mount beam in accordance with Section 2, "Accomplishment Instructions", British Aerospace Service Bulletin 49–28(2675), Rev. 1 dated September

1, 1978 (hereinafter referred to as the Service Bulletin) or an FAA-approved equivalent.

(b) For purposes of this AD, with the exception of cleats equivalent to those specified in the Service Bulletin, an FAA-approved equivalent may be approved by an FAA airworthiness or engineering and manufacturing inspector or the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region. Any cleats equivalent to those specified in the Service Bulletin must be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(c) Upon request of an operator, the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belgium, may adjust the compliance time specified in paragraph (a) of this AD or approve modifications equivalent to that specified in the Service Bulletin provided such requests are made through an FAA maintenance inspector and the request contains substantiating data to justify the request for that operator.

(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 11.85).

Note.— FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepard for this document is contained in the docket. A copy of it may be obtained by writing to Don C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, or C. Christie, Chief, Technical Standards Branch, AFS-110, FAA, 800 Independence Ave., S.W. Washington, D.C. 20591.

Issued in Washington, D.C., on April 4, 1979.

James M. Vines,
Acting Director, Flight Standards Service.

[Docket No. 18925]
[FR Doc. 79-11214 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points; Proposed Designation of Lakeland, Fla., Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Air to ground communications and weather reporting are now available at the Lakeland Municipal Airport. In order to provide protection for instrument flight rule (IFR) operations at the Lakeland Municipal Airport establishment of a part-time control zone is proposed.

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

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT: Ronald T. Niklasson, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone: 404-763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Federal Aviation Administration, Attention: Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. All communications received on or before May 15, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each public contact with FAA personnel concerned with this rulemaking will be filed in the public, regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR 71) to designate a part-time control zone at the Lakeland Municipal Airport which would operate between 0700 to 2300 hours, local time, daily. This action will provide controlled airspace below 700' AGL to accommodate aircraft performing IFR operations at the Lakeland Municipal Airport.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Subpart F, § 71.171 (44 FR 353), of Part 71 of the Federal Aviation Regulations (14 CFR 71) by adding the following:

Lakeland, Florida

Within a five-mile radius of the Lakeland Municipal Airport (latitude 27°59'20"N., longitude 82°00'53"W). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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

Note.—The Federal Aviation Administration 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 East Point, Georgia, on March 21, 1979.

George R. Lacaille,
Acting Director, Southern Region.

[Airspace Docket No. 79-SO-18]
[FR Doc. 79-11358 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

Proposed Alteration to Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to designate additional controlled airspace near Worthington, Minnesota to accommodate a new Very High Frequency Omnidirectional Range (VOR) Runway 29 and Very High Frequency Omnidirectional Range (VOR) Runway 11 instrument approach procedure into the Worthington

Municipal Airport, Worthington, Minnesota established on the basis of a request from the Worthington Airport officials to provide that airport with an additional instrument approach procedure to serve a newly constructed Runway 11/29. The intended effect of this action is to insure segregation of the aircraft using these approach procedures in instrument weather conditions and other aircraft operating under visual weather conditions.

DATES: Comments must be received on or before May 8, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-8, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace within the transition area will be lowered from 1200 feet above the surface to 700 feet for a distance of approximately one mile beyond that now depicted. The control zone airspace will be altered by extending the zone approximately two miles east and approximately one mile northwest from that now depicted to accommodate a new Runway 11/29 recently completed. The development of the proposed procedures necessitates the FAA to alter the designated airspace to insure that the procedures will be contained within controlled airspace. The minimum descent altitudes for these procedures may be established below the floor of the 700 foot controlled airspace at times when the control zone is not effective. In addition, aeronautical maps and charts will reflect the area of the instrument procedures which will enable other aircraft to circumnavigate the area in and to comply with applicable visual flight rule requirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 79-GL-8, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 8, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identifty the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area airspace, and is considering an amendment to Subpart F of Part 71 to alter the control zone near Worthington, Minnesota. Subparts G and F of Part 71 were published in the **Federal Register** on January 2, 1979 (44 FR 353 and 44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.171 and 71.181 of Part 77 of the Federal Aviation Regulations as follows: In 71.181 (44 FR 442) the following transition area is amended to read:

Worthington, Minnesota

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Worthington Municipal Airport (latitude 43°39'17"N, longitude 095°35'01"W).

In 71.171 (44 FR 353) the following control zone is amended to read:

Worthington, Minnesota

Within a 5-mile radius of Worthington Municipal Airport (latitude 43°39'17"N, longitude 095°35'01"W); within 2.5 miles each side of the 098° true radial, extending from the 5-mile radius of 6.5 miles east of the VOR; within 2.5 miles each side of the 318° true radial, extending from the 5-mile radius to 6.5 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Accordingly, it has been determined that this amendment is not anticipated to be either costly or controversial, or to impose a significant burden on the private sector, consumers, or the federal, state or local governments.

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

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 25, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-8, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on April 3, 1979.

Wayne J. Barlow,
Acting Director, Great Lakes Region.

[Airspace Docket No. 79-GL-8]
[FR Doc. 79-11359 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

Proposed Alteration to Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of this federal action is to alter the controlled airspace near Ely, Minnesota to accommodate two new instrument approach procedures Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Runway 12 and Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) Runway 30 into Ely Municipal Airport. In addition amendments to existing proceedures VOR Runway 12, and VOR Runway 30 are being accomplished. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument

weather conditions and other aircraft operating under visual conditions.

DATES: Comments must be received on or before May 8, 1979.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 79-GL-1, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

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

SUPPLEMENTARY INFORMATION: The circumstances which created this action were an effort on the part of the FAA to provide this airport with improved instrument approach capability. The minimum descent altitude for this procedure may be established below the floor of the 700 foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule rquirements.

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL—7, Great Lakes Region, Rules Docket No. 79-GL-1, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 8, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments. In the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the existing transition area near Ely, Minnesota. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows: In Section 71.181 (44 FR 442), the following transition area is added:

Ely Minnesota

That airspace extending upward from 700 ft. above the surface within a 6 statute mile radius (5.2 nautical miles) from the 308° true bearing from the geographical center of the Ely, Minnesota Airport (47°49'26"N 091°49'42"W, estimated) clockwise to the 113° true bearing; then via the 8.5 statute mile radius (7.1 nautical miles) from the 113° true bearing clockwise to 308° true bearing from the Airport, including that airspace 4 statute miles (3.5 nautical miles) each side of the 308° true bearing, extending northwest from the 6 and 8.5 statute mile radius to 10.5 statute miles (9 nautical miles) from the airport, and that airspace 4 statute (3.5 nautical miles) each side of the 113° true bearing, extending southeast from the 6 and 8.5 statute mile radius to 10.5 statute miles (9 nautical miles) from the airport, excluding that airspace overlying prohibited area 204 (P204).

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

The Federal Aviation Administration has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by Department of Transportation regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the draft evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to the Federal Aviation Administration, Attention: Rules Docket Clerk (AGL-7), Docket No. 79-GL-1, 2300 East Devon Avenue, Des Plaines, Illinois.

Issued in Des Plaines, Illinois, on April 3, 1979.

Wayne J. Barlow,
Acting Director, Great Lakes Region.

[Airspace Docket No. 79-GL-1]
[FR Doc. 79-11360 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

[14 CFR Part 71]

Proposed Alteration of VOR Federal Airway V-17

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to rescind a segment of V-17E between San Antonio, Tex., and Austin, Tex., and also to establish a standard west alternate (V-17W) between McAllen, Tex., and Laredo, Tex. This alternate airway will help to expedited the movement of air traffic northwest of McAllen. V-17E is not used north of San Antonio and can no longer be justified as a designated airway.

DATES: Comments must be received on or before May 14, 1979.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southwestern Region, Attention: Chief, Air Traffic Division, Docket No. 79-SW-3, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before May 14, 1979 will be considered before

action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, SW., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would delete an unused alternate airway (V–17E) northeast of San Antonio and add a west alternate airway (V–17W) northwest of McAllen. The additional airway segment would permit greater flexibility in the lateral separation of air traffic in this area. The most favorable altitudes could be used and delays caused by holding procedures would be reduced.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.123 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 307) as follows:

Under V–17 "Laredo, Tex.;" is deleted and "Laredo, Tex., including a W alternate;" is substituted therefor. Also, "San Antonio, including an east alternate via the INT Cotulla 046° and San Antonio 183° radials;" is deleted and "San Antonio;" is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on April 6, 1979.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[Airspace Docket No. 79–SW–3]

[FR Doc. 79–11362 Filed 4–11–79; 8:45 am]

BILLING CODE 4910–13–M

[14 CFR Part 71]

Transition Area—Emmetsburg, Iowa; Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This notice proposes to designate a 700-foot transition area at Emmetsburg, Iowa, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Emmetsburg, Iowa, Municipal Airport which is based on a Non-directional Radio Beacon (NDB) being installed on the airport.

DATES: Comments must be received on or before April 30, 1979.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Dwaine E. Hiland, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE–537, FAA Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before April 30, 1979, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, procedures and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106 or by calling (816) 374–3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to Subpart G, Section 71.181 of the Federal Aviation Regulations (14 CFR Section 71.181) by designating a 700-foot transition area at Emmetsburg, Iowa. To enhance airport usage by providing instrument approach capability to the Emmetsburg Municipal Airport, the City of Emmetsburg, Iowa, is installing an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Emmetsburg, Iowa, at and above 700 feet above ground level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Accordingly, the Federal Aviation Administration proposes to amend Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 2, 1979, (44 FR 442) by adding the following new transition area:

Emmetsburg, Iowa

That airspace extending upward from 700 feet above the surface within a 5-mile radius

of the Emmetsburg Airport (latitude 43°06'12"N, longitude 94°42'24"W) and within 3 miles each side of the 121° bearing from the Emmetsburg NDB (latitude 43°06'04"N, longitude 94°42'25"W), extending from the 5-mile radius area to 8½ miles southeast of the airport wihin 3 miles each side of the 326° bearing from the Emmetsburg NDB extending from the 5-mile radius area to 8½ miles northwest of the airport.

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

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 March 14, 1979.

C. R. Melugin, Jr.,
Director, Central Region.

[Airspace Docket No. 79-CE-7]
[FR Doc. 79-11361 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

Statements of General Policy

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Board is proposing to clarify and modify its policies relating to discrimination, prejudice, and preference in pricing, so as to interfere with carriers' marketing judgments only on a persuasive showing that interests worthy of protection are imperiled and that consumers' welfare can be better served through achievable alternatives to the challenged fare. The Board solicits comments particularly as to whether the existing restrictive policy toward "status" fares should be relaxed.

DATES: Comments due by: June 11, 1979.

Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. All filed comments must include a full presentation of all evidence and arguments upon which the commenter wishes to rely in support of his position, or in rebuttal of facts relied upon by the Board. We have decided that all relevant issues can be determined on the basis of written comments, and that oral evidentiary procedures will not be required.

ADDRESSES: Twenty copies of comments should be sent to Docket 35253, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Mark S. Kahan, Assistant Chief, Pricing and Entry Division, Office of the General Counsel, 202-673-5205, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUPPLEMENTARY INFORMATION:

I. Background

The Airline Deregulation Act of 1978 creates wide zones within which carriers may offer most domestic passenger fares free of Board interference as to their reasonableness. Similarly, the Cargo Deregulation Act, with minor exception, has removed the Board's jurisdiction over the levels of domestic cargo rates.[1] In both instances, however, Congress left intact the prohibitions of unjust discrimination and undue or unreasonable prejudice or preference in pricing contained in Section 404(b) of the Federal Aviation Act and, in large part, the Board's power to remedy violations of that provision, though we are cautioned not to construe our authority as an indirect means of controlling fare and rate levels.[2] The Board's jurisdiction over domestic fares and rates, including the provisions against discrimination and preference is scheduled to expire on December 31, 1982.[3]

The diminution and eventual elimination of the Board's domestic rate authority is, of course, but one side of the regulatory revolution now well underway. Even as the Board moved, before the Deregulation Act, to free carriers from pervasive price regulation, it acted vigorously to liberalize its entry policies to foster sufficient competition to ensure reasonable prices.[4] The Deregulation Act now removes the remaining significant legal barriers to new entrants in domestic markets, with most Board route regulation scheduled to end on December 31, 1981.[5] Until then, the burden of proof rests primarily on objectors to the grant of new route authority in the expedited certification proceedings now mandated by Section 401 of the Act.[6] Carriers may also obtain significant new routes with minimal or no Board process at all, through the "automatic entry," "dormant authority," and "fill-up" provisions of the Act.[7] Under the new procedures, over 700 new route segments have issued even in the short time since passage of the Dregulation Act. Applications are pending for approximately 8,000 more. Several new carriers, moreover, have entered certificated interstate service for the first time. We are, therefore, optimistic that the emerging structure of the industry will facilitate our clear statutory mandate[8] to rely first and foremost on actual and potential competition to foster optimum price and service options.

The question before us now emerges from the need to harmonize the statutory directive to promote increased competition in the airline industry as rapidly as possible with our obligation to give the fullest effect to Congress' intent that we maintain a reasonably non-discriminatory price structure during the transition period. Carriers have already demonstrated a propensity to use their new pricing freedom in ways that are questionable under the criteria by which we have historically judged the presence of unlawful discrimination, prejudice and preference. For example, we recently felt compelled to reject a tariff filed by American Airlines granting substantial discounts off coach fares for spouses of full fare passengers, pending reexamination of existing

[1] P.L. 95-504 (Airline Deregulation Act of 1978), Section 36(a), as incorporated in Section 1002(d)(4) of the Federal Aviation Act of 1958 (hereafter, the "Act"), 49 U.S.C. 1482(d)(4); P.L. 95-163, Section 18, as incorporated in Section 1002(d)(3) of the Act, 49 U.S.C. 1482(d)(3).

[2] *See* Section 1002(d)(3), 49 U.S.C. 1482(d)(3) of the Act, and, generally, Senate Report 95-631, 95th Cong., 2nd Sess., p. 109.

[3] P.L. 95-504, Section 40(a), adding in pertinent part Section 1601(a)(2) to the Act. The statute does not expressly include Section 1002(d)(3) of the Act, which confers the Board's authority to remedy unjust discrimination in the transportation of property, within those provisions which sunset at this time. We need not reach any conclusions as to the efficacy, after Sections 403 and 404(b) become inapplicable, of Section 1002(d)(3) in the context of this proceeding. Similarly, we need not determine at this time the reach of Section 1002 (d)(4) and (8), following the sunset of Section 1002(d)(1).

[4] *See, Oakland Service Case*, Order 78-4-121; *Chicago-Midway Low-Fare Route Proceeding*, Order 78-7-40; *Las Vegas-Dallas/Fort-Worth Nonstop Service Investigation*, Order 78-7-116. Recently, the Board has relied extensively on show cause orders which contemplate the award of multiple permissive authority to all fit, willing, and able carriers. *See, e.g.*, Order 78-12-191.

[5] Section 1601(a)(1), 49 U.S.C. 1551. It appears that a carrier seeking new authority will still be subject after this date to the certificate requirements set forth in Section 401(a) of the Act, including a demonstration that it is fit, willing, and able as set forth in Section 401(d)(1).

[6] Section 401(d)(9), 49 U.S.C. 1371(d)(9).

[7] Sections 401(d)(7), 49 U.S.C. 1371(d)(7); 401(d)(5), 49 U.S.C. 1371(d)(5); 401(d)(6), 49 U.S.C. 1371(d)(6).

[8] *See* Sections 102(a)(3 and 4), 49 U.S.C. 1302 (a)(3) and (4); 1002(e)(5), 49 U.S.C. 1482(e)(5).

policies.[9] Since that action, we have consulted pertinent statutes, legislative history, administrative decisions, judicial case law, and economic authorities, in addition to our own recent experience with the beginning of deregulation. We now issue this tentative policy statement to clarify for the industry and public the Board's perception of its duties and responsibilities in this important area. While this proceeding applies only to domestic fares and rates, we welcome any comments on whether the principles enunciated pertain to the international arena; if warranted, we will issue a supplemental notice or institute a separate proceeding.

II. Past Board Policy

In the past, the Board's entry and pricing policies were generally quite restrictive. Our last extensive examination of the discrimination concept [10] on this basis came from a closely divided Board during Phase 5 (Discount Fares) of the DPFI.[11] That proceeding followed judicial disapproval, in *Transcontinental Bus System, Inc.* v. *C.A.B.*, 383 F.2d 466 (1967) and *Trailways of New England, Inc.*, v. *C.A.B.*, 412 F.2d 926 (1969), of the Board's dismissal, without hearing, of complaints against then-existing "youth"[12] and "family" fares. Following protracted litigation, the Board ultimately held such rates to be unreasonably discriminatory and directed their cancellation. It rejected contentions that such discounts were cost-based or that the stimulation of traffic which they promoted benefitted all passengers by permitting the utilization of more efficient capacity and lower unit costs. All discount fares were held to "burden the fare level when viewed over the long run."[13] Any benefits, the Board concluded, were insufficient to warrant departure from the "rule of equality", requiring like price for like service. That rule, the Board noted, had been judicially described as "the very core and essence of the fare structure in the transportation industry."[14] The Board did approve, however, "Discover America" fares, which provided for a 12½% discount off coach for passengers purchasing a round-trip ticket with a 7 to 30 day-stay limitation, though length of stay concededly had no impact on costs under the then prevailing fully allocated methodology. These fares were held to present "no real issue under Section 404(b)" because of their availability "to all classes of travelers subject to the conditions of travel set forth in the tariff."[15] Their effectiveness was, however, limited to 18 months.

Taken together, the Board's treatment of these fares indicates two controlling factors: first, a qualified disapproval of the use of the status of persons as a means of determining their eligibility for a particular fare; and second, disapproval of fares which "burden" normal coach traffic over the long run, i.e., after the carriers have reasonable opportunity to adjust capacity to demand. Disapproval of status was qualified to adjust capacity to demand. Disapproval of status was qualified because the Board's analysis indicated that the youth and family fares would have been acceptable if their perceived impact on airline costs (and ultimately, normal coach fares) had been sufficiently beneficial.

In the cargo arena, the Board has not followed a consistent pattern. While Board opinions have usually given at least passing deference to cost principles, value-of-service concepts have been given wide scope. The Board has thus provided carriers considerable flexibility in pricing cargo services, particularly through the medium of lower rates for specific commodities (so called "SCRs") than for general cargo.[16] The use of weight-breaks, *i.e.* a blocked rate in which the price per unit of a single shipment declines as quantity increases, has been permitted where some cost justification appeared.[17] On the other hand, discounts for multiple shipments have generally been held unjustly discriminatory.[18]

Variations from cost-based ratemaking have, however, been explicitly permitted to further an established policy of the United States cognizable under the Act. Thus, reduced rates for the transportation of military cargo (and personnel) were approved in order to promote the national defense.[19]

With this regulatory background in mind, we now must test the old but lingering conceptions of unjust discrimination against the more recent and somewhat conflicting Congressional and Board policy calling for maximum reliance on competition. We find it necessary to clarify both the nature of the discrimination concept and the criteria by which we determine whether discrimination is reasonable.

III. The Discrimination Concept and Its Role in the Current Fare Structure

The definition of price discrimination, in economic terms, is quite simple. A firm discriminates when it charges different purchasers prices that differ by varying proportions from the respective costs of serving them.[20] In this fundamental sense, of course, virtually all prices charged by regulated firms, including airlines, are discriminatory to some extent (which is frequently unascertainable because of a lack of reliable cost data and agreed-upon allocation principles, as discussed *infra*, p. 11). As noted above, the Board implicitly acknowledged that "Discover America" fares are discriminatory on this basis, but approved them nonetheless. Indeed, the Board, in *DPFI (Phase 9)*, mandated economic discrimination by requiring that normal passenger fares in virtually all certificated markets be derived from the average nationwide costs of the trunk carriers; the mileage formula used as the

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[9] Order 79–1–72 (adopted January 11, 1979).

[10] Historically, the Board has distinguished between unjust discrimination and undue preference and prejudice. The former involves a lack of equality among passengers or shippers who receive like and contemporaneous service—*e.g.*, different rates for passengers receiving the same service on the same flight. *E.G., Summer Excursion Fares*, 11 C.A.B. 218, 222 (1950); *Hawaiian Airlines Senior Citizens Standby Fares*, Order 76–7–147. The latter involves comparisons of rates charged for different but related services or for services between different points, as in the charging of a rate between two points that is the same as or lower than the rate to an intermediate stop between those points. *E.g., Hawaiian Common Fares Case*, 10 C.A.B. 921, 924 (1949). We believe all are encompassed within the amit of the economic discrimination concept, *infra*, pp. 8–9, and for the present analysis they will be considered together.

[11] Opinion and Order 72–12–18 (December 5, 1972); Supplemental Opinion and Order 73–5–2 (May 1, 1973); Supplemental Opinion and Order on Reconsideration 73–8–55 (August 10, 1973). Members Murphy and Minetti dissented. All are contained in the C.A.B. *DPFI Volume*, pp. 226–357.

[12] Youth fares encompassed several discounted reserved and standby plans for ages 12 through 21. They are to be distinguished from discount fares for younger children, which have never been seriously questioned, principally because of their historical antiquity. See Opinion and Order 72–12–18, *supra*, pp. 7–8, 75n.; C.A.B. *DPFI Volume*, pp. 230–231, 262n.

[13] Opinion 72–12–18, *supra*, p. 51; C.A.B. *DPFI Volume*, at 252.

[14] *Id.*, pp. 62–63, *DPFI Volume*, at 257.

[15] *Id.*, p. 60; *DPFI Volume*, at 256.

[16] *See e.g., United Air Lines, Inc., Specific Commodity Rates on Periodicals, Floral Products and Seafood*, Order 72–11–18.

[17] E.g., *New York-San Juan Minimum Rates Case*, Order 69–4–32, 50 C.A.B. 902 (1969).

[18] *E.g., Multicharter Cargo Rates Investigation*, 47 C.A.B. 626 (1967); *Airlift Blocked Space*, Order 73–4–25; *Revised Aggregate Rates Proposed by WTC Airfreight*, Order 73–2–61, *Shulman Aggregate Weight Rule*, 49 C.A.B. 323 (1968); *Container Rates for B–747 Aircraft Proposed by Continental Airlines, Inc.*, Order 71–7–155, 156. We have recently departed from this line of cases in the international arena. See, *Contract Cargo Rates Filed by British Airways*, Orders 77–10–2 and 77–12–62. Also, some domestic cargo tariffs providing for discounts on all shipments after a specified minimum of shipments per month has been made have recently become effective. *See, e.g.*, Rule 80 on 6th Revised Page 19 of Tariff C.A.B. No. 21, issued by Airborne Freight Corporation.

[19] *Complaint of Seaboard World Airways, Inc.*, Order 72–10–53. *Flying Tiger Lines, Inc., v. C.A.B.*, 350 F.2d 462 certiorari denied, 385 U.S. 945.

[20] 1 Kahn, *Economics of Regulation*, p. 123.

sole means of calculating fares simply ignored other cost influencing factors, such as the density and type of traffic. To be sure, some carriers may have brought fares and costs more in line, in some markets, by providing a higher level of service than passengers would otherwise prefer. That inherently wasteful practice, however, could not vitiate the pernicious effects of this type of discrimination.

The DPFI (Phase 9) price regime, of course, could be enforced only by rigid controls on price and entry. Indeed, such controls made it virtually inevitable that airline managements would adopt a strategy of segmenting traffic by elasticity of demand; "normal" passengers, primarily businessmen, paid maximum prices while carriers competed, to the extent we permitted, for discretionary travellers. We abandoned this type of regulation even before the Deregulation Act, moving instead to maximum reliance on competitive forces to set fares in each market. As we have observed on other occasions,[21] one of the benefits of the effective competition for which we now strive is that it minimizes opportunities for price discrimination by forcing prices in every market and for every class of traffic more closely to cost. A carrier which persistently charges customers above cost for long will lose profitable business to competitors or new entrants.

Plainly, the current price structure, with its widespread use of travel restrictions having an uncertain relation to the cost of providing transportation, is rife with price discrimination. In the absence of detailed and sophisticated cost analyses, we must presume that such fares reflect both the somewhat lower costs associated with some of these restrictions, like capacity controls, advance purchase requirements, and cancellation penalties, and the exploitation of demand characteristic made possible by the substantial market power which still characterizes this industry. In this respect, the situation has not changed except in degree from that prevailing in the pre-deregulation era. But there is now a difference: where rigid controls over price and entry previously assured discriminatory discount fares a more or less permanent place in the national airline fare structure, we perceive the continuing pervasiveness of such fares as a temporary transitional phenomenon.

Far from injuring consumers, the increase in discriminatory prices and conditions in the current fare structure appears to be the unavoidable result of the increased competition that we, and now Congress, have ushered into the industry. As the cartel begins to break down under the new pressures, managers naturally react by first increasing competition only in the more elastic markets—where price reductions are most efficacious and remunerative—while struggling for as long as possible to continue to exercise market power in the more lucrative, relatively inelastic, markets frequented by normal coach passengers. As competition grows stronger, however, such efforts should yield diminishing returns and all classes of traffic will reap benefits from the new policies.

There is already evidence that these processes are playing themselves out effectively, and we are most reluctant to impede them. Our experience with "Super-savers" is instructive. When introduced in early 1977,[22] these highly restricted (30-day advance reservation, seven-day minimum stay) fares were available only in the highly competitive New York-San Francisco-Los Angeles markets, where Board regulation had fixed normal coach fares well above the costs of service.[23] Carriers soon became aware, however, that passengers in other transcontinental markets would resort to circuitous routings (e.g., San Diego-Los Angeles-New York-Philadelphia) to take advantage of the discounts, and frequently on their competitors' planes. The discounts thus spread in a second stage to additional transcontinental markets.[24] But that too proved insufficient. Passengers from inland locations also found it advantageous to route themselves over the transcontinental routes. By early 1978, super-savers were available in virtually all interstate markets.[25] Next, most carriers again narrowed the restrictions in many markets, at least on a temporary basis.[26] It is not unreasonable to anticipate that the next stage, perhaps assisted by the competitive forces unleashed in the recently concluded *Transcontinental Low-Fare Route Proceeding*,[27] should see, for at least some markets, even further diminution in, if not the elimination of, any discriminatory aspects of the fare. Moreover, in a number of markets long characterized by a host of restricted fares, some carriers now offer low normal coach fares on a nondiscriminatory basis. Western pioneered such fares in the Miami-Los Angeles market.[28] Formerly intrastate carriers like Air Florida and PSA, which have long espoused low coach fares, are seeking authority to compete on this basis in a number of interstate markets.[29] Indeed, Air Florida is already operating between Washington, D.C. and South Florida with unrestricted low peak and off-peak fares, and was recently granted exemption authority to operate to and from New York City.[30] Eastern has just announced a $99 fare Miami–San Francisco subject only to a 7-day advance purchase requirement. Texas International is now offering its low "Peanuts" fares over its new long haul routes. The list grows longer every week. Where the equilibrium will eventually come to rest, of course, we cannot predict with certainty. However, given the dynamism in domestic fares we perceive and absent the most persuasive allegations of harm, our primary obligation clearly is to get out of the way of any moves toward lower fares.

IV. The Legal Constraints

It appears, however, that we cannot at this stage rely solely on competition to enforce the statutory proscriptions against unreasonable discrimination. If Congress had intended us to assume a purely passive role, we do not think that it would have simply left our broad remedial powers substantially intact. Rather, Congress has ordained an orderly transition period in which controls over entry are immediately loosened and shortly terminated (on December 31, 1981) with a lag of one year until Board jurisdiction over domestic rates ceases. Plainly, Congress recognized that truly effective competition might only take hold gradually, and provided us statutory tools in order to maintain supervision over prices in a similarly graduated manner. It follows that the degree of our intrusive intervention into carriers' marketing decisions under our remaining powers should be influenced

[21] *See, Super-Saver Discount Fares proposed by American Airlines, Inc.*, Order 78–10–122.

[22] *See*, Orders 77–3–80 and 77–4–101.

[23] This resulted from the so-called "cost taper" required by *DPFI (Phase 9)*, in which relatively long-haul markets were priced above cost and relatively short-haul markets were purportedly priced below. *See*, Order 74–3–82; *DPFI Volume*, at p. 759.

[24] *See*, Orders 77–5–83 and 77–9–8.

[25] The Board permitted the tariffs to become effective without order on March 28, 1978, almost exactly one year after their forerunners had appeared.

[26] *See, e.g.*, revisions to Rule 121 of Tariff C.A.B. No. 142, issued by Airline Tariff Publishing Company, Agent, effective February 1, 1979. These revisions reduced the advance reservation and ticketing requirements from 30 to 14 days for travel during February and March.

[27] Docket 39356, Order 79–1–75.

[28] *See*, Order 78–3–106.

[29] *See, e.g.*, applications in Docket 29000, *Lake Tahoe Service Investigation*; and Docket 31574, *California-Nevada Low Fare Route Proceeding*.

[30] *See*, Order 79–3–161.

primarily by the level of effective competition in the situation involved and the extent to which the interests of consumers and shippers, for whose protection we remain during the transition, are in actual jeopardy. Thus, we do not construe the approaching sunset of our rate jurisdiction as *carte blanche* to decline to utilize the statutory provisions concerning discriminatory pricing, though it would surely be unrealistic if not irresponsible to ignore that event; our goal is a smooth transition, not the promulgation of rigid standards which are in full force one day and gone the next. We will, however, require a persuasive showing of actual or potential economic injury to interests worthy of protection before considering intervention where unreasonable discrimination is alleged.

We believe this view is fully consistent with the historical evolution of the law of discrimination. In the early common law of England, the general rule was straightforward: "The charging another party too little is not charging you too much."[31] That rule soon gave way with the development of the transportation industry and the rise of industrial combinations which used their market power to secure preferential treatment by carriers and to injure competition.[32] In England, the "rule of equality" was introduced by statute which required railroads to charge equally to all persons in respect to all goods under like circumstances.[33] In America, the rule of equality was usually held part of the common law of common carriers from its inception.[34] In 1887, it was adopted as Sections 2 and 3 of the Interstate Commerce Act, the forerunner of anti-discrimination provisions in many public utility statutes, including Section 404(b) of the Federal Aviation Act. In any guise, however, the rule was based on two essential propositions: (1) that the firm performed a public function as the alter ego of the state[35] and (2) that a preference in favor of one customer was harmful, that it must necessarily damage another, usually by cross-subsidization.[36] These propositions, in our judgment, are not fully applicable to the airline industry in the wake of the Deregulation Act. That Act mandates a quick transition for the domestic airline industry from relatively traditional utility regulation to the more private sector of our mixed economy. Plainly, Congress no longer classifies airline carriers as public utilities, if it ever did. And, as noted, we abandoned traditional concepts of cross-subsidy even before the Deregulation Act. The dynamics of competition have replaced them, and the theoretical and doctrinal bases for cases like *DPFI (Phase 5)* and *Hawaiian Senior Citizens* have substantially eroded. We believe, therefore, that the statute provides us substantial discretion to limit our direct intervention to those cases of discrimination which are inimical to, and which cannot be remedied by, the forces of competition.

Maximum reliance on free entry as the preferred antidote to price discrimination also makes sense from a practical and administrative standpoint. The annals of the Board's proceedings well demonstrate how unwieldy proceedings related to discrimination, using costing techniques less refined than we are disposed to rely upon, have been in the past. The discussion above, as well as our recent service mail decisions[37] under Section 406 of the Act, make plain our intent to rely heavily on micro-economic principles and the dictates of efficient pricing in any rate decisions that will presently be required from us. Other regulatory agencies are now struggling with varying degrees of success to answer the many difficult questions of theory and detail, such as the relevant time periods for consideration and the treatment of common and joint costs, which attend such inquiries.[38] It would be most unrealistic to expect the Board to solve all such problems before the sunset of our rate jurisdiction. In those cases where it is necessary to investigate discrimination, we will conscientiously strive to consider each on the fullest record practicable. By devoting the Board's resources to maximize competition, we minimize our need for complex proceedings.

V. "Status" Fares

In summary, both economic and legal analysis warrant our permitting a very wide scope for carriers' marketing judgments within the zones of reasonableness, interfering only on a persuasive showing that interests worthy of protection are imperiled and that consumers' welfare can be better served through achievable alternatives to the challenged fare. Invidious (racial, religious, sexual, and the like) or predatory discriminations will not be tolerated, of course, and we reserve the power to intervene should a carrier patently abuse the ample discretion we now provide.

We have had by far our greatest difficulty in this review in determining how "status" fares fit within such a policy. As Part IV of this statement suggests, we are no longer fully persuaded that such fares are presumptively illegal. Moreover, there is little reason to believe that a fully deregulated domestic airline industry will be marked by perfect competition, or that some status fares will not have a place after the transition no matter what we do during it. To the contrary, it is reasonable to expect that, like other parts of the travel industry, some carriers may specialize in business and some in family traffic, and some will offer expensive options and others inexpensive no-frills service. There is nothing inherently harmful or unreasonable in this, so long as the consumer is able to shop around for the most advantageous package. By relaxing the ban on status fares immediately, we would permit these tendencies to develop while we are in existence and available to deal with any serious abuses which might arise.

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[31] Crompton, J., in *Garton* v. *Bristol & Exeter R.R. Co.*, 50 K.B. 656, at 673 (1861).

[32] *See*, 1 Sharfman, *The Interstate Commerce Commission*, pp. 14–17.

[33] *Scofield* v. *Lake Shore & M.S. Reg. Co.*, 43 Ohio St. 471, 3 N.E. 907 (1885). *See*, generally, *American Trucking Assns.* v. *Atchison, Topeka and Santa Fe R. Co.*, 387 U.S. 397, 406–7 (1967).

[34] *See, e.g., Lowry* v. *Chicago, B.C.Q. R.R. Co.*, 46 F. 83, 85 (1891).

[35] Cf. *Scofield* v. *Lake Shore & M.S. Reg. Co.*, supra, 3 N.E. at 915: "It is because of the fact that such corporations are public corporations, being vested with a portion of sovereign power delegated to it by the state and owing duties to the public, that they have been [required] to fairly and fully carry out the public object of their creation [citations omitted]"; *Trailways of New England, Inc.* v. *C.A.B.*, supra, 412 F.2d, at 931: ". . . not only is the right to be treated fairly and nondiscriminatorily by a common carrier an expression of the pervasive precept of fairness between government and governed that runs through American jurisprudence, it is one derived from the common law of common carriers." As *Scofield* indicates, the notion of the carrier as a government entity was at the heart of the common law rule of equality as well as later statutes and case law.

[36] In the case of "natural" monopolies, such as electric, gas, or water companies, this proposition is true: the rate structure is intended to cover a fixed revenue requirement assuming an essentially constant volume of output, and a shortfall from one customer or group is necessarily recovered at least partly from another. In the case of common carriers, where the possibility of *limited* competition has always been assumed, the injury from discrimination was less mechanical but no less real. In the classic case, a carrier might contract with an industrial giant to carry its total output at a sizeable discount in return for long-term assurances that the firm would maintain the relationship. Such schemes victimized the competitors of both the firm and carrier, and had an obvious chilling effect. This was the situation in *Scofield, supra.*

[37] *Priority and Nonpriority Domestic Service Mail Rates Investigation*, Order 78–11–80; *Transatlantic, Transpacific and Latin American Service Mail Rates Investigation*, Order 78–12–159.

[38] Cf., *National Greeting Card Manufacturers Assn.* v. *U.S. Postal Service*, 519 F. 2d 570 (D.C. Cir., 1976); *New York State Council of Retail Merchants* v. *New York Public Service Commission*, 45 N.Y. 2d. 661 (1978).

Price discrimination in the presence of substantial market power can also be advantageous from the standpoint of economic efficiency; by permitting the carriers to segment markets and offer a wide variety of low price options, as opposed to forcing them to offer a single price substantially above their costs, we maximize the ability of all consumers willing to pay the marginal costs of service to find an acceptable fare. In this regard, there is no assurance that precluding status fares will lead to the same variety of low-fare options as would be the case otherwise. These considerations tentatively persuade us that a relaxation of the ban such that we would intervene only because of some clearly outrageous feature that is unacceptable because it contravenes generally accepted social values, is the more reasonable alternative for us. Of necessity, such a policy would be administered on a case-by case basis, but with a presumption of legality in favor of the fare.

We have, however, given the most serious consideration to retention of the existing ban, and hope that the comments we now solicit will aid us in a final decision. We are reluctant to disregard so established a concept as the rule of equality in the absence of some perceived benefit; and there can be no doubt that continuation of existing policy is well within our lawful discretion. It has been argued, moreover, that permitting increased status discrimination could hinder the breakdown of oligopolisitic pricing discipline in the industry. A competitor's most rational response to the introduction of a new status fare may simply be to match it, thus drawing off competitive pressures which might otherwise have had much greater effect. Admittedly, status fares may appeal to some carriers because of their potential to lessen diversion of traffic. It is this precise feature, however, which may reduce the consequent pressure for further, less discriminatory pricing moves. We observe, in this regard, that our rejection of American's spouse fare [39] led that carrier to match the less discriminatory "companion" fare offered by competitors. From an economics standpoint, then, the proper role of status fares during the initial period of deregulation, while entry is still not totally free, is far from clear. Particularly given the current tight capacity industry wide, which is in some significant measure a consequence of past Board regulation, we would not lightly dispense with any reasonable means to bring normal coach fares more closely in line with costs. Finally, we recognize that the appearance of fairness can be as important as the reality. Given the egalitarian norms which pervade society today, consumers who are foreclosed from utilizing a low fare because of their status will likely perceive a harm to their interests. They will not feel mollified by our responding that status distinctions are made continuously in the unregulated business sector, particularly so long as the Board regulates prices. The Board values public confidence in the fairness of its policies. For all these reasons, we view retention of the ban on status fares as a supportable legal and policy option.

Needless to say, under neither alternative would the Board encourage the use of status fares. The question is simply whether and to what extent we should intervene in carriers' marketing judgments given the fact of eventual deregulation and growing competition in the industry. Should any party believe there are *workable* alternatives not discussed in this statement, such as a middle course which would permit some types of non-invidious status fares but reject others, it is free to demonstrate to us where and how the line should be drawn.

Accordingly, the Civil Aeronautics Board proposes to amend 14 CFR Part 399, *Statements of General Policy*, as follows:

1. A new § 399.34 would be added, to read:

§ 399.34 Unreasonable discrimination.

(a) As used in this section—

(1) "Unreasonable discrimination" means unjust discrimination or unreasonable preference or prejudice; and

(2) "Rate" means rate, fare, or charge.

(b) Except in unusual circumstances, the Board will find a rate for domestic air transportation to constitute unreasonable discrimination only if:

(1) There is a reasonable probability that the rate will result in significant long-run economic injury to passengers or shippers;

(2) The rate is in fact discriminatory according to a reasonable cost allocation or other rational basis;

(3) The rate does not provide transportation or other statutorily recognized benefits that justify the discrimination; and

(4) Actual and potential competitive forces cannot reliably be expected to eliminate the undesirable effects of the discrimination within a reasonable period.

(c) A rate that discriminates on the basis of the status of the traffic carried will not be presumed to be unreasonably discriminatory.

2. The Table of Contents would be amended accordingly.

(Secs. 204, 403, 404, 416, 1001, and 1002 of the Federal Aviation Act of 1958, as amended by Pub. L. 95–504; 72 Stat. 743, 758, 760, 788, 92 Stat. 1705; 14 U.S.C. 1324, 1373, 1374, 1481, 1482.)

By Civil Aeronautics Board:

Phyllis T. Kaylor,
Secretary.

[PSDR–58, Docket 35253]

[FR Doc. 79–11436 Filed 4–11–79; 8:45 am]

BILLING CODE 11436–01–M

[39] *See*, note 9, *supra*.

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

Airco, Inc.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Montvale, N.J. manufacturer and seller of industrial gases and welding products to cease, for a period of twenty years, from entering into, or enforcing any agreement that requires a distributor of industrial gases to purchase from Airco any part of its industrial gas requirements unless the initial term or renewal of such contract and the minimum period for termination falls within specified time frame. The firm would also be prohibited from requiring a distributor to purchase industrial gases at particular locations, or as a condition to be permitted to purchase welding or other industrial gas products at the same or any other location; and from refusing to sell its products to a distributor because the distributor refuses to purchase from Airco a designated part of its industrial gas requirements at a particular location. The order additionally requires that any dispute arising from company's refusal to sell be submitted to arbitration and sets forth the manner and form of such arbitration.

DATE: Comments must be received on or before June 11, 1979.

ADDRESS: Comments must be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/C, Alfred F. Dougherty, Jr., Washington, D.C. 20580. (202) 523–3601.

SUPPLEMENTARY INFORMATON: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25(f) of the Commission's rules of practice (16 CFR 3.25(f)), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

Airco, Inc.

[Docket No. 9098]

Agreement Containing Consent Order

It is hereby agreed by and between, Airco, Inc., a corporation, by its duly authorized officer and its attorney, and counsel for the Federal Trade Commission, in accordance with the Commission's Rule governing consent order procedure that:

1. Respondent Airco, Inc. is a Delaware corporation and has its principal office and place of business at 85 Chestnut Ridge Road, Montvale, New Jersey 07645.

2. Respondent has been served with a copy of the complaint issued by the Commission. Subsequently, the parties entered into negotiations and filed a joint motion to withdraw the matter from adjudication pursuant to § 3.25 of the Commission's rules of practice.

3. Respondent admits all jurisdictional facts set forth in Paragraph 6 of the complaint.

4. Respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released; and such acceptance may be withdrawn by the Commission if, within sixty (60) days after the acceptance, comments or views submitted to the Commission disclose facts or considerations which indicate that the order contained in the agreement is inappropriate, improper, or inadequate.

6. This agreement is for settlement purposes only and does not constitute an admission by respondent of any of the facts alleged in the complaint beyond the admission in Paragraph 3 above, or that the law has been violated as alleged in the complaint.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 3.25(f) of the Commission's rules, the Commission may, without further notice to respondent, (1) issue its decision containing the following order in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Respondent understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order, and that it may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

For the purpose of this Order, the following definitions shall apply:

1. "Industrial Gases" shall mean the following gases: Oxygen, Nitrogen, Argon, Acetylene, Hydrogen and Helium.

2. "Welding Products" shall mean equipment, supplies and consumable items used to fuse or thermally to cut metals.

3. "Distributor" shall mean a business firm whose primary function in the Industrial Gas and Welding Products business is the purchase of Industrial Gases and Welding Products for the purpose of resale within the United States, but shall not include any business firm whose primary function in the resale of Industrial Gases and Welding Products is the distribution of Industrial Gases and Welding Products to entities engaged in the plumbing, heating or air conditioning trade.

4. "Location" shall mean a bona fide sales and distribution facility operated by a Distributor as a receiving or distribution point for Industrial Gases, which facility ordinarily carries an inventory of Industrial Gases and Welding Products and is staffed with a bona fide sales force and operating and/or distribution personnel. Two or more facilities that are staffed by common sales and operating and/or distribution personnel shall be deemed to comprise a single Location.

5. "Requirements" of any Distributor for an Industrial Gas at any Location shall means such Distributor's total requirements for such Industrial Gas either delivered to such Location or delivered direct by the distributor to using customers which are generally served by sales or distribution personnel assigned to such Location.

I

It is ordered and directed, That for a period of twenty (20) years from the date of service of this order, respondent Airco, Inc. (hereinafter Airco), its subsidiaries, divisions, affiliates, successors, and assigns, in connection with the distribution, offering for sale, or sale of Industrial Gases or Welding Products to Distributors in which it owns less than a majority interest, shall:

A. Not offer, renew, extend or enter into any contracts or agreements, or enforce directly or indirectly those provisions of any contract or agreement, which require any Distributor:

1. To purchase from Airco all or any part of its Requirements of any Industrial Gas under a contract or agreement (a) having an initial term or a term or renewal of more than 1 year or (b) if the agreement shall renew itself on an anniversary date unless terminated, or be terminable on notice, requiring prior notice of more than 90 days to effect such termination; or

2. To purchase from Airco all or any part of its Requirements of any Industrial Gas at one or more Locations as a condition to being permitted to purchase from Airco such Industrial Gas at another Location; or

3. To purchase from Airco all or any part of its Requirements of any Industrial Gas at any Location as a condition to being permitted to purchase from Airco any other Industrial Gas at the same or any other Location; or

4. To purchase from Airco all or any part of its Requirements of any Industrial Gas at any Location as a

condition to being permitted to purchase from Airco any Welding Products.

B. Not refuse to sell, subject to paragraph A1 above, Industrial Gases or Welding Products to an Airco Distributor because that Distributor refuses (1) to purchase all or a designated part of its Requirements of Industrial Gases from Airco; or (2) to purchase from Airco all or any part of its Requirements of Industrial Gases at more than one of its Locations.

II

It is further ordered, That for a period of twenty (20) years from the date of service of this Order:

A. If Airco has at its instance refused to sell to an Airco Distributor one or more Industrial Gases or Welding Products following an election by that Distributor to Purchase one or more Industrial Gases from a supplier other than Airco, and a dispute exists between the Distributor and Airco as to whether such refusal by Airco, subject to paragraph I A1 above, is because that Distributor refuses (1) to purchase from Airco all or a designated part of its Requirements of Industrial Gases; or (2) to purchase from Airco all or any part of its Requirements of Industrial Gases at more than one of its Locations, then the Distributor or Airco may elect to have the dispute determined by arbitration under this Part II. If the arbitrators shall determine that such refusal by Airco was by reason of an aforementioned refusal to purchase by the Distributor, Airco may nevertheless refuse to sell Industrial Gases or other Welding Products to such Distributor if it is determined by the arbitrators that (a) such refusal was not in reprisal for the Distributor's election to purchase Industrial Gases elsewhere than from Airco and (b) there was no commercially advantageous and less restrictive alternative available to Airco enabling Airco to market in the Distributor's market area such Industrial Gas or Gases purchased by the Distributor from other sources.

In making such determinations, the arbitrators (i) shall consider, among other facts they deem relevant and to the extent they deem relevant, the current and prior relationship and course of business between Airco and the Distributor and between Airco and other Distributors; other practical business alternatives open to Airco; the present and future effect of the refusal to sell by Airco on other Airco Distributors; and Airco's goals as to market participation and profitability; (ii) shall be guided by applicable law as to issues raised and (iii) shall not regard as itself dispositive but shall consider their conclusion (if they do so conclude) that Airco's said refusal to sell would not have occurred but for the earlier refusal to purchase by the Distributor.

B. Unless otherwise agreed to by the parties, arbitration shall be held by three arbitrators and at a location in the United States designation by the Distributor and in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The award of the arbitrators shall be final and binding on both parties. The arbitrators shall, upon a proper showing, issue protective orders and/or receive evidence *in camera* in the same manner as an Administrative Law Judge of the Federal Trade Commission. In the event of a default by either party in appearing before the arbitrators, the arbitrators are authorized to render a decision, pursuant to advance written notice, upon the testimony of the party appearing.

C. Airco will not refuse to sell to any Distributor eligible to invoke arbitration under this Part II without providing 60 days written notice to the Distributor (a "discontinuance notice"). Any demand by a Distributor for arbitration shall be delivered by notice in writing to Airco within 60 days of receipt of a discontinuance notice. Any demand by Airco for arbitration shall be effective upon notice to the Distributor. Where arbitration has been demanded by either party, Airco may not refuse to sell the product referred to in the discontinuance notice to such Distributor pending the decision of the arbitrators. The arbitrators shall render their decision within 120 days from the date of demand for arbitration and shall have the mandate to impose a time schedule for briefing, argument, presentation of evidence and the like to permit such time limit to be observed. The costs other than attorneys fees shall be shared equally by the Distributor and by Airco if Airco is the successful party in the arbitration and solely by Airco if the Distributor prevaisl, unless in the course of arbitration it is determined by the arbitrators that either of the parties did not act in good faith, in which event that person not acting in good faith shall bear all such costs.

D. The Distributor's right to arbitration shall be clearly set forth in any Distributor agreements that Airco shall enter into with its Distributors.

E. As soon as feasible and in any event within 10 days after receipt by Airco of a Distributor's demand for arbitration under this Part II, or simultaneously with transmittal by Airco of an arbitration demand to a Distributor, Airco shall notify the Commission of such demand and the nature of the dispute. Airco shall also notify the Commission of the names of the arbitrators and the dates of the arbitration hearings within 10 days of the time known. The Commission may at its election intervene as friend of the arbitrators, and present evidence, engage in argument and submit briefs.

If Airco shall initiate arbitration hereunder, then the Commission may, in its sole discretion, at any time before any evidence has been taken suspend the provisions of this Part II respecting such arbitration. Airco will, if arbitration was initiated by it, on demand, provide the Commission with reasonable information for it to determine whether to suspend arbitration proceedings. If the Commission elects to suspend the provisions of Part II, Airco will not effect its refusal to sell to the Distributor for at least 120 days from the date of receipt of the Commission of Airco's arbitration demand. In order for the Commission to have time to assess its possible courses of action pursuant to this Order, the arbitrators shall not commence the taking of evidence prior to 60 days from the date of receipt at the office of the Commission of notification of such arbitration demand or such earlier time as to which the Commission may agree.

F. If the Distributor shall prevail in the arbitration, then Airco shall enter into an appropriate contractual relationship in conformity with this Order.

G. The Commission will not assert any claim that Airco has violated this Order based merely upon the subject matter of any dispute arbitrated hereunder unless Airco has failed to comply with the award of the arbitrators in such dispute.

H. If in any arbitration under Part II the Distributor prevails but elects not to be reinstated or continued as an Airco Distributor as to products covered by the arbitration, then the following shall apply if the Distributor so elects in writing delivered within 30 days of the date of the arbitration award.

If the Distributor shall have had furnished to him by Airco more than 50% in dollar value (determined at the time of the Distributor's said election based upon the then replacement cost) of cylinders of all kinds used in its Industrial Gases business, whether the furnishing thereof by Airco has been by lease, rental, demurrage, loan or any other arrangement in which ultimate ownership has been retained by Airco, then Airco agrees it will, at the Distributor's election, sell all or any part

of such cylinders belonging to it and used by the Distributor to the Distributor at a price which is the greater of the average of the book value on the books of Airco of such cylinders of like kind or 85% of the replacement value thereof. Airco further agrees that it will finance the sale to the Distributor of such cylinders in a transaction calling for payment of principal and interest over a 10-year period, at an interest rate equivalent to that currently prevailing in financial circles for similar risks.

III

It is further ordered:

That for a period of twenty (20) years from the date of service of this Order, Airco shall not, either directly or indirectly through subsidiaries in which Airco owns a majority interest, (i) lease or otherwise make available to customers of any Distributor who has ceased purchasing one or more Airco Industrial Gases within the preceding two years, Industrial Gas cylinders at rental or demurrage rates set for the purpose of destroying a competitor or eliminating competition, or (ii) lease or otherwise make available to competitors of any Distributor who has ceased purchasing one or more Airco Industrial Gases within the preceding two years, Industrial Gas cylinders at rental or demurrage rates lower than the standard rental or demurrage rate for such cylinders then in effect for Airco Industrial Gas Distributors for the purpose of destroying a competitor or eliminating competition: *Provided, however,* That if either a standard cylinder rental rate schedule to Airco Industrial Gas Distributors or a standard cylinder demurrage rate schedule to such Distributors, but not both, is in effect, then, for the purpose of this Part III, one shall be deemed to be equivalent to the other on the basis of the revenue that would be generated by a single cylinder during a two-month period of continuous usage, rounded to the nearest cent: *And provided, further,* That for the purpose of this Part III, a standard cylinder rental or demurrage rate shall be a rate which is available to all Airco Industrial Gas Distributors: *And provided, further,* That the purpose of destroying a competitor or eliminating competition must be established by proof of intent on the part of Airco to destroy the Industrial Gas business of, or eliminate as a competitor, a Distributor who has ceased to distribute one or more Airco Industrial Gases; and evidence that Airco has engaged in price competition with such Distributor or that Airco intends to seek or obtain the trade of particular customers then being served by such Distributor shall not, by itself, be sufficient to establish such intent: *And provided, further,* That Airco may set rental or demurrage rates for customers or competitors of such Distributor lower than those in effect for Airco Industrial Gas Distributors in good faith response to competitive conditions in the area served by such Distributor: *And provided, still further,* That Airco shall have all defenses which would be available in law, including, but not limited to, the defenses of meeting competition and cost justification.

IV

It is further ordered:

That if provisions of the consent order entered against Union Carbide Corporation on September 28, 1977 in settlement of a proceeding in F.T.C. Docket No. C–2902 similar to provisions of this Order, are hereafter modified or revoked, then Airco may apply to the Commission for modification of, or relief from, any such provisions in this Order, and upon such application the Commission shall grant such modification or relief in the provisions of this Order covered by such application as is necessary to conform such provisions in this Order with the modified provisions of such Union Carbide consent order.

V

It is further ordered:

That Airco shall within twenty-one (21) days after service upon it of this order forward a copy of this Order and the complaint issued herein, along with a copy of the attached letter (Attachment A) on respondent's official company stationery and signed by a responsible official of Airco to Distributors of Airco Industrial Gases and/or Welding Products.

VI

It is further ordered:

That Airco notify the Commission at least thirty (30) days prior to any proposed changes in corporate structure of Airco such as dissolution, assignment or sale resulting in the emergence of a successor corporation, which may affect compliance obligations arising out of the Order.

VII

It is further ordered:

That Airco shall within sixty (60) days after service upon it of this Order file with the Commission a report in writing setting forth in detail the manner in which it has complied with this Order, and shall file such other reports as may from time to time be required to assure compliance with the terms and conditions of this Order.

Airco, Inc.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Airco, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Paragraph IA of the Order prohibits Airco, for a period of twenty years, from entering into any agreement or enforcing any provision of any agreement that requires a distributor of acetylene, argon, helium, hydrogen, nitrogen and oxygen (hereinafter called industrial gases) to purchase from Airco all or any part of its requirements of industrial gases unless the inititial term, or term on renewal, of such contract is one year or less and the minimum period for termination is not more than ninety days. it also restrains Airco from requiring a distributor to purchase at any one or more locations all or any part of its requirements of any industrial gas as a condition to purchasing welding products or any other industrial gas at the same or any other location.

Paragraph IB prohibits Airco, for a period of twenty years, from refusing to sell industrial gases or welding products to an Airco Distributor because the distributor refuses to purchase from Airco all or a designated part of its requirements of industrial gases at any one or more locations.

Paragraph IIA of the Order provides that either Airco or the subject distributor may elect to have disputes concerning Airco's refusal to sell one or more industrial gases or welding products to that distributor determined by arbitration. Pargraph IIA further provides that Airco may refuse to sell industrial gases or welding products to such distributor if it is determined by the arbitrators that (a) such refusal was not in reprisal for the distributor's election to purchase industrial gases elsewhere than from Airco, and (b) there was no commercially adavantageous and less restrictive alternative available to Airco enabling Airco to market in the distributor's market area such industrial

gas or gases purchased by the distributor from other sources.

Paragraph IIB provides that the arbitration shall be held in accordance with the Commercial Arbitration Rules of the American Arbitration Association and that the award of the arbitrators shall be final and binding on both parties.

Paragraph IIC prohibits Airco from refusing to sell to any distributor eligible to invoke arbitration without providing 60 days written notice ("discontinuance notice"). This paragraph also provides that any demand by a distributor for arbitration must be delivered by notice in writing to Airco within 60 days of Airco's discontinuance notice. If either Airco or a distributor has demanded arbitration, Airco is prohibited from refusing to sell the product referred to in the discontinuance notice to the distributor pending the arbitrator's decision.

Paragraph IID provides that the distributor's right to arbitration shall be clearly set forth in Airco's distributor agreements.

Paragraph IIE requires Airco to notify the Commission of any demand for arbitration, the nature of the dispute, the names of the arbitrators and the dates of the arbitration hearings. Paragraph IIE further provides that the Commission may at its election intervene as friend of the arbitrators, and present evidence, engage in argument and submit briefs. In addition, this paragraph provides that if Airco has initiated arbitration the Commission may, in its sole discretion, suspend the arbitration proceedings at any time before evidence has been taken. Furthermore, Airco must, on demand, provide the Commission with reasonable information for it to determine whether to suspend arbiration proceedings. If the Commission suspends arbitration, Airco cannot effect its refusal to sell to the distributor for at least 120 days from the date the Commission receives Airco's arbitration demand.

Paragraph IIF requires Airco to enter an appropriate contractual relationship with distributors that prevail in arbitration.

Paragraph IIG provides that unless Airco has failed to comply with the award of the arbitrators, the Commission will not assert any claim that Airco has violated the Order based merely upon the subject matter of any dispute arbitrated pursuant to Paragraph II.

Paragraph IIH requires Airco to sell industrial gas cylinders on specified terms to distributors prevailing in arbitration, if the distributor elects not to be reinstated or continued as an Airco distributor and elects to purchase such cylinders.

Paragraph III of the Order prohibits Airco, for a period of twenty years, from making available industrial gas cylinders to customers of any distributor who has ceased purchasing one or more industrial gases from Airco within the preceding two years at rates set for the purpose of destroying a competitor or eliminating competition. It also prohibits Airco from leasing industrial gas cylinders to competitors of such a distributor at rates set for the purpose of destroying a competitor or eliminating competition.

Paragraph IV provides that if provisions of the consent order entered against Union Carbide Corporation on September 28, 1977 (FTC Dkt. C-2902) are modified or revoked, then Airco may apply to the Commission for modification of, or relief from, such provisions in this Order, and the Commission shall grant such modification or relief.

Paragraphs V, VI and VII are standard to Commission Orders. Paragraph V requires that a letter be sent to all of Airco's industrial gas and welding products distributors forwarding a copy of the order and complaint issued in this matter. Paragraph VI requires Airco to notify the Commission thirty days prior to any proposed change in corporate structure which may affect Airco's compliance obligations. Paragraph VII requires a written report within sixty days demonstrating the manner in which Airco has complied with the terms of the Order and such other compliance reports as are required to assure compliance with its terms.

The Order furthers competition among industrial gas suppliers by providing them with the opportunity to sell any one or more industrial gases to a substantial group of purchasers for whose requirements there had been virtually no competition. The increased competition brought about from this Order is expected to result in lower prices to distributors and consumers of industrial gas.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,
Secretary.

[File No. 9098]

[FR Doc. 79-11413 Filed 4-11-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 31]

Constructive Filing of Waivers of Exemption From Social Security Taxes By Certain Tax-Exempt Organizations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed regulations relating to the constructive filing of waivers of exemption from social security taxes by certain tax-exempt organizations. Changes to the applicable tax law were made by the Act of October 19, 1976 and by the Social Security Amendments of 1977. These regulations affect certain tax-exempt organizations that have paid social security taxes without filing a certificate waiving their exemption from those taxes.

DATES: The regulations are proposed to be effective with respect to services performed after 1950. Written comments and requests for a public hearing must be delivered or mailed by June 11, 1979.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Leonard T. Marcinko of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3459).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed regulations relating to the constructive filing of waivers of exemption by certain tax-exempt organizations under section 3121 (k) of the Internal Revenue Code of 1954, as amended by the Act of October 19, 1976 (Pub. L. 94-563, 90 Stat. 2655) and by section 312 of the Social Security Amendments of 1977 (Pub. L. 95-216, 91 Stat. 1532). The proposed regulations, if finalized, would supersede the Temporary Employment Tax Regulations Under the Act of October 19, 1976 (26 CFR Part 33), which were published in the **Federal Register** for May 12, 1977 (42 FR 24046). Until final regulations on this subject are published, the temporary regulations shall remain in effect to the extent not inconsistent with section 312 of the Social Security Amendments of 1977. The notice of proposed rulemaking

published in the same document as the temporary regulations in the **Federal Register** for May 12, 1977, is withdrawn.

Explanation of Provisions

The employees of certain tax-exempt organizations are excluded from social security coverage unless the employing organization files with the Internal Revenue Service a certificate waiving its exemption from social security taxes. Prior to the enactment of Pub. L. 94–563, a large number of tax-exempt organizations had been paying Federal Insurance Contributions Act (FICA) taxes without having filed certificates waiving their exemption from these taxes. The purpose of Pub. L. 94–563 was to validate the social security coverage of the employees. Section 312 of the Social Security Amendments of 1977 amended Pub. L. 94–563 to relieve certain tax-exempt organizations of retroactive FICA tax liability that resulted from the application of the constructive waiver provisions of the original legislation.

Constructive Filing of Waiver Certificate Where No Refund or Credit of Taxes Has been Allowed

Section 3121(k)(4) of the Code, as added by Pub. Law 94–563, applies to a tax-exempt organization that paid FICA taxes for a period involving three or more consecutive calendar quarters without filing a waiver certificate. If this period did not terminate before the end of the third quarter of 1973, and if the organization did not obtain a refund or credit of the taxes before September 9, 1976, the organization will be deemed under section 3121(k)(4) to have filed a certificate from waiving its exemption FICA taxes. The proposed regulations make it clear (as do the temporary regulations) that a refund or credit of those taxes was "obtained" prior to September 9, 1976, only if the taxpayer account of the organization or any of its employees was credited by the Internal Revenue Service before that date. Section 3121(k)(4) does not apply in the case of a nonprofit organization that merely paid FICA taxes pending approval of its request for tax-exempt status.

A number of tax-exempt organizations, upon discovering that they had been erroneously paying FICA taxes, merely stopped making the tax payments without filing a claim for refund of the taxes already paid. Under the constructive waiver provisions of Pub. Law 94–563, these organizations would have incurred a substantial amount of retroactive FICA tax liability. Section 3121(k)(4)(C) of the Code, as added by the Social Security Amendments of 1977, relieves organizations in this situation of the obligation to pay these FICA taxes with respect to remuneration paid to employees prior to July 1, 1977. This relief provision, which is set out in § 31.3121(k)–4 (a) (4) and (5) of the proposed regulations, applies only to FICA taxes which remained unpaid on December 20, 1977, or which were paid after October 19, 1976, but prior to December 20, 1977.

In certain circumstances an employee who desires social security coverage for the period for which section 3121(k)(4)(C) relieves the employer of taxes may obtain coverage by filing a request on or before April 15, 1980, and meeting certain conditions. In that case the employer is liable for the employer taxes imposed by section 3111 but may pay them in installments over an extended period of time.

Constructive Filing Where Refund or Credit Has Been Allowed

Section 3121(k)(5) of the Code, also added by Pub. Law 94–563, applies to organization that would have been covered by section 3121(k)(4) if they had not received a refund or credit of FICA taxes prior to September 9, 1976. An organization in this situation is deemed to have filed a waiver certificate on April 1, 1978, covering all employees for whom FICA taxes were paid, unless it filed an actual retroactive waiver certificate on or before April 1, 1978.

An organization which is deemed to have filed a waiver certificate on April 1, 1978, is solely liable for all social security taxes due for the period prior to April 1, 1978. The employees have no liability for the payment of any portion of these taxes.

In certain circumstances, an employee of an organization deemed to have filed on April 1, 1978, may elect additional retroactive social security coverage for quarters for which FICA taxes were paid and refunded or credited but which are prior to the effective date of the deemed-filed certificate. If all required conditions are satisfied (including payment of the employee taxes imposed by section 3101), the employee can obtain additional coverage by filing a request on or before April 15, 1980, and making full repayment of the taxes under section 3101 for the additional quarters.

Actual Filing of Waiver by April 1, 1978

Under section 3121(k)(5), an organization which obtained a refund or credit of FICA taxes before September 9, 1976, was permitted to file an actual waiver certificate on or before April 1, 1978. This waiver certificate must be effective retroactively to cover the period of the refund received (or 20 quarters, if less). Also, it must have been accompanied by a list of those employees (if any) who concurred in the filing of the certificate. An organization which filed such a retroactive waiver certificate must have afforded all eligible employees an opportunity to obtain the retroactive social security coverage. Taxes due for the period prior to the quarter in which a waiver certificate was filed or deemed filed under section 3121(k)(5) may be paid in installments over an extended period of time.

Comments and Requests for a Public Hearing

Before adoption of the final regulations proposed in this document, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of this regulation is Leonard T. Marcinko of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed amendments to the regulations

The proposed amendments to 26 CFR Part 31 are as follows:

Paragraph 1. Section 31.3121(k) is deleted.

Par. 2. A new § 31.3121(k)–4 is added immediately following § 31.3121(k)–3, to read as follows:

§ 31.3121(k)–4 Constructive filing of waivers of exemption from social security taxes by certain tax-exempt organizations.

(a) *Constructive filing of waiver certificate where no refund or credit has been allowed.* (1) This paragraph applies (except as provided in subparagraph (3) of this paragraph) to an organization if all of the following four conditions are met.

(i) The organization is one described in section 501(c)(3) of the Internal Revenue Code of 1954, which is exempt from income tax under section 501(a) of the Code.

(ii) The organization did not file a valid waiver certificate under section 3121(k)(1) of the Internal Revenue Code of 1954 (or the corresponding provision of prior law) as of the later of October 19, 1976, or the earliest date on which it satisfies subdivision (iii) of this subparagraph.

(iii) The taxes imposed by sections 3101 and 3111 of the Code were paid with respect to remuneration paid by the organization to its employees, as though such certificate had been filed, during any period that includes all or part of at least three consecutive calendar quarters and that did not terminate before the end of the third calaendar quarter of 1973.

(iv) The Internal Revenue Service did not allow (or erroneously allowed) a refund or credit of any part of the taxes paid as described in subdivision (iii) of this subparagraph with respect to remuneration for services performed on or after April 1, 1973. For purposes of the previous sentence, a refund or credit which would have been allowed, even if a valid waiver certificate filed under section 3121(k)(1) had been in effect, shall be disregarded. A refund or credit will be regarded as having been erroneously allowed if it was credited by the Internal Revenue Service to the taxpayer account of the organization or any of its employees on or after September 9, 1976, even though it was properly made under the law in effect when made.

(2)(i) An organization to which this paragraph applies shall be deemed to have filed a valid waiver certificate under section 3121(k)(1) (or the corresponding provision of prior law) for purposes of section 210(a)(8)(B) of the Social Security Act and section 3121(b)(8)(B). The waiver certificate shall be deemed to have been filed on the first day of the period described in subparagraph (1)(iii) of this paragraph and shall be effective on the first day of the calendar quarter in which such period began. However, such waiver is effective only with respect to remuneration for services performed after 1950.

(ii) The waiver certificate shall be deemed to have been accompanied by a list containing the signature, address, and social security number (if any) of each employee with respect to whom the taxes imposed by sections 3101 and 3111 were paid as described in subparagraph (1)(iii) of this paragraph. Each such employee shall be deemed to have concurred in the filing of the certificate for purposes of section 210(a)(8)(B) of the Social Security Act and section 3121(b)(8)(B). A statement containing the name, address, and employer identification number of the organization, and the name, last known address, and social security number (if any) of each employee described in the preceding sentence shall be filed by the organization at the request of the Internal Revenue Service.

(iii) The services of all employees entering or reentering the employ of an organization on or after the first day following the close of the calendar quarter in which the organization is deemed to have filed the waiver certificate, performed on or after the day of such entry or reentry, shall be covered by the certificate.

(3) This paragraph (a) shall not apply to an organization if—

(i) Prior to the end of the period referred to in subparagraph (1)(iii) (and, in addition, in the case of an organization organized on or before October 9, 1969, prior to October 19, 1976), the organization had applied for a ruling or determination letter acknowledging it to be exempt from income tax under section 501(c)(3);

(ii) The organization subsequently received such ruling or determination letter;

(iii) The organization did not pay any taxes under sections 3101 and 3111 with respect to any employee for any calendar quarter ending after the twelfth month following the date of mailing of the ruling or determination letter; and

(iv) The organization did not pay any taxes under sections 3101 and 3111 with respect to any calendar quarter beginning after the later of December 31, 1975, or the date on which the ruling or determination letter was issued.

(4) In the case of an organization which is deemed under this paragraph to have filed a valid waiver certificate under section 3121(k)(1), if the period with respect to which the taxes imposed by sections 3101 and 3111 were paid by the organization (as described in paragraph (a)(1)(iii) of this section) terminated prior to October 1, 1976, taxes under section 3101 and 3111 with respect to remuneration paid by the organization after the termination of such period and prior to July 1, 1977, which remained unpaid on December 20, 1977 (or which were paid after October 19, 1976, but prior to Deember 20, 1977), shall not be due or payable (or, if paid, shall be refunded). Similarly, an organization that received a refund or credit of the taxes described in paragraph (a)(1)(iii) of this section after September 8, 1976, shall not be liable for the taxes imposed by sections 3101 and 3111 with respect to remuneration paid by it prior to July 1, 1977, for which the organization received the refund or credit. The waiver certificate, which an organization described in this subparagraph is deemed to have filed, shall not apply to any service with respect to the remuneration for which the taxes imposed by sections 3101 and 3111 are not due or payable (or are refunded) by reason of this subparagraph.

(5) In the case of an organization which is deemed under this paragraph to have filed a valid waiver certificate under section 3121(k)(1), if the taxes imposed by sections 3101 and 3111 were not paid during the period referred to in paragraph (a)(1)(iii) of this section (whether the period has terminated or not) with respect to remuneration paid by the organization to individuals who became its employees after the close of the calendar quarter in which such period began, taxes under sections 3101 and 3111 with respect to remuneration paid prior to July 1, 1977, to such employees, which remain unpaid on December 20, 1977 (or which were paid after October 19, 1976, but prior to December 20, 1977), shall not be due or payable (or, if paid, shall be refunded). The waiver certificate, which an organization described in this subparagraph is deemed to have filed, shall not apply to any service with respect to remuneration for which the taxes imposed by sections 3101 and 3111 are not due or payable (or are refunded) b reason of this subparagraph.

(6) This subparagraph allows certain employees to obtain social security coverage for service not covered by a deemed-filed waiver certificate by reason of section 3121(k)(4)(C) and subparagraph (4) or (5) of this paragraph. To qualify under this subparagraph, all of the following conditions must be met.

(i) An individual performed service as an employee of an organization which is deemed under this paragraph to have filed a waiver certificate under section 3121(k)(1), on of after the first day of the period described in subparagraph (1)(iii) of this paragraph and before July 1, 1977.

(ii) The service performed by the individual does not constitute employment (as defined in section 21(a)) of the Social Security Act and section 3121(b) of the Code) because the waiver certificate which the organization is deemed to have filed is inapplicable to such service by reason of section 3121(k)(4)(C), but would constitute

employment (as so defined) (in the absence of section 3121(k)(4)(C).

(iii) The individual files a request on or before April 15, 1980, in the manner and form, and with such official, as may be prescribed by regulations under title II of the Social Security Act.

(iv) That request is accompanied by full payment of the taxes, which would have been paid under section 3101 with respect to the remuneration for the service described in subdivision (ii) of this subparagraph but for the application of section 3121(k)(4)(C) (or by satisfactory evidence that appropriate arrangements have been made for the payment of such taxes in installments as provided in section 3121(k)(8) and paragraph (d) of this section).

If these conditions are satisfied, the remuneration paid for the service described in subdivision (i) of this subparagraph shall be deemed to constitute remuneration for employment. In any case where remuneration paid by an organization to an individual is deemed under this subparagraph to constitute remuneration for employment, such organization shall be liable (notwithstanding any other provision of the Code or regulations) for payment of the taxes it would have been required to pay under section 3111 with respect to such remuneration but for the application of section 3121(k)(4)(C). The due date for the return and payment by the organization of the taxes described in the preceding sentence shall be the last day of the calendar month following the calendar quarter in which the organization is notified in writing of the employee's request. However, see paragraph (d) of this section which permits the payment of these taxes in installments.

(b) *Constructive filing of waiver certificate where refund or credit has been allowed and new certificate is not filed.* (1) This paragraph applies to an organization which meets two conditions. First, it must be an organization to which paragraph (a) of this section would apply but for its failure to satisfy the requirement of paragraph (a)(1)(iv) of this section because a refund or credit of taxes was allowed before September 9, 1976. Second, it must not have filed an actual valid waiver certificate under section 3121(k)(1) in accordance with the requirements of paragraph (c) of this section.

(2) An organization to which this paragraph applies shall be deemed, for purposes of section 210(a)(8)(B) of the Social Security Act and section 3121(b)(8)(B), to have filed a valid waiver certificate under section 3121(k)(1) on April 1, 1978. Such certificate shall be effective for the period beginning on the first day of the first calendar quarter with respect to which the refund or credit referred to in subparagraph (1) of this paragraph was allowed (or, if later, on July 1, 1973).

(3) If an organization is deemed under this paragraph to have filed a waiver certificate on April 1, 1978, the provisions of paragraph (a)(2)(ii) and (iii) of this section (relating to employees covered by a deemed-filed waiver certificate) shall apply. Such certificate shall supersede any certificate which may have been actually filed by such organization prior to that date.

(4) Where an organization is deemed under this paragraph to have filed a waiver certificate on April 1, 1978, the due date for the return and payment of the taxes imposed by sections 3101 and 3111 for wages paid prior to April 1, 1978, with respect to services constituting employment by reason of such certificate shall be August 1, 1978. However, see paragraph (d) of this section which permits the payment of these taxes in installments. Such taxes (along with the amount of any interest paid in connection with the refund or credit described in subparagraph (1) of this paragraph) shall be a liability of such organization, payable from its own funds. No portion of such taxes (or interest) shall be deducted from the wages of (or otherwise collected from) the individuals who performed such services, and those individuals shall have no liability for the payment thereof.

(5) This subparagraph allows certain employees of organizations covered under this paragraph to obtain social security coverage for periods prior to those covered by a deemed-filed waiver certificate. To qualify under this subparagraph, all of the following conditions must be met.

(i) An individual performed service, as an employee of an organization deemed under this paragraph to have filed a waiver certificate under section 3121(k)(1), at any time prior to the period for which such certificate is effective.

(ii) The taxes imposed by sections 3101 and 3111 were paid with respect to remuneration paid for such service, but such service (or any part thereof) does not constitute employment (as defined in section 210 (a) of the Social Security Act and section 3121 (b)) because the applicable taxes so paid were refunded or credited (otherwise than through a refund credit which would have been allowed if a valid waiver certificate filed under section 3121(k)(1) had been in effect) prior to September 9, 1976.

(iii) Any portion of such service (with respect to which taxes were paid and refunded or credited as described in subdivision (ii) of this subparagraph) would constitute employment (as so defined) if the organization had actually filed under section 3121(k)(1) a valid waiver certificate effective as provided in paragraph (c)(2) of this section (with such individual's signature appearing on the accompanying list).

If this subparagraph applies, the remuneration paid for the portion of such service described in subdivision (iii) of this subparagraph shall be deemed to constitute remuneration for employment (as defined in section 210(a) of the Social Security Act and section 3121(b)), where such individual filed a request on or before April 15, 1980 (in the manner and form, and with such official, as may be prescribed by regulations under title II of the Social Security Act), accompanied by full repayment of the taxes which were paid under section 3101 with respect to such remuneration and were refunded or credited (or by satisfactory evidence that arrangements have been made for the payment of such taxes in installments as provided in section 3121(k)(8) and paragraph (d) of this section). In any case where remuneration paid by an organization to an individual is deemed under this subparagraph to constitute remuneration for employment such organization shall be liable (notwithstanding any other provision of the Code or regulations) for repayment of any taxes which it paid under section 3111 with respect to such remuneration and which were refunded or credited to it. Any interest received by the organization or its employees in connection with a refund or credit with respect to such taxes shall be remitted with the repayment of taxes pursuant to this subparagraph.

(c) *Actual filing of waiver certificate by April 1, 1978, where refund or credit has been allowed.* (1) An organization may file an actual waiver certificate in accordance with subparagraphs (2) and (3) of this paragraph if it is an organization to which paragraph (a) of this section would apply but for its failure to meet the condition set forth in paragraph (a)(1)(iv) of this section.

(2) An organization described in subparagraph (1) of this paragraph was permitted to file an actual waiver certificate on or before April 1, 1978. This certificate must be effective for the period beginning on or before the first day of the first calendar quarter with respect to which a refund or credit

described in paragraph (b)(1) of this section was allowed (or, if later, with the first day of the earliest calendar quarter for which such certificate may be in effect under section 3121(k)(1)(B)(iii)). Such waiver certificate must have been accompanied by a list described in section 3121(k)(1)(A), containing the signature, address, and social security number of each concurring employee (if any).

(3) Such a waiver certificate shall be valid only if the organization complied with the following notification requirements and, on or before April 30, 1978, filed (with the service center of the Internal Revenue Service with which the waiver certificate was filed) a certification that it had complied with these notification requirements. However, these requirements shall be conclusively presumed to have been met with respect to any employees who concurred in the filing of the waiver certificiate.

(i) Written notification of the option to obtain social security coverage for the retroactive period covered by the waiver certificate is required to have been given to all current and former employees of the organization with respect to whose remuneration taxes imposed by sections 3101 and 3111 were paid for any part of the period covered by the waiver certificate. For purposes of the preceding sentence, in the case of a former employee a mailing of notification to his or her last known address shall constitute delivery to the former employee. This notification must have been given at least 30 days prior to the date by which the employee was required to inform the organization whether he or she elects the retroactive social security coverage.

(ii) The notification required by this subparagraph must have stated the earliest date for which the waiver certificate is effective and the date by which the employee must have informed the organization of a decision to elect the retroactive coverage. In addition, the notification must have advised the employee how to obtain information as to the quarters of social security coverage to be obtained and any taxes or interest for which the employee would be liable if the election was made. The organization must have provided this information to any interested employee at least 14 days prior to the last day on which such employee was to have informed the organization of any election.

(iii) If the notification resulted in any employee electing the retroactive coverage whose signature did not appear on the list of concurring employees which accompaned a previously filed waiver certificate, the certification that was supplied on or before April 30, 1978, must have been accompanied by a special amendment to that list. Any employee whose name appears on this special amended list shall be treated as if his or her name appeared on the list of concurring empolyees filed with the waiver certificate. The preceding sentence shall only apply with respect to amended lists of concurring employees filed to comply with the requirements of this subparagraph.

(4) Any interest received in connection with a refund or credit described in paragraph (b)(1) of this section must have been repaid on or before April 30, 1978, with respect to each employee who concurrs in the filing of a waiver certificate pursuant to this paragraph. Notwithstanding the provisions of paragraph (c)(4) of § 31.3121 (k)–1, if such interest was repaid on or before April 30, 1978, the waiver certificate shall be considered to have been filed on the date it was originally furnished to the Internal Revenue Service.

(d) *Installment payment of taxes for retroactive coverage.* This paragraph applies if—

(1) an organization is deemed under paragraph (a) of this section to have filed a valid waiver certificate, but the applicable period described in paragraph (a)(1)(iii) has terminated and all or part of the taxes imposed by sections 3101 and 3111, with respect to remuneration paid by such organization to its employees after the close of such period, remains payable notwithstanding section 3121(k)(4)(C) and paragraph (a)(4) of this section; or

(2) An organization described in paragraph (c) files a valid waiver certificate by March 31, 1978, or, not having filed the certificate by that date, is deemed to have filed the certificte on April 1, 1978, under paragraph (b); or

(3) An individual files a request under paragraph (a)(6) or (b)(5) to have service treated as constituting remuneration for employment (as defined in section 210 (a) of the Social Security Act and section 3121(b)).

If this paragraph applies, the taxes due under sections 3101 and 3111 (together with any additions to tax or interest other than interest described in paragraph (c)(4)) with respect to service constituting employment by reason of the waiver certificate for any period prior to the first day of the calendar quarter in which the certificate is filed or deemed filed, or with respect to service constituting employment by reason of an employee request, may be paid in installments over an appropriate period of time, as determined by the district director. In determining the appropriate period of time, the district director shall exercise forbearance and, to the extent possible, grant the organization an installment agreement that will allow it sufficient funds to carry out its basic mission. If any installment is not paid on or before the date fixed for its payment, the total unpaid amount shall become payable immediately and shall be paid upon notice and demand.

(e) *Application of certain provisions to cases of constructive filing.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph, all of the provisions of section 3121(k) (other than subparagraphs (B), (F), and (H) of section 3121(k)(1)) and the regulations thereunder (including the provisions requiring the payment of taxes under sections 3101 and 3111 with respect to the services involved), shall apply with respect to any certificate which is deemed to have been filed under paragraph (a) or (b) of this section, in the same way they would apply if the certificate had been actually filed on that day under section 3121(k)(1).

(2) The provisions of section 3121 (k)(1)(E) shall not apply unless the taxes described in paragraph (a)(1)(iii) of this section were paid by the organization as though a separate certificate had been filed with respect to one or both of the groups to which such provisions relate.

(3) The action of the organization in obtaining the refund or credit described in paragraph (b)(1) of this section shall not be considered a termination of such organization's coverage period for purposes of section 3121(k)(3).

(4) Any organization which is deemed to have filed a waiver certificate under paragraph (a) or (b) of this section shall be considered for purposes of section 3102 (b) to have been required to deduct the taxes imposed by section 3101 with respect to the services involved.

Jerome Kurtz,
Commissioner of Internal Revenue.

[FR Doc. 79-11286 Filed 4-11-79; 8:45 am]
BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

Availability of Implementation Plan Revision for Nonattainment Area in Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: EPA announces today that the Mississippi implementation plan revision due for submittal by January 1, 1979, under the Clean Air Act Amendments of 1977 has been received and is available for public inspection. The public is invited to submit written comments. A notice of proposed rulemaking describing the revision will be published in the **Federal Register** later; the period for the submittal of written comments will extend for 30 days after the publication of the Notice of Proposed Rulemaking.

ADDRESSES: The Mississippi submittal may be examined during normal business hours at the following EPA offices:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30308.

In addition, the revision may be examined at the offices of the Mississippi Air and Water Pollution Control Commission, Robert E. Lee Building, Jackson, Mississippi.

Comments should be addressed to the EPA Region IV Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30308.

FOR FURTHER INFORMATION CONTACT: Melvin Russell of EPA's Region IV Air Programs Branch, 404/881-2864 (FTS-257-2864).

SUPPLEMENTARY INFORMATION: Section 172 of the Clean Air Act, as amended 1977, requires that States submit revisions in their implementation plans by January 1, 1979, to provide for the attainment of the national ambient air quality standards in areas designated nonattainment. On March 3, 1978, the Administrator designated an area in Mississippi as nonattainment for particulate matter (43 FR 8962). The State has responded by preparing an implementation plan revision as required by the Clean Air Act. The purpose of this notice is to call the public's attention to the fact that this has been formally submitted and is available for public inspection. Also, the public is encouraged to submit written comments on it. A description of the revision will be published in the **Federal Register** at a later date as part of a notice of proposed rulemaking.

(Sections 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502))

Dated: March 27, 1979.

John C. White,

Regional Administrator, Region IV.

[FRL 1098-3]

[FR Doc. 79-11258 Filed 4-11-79; 8:45 am]

BILLING CODE 1560-01-M

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1068]

Grantee Financial Management; Non-Federal Share Requirements for Title II, Sections 221, 222(a) and 231 Programs

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is filing a proposed rule which would affect the non-Federal share contribution required when financial assistance is provided under Section 231 of the Economic Opportunity Act. This change is necessary since a reduced level of funding for Section 231 is anticipated in FY 80. Under this proposed rule the non-Federal share contribution would be increased to 50%.

DATE: Since CSA has detemined that this is a significant rule, the comment period will be June 11, 1979. All comments received prior to June 11, 1979 will be considered in drafting the final rule.

ADDRESS: Please send all comments to: John Finley, Office of Regional Operations, Community Services Administration, 1200 19th Street, N.W., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: John Finley, Telephone (202) 254-5670, Teletypewriter: (202) 254-6218.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Graciela (Grace) Olivarez,

Director.

45 CFR 1068.20-2 paragraph (b) is proposed to be revised as follows:

§ 1068.20-2 Definitions of terms as used in this subpart.

* * * * *

(b) *Administrative requirement (231).* All *program year* grants made on or after July 1, 1979 which provide financial assistance under the authority of section 231 will carry a 50% non-Federal share requirement. In addition beginning October 1, 1979 *all* grants funded under Section 231 will carry a 50% matching requirement.

45 CFR 1068.20-3 paragraph (a) is proposed to be amended by adding the following:

§ 1068.20-3 Program authorities for which non-Federal share contribution is required.

* * * * *

(a) * * *

(4) SEOOs (Section 231). (i) It is recognized that there are circumstances beyond an SEOO's control which inhibit its ability to raise the required non-Federal share or where the imposition of a 50% matching requirement would seriously affect the SEOO's ability to operate non-CSA-funded anti-poverty programs. Therefore, the Director is exercising his/her authority under section 225(c) of the Economic Opportunity Act by developing the following criteria under which requests for waivers will be considered:

(A) The State has not been able to appropriate matching funds due to the timing of the legislative calendar;

(B) substantial progress has been made toward assuring an appropriation for purposes of providing the required match;

(C) through the direct efforts of the SEOO there has been substantial state anti-poverty and social services activity; and/or

(D) failure to provide waiver will result in the loss of essential non-CSA-funded social services and anti-poverty programs operated by the SEOO.

(ii) The amount of non-Federal share waived under the above criteria may not result in a matching requirement which, in absolute dollar value (cash and/or in kind), is less than that which was required under the terms of the grantee's last grant which carried a 20% matching requirement.

(iii) A request for waiver must be submitted in writing to the appropriate CSA Regional Office along with documentation to support the grantee's contention that at least one of the conditions cited in (A) through (D) exists.

[CSA Instruction 6802-3a, Change 1]

[FR Doc. 79-11273 Filed 4-11-79; 8:45 am]

BILLING CODE 6315-01-M

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1071]

Grantee Property Administration

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is filing a proposed rule implementing Pub. L. 94–519. This rule informs the public of the availability to certain grantees of surplus personal property through State agencies and outlines the criteria under which all CSA grantees may acquire Federal excess personal property. This rule will enable CSA grantees to once again acquire excess property.

DATE: This rule has been determined by CSA to be significant.

Therefore, the comment period will extend for 60 days.

Comments received by June 11, 1979, will be considered in writing the final rule.

ADDRESS: Please send all comments to: E. W. Covington, Office of Management, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: E. W. Covington, Telephone (202) 632–6520, Teletypewriter (202) 254–6218.

(Sec. 602, 78 Stat. 530; 42 U.S.C. 2942)

Graciela (Grace) Olivarez,
Director.

§ 1071.31 [Amended]

In 45 CFR 1071.31(a)(1) the first sentence is deleted.

§ 1071.71 [Deleted]

45 CFR 1071.71 is deleted.

§ 1071.72 [Amended]

45 CFR 1071.72(a)(3) is proposed to be revised to read as follows:

(a) * * *

(3) Vehicles obtained from excess must be registered in the appropriate state of location.

* * * * *

45 CFR 1071.72(b)(1) is proposed to be revised to read as follows:

* * * * *

(b) * * *

(1) Title to all vehicles acquired from Federal Government excess sources rests with the grantee.

§ 1071.73 [Amended]

45 CFR 1071.73 (a) and (c) are deleted.

45 CFR 1071 is proposed to be amended by revising § 1071.30(a) to read as follows:

§ 1071.30–1 Property acquisition.

(a) *Acquisition policy and authorization*—(1) *Excess government property.* (i) Pub. L. 94–519, dated October 17, 1976, provides that grantees may be authorized to acquire excess government property: *Provided*, That an amount equal to 25% of the original cost of the excess property be paid to the U.S. Treasury by CSA.

(ii) In order to facilitate this, a grantee must pay, by certified check or money order, an amount equal to twenty-five percent of the original acquisition cost of the items received, made payable to the Community Services Administration. The check or money order must accompany the SF122, Transfer Order Excess Personal Property.

(iii) CSA Property Administrators must review and certify all Standard Forms 122 and hold acquisition payment until property is received by the grantee. The grantee receiving property must notify the Property Administrator that the property has been received. The receipts and a signed copy of the Standard Forms 122 will then be transmitted to the Chief, Finance and Grants Management Division, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506. The Finance and Grants Management Division will make payments to the Treasurer of the United States.

(iv) Title to excess property shall rest in the grantee.

(2) *Surplus government property.* (i) Pub. L. 94–519, dated October 17, 1976 also provides for donation of surplus property within the State: (A) To any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety (as used in this subpart) the term "public agency" means any State, political subdivision thereof (including any unit of local government or economic development district), or any department, agency, instrumentality thereof (including instrumentalities created by compact or other agreement between States or political subdivisions), or any Indian tribe, band, group, pueblo, or community located on a State reservation, and the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and American Samoa, or (B) to nonprofit education or public health institutions or organizations, i.e., medical institutions, hospitals, clinics, health centers, schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the FCC as educational radio or educational television stations, museums attended by the public, and libraries serving free all residents of a community, district, State, or region, which are exempt from taxation under Section 501 of the Internal Revenue Code of 1964, for purposes of education or public health (including research for any such purpose).

(3) *Authorization*—(i) *GSA excess property.* (A) Upon funding of certain grants determined to be eligible for excess property, the CSA administering office will issue the grantee a letter of authorization to obtain GSA excess property. A Screener's Identification Card, (GSA Form 2946) will also be issued to qualified non-Federal agency screeners (grantee representatives) to screen and select excess property. The Property Administrator will issue the Screener's Identification Card and will inform the screeners in its use. The Screening Card is valid only for the funding period of the grant and must be renewed if and whenever the grant is refunded.

(B) A record of certified screeners must be maintained by the Property Administrator and the GSA Regional Office kept informed of the changes.

(C) When the services of an approved non-Federal agency screener are discontinued, the Property Administrator will recover the GSA Form 2946 and forward it to the validating GSA Regional Office for cancellation.

(ii) *Surplus property.* The grantee should contact the representative of the State agency for surplus property in its State for eligibility application. The Property Administrator in the appropriate CSA administering office will assist. The State agency for surplus property may assess a service charge for its assistance in acquiring surplus property. Grantees may use CSA grant funds to pay the service charge for surplus property only if it is for use in a CSA-funded program. Surplus property acquired through the State will not be accounted for on the grantee's inventory records for CSA property.

(iii) Property Administrators will approve only those requests for excess government property (SF 122) which represents requirements for CSA-funded programs. Requests for property required in conjunction with other Federal or State agency programs will be returned without action.

[CSA Instruction 7001–01a [Change 1]]

[FR Doc. 79–11419 Filed 4–11–79; 8:45 am]

BILLING CODE 6415–01–M]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 81]

Specifying the Circumstances Under Which Class III–B Public Coast Stations May be Exempted From the Watch Requirement on 156.8 MHz

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule Making.

SUMMARY: Amendment of Part 81 of the Commission's rules to specify the circumstances under which public coast stations licensed to operate within the band 156–162 MHz may be exempted from the watch requirement on 156.8 MHz. The circumstances proposed are similar to those under which the Commission presently exempts limited coast stations from the 156.8 MHz watch requirement. Under the proposal, the watch on 156.8 MHz must be maintained in the service area of the exempt station by other public coast stations or Government stations.

DATES: Comments must be received on or before May 16, 1979, and Reply Comments must be received on or before May 29, 1979.

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

FOR FURTHER INFORMATION CONTACT: John C. K. Hays, Private Radio Bureau, (202) 632–7197.

SUPPLEMENTARY INFORMATION:

Notice of Proposed Rulemaking

Adopted: March 30, 1979.

Released: April 6, 1979.

By the Commission: Commissioner Lee absent.

In the Matter of Amendment of Part 81 of the Commission's rules to specify the circumstances under which Class III–B public coast stations may be exempted from the watch requirement on 156.8 MHz.

1. The Lorain Electronics Corporation (Lorain) has filed a petition (RM 3127) requesting "administrative relief" from the listening watch requirement contained in Section 81.191(c)(3) of the Commission's rules. Essentially, this rule requires public coast stations [1] to maintain an efficient listening watch on the distress, safety and calling frequency 156.8 MHz. In response to Lorain's petition, the Marine Telephone Operators Association, Toledo Marine Telephone Co. and WGJ Telephone Company, Inc, filed documents which fundamentally seek to avoid any disparity in the treatment of other public coast stations in regard to the subject watch requirement. (The Marine Telephone Operators Association specifically requested a rulemaking proceeding be instituted to generally consider the issue of an exemption from the requirements of Section 81.191(c)(3)). Therefore, we are herein proposing to amend the rules to specify the circumstances under which public coast stations will be exempted from the 156.8 MHz watch requirement. At this point we also wish to note that the subject watch requirement for public coast stations on the Great Lakes will be waived, pending final action in this proceeding, in a separate document. (Lorain indicated that a waiver of Section 81.191(c)(3) would satisfy its requirements.)

2. The frequency 156.8 MHz is designated as the distress, safety and calling frequency in the VHF maritime mobile service which is an international communications service. As a calling frequency, 156.8 MHz is the frequency on which contact can be made with other maritime stations. After contact is made, the operators shift to a working frequency. Although this operating procedure is permitted in communications with public coast stations, contact between ship stations and public coast stations is made, whenever practicable, directly on the appropriate ship-shore working frequency to reduce unnecessary communications on 156.8 MHz. The frequency 156.8 MHz is also the frequency on which distress, urgency and announcement of safety messages are transmitted. By designating the distress frequency as the calling frequency, the rules ensure that a maximum number of stations will be listening at any given time.

3. Under Section 81.191(c)(3) of the Commission's rules, each public coast station licensed to transmit by telephony on one or more frequencies within the band 156–162 MHz shall, during its hours of service for telephony, maintain an efficient watch on the frequency 156.8 MHz whenever such station is not being used for transmission on that frequency. The Commission, however, may exempt any coast station from compliance with this watch requirement if it considers that the circumstances relative to the operation or location of the involved coast station are such as to render this requirement unreasonable or unnecessary. In this Notice of Proposed Rule Making we are proposing to amend the rules to specify the circumstances under which the Commission will exempt public coast stations from the watch requirement.

4. The circumstances proposed are similar to those under which the Commission presently exempts limited coast stations from the 156.8 MHz watch requirement. A limited coast station is a maritime radio station on land, not open to public correspondence, which serves the operational and business needs of ships. The proposal will require a showing by the licensee of the public coast station requesting the exemption that the watch on 156.8 MHz is substantially provided over the service area of the public coast station of the licensee by U.S. Government stations having continuous hours of service. This ensures that there will be a watch on 156.8 MHz for safety and distress purposes over the coverage area of the exempt coast station. Moreover, the exempt public coast station must still have the capability to transmit and receive on 156.8 MHz so that it may participate in distress and other urgent safety communications on 156.8 MHz when alerted by a ship station or by other means. In addition, if the U.S. Government station providing the 156.8 MHz watch over the service area of the exempt station temporarily discontinues that watch because of operational difficulties, the exempt public coast station will be required upon receiving notice of this condition, to maintain the watch on 156.8 MHz during the down period. However, automated maritime communication systems, as Lorain's system, will not be required to utilize additional facilities to meet this "back-up" watch requirement; the 156.8 MHz watch may be maintained through the "order line" when this line is not being utilized for other purposes.

5. As an ancillary matter, Lorain argues in its petition that the basic requirement for public coast stations to maintain a safety watch is not well-founded in statute or treaty authority. The 156.8 MHz watch requirement for Public Coast III–B stations has its genesis in the Radio Regulations which state at No. 1364:

> "A coast station providing an international maritime mobile radiotelephone service in the band 156–174 MHz and which forms an essential part of the coverage of the area for distress purposes should, during its working hours in that band, maintain an efficient aural watch on 156.8 MHz."

Essentially, Public Coast III–B stations provide an international maritime mobile radiotelephone service and have been considered to form an essential

[1] Public coast stations render a common carrier service. They transmit messages to and receive messages from ships at sea without discrimination. U.S. public coast stations charge a fee for their communications services in accordance with tariffs on file with the Commission.

part of the coverage area for distress purposes, except under circumstances where U.S. Coast Guard determines that its coverage is adequate. Although 1364 says "should" rather than "shall", this precatory language clearly corresponds with one of the purposes delineated in Section 1 of the Communications Act (i.e., ". . . promoting safety of life and property through the use of wire and radio communication . . ."). Furthermore, Section 303(r) of the Act gives the Commission authority to:

"Make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act, or any international radio or wire communications treaty or convention, or regulations annexed thereto, including any treaty or convention insofar as it relates to the use of radio, to which the United States is or may hereafter become a party."

Clearly, these sections of the Act provide authority to require applicants, seeking to provide coast station service, to maintain a listening watch on the national and international distress, safety and calling frequency in the marine VHF band. Thus, we feel the subject watch requirement is well within the ambience of the Radio Regulations and the Act.

6. The proposed amendments to the rules as set forth in the Appendix are issued pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's rules, interested persons may file comments on or before May 16, 1979, and reply comments on or before May 29, 1979. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

8. In accordance with the provisions of Section 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

9. Regarding questions on matters covered in this document contact John C. K. Hays, Telephone (202) 632–7175.

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix

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

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS.

Section 81.191(c)(3) is amended to read as follows:

§ 81.191 Radiotelephone watch by coast stations:

* * * * *

(c) * * *

(3) Each public coast station licensed to transmit by telephony on one or more frequencies within the band 156–162 MHz shall, during its hours of service for telephony, maintain an efficient watch for the reception of Class F3 emission on the frequency 156.800 MHz whenever such station is not being used for transmission on that frequency. The Commission may exempt any public coast station from compliance with this requirement when it has been demonstrated that an efficient watch on 156.800 MHz is maintained *substantially* over the coast station's service area by U.S. Government stations having continuous hours of service. Such a request for an exemption should include a chart showing the receiving service area of the public coast station by the method specified in Subpart R of this part of the rules. The location by coordinates, to the nearest minute, and the receiving service area of the Government station maintaining the continuous watch on 156.800 MHz *should* be indicated on the same chart. The receiving service area of these stations shall be calculated using criteria specified in Subpart R of this part of the rules. (In the absence of such engineering study, the receiving service area will be assumed to have a radius of that stated by competent authorities of the agency concerned: e.g., District Commander for the U.S. Coast Guard, District Engineer for the U.S. Army.) Where the station(s) providing the 156.800 MHz watch over the service area of an exempt station temporarily discontinues that watch, the exempt public coast station upon receiving notice of this condition shall maintain the watch on 156.800 MHz during the down period. However, in the case of automated maritime communications systems, compliance with this "back-up" watch requirement shall only require the use of existing facilities, when not otherwise being utilized, and shall not be construed as necessitating additional equipment or circuits.

* * * * *

[PR Docket No. 79-68; RM-3127; FCC 79-207]
[FR Doc. 79-11343 Filed 4-11-79; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 258]

Fishermen's Protective Act; Extension of Comment Period

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

ACTION: Notice of extension of comment period.

SUMMARY: On February 12, 1979, the National Marine Fisheries Service (NMFS) proposed regulations to implement Section 10 (Section 10) of the Fishermen's Protective Act of 1967, as amended by Pub. L. 95–376 (The Act), 44 FR 8905. Section 10 establishes a program to compensate United States fishermen who have suffered vessel damage, loss, or destruction in any fishery subject to the exclusive management authority of the United States, because of foreign fishing vessels and fishing gear damage, loss, or destruction which is attributable to any other vessel or acts of God.

The time for public comment on these proposed regulations expires on April 9, 1979. In order to give interested parties additional time to submit comments on the proposed regulations, the comment period will be extended to May 1, 1979.

DATE: Comments are invited until May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Ms. Kathryn Hensley, Financial Assistance Specialist, Financial Services Division, National Marine Fisheries Service, Washington, D.C. 20235, Telephone: 202–634–7496.

Signed at Washington, D.C. the 6th day of April, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 79-11403 Filed 4-11-79; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 72
Thursday, April 12, 1979

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

DEPARTMENT OF AGRICULTURE

Forest Service

Chetco and Powers Ranger Districts FY 1979; Noxious Weed Control Program

An Environmental Assessment that discusses the FY 1979 noxious weed control program on the Chetco and Powers Ranger Districts, involving the control of tansy ragwort on 65 miles of Forest roads and isolated infested areas in range allotments on the Chetco Ranger District, and 50 miles of Forest roads on the Powers Ranger District has been prepared. The treatments proposed are not included in the Final Environmental Statement for Vegetation Management with Herbicides, USDA, USDA–FS–R6–FES (Adm) 75–18 (Revised), for the proposed treatment areas. All proposed treatment areas are located on National Forest lands within Curry County, Oregon. The report is available for public review at the Chetco Ranger Station in Brookings, Oregon, the Powers Ranger Station in Powers, Oregon, and the Siskiyou National Forest Office in Grants Pass, Oregon.

The proposed program includes hand application of the herbicide 2,4–D combined with manual pulling or digging on 115 miles of roadside and isolated infestations in range allotments to achieve noxious weed control. The Environmental Assessment does not indicate this is a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in detail in the Environmental Assessment: (a) The treatment alternatives selected for use on each treatment area within the vegetation management program were limited to alternatives that: 1. would not significantly affect the quality of the human environment, or 2. any potentially significant adverse effects could be successfully mitigated; (b) management requirements and constraints ensuring mitigation of potentially significant adverse effects, including: 1. no herbicide application within at least 25 feet of any live stream, existing body of water or wetland, 2. no herbicide treatment within the riparian zone of any stream, body of water or wetland, and 3. compliance with policies and precautions outlined in the Final Environmental Statement for Vegetation Management with Herbicides USDA, USDA–FS–R6–FES (Adm) 75–18 (Revised); (c) no irreversible or irretrievable resource commitments; (d) physical and biological effects are limited to the treatment areas; (e) use of herbicides EPA registered for the intended use, and applied according to all regulations and policies applicable at the time of treatment; and (f) continued review of all new information and regulations involving the use and effects of any of the noxious weed control alternatives considered, with the provision that if new information shows that use of a particular treatment may have an adverse effect, significantly affecting the quality of the human environment that treatment will not be carried out, and an alternative treatment, if shown in the Assessment as suitable for an individual treatment area, will be carried out on that area. If no alternative treatment is shown as suitable for an individual treatment area, no treatment will be made on the area.

Some public concern has been expressed about possible effects upon water quality, the environment, and threatened or endangered plants from herbicide application. The Assessment and the Implementation Plan for the proposed project include application measures to protect water quality and minimize drift from the treatment areas. These measures include untreated buffer zones adjacent to water, private land and recreation sites, and strict weather conditions under which application can be carried out. State and Federal water quality standards will be met.

No action will be taken prior to May 14, 1979.

The responsible official is William H. Covey, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, 6th and Midland, Grants Pass, Oregon 97526.

Dated: April 4, 1979.

William H. Covey,
Forest Supervisor.

[FR Doc. 79–11295 Filed 4–11–79; 8:45 am]
BILLING CODE 3410–11–M

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

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for a comprehensive National Forest System Land and Resource Management Plan for the Siskiyou National Forest.

Land management plans for the Siskiyou, Chetco-Grayback, and Rogue-Illinois units are currently in process and will be completed by July 1, 1979. A Timber Resource Management Plan is also in progress.

The Forest Plan will provide management direction for all lands and resources in the Siskiyou National Forest and will replace existing plans.

The Forest Plan will be developed in accordance with the direction for land and resource planning developed pursuant to the National Forest Management Act of 1976.

Tentative issues, concerns, and opportunities have been identified from past public input and forest management activities. They include the effect on timber management, soil productivity and stability, fisheries, and aesthetics. Written comments will be received until May 13. Oral comments will also be accepted at public scoping workshops which will be held at 7:30 p.m. at the following locations: March 27 at the Myrtle Point, Oregon City Hall; March 28 at the Bandon, Oregon City Hall; March 29 at the Powers, Oregon City Hall; April 2 at the Cave Junction, Oregon County Building; April 4 at the Grants Pass, Oregon 4–H Building, Fairgrounds; April 5 at the Brookings, Oregon Harbor Fire Hall; April 9 at the Gold Beach, Oregon Curry County Courthouse; April 11 at the Port Orford, Oregon City Hall; and April 12 at the Coos Bay, Oregon S.W. Oregon College, Sitkum Hall, Room 1.

Alternatives will be devloped to address major issues, concerns and opportunities.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official. The interdisciplinary team leader for the planning process is yet to be selected.

It is anticipated that the entire environmental analysis process will require about 3 years. The Draft Environmental Impact Statement is scheduled to be filed in February 1981.

Comments on the Forest Plan should be sent to: William H. Covey, Forest Supervisor, Siskiyou National Forest, P.O. Box 440, Grants Pass, Oregon 97526.

Dated: April 30, 1079.

James F. Torrence,

Acting Regional Forester.

[FR Doc. 79-11346 Filed 4-11-79; 8:45 am]

BILLING CODE 3410-11-M

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

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for the Umpqua National Forest Land and Resource Management Plan.

The Forest Land and Resource Management Plan will be developed in accordance with the direction for land and resource planning developed pursuant to the National Forest Management Act of 1976. The Forest Plan will replace the existing Land Management Plan for the Umpqua National Forest issued in 1978 (USDA–FS–R6–FES(Adm)–77–12).

Tentative issues, concerns, and opportunities have been identified from past public input and forest management activities. These will be presented to the public in May 1979. Oral and written responses will be requested. No formal meetings are planned. From the input received and that provided by Forest Service officials and interested representatives of state, county and local governments, a final set of issues, concerns and opportunities will emerge which will guide the planning process.

In addition, the Forest Plan will address National and Regional issues and concerns identified in the Regional Plan which appropriately pertain to the Umpqua National Forest.

Based on analysis of the final issues and concerns, a coordinated resource inventory beyond the existing data base will be conducted in the 1979 and 1980 field season. Alternatives for resource allocation and management will be developed, with the assistance of the public and other Governmental agencies, which will address the issues and management concerns.

It is anticipated that the Draft Environmental Impact Statement for the Umpqua National Forest Land and Resource Management Plan will be filed with the Environmental Protection Agency in May 1982. After a public review and comment period the Final Environmental Impact Statement will be submitted in April 1983.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official. J. A. Wright, Forest Planner, is the Interdisciplinary Team Leader for the planning process.

Comments or questions on the Notice of Intent or the planning process should be addressed to: R. D. Swartzlender, Forest Supervisor, Umpqua National Forest, P.O. Box 1008, Roseburg, Oregon 97470 (Phone 503–672–6601).

Dated: April 30, 1979.

James F. Torrence,

Acting Regional Forester.

[FR Doc. 79-11345 Filed 4-11-79; 8:45 am]

BILLING CODE 3410-11-M

Herbicide Use To Control Roadside Vegetation Along State Highways; Environmental Assessment Finding

An Environmental Assessment that discusses the proposal of the State of Oregon to utilize herbicides to control vegetation along the shoulders of several state highways within the Mt. Hood National Forest is available for public review in the Supervisor's Office of the Mt. Hood National Forest, Oregon. Vegetation control would be done on 67.7 miles along State Highways 26, 2, 53, 171, and 30.

This project involves the application of the herbicides Simazine, Aminotriazole, Atratol (Atrazine), Weedone 170 (2,4–D and W,4–DP), Krovar and Krenite. The Environmental Assessment indicates that this proposal is not a major Federal action that will significantly affect the quality of the human environment. It has been determined, therefore, that an environmental statement is not needed.

This determination was based upon consideration of the following factors that are discussed in detail in the Environmental Assessment:

(a) the proposal does not represent a significant hazard to the public, fisheries, wildlife, water supplies or range resources.

(b) herbicide use is the preferred method of roadside vegetative control because it most nearly meets the objectives of the State's vegetative control program.

(c) the proposed methods have been utilized by the State Highway Department for several years without measurable environmental degradation.

(d) there does not appear to be significant public concern over herbicide use along the shoulders of public highways.

(e) the constraints on use are designed to prevent misapplications of herbicides. These constraints include:

(1) proper application by trained personnel.

(2) proper timing of application to prevent undesirable effects.

(3) restrictions on spraying along the Old Scenic highway (30) and Highway 35 to protect a number of plant species.

(4) restrictions on spraying adjacent to water.

Some public concern was expressed for the protection of threatened and endangered plants along the Columbia River Scenic Highway but the constraints and mitigating measures required will adequately protect these species.

No action will be taken prior to May 14, 1979.

The responsible official is F. Dale Robertson, Forest Supervisor, Mt. Hood National Forest, 2440 S.E. 195th, Portland, OR 97233.

Dated: March 27, 1979.

William E. Marden,

Acting Forest Supervisor.

[FR Doc. 79-11296 Filed 4-11-79; 8:45 am]

BILLING CODE 3410-11-M

Lower Cove Yellowstar Thistle Control Project; Environmental Assessment Finding

An Environmental Assessment that discusses a proposed Yellowstar Thistle control project using the herbicide Tordon 22K in the Lower Cove area on National Forest lands is available for review at the Wallowa-Whitman National Forest Headquarters in Baker, Oregon, or the Union Ranger District office, Union, Oregon.

The Environmental Assessment does not indicate this will be a major Federal action significantly affecting the quality of the human environment. Therefore, it has been determined that an environmental impact statement is not needed.

The decision was based upon consideration of the following factors:

a. Project will have no adverse, long-term impacts on ecosystem.

b. No irreversible or irretrievable commitments or losses of resouces.

c. No known threatened or endangered plants or animals within the affected area.

Use of Tordon 22K in accordance with Federal and State regulations and label instructions will provide controls which will guarantee protection of human health and welfare.

No public concern has been expressed about the proposed project.

No action will be taken prior to May 14, 1979.

The responsible official is A. G. Oard, Forest Supervisor, Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814.

Dated: March 21, 1979.

David P. Anderson,
Acting Forest Supervisor.
[FR Doc. 79-11297 Filed 4-11-79; 8:45 am]
BILLING CODE 3410-11-M

Programmatic Environmental Statement on Vegetation Management in R-6; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an Environmental Impact Statement for vegetation managment programs in its Pacific Northwest Region.

The proposed action is to manage vegetation on National Forest lands in the Pacific Northwest Region, using various technologies to promote the growth and establishment of crop species, insure public safety, maintain facilities, control noxious weeds, and manage fuels. This action responds to legislative mandates outlined in the Forest and Rangeland Renewable Resources Planning Act, Multiple Use, Sustained-Yield Act and laws which guide and direct management of renewable surface resources on National Forest lands.

Primary purposes of this vegetation management program are to:

1. Reestablish conifers on harvested, burned, or brush-covered lands capable of sustained yields of wood fiber. Once established, maintain desirable stocking levels to optimize production of multiple-use benefits.

2. Reestablish forage resources on range or forest range lands capable of sustained yields of forage fiber production.

3. Shift the species composition of plant communities from low to high palatable plants to maintain or increase browse for wildlife in winter or summer ranges needing rehabilitation or improvement.

4. Promote increased levels of public safety on roads, trails, and recreation sites by increasing visibility, removing hazard, and eliminating noxious weeds.

5. Maintain facilities which represent capital investment at a level consistent with use or projected use.

6. Reduce fuel concentrations to increase efficiency of controlling wildfires.

A scoping process has begun which includes reviewing past comments of individuals and organizations and soliciting written comments on issues, concerns, and opportunities. Past involvement data from timber management, vegetation management, and land management plans are also available for this inventory.

Alternatives will be developed to address major issues, concerns and opportunities.

R. E. Worthington, Regional Forester, is the responsible official; and Al Wolfson, Rogue River National Forest, is team leader for the environmental analysis and preparation of the Environmental Impact Statement.

It is anticipated that the environmental anaylsis will require 6 months. The Draft Environmental Impact Statement is scheduled for completion by August 1979, with a 2-month review period; and the Final Environmental Impact Statement is scheduled for filing in Janaury 1980.

Comments on the Notice of Intent or program should be sent to R. E. Worthington, Regional Forester, P.O. Box 3623, Portland, Oregon 97208.

Dated: April 30, 1979.

James F. Torrence,
Acting Regional Forester.
[FR Doc. 79-11344 Filed 4-11-79; 8:45 am]
BILLING CODE 3410-11-M

Southern Pacific Transportation Co., Environmental Assessment Report.

An Environmental Assessment Report that discusses the proposed control of undesirable vegetation by the Southern Pacific Transportation Company along a National Forest easement for 25 feet on each side of the railroad track for 44 miles in Lane County, in Oregon is available for public review in the Forest Service Office in Eugene, Oregon.

Although this project involves the application of chemical herbicides (Tebuthiuron; 2,4-D, Picloram and 2,4-DP) the Environmental Assessment Report does not indicate that there will be any significant effects upon the quality of the human environment. Therefore, it has been determined that an Environmental Statement is not needed.

This determination was based upon consideration of the following factors, which are discussed in the Environmental Assessment Report: (a) All chemicals are approved by EPA for the proposed use; (b) application will comply with applicable EPA labels, State and Federal laws and Forest Service policies; (c) no irreversible or irretrieveable commitments of resources; (d) physical and biological effects limited to the area of the projects; (e) no known threatened or endangered plants or animals are within the effected area.

Some public concern exists over the use of any chemical and the effects it has on water quality. The proposed project includes measured designed to protect the water quality. State and Federal standards will be met.

No action will be taken prior to May 14, 1979.

The responsible official is John E. Alcock, Forest Supervisor, Willamette National Forest, 211 E. 7th Avenue, Eugene, Oregon.

Dated: March 22, 1979.

John E. Alcock,
Acting Forest Supervisor.
[FR Doc. 79-11298 Filed 4-11-79; 8:45 am]
BILLING CODE 3410-11-M

Vegetation Management With Herbicides; Final Environmental Statement

On March 6, 1978, the Pacific Northwest Region of the U.S. Forest Service filed the Final Environmental Statement for Vegetation Management with Herbicides, (USDA-FS-R6-FES (Adm.) 75-18 (revised)), with the Environmental Protection Agency, (EPA). On August 24, 1978, the completion date for the projects listed in the FES was extended from September 30, 1978, until the projects are completed.

This Record of Review documents a review of the literature published since preparation of the 1978 Final Environmental Statement for Vegetation Management with Herbicides.

All scientific literature available through normal Forest Service retrieval sources was screened and pertinent documents reviewed and abstracted. New information will be reviewed on a continuing basis up until the actual time of project implementation.

I have found no new data to change the preferred alternative as stated in the FES. Therefore, it is my intent to continue with those projects listed in Volume II of the FES.

A copy of the bibliography used in the review is available upon request from the following office: Regional Forester, USDA Forest Service, P.O. Box 3623, Portland, Oregon 97208.

Dated: March 30, 1979.

James F. Torrence,
Acting Regional Forester.

[FR Doc. 79-11294 Filed 4-11-79; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

Commuter/Certificated Carrier Joint Fares; Order Amending Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of April, 1979.

On January 18, 1979 the Board issued Order 79-1-111 to implement section 37(c) of the Airline Deregulation Act of 1978. This order essentially required that interlining routings between commuters and certificated carriers or between certain newly certificated airlines and established ones be included in the uniform method of establishing and dividing joint fares. We gave such commuters and newly certificated airlines the option not to participate in the uniform method if they provided proper notice of their decision.

We found that Congress did not require that a generally applicable method of establishing and dividing joint fares be adopted but did require that when such uniform method was promulgated under section 1002, it must apply to commuter/certificated carrier interline routings. Section 37(c) further provides that,

> Any commuter air carrier which has an agreement with any air carrier to provide service for persons and property which includes transportation over its routes and transportation by such air carrier in air transportation shall provide at least 90 days notice to such air carrier and to the Board prior to modifying, suspending, or terminating such service, and if such commuter air carrier fails to provide such notice, any uniform method made applicable to the establishment of joint fares, and the divisions thereof, between air carriers and commuter air carriers in accordance with the proceedings set shall not apply to such commuter air carrier.

In Order 79-1-111, we invited comments on what constitutes a modification of service requiring notice and on how to deal with cases in which both the commuter and certificated carrier partners in an agreement wish to modify service on less than 90 days notice.

The only comments filed in response to this invitation were those of the Commuter Airline Association of America, Inc. (CAAA). These comments, received by us on February 21, 1979, were served on each certificated and each commuter airline. The only response to these comments was a favorable one by Rocky Mountain Airways, Inc., received by us on March 2, 1979.[1]

Discussion

Both CAAA and Rocky Mountain argue that the term "modify" refers to a cessation of service in particular city-pair markets when some service is maintained at the individual points. They contend that the Legislative History of this section, though scant, supports this approach. Specifically, the conference report accompanying the ADA states "the amendment provides that commuters entering into joint fares with a certificated carrier have a duty to give 90 days notice before terminating their service in a market in which joint fares are offered." This position is supported by Rocky Mountain. Neither objections nor alternatives to this construction have been filed. After careful consideration, we are of the opinion that this reasonable definition of "modify" is the only definition which is in harmony with other provisions of the Act, particularly the notice provisions of section 419, discussed below.

As to the second question, CAAA and Rocky Mountain maintain that the Board has the authority to relieve commuters (and new certificated airlines) from the 90-day notice requirement, either through an exemption under section 416(b)(4) or a waiver under our general powers under section 204. CAAA and Rocky Mountain urge us to use such powers to avoid results seriously out of harmony with other provisions of the Act. In support of their position, CAAA cites several cases [2] in which courts have upheld both waivers or exemptions from requirements not specifically found in the Act. These cases, while not directly in point[3] nevertheless show a tendency to defer to our expertise in regulating air transport.

The commenters' second line of argument involves general principles of statutory construction. Thus, in *United States* v. *American Trucking Association,* 310 U.S. 534 (1940) the Court stated,

> There is, of course, no more persuasive evidence of the purpose of a statute than the words by which the legislature undertook to give expression to its wishes. Often these words are sufficient in and of themselves to determine the purpose of the legislation. In such cases we have followed their plain meaning. When that meaning has lead to absurd or futile results, however, this Court has looked beyond the words to the purpose of the Act. Frequently, however, even when the plain meaning did not produce absurd results but merely an unreasonable one "plainly at variance with the policy of the legislation as a whole" this Court has followed that purpose, rather than the literal words. (citations omitted.)

We agree that we do have the authority to grant relief from the notice requirements of 37(c), and in general will grant such relief where a commuter (1) demonstrates that its certificated-airline partner in an interlining agreement over the route in question has no objection to an exemption or waiver of notice, or (2) shows that, even in the absence of such concurrence, the public interest requires an exemption/waiver. A showing that a particular flight or flights would be continued solely for the purpose of assuring the commuter's participation in the uniform method will generally meet this public interest test.

The basic purpose of the section 37(c) notice is to give consumers and connecting airlines time to adjust to the cessation or suspension of interline service and to protect them from the possibility that interlining tickets might be sold when the service is no longer offered. This notice provision was not designed to provide additional protection from loss of air transportation to communities served by commuters. That function is served by the notice requirements of section 419. Significantly, that notice (like section 401(j) notices) must be served on communities, while a section 37(c) notice need not be.

Yet, if the Board could not grant relief from section 37(c), that could have the effect of compelling commuters to continue operating service without subsidy for 90 days rather than risk the penalty provided in that section:

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[1] This reply was accompanied by a Motion for Leave to File an Otherwise Unauthorized Reply. We point out that a note to Rule 6(a) of our Rules of Practice states "the Board does not grant formal intervention in nonhearing matters . . . and any interested person may file documents authorized under this part without first attaining leave." Accordingly, we believe this reply is authorized except insofar as it was filed more than 7 days after service of the CAAA comments. We grant permission for late filing.

[2] *Great Lakes Airlines, Inc.* v. *CAB,* 293 F.2d 153 (CADC, 1961) and *Deutsche Lufthansa Aktiengesellschaft* v. *CAB,* 479 F.2d 912 (CADC, 1973).

[3] The former involved the review provisions of section 1006 (although decided on other grounds) and the latter involved our authority to require notice of the provisions of the Warsaw Convention.

exclusion from the uniform method of establishing and allocating joint fares. Such a result would be anomalous, since under section 419, a commuter is required to provide only 30 days notice of an intent to suspend service (if that would affect "essential air" transportation); the Board can decide to require it to continue service beyond 30 days, but only if it pays subsidy to cover losses.

We need not and will not adopt such an approach. Rather we will interpret section 37(c) in such a manner as to harmonize it with section 419 of the Act. We do not, however, intend to interpret the section 37(c) notice requirement in a manner which would render it meaningless. After all, it does constitute a limitation on the broad powers to prescribe joint fares and divisions granted us by sections 1002(h) and 1003(i) of the Act. In the absence of showing of public interest considerations which warrant relief, it will be enforced. However, as indicated earlier, we would not like to see a situation result in which established carriers used the statutory provision arbitrarily and without public benefit to force commuter airlines to continue flights which would be cancelled but for prospect of losing the benefits of the uniform method. Passengers would be the sure losers from such a system. Recent developments regarding the availability of aviation gas and jet fuel only highlight the need to permit unnecessary and unwanted flights to be eliminated, rather than continued solely to ensure participation in the uniform method.

Concurrently with the adoption of section 37(c) Congress provided that we could exempt commuter carriers from any provisions of Act. We are prepared to use this power. We will amend Order 79–1–111 in light of the foregoing discussion to make clear that, in appropriate cases, we will grant exemptions and/or waivers of the 90-day requirement under sections 204 and 416(b)(4) of the Act.

Accordingly, 1. We amend paragraph 1 of Order 79–1–111 by insertion of the following subparagraph: (c) For purposes of this order, a modification of service means the termination of service from a particular point to another point or points without the termination or suspension of all service to the given point.

2. Order 79–1–111 is further amended by insertion of the following subparagraph 4(d): (d) The Board may grant exemption and/or waiver from the provisions of this paragraph if: (1) the certificated-airline partner in the interline route in question agrees to a termination, suspension or modification of service; or (2) the public interest requires an exemption.

3. Request for reconsideration of this order may be filed by any person by April 30, 1979, but the filing of such petitions shall not stay the effectiveness of this order.

4. We will serve a copy of this order on all certificated and commuter carriers and on the Commuter Airline Association of America, Inc.

We will publish this order in the **Federal Register.**

By the Civil Aeronautics Board. [1]

Phyllis T. Kaylor,

Secretary.

[Docket 34138; Order 79–4–32]

[FR Doc. 79–11426 Filed 4–11–79; 8:45 am]

BILLING CODE 6320–01–M

CIVIL AERONAUTICS BOARD

Aero Uruguay; Proposed Approval

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: ORDER 79–4–27.

SUMMARY: The Board proposes to approve the following application:

Applicant: Aero Uruguay.

Application Date: November 25, 1977.

Authority Sought: Foreign Air Carrier permit authorizing non scheduled transportation of property and mail between Uruguay and the United States via intermediate countries in Central and South America and the Caribbean.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than May 1, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Uruguay. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS: Docket 31750, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428; Aero Uruguay, c/o Healey & Farrell, 1725 K Street, N.W., Washington, D.C. 20006.

TO A GET COPY OF THE COMPLETE ORDER: Request it from the CAB Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202–673–5432.

FOR FURTHER INFORMATION CONTRACT: Carolyn K. Coldren of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5092.

By the Civil Aeronautics Board.

April 6, 1979.

Phyllis T. Kaylor,

Secretary.

[Docket No. 31750]

[FR Doc. 79–11421 Filed 4–11–79; 8:45 am]

BILLING CODE 6320–01–M

Cargolux Airlines International S.A.; Proposed Approval

AGENCY: Civil Aeronautics Boards.

ACTION: Notice of order to Show Cause: ORDER 79–4–30.

SUMMARY: The Board proposes to approve the following application:

APPLICANT: Cargolux Airlines International S.A.

APPLICATION DATE: August 4, 1978.

AUTHORITY SOUGHT: Foreign air carrier permit authorizing non-scheduled cargo service between the United States and Luxembourg.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN May 2, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Luxembourg in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADRESSES FOR OBJECTIONS: Docket 33145, Docket Section Civil Aeronautics Board, Washington, D.C. 20428; Cargolux Airlines International S.A. c/o George E. Farrell, Healey & Farrell, 1775 K St., N.W., Washington, D.C. 20006.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution

[1] All Members concurred.

Section, Room 516, 1825 Connectucut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION, CONTACT: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5880.

By the Civil Aeronautics Board: April 6, 1979.

Phyllis T. Kaylor,
Secretary.

[Docket No. 33145]
[FR Doc. 79-11474 Filed 4-11-79; 8:45 am]
BILLING CODE 6320-01-M

Chatham Air Services Ltd., Proposed Approval

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to Show Cause: Order 79–4–28

SUMMARY: The Board proposes to approve the following application:

APPLICANT: Chatham Air Services Ltd.

APPLICATION DATE: December 28, 1978.

AUTHORITY SOUGHT: Foreign air carrier permit authorizing small aircraft charters between points in Canada and points in the United States.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, NO LATER THAN May 1, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D. C. 20036. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS: Docket 34338, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428; Chatham Air Services Ltd., James Seel, President, P.O. Box 362, Chatham, New Brunswick, EIN 3A7 Canada.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION, CONTACT: Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5880; Chief, Regulatory Affairs Division.

By the Civil Aeronautics Board: April 6, 1979.

Phyllis T. Kaylor,
Secretary.

[Docket No. 34338]
[FR Doc. 79-11422 Filed 4-11-79; 8:45 am]
BILLING CODE 6320-01-M

Daetwyler IWT Airfreight; Proposed Approval

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79–4–31.

SUMMARY: The Board proposes to approve the following application:

APPLICANT: Daetwyler IWT Airfreight d.b.a. Interamerican World Transport Corp. (U.S.A.)

APPLICATION DATE: December 4, 1978.

AUTHORITY SOUGHT: A foreign indirect air carrier permit to engage indirectly in the air transportation of property from any point or points within the United States to any point or points outside the United States.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than May 2, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Switzerland in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS: Docket 34160, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428; John W. Simpson, David L. Vaughan, Koteen & Burt, 1150 Connecticut Avenue NW., Washington, D.C. 20036.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board, telephone 202–673–5880.

By the Civil Aeronautics Board: April 6, 1979.

Phyllis T. Kaylor,
Secretary.

[Docket No. 34160]
[FR Doc. 79-11425 Filed 4-11-79; 8:45 am]
BILLING CODE 6320-01-M

Delta Air Lines; Order To Show Cause (79–4–45)

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79–4–45).

SUMMARY: The Board is proposing to amend Delta Air Lines' certificate of public convnience and necessity for Route 24 authorizing the carrier to engage in nonstop air transportation between Atlanta and Nashville, Docket 33726. The order also dismisses Delta's application for exemption in the Altanta-Nashville market, Docket 33727. (The complete text of this order is available as noted below.)

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions, shall file, by May 9, 1979, with the Board and serve upon Delta Air Lines, Eastern Air Lines and Southern Airways a statement of objections, together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the statement of objections.

ADDRESSES: Objections should be filed in Docket 33726, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: Philip Reinke, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, 202–673–5349.

SUPPLEMENTARY INFORMATION: The complete text of Order 79–4–45 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–4–45 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: April 6, 1979.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 79-11420 Filed 4-11-79; 8:45 am]

BILLING CODE 6320-01-M

Miramichi Air Service Ltd. (Canada); Proposed Approval

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79-4-29.

SUMMARY: The Board proposes to approve the following application:

APPLICANT: Miramichi Air Service Lt. (Canada).

APPLICATION DATE: January 11, 1979.

AUTHORITY SOUGHT: Foreign Air Carrier Permit (Charters-persons/property between points in Canada and points in the United States, using small aircraft).

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than May 2, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentiative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS: Docket 34432, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428; Mr. Andrew R. Haden, President, Miramichi Air Service Ltd., P.O. Box 90, Douglastown, New Brunswich, Canada EOC 1HO.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5880.

By the Civil Aeronautics Board: April 6, 1979.

Phyllis T. Kaylor,
Secretary.

[Docket No. 34432]

[FR Doc. 79-11423 Filed 4-11-79; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee on Agriculture Statistics; Public Meeting

Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. APP. (1976), notice is hereby given that the Census Advisory Committee on Agriculture Statistics will convene on May 3, 1979, at 9:15 a.m. The Committee will meet in Room 2424, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from agricultural respondents; to prepare recommendations regarding the contents of agricultural reports; and to present the views and needs for data of major agricultural organizations and their members, and other suppliers and users of agricultural statistics.

The Committee is composed of 20 members appointed by the presidents of the nonprofit organizations having representatives on the Committee, and a representative from the U.S. Department of Agriculture.

The agenda for the meeting, which is scheduled to adjourn at 4:00 p.m., is (1) Introductory remarks by the Acting Director of the Bureau of the Census; (2) current Bureau activities and farm definition situation; (3) 1980 Census of Population and Housing; (4) progress report on the Federal Statistical System Reorganization Project; (5) status of data collection and processing for the 1978 Census of Agriculture; (6) publication program: consideration of content of Volume I—State and county data, user tapes, microfiche vs. paper, and farm classification; (7) agriculture follow-on surveys; (8) plans for the 1982 Census of Agriculture; and (9) Committee recommendations.

The meeting will be open to the public, and a brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least 3 days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting or who wish to submit written statements may contact the Committee Control Officer, Mr. Orvin L. Wilhite, Chief, Agriculture Division, Bureau of the Census, Room 3015, Federal Building 4, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone: (301) 763-5230.

Dated: April 9, 1979.

Robert L. Hagan,
Acting Director, Bureau of the Census.

[FR Doc. 79-11356 Filed 4-11-79; 8:45 am]

BILLING CODE 3510-07-M

DEPARTMENT OF COMMERCE

Maritime Administration

Waterman Streamship Corp.; Application

Notice is hereby given that Waterman Streamship Corporation (Waterman) has filed an application dated March 20, 1979, with the Maritime Subsidy Board, pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended, for a twenty-year Operating-Differential Subsidy (ODS) Agreement for service on Trade Route (TR) 17 between U.S. Atlantic and Gulf ports and ports in Indonesia, Malaysia and Singapore. Waterman proposes to provide a maximum of 18 sailings per annum on TR 17 and also requests the right to make privilege calls on TR 17 with its vessels sailing on TR 18 and TRs 12 and 22, such privilege calls to be counted against Waterman's proposed TR 17 minimum and maximum subsidized sailings. Such service would be provided by breakbulk and modern vessels in Waterman's existing fleet and by additional modern vessels under construction and to be ordered or acquired. Waterman proposed to build, acquire, or charter two or three modern vessels for assignment to TR 17 service. Waterman further requests transfer and interchange (substitution) privileges at any foreign port or any common U.S. port with any vessel(s) assigned to any of its services.

Waterman currently provides service under three ODS contracts, as follows:

Contract No.	Service	Vessels
MA/MSB-115.	TR 18 (U.S. Atlantic and Gulf/India, Persian Gulf and Red Sea).	3 LASH, 4 C4s.
MA/MSB-378.	TRs 12 and 22 (U.S. Atlantic and Gulf/Far East).	5 C4s.
MA/MSB-450.	TR 21 (U.S. Gulf/Western Europe) with the privilege of providing unsubsidized service on TRs 5-7-8-9, 6 and 11 (U.S. Atlantic/Western Europe, Scandinavia and Baltic).	4 C4s.

Waterman's existing ODS contracts provide for transfer and interchange (substitution) privileges among the three services at a common U.S. port for all vessels assigned to the contracts, as well as for two LASH replacement vessels to be assigned to TRs 12 and 22 and two Ro/Ro container replacement vessels to be assigned to TR 21.

Interested parties may inspect this applicaiton in the Office of the Secretary, Maritime Subsidy Board, Room 3099–B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Any person, firm or corporation having an interest in such application and who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy board, by the close of business on April 26, 1979. The Maritime Subsidy Board will consider such views and comments and take such actions with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating Differential Subsidy (ODS)).

By Order of the Maritime Subsidy Board.

Dated: April 9, 1979.

James S. Dawson, Jr.,
Secretary.

[Docket No. S–640]
[FR Doc. 79–11408 Filed 4–11–79; 8:45 am]
BILLING CODE 3510–15–M

National Oceanic and Atmospheric Administration

Marine Mammals; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name Dr. Lavern J. Weber, Director, Professor of Pharmacology and Fisheries.
b. Address Oregon State University, Marine Science Center Newport, Oregon 97365.
2. Type of Permit: Scientific Research.
3. Name and Number of Animals:
California sea lions (Zalophus californianus) 8
Steller sea lion (Eumetopias jubatus) 8
harbor seals (Phoca vitulina) 8
4. Type of Take: *To take beached and stranded animals not fit for return to the wild. Research will be done with the animals under anaesthesia. Animals will be euthanized.*
5. Location of Activity: within the State of Oregon.
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, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Northwest Region, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: April 9, 1979.

William Aron,
Director, Ofc. of Marine Mammals/Endangered Species, National Marine Fisheries Service.

[FR Doc. 79–11399 Filed 4–11–79; 8:45 am]
BILLING CODE 3510–22–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Permit for Marine Mammals

On February 5, 1979, Notice was published in the **Federal Register** (44 FR 6974), that an application had been filed with the National Marine Fisheries Service, by Marine Animal Productions, Inc./Marine Life, Inc., 150 Debuys Road, Biloxi, Mississippi 39531, to take ten (10) Atlantic bottlenose dolphins (*Tursiops truncatus*) and six (6) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on April 5, 1979, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit to Marine Animal Productions, Inc./Marine Life, Inc., subject to certain conditions set forth therein. The Permit is available for review by interested persons 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, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33701;
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731; and
Regional Director, National Marine Fisheries Service, Northeast Region, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: April 5, 1979.

Winfred H. Meibohm,
Associate Director, National Marine Fisheries Service.

[FR Doc. 79–11290 Filed 4–11–79; 8:45 am]
BILLING CODE 3510–22–M

National Marine Fisheries Service, Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407); and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
a. Name: Marine Mammal Division, Northwest and Alaska Fisheries Center, Nat. Marine Fisheries Service.
b. Address: 7600 Sand Point Way, NE, Seattle, Washington 98115.
2. Type of Permit: Scientific purposes under Endangered Species Act and the Marine Mammal Protection Act.
3. Name and Number of Animals: Hawaiian monk seal *(Monachus schauinslandi), 8.*
4. Type of Take: Adult males will be fitted with radio-tags, depth of dive recorders and marked with bleach.
5. Location of Activity: Kure Atoll.
6. Period of Activity: 1 year.

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 May 14, 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, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731; and

Regional Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: March 30, 1979.

William Aron,

Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 79-11291 Filed 4-11-79; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Michigan Coastal Management Program; Intent to Approve Amendment

Notice is hereby given of the intent by the Office of Coastal Zone Management (OCZM) to approve amendments to the Michigan Coastal Management Program by the addition of regulations to cover three areas:

1. Energy Facility Siting
2. Shorefront Access
3. Shoreland Erosion

Interested parties have 30 days from the issuance of this notice to submit comments. If no serious disagreement of that action is raised during this comment period, the Assistant Administrator for Coastal Zone Management intends to give formal approval to these amendments.

Comments should be addressed to: Peter McAvoy, Acting Great Lakes Regional Manager, Office of Coastal Zone Management, 3300 Whitehave Street, NW., Washington, D.C. 20235.

A full text of the proposed amendments to the Michigan Coastal Management Program has been distributed to all Federal agencies. Interested parties wishing to obtain copies of the amendments may request copies from OCZM at the above address.

Dated: April 4, 1979.

R. L. Carnahan,

Acting Assistant Administrator for Administration.

[FR Doc. 79-11299 Filed 4-11-79; 8:45 am]

BILLING CODE 3510-08-M

Public Hearings on Draft Environmental Impact Statement

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold a public hearing for the purpose of receiving comments on the Draft Environmental Impact Statement (DEIS) Prepared on the Proposed Amendments to the North Carolina Coastal Management Program.

The hearing schedule is: Tuesday, May 8, 1979—7:30 p.m., Ground Floor Auditorium, Archdale Building, 512 North Salisbury Street, Raleigh, North Carolina.

The views of interested persons and organizations on the adequacy of the impact statement and/or the Proposed Amendments to the North Carolina Coastal Management Program are solicited, and may be expressed orally or in written statements. Persons or organizations wishing to be heard on this matter should contact the Office of Coastal Zone Management (OCZM), National Oceanic and Atmospheric Administration, 3300 Whitehave Street, N.W., Washington, D.C. 20235 (phone: 202/634-4253), so that an appearance schedule may be prepared. In addition, requests for presentations will be accepted immediately prior to the hearing. Presentations are scheduled on a first-come, first-served basis, and should be limited to ten minutes in order to assure that all views can be heard. Office of Coastal Zone Management staff may wish to question speakers following the conclusion of their statements. If time permits, additional statements (and general discussion) may be scheduled at the conclusion of presentations. No verbatim transcript of the hearing will be maintained, but staff present will record the general thrust of the remarks.

As part of his review of the Proposed North Carolina Coastal Management Program, the Assistant Administrator for Coastal Zone Management will consider fully all comments received at these hearings as well as written statements submitted to and received by OCZM on or before May 21, 1979. As part of the procedures leading toward approval of this program, a Final Environmental Impact Statement (FEIS) will be prepared pursuant to the National Environmental Policy Act of 1969 and its implementing guidelines which reflect his consideration of these comments. All written comments received by OCZM prior to the deadline will be included in the FEIS.

Dated: March 4, 1979.

R. L. Carnahan,

Acting Assistant Administrator for Administration.

[FR Doc. 79-11301 Filed 4-11-79; 8:45 am]

BILLING CODE 3510-08-M

Wisconsin Coastal Management Program; Intent to Approve Amendment

Notice is hereby given of the intent by the Office of Coastal Zone Management (OCZM) to approve amendments to the Wisconsin Coastal Management Program by the addition of regulations to cover three areas:

1. Shorefront Access and Protection Planning
2. Energy Facility Planning Process
3. Shore Erosion/Mitigation Planning Process

Interested parties have 30 days from the issuance of this notice to submit comments. If no serious disagreement of that action is raised during this comment period, the Assistant Administrator for Coastal Zone Management intends to give formal approval to these amendments.

Comments should be addressed to: Peter McAvoy, Acting Great Lakes Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

A full text of the proposed amendments to the Wisconsin Coastal Management Program has been distributed to all Federal agencies. Interested parties wishing to obtain

copies of the amendments may request copies from OCZM at the above address.

Dated: April 4, 1979.

R. L. Carnahan,
Acting Assistant Adminstrator for Administration.
[FR Doc. 79-11300 Filed 4-11-79; 8:45 am]
BILLING CODE 3510-08-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Public Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I, notice is hereby given of meetings of four Subcommittees of the Marine Fisheries Advisory Committee (MAFAC) at the Bahia Mar Hotel & Yachting Center, Ft. Lauderdale, Florida.

The MAFAC Subcommittee on Marine Recreational Fisheries will meet in the Captain's Cabin on May 6, 1979 from 8:30 a.m. until 12:30 p.m. Agenda items include: Review of National Marine Fisheries Service (NMFS) objectives with regard to Marine Recreational Fisheries (MRF); status of NMFS research and statistics programs; status of Atlantic and Pacific billfish management plans; status of NMFS fisheries development program as it relates to MRF; artificial reef program; and miscellaneous items.

The MAFAC Subcommittee on Seafood Processing Effluent Guidelines will meet in the Seafarer Room on May 8, 1979 from 1:30 p.m. to 5:30 p.m. Agenda items include: history of NMFS activities in seafood effluent issue including technical aspects of waste treatment and projected economic impacts of proposed waste treatment costs; current Environmental Protection Agency (EPA) legislative mandate regarding seafood processing effluent issue, ongoing activities under this mandate, and status of report to Congress; apparent inconsistencies in present legislation; environmental concerns; fishing industry concerns, and miscellaneous items.

The MAFAC Subcommittee on Seafood Inspection will meet in the Seafarer Room on May 9, 1979 from 8:30 a.m. to 4:00 p.m. agenda items include: options for future operation of the seafood inspection program; history and present status of program; use of program in practice; particular problems; recommendations, and miscellaneous items.

The MAFAC Subcommittee on Fishing Vessel Safety will meet in the Seafarer Room on May 10, 1979 from 8:30 a.m. until 12:00 noon. Agenda items include: review of some of the current fishing vessel safety programs in place within the fishing industry; recommendations concerning further improvement; and miscellaneous items.

The Subcommittee meetings are open to the public and there will be seating for public members on a first come, first served basis. Members of the public having an interest in specific items for discussion are advised that agenda changes are at times made prior to the meeting. To receive information on changes, if any, made to the agenda, interested members of the public should contact:

Ms. Phyllis Bentz, Executive Secretary, Marine Fisheries Advisory committee, National Marine Fisheries Service, Washington, D. C. 20235, Telephone: (202) 634-7355.

At the discretion of the Chairpersons, interested members of the public may be permitted to speak at times which allow an orderly conduct of Subcommittee business, and a reasonable time relationship between the Subcommittee's discussion of a given subject, and comments to that same subject by a member of the public.

Interested members of the public who wish to submit written comments should do so at the address noted above. To receive due consideration and facilitate their inclusion in the record of the meetings, written statements should be received within 10 days after the close of the Subcommittee meetings.

Dated: April 9, 1979.

Jack W. Gehringer,
Deputy Assistant Administrator for Fisheries.
[FR Doc. 79-11434 Filed 4-11-79; 8:45 am]
BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet to discuss: (1) Shark fishery management plan (FMP); (2) fluke and bluefish FMP's; (3) status of other FMP's; and (4) administrative matters.

DATES: The meeting will convene on Wednesday, May 9, 1979, at 1 p.m. and will adjourn on Friday, May 11, 1979, at approximately 1 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Golden Eagle, Philadelphia Avenue, Cape May, New Jersey.

FOR FURTHER INFORMATION CONTACT: Executive Director, Mid-Atlantic Fishery Management Council, North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: April 9, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.
[FR Doc. 79-11428 Filed 4-11-79; 8:45 am]
BILLING CODE 3510-22-M

Office of the Secretary

National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete; Meeting

The National Laboratory Accreditation Criteria Committee for Freshly Mixed Field Concrete will hold its third meeting on May 8-9, 1979 in the Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, DC (public entrance to the building is on 14th Street, between Constitution Avenue and E Street, NW). The Committee will meet from 10:00 a.m. to 5:00 p.m. on May 8 and 9:00 a.m. to 5:00 p.m. on May 9 in Room 6802.

The Committee was established on December 13, 1978 (43 FR 58222) to develop and recommend to the Secretary of Commerce general and specific criteria for accrediting testing laboratories that test freshly mixed field concrete. The Committee consists of 23 members; 11 of whom represent specifiers, producers, users/contractors, testing laboratories, and general interests in the private sector; 7 of whom represent Federal agency interests; and 4 of whom represent state and local government interests. The Committee is chaired by Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards for the Department of Commerce.

Tentative agenda items include:

1. Discussion of written comments submitted by the Committee members.
2. Review of and decision on each criteria to be recommended to the Secretary.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of the minutes and material distributed will be made available for reproduction, following certification by the Chairman, in accordance with the

Federal Advisory Committee Act, at Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Additional information may be obtained from Mr. Peter S. Unger, Assistant Coordinator, National Voluntary Laboratory Accreditation Program, Room 3876, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–377–5872.

Dated: April 9, 1979.

Jordan J. Baruch,

Assistant Secretary for Science and Technology.

[FR Doc. 79–11364 Filed 4–11–79; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Changes in Textile Category System

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Changes in the Textile Category System.

SUMMARY: The Correlation: Textile and Apparel Categories with Tariff Schedules of the United States, Annotated provides for placement of the Tariff Schedules of the United States, Annotated numbers in the Textile Category System. Amendments to the TSUSA on March 1, and April 1, 1979 changed some TSUSA numbers which required amendments to the Correlation. The Correlation is also being amended to change the "unit of measure" of certain categories from numbers to dozens. These changes are published in the list which follows this notice.

EFFECTIVE DATE: April 1, 1979.

FOR FURTHER INFORMATION CONTACT: Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, (202–377–4212).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

April 1, 1979 Changes to Correlation

Page	Category	Type of Change
61	359	Change TSUSA 380.3320 to 380.3300.
61	359	Change TSUSA 380.3620 to 380.3600.
48	335	Change TSUSA 382.0903 to 382.0900.
57	350	Change TSUSA 382.1530 to 382.1500.
62	359	Change TSUSA 382.2730 to 382.2700.
62	359	Change TSUSA 382.3030 to 382.3300.
64	433	Change Category Unit of Measure from No. to Doz.
64	434	Change Category Unit of Measure from No. to Doz.
65	435	Change Category Unit of Measure from No. to Doz.
65	436	Change Category Unit of Measure from No. to Doz.
67	442	Change Category Unit of Measure from No. to Doz.
68	443	Change Category Unit of Measure from No. to Doz.
68	444	Change Category Unit of Measure from No. to Doz.
70	447	Change Category Unit of Measure from No. to Doz.
70	448	Change Category Unit of Measure from No. to Doz.
84	643	Change Category Unit of Measure from No. to Doz.
84	644	Change Category Unit of Measure from No. to Doz.
97	369	Change TSUSA Number 360.7610 to 360.7600.
98	369	Change TSUSA Number 364.1620 to 364.1600.
98	369	Change TSUSA Number 366.4510 to 366.4500.
100	369	Change TSUSA Number 366.4730 to 366.4700.
100	369	Change TSUSA Number 366.7730 to 366.7700.
100	369	Change TSUSA Number 366.4730 to 366.4700.
100	369	Change TSUSA Number 366.7730 to 366.7700.
103	465	Change TSUSA Number 360.0510 to 360.0500.
103	465	Change TSUSA Number 360.1010 to 360.1000.
103	465	Change TSUSA Number 360.1510 to 360.1500.
104	465	Change TSUSA Number 361.4210 to 361.4200.
104	465	Change TSUSA Number 361.4410 to 361.4400.
104	465	Change TSUSA Number 361.4410 to 361.4400.
106	469	Change TSUSA Number 386.0820 to 386.0600.
108	665	Change TSUSA Number 360.7810 to 360.7800.
108	665	Change TSUSA Number 361.2035 to 361.2235.
111	669	Change TSUSA Number 386.0839 to 386.0700.
114	465	Change TSUSA Number 360.0510 to 360.0500.
114	465	Change TSUSA Number 360.1010 to 360.1000.
114	465	Change TSUSA Number 360.1510 to 360.1500.
115	369	Change TSUSA Number 360.7610 to 360.7600.
115	665	Change TSUSA Number 360.7810 to 360.7800.
115	465	Change TSUSA Number 361.2025 to 361.2225.
115	665	Change TSUSA Number 361.2035 to 361.2235.
115	465	Change TSUSA Number 361.4210 to 361.4200.
115	465	Change TSUSA Number 361.4410 to 361.4400.
115	369	Change TSUSA Number 364.1620 to 364.1600.
115	369	Change TSUSA Number 365.0020 to 365.0000.
115	369	Change TSUSA Number 366.4510 to 366.4500.
115	369	Change TSUSA Number 366.4610 to 366.4600.
115	369	Change TSUSA Number 366.4730 to 366.4700.
115	369	Change TSUSA Number 366.7730 to 366.7700.
116	359	Change TSUSA Number 380.3320 to 380.3300.
116	359	Change TSUSA Number 380.3620 to 380.3600.
116	335	Change TSUSA Number 382.0903 to 382.0900.
116	350	Change TSUSA Number 382.1530 to 382.1500.
116	359	Change TSUSA Number 382.2730 to 382.2700.
116	359	Change TSUSA Number 382.3030 to 382.3000.
117	469	Change TSUSA Number 386.0820 to 386.0600.
117	469	Change TSUSA Number 386.0839 to 386.0700.

[FR Doc. 79–11363 Filed 4–11–79; 8:45 am]

BILLING CODE 3510–25–M

DEPARTMENT OF ENERGY

National Petroleum Council, Task Groups of the Committee on Materials and Manpower Requirements; Meeting

Notice is hereby given that a subcommittee and three task groups of the Committee on Materials and Manpower Requirements will meet in April 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Materials and Manpower Requirements will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The subcommittee scheduling a meeting is the Government Subcommittee. The three task groups scheduling meetings are the Regulatory Impact Task Group, the Production Equipment Task Group and the Tubular Steel Task Group. The time, location and agenda of the meetings follows:

The third meeting of the Government Subcommittee will be on Thursday, April 19, 1979, starting at 9:00 a.m. in the Main Conference Room of the General Crude Oil Company's offices, One Allen Center Building, 500 Dallas Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Discussion of the progress of the Business Environment Task Group and the Regulatory Impact Task Group.
3. Discussion of the timetable of the Government Subcommittee.
4. Discussion of any other matters pertinent to the overall assignment of the Government Subcommittee.

The fourth meeting of the Regulatory Impact Task Group will be on Wednesday, April 18, 1979, starting at 10:00 a.m. in Conference Room 2626, on the 26th floor of the Tenneco Building, 1010 Milam Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.

2. Finalization of method for collecting the information needed for the completion of assignments.

3. Finalization of list of sources of information required by the Regulatory Impact Task Group.

4. Discussion of any other matters pertinent to the overall assignment of the Regulatory Impact Task Group.

The fourth meeting of the Production Equipment Task Group will be on Wednesday, April 25, 1979, starting at 9:00 a.m. in Room 1992 on the 19th floor of the Exxon Building, 800 Bell Avenue, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.

2. Review the progress of the Production Equipment Task Group.

3. Discussion of the timetable of the Production Equipment Task Group.

4. Discussion of any other matters pertinent to the overall assignment of the Production Equipment Task Group.

The fifth meeting of the Tubular Steel Task Group will be on Thursday, April 26, 1979, starting at 9:00 a.m., in Room 1003 of the Shell Oil Company, Two Shell Plaza, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.

2. Discussion of the overall progress of the Tubular Steel Task Group.

3. Review the status of the separate assignments of the Tubular Steel Task Group.

4. Discussion of any other matters pertinent to the overall assignment of the Tubular Steel Task Group.

The meetings are open to the public. The chairmen of the subcommittee and task groups are empowered to conduct the meetings in a fashion that will, in their judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommittee or task groups will be permitted to do so, either before or after the meetings. Members of the public who wish to make oral statements should inform James R. Hemphill, Office of Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meetings will be available for public review at the Freedom of Information Public Reading Room, GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 3, 1979.

April 3, 1979.

George S. McIsaac,

Assistant Secretary for Resource Applications.

[FR Doc. 79-11381 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Mandatory Oil Import Program; Oil Import Allocations and Licensing, March 1-31, 1979

The fee-exempt allocations and licenses issued in accordance with Presidential Proclamation 3279, as amended, during the period March 1-31, 1979, are given in the following tables. The allocations are listed for the appropriate sections of 10 CFR 213 under which the allocations are made.

Also published is a tabulation of the fee-paid crude oil and product licenses and a listing of the sale and reassignment of fee-exempt crude oil licenses issued during the month of March 1979.

Previous releases covered the issuance of allocations and licenses for the period May 1, 1978, through February 28, 1979. The releases will continue to be issued on a monthly basis.

Dated: April 4, 1979.

Barton R. House,

Assistant Administrator, Fuels Regulation, Economic Regulatory Administration.

Index

Table and Title

1—Allocations of Residual Fuel Oil—District I—10 CFR 213.15.
2—Fee-exempt allocation for Canadian oil imports—10 CFR 213.28(c).
3—Sales of fee-exempt licenses—10 CFR 213.22.
4—Fee-exempt allocations based on new, expanded, and reactivated refinery capacity—10 CFR 213.29.
5—Fee-paid licenses issued—10 CFR 213.35.

U.S. DEPARTMENT OF ENERGY, OFFICE OF OIL IMPORTS, ALLOCATION MAR. 1-31, 1979

Table 1.—*Residual Fuel Oil Imports Section 213.15*

Company	Address	Allocation, barrels
DISTRICT I		
Trammo Petroleum Corp	New York, N.Y	244,388
Global Petroleum Trading Corp	Dedham, Mass	500,000
Northville Industries Corp	Huntington Station, N.Y	80,000
New England Power Company	Westborough, Mass	175,000
Incontrade, Inc	Stamford, Conn	400,000
Northeast Petroleum Corp	Chelsea, Mass	500,000
Trammo Petroleum Corp	New York, N.Y	25,000
Tesoro Petroleum Corp	San Antonio, Tex	60,000
Northville Industries Corp	Huntington Station, N.Y	500,000
Metropolitan Petroleum Co	New York, N.Y	185,000
New England Power Company	Westborough, Mass	240,000
Metropolitan Petroleum Co	New York, N.Y	120,000
Trammo Petroleum Corp	New York, N.Y	266,105
Metropolitan Petroleum Co	New York, N.Y	1,566,204
Belcher Oil Company	Houston, Tex	1,553,811
Coastal States Gas Corp	Houston, Tex	1,026,062
Swann Oil, Inc	Bala Cynwyd, Pa	586,742
Texaco Inc	White Plains, N.Y	6,800,000
UCO Oil Terminals, Inc	San Francisco, Calif	500,000
A. Tarricone, Inc	Yonkers, N.Y	500,000
New England Power Company	Westborough, Mass	471,253
Ashland Oil, Inc.	Ashland, Ky	155,000
Ashland Oil, Inc	Ashland, Ky	280,000
Ashland Oil, Inc	Ashland, Ky	220,000
G. E. Warren Trading Corp	Boston, Mass	500,000
Scanoil, Inc	New York, N.Y	500,000
Apex Oil Company	St. Louis, Mo	240,000
apex Oil Company	St. Louis, Mo	189,092
Ashland Oil, Inc	Ashland, Ky	280,000
Internat'l Petroleum Refining	New York, N.Y	150,000

Table 2.—*Canadian Crude Oil Imports Section 213.28(c)*

Company	Address	Total barrels
DISTRICTS I-IV		
Exxon Corporation	Houston, Tex	700,000
Ashland Oil, Inc	Ashland, Ky	550,000
Amoco Oil Company	Chicago, Ill	565,000
Ashland Oil, Inc	Ashland, Ky	540,000
Continental Oil Company	Houston, Tex	350,000
Continental Oil Company	Houston, Tex	350,000
DISTRICT V		
Texaco Inc	White Plains, N.Y	350,000

Table 3.—*Oil Import Licenses Sold Pursuant to Paragraph 213.22(d)*

Seller	Buyer	Date	Commodity	Barrels sold
DISTRICTS I–IV				
Southland Oil Co	Mobil Oil Corp	2/27/79	Crude	767,160
Southland Oil Co	Mobil Oil Corp	2/27/79	Crude	550,000
Southland Oil Co	Mobil Oil Corp	2/27/79	Crude	668,315
Southwestern	Mobil Oil Corp	3/1/79	Crude	2,017,000
southwestern	Mobil Oil Corp	3/1/79	Crude	885,480
Continental Oil Co	Getty Refining	3/1/79	Crude	1,203,135
Bruin Refining	Crown Central	3/2/79	Crude	854,105
ATC Petroleum Inc	Texaco Inc	3/2/79	Crude	1,832,610
Placid Refining	Crown Central	3/6/79	Crude	1,603,000
Continental Oil Co	Getty Refining	3/6/79	Crude	796,865
Lakeside Refining	Asamera Oil	3/6/79	Crude	71,764
Murphy Oil Corp	Ashland Oil, Inc	3/7/79	Crude	750,000
Celanese Corp	Amoco Oil Co	3/7/79	Crude	86,084
Continental Oil Co	Union Oil CA	3/7/79	Crude	109,310
Gary Operating Co	Ashland Oil, Inc	3/7/79	Crude	218,000
Gary Operating Co	Ashland Oil, Inc	3/7/79	Crude	95,170
Champlin Petroleum	Texaco Inc	3/8/79	Crude	5,000,000
Gulf States	Texaco Inc	3/9/79	Crude	422,616
Gary Operating	Ashland Oil, Inc	3/12/79	Crude	684,375
Continental Oil Co	Union Oil CA	3/12/79	Crude	174,835
Continental Oil Co	Union Oil CA	3/12/79	Crude	174,835
Continental Oil Co	Union Oil CA	3/13/79	Crude	1,541,020
Industrial Fuel	Texaco Inc	3/13/79	Crude	1,095,000
Southwestern	Mobil Oil Corp	3/13/79	Crude	542,502
South Hampton	Union Oil CA	3/14/79	Crude	1,500,000
Allied Materials	Amoco Oil Co	3/14/79	Crude	170,000
Allied Materials	Amoco Oil Co	3/14/79	Crude	374,125
Allied Materials	Amoco Oil Co	3/14/79	Crude	75,280
Claiborne Gasoline	Amoco Oil Co	3/14/79	Crude	210,000
Claiborne Gasoline	Amoco Oil Co	3/14/79	Crude	102,805
Sage Creek	Texaco Inc	3/14/79	Crude	13,000
Sage Creek	Texaco Inc	3/14/79	Crude	5,000
Sage Creek	Texaco Inc	3/14/79	Crude	980
Soltex Polymer	Phillips	3/15/79	Crude	125,016
Soltex Polymer	Phillips	3/15/79	Crude	780,515
Soltex Polymer	Phillips	3/15/79	Crude	60,225
Soltex Polymer	Phillips	3/15/79	Crude	60,225
Continental Oil Co	Mobile Bay	3/15/79	Crude	43,000
Kenco Refining	Mobile Bay	3/15/79	Crude	49,615
Kenco Refining	Mobile Bay	3/15/79	Crude	115,000
Continental Oil Co	Gulf Oil Co	3/19/79	Crude	2,600,825
Murphy Oil Corp	Ashland Oil, Inc	3/20/79	Crude	1,000,000
Firestone Tire	Ashland Oil, Inc	3/20/79	Crude	37,230
Firestone Tire	Ashland Oil, Inc	3/20/79	Crude	37,230
Hunt Oil Company	Ashland Oil, Inc	3/20/79	Crude	1,000,000
Total Petroleum	Vulcan Asphalt	3/20/79	Crude	266,000
Texas City	Crown Central	3/20/79	Crude	1,000,000
Charter Int'l	Gulf Oil Co	3/20/79	Crude	1,170,000
Charter Int'l	Gulf Oil Co	3/20/79	Crude	377,442
American Cyanamid	Ashland Oil, Inc	3/20/79	Crude	11,497
American Cyanamid	Ashland Oil, Inc	3/20/79	Crude	39,020
American Cyanamid	Ashland Oil, Inc	3/20/79	Crude	11,498
Amoco Oil	Sohio Natural	3/20/79	Crude	5,000,000
Amoco Oil	Sohio Natural	3/20/79	Crude	2,100,000
Saber Refining	Mobil Oil Corp	3/21/79	Crude	1,836,770
Calumet Refining	Gulf Oil Co	3/26/79	Crude	88,000
Calumet Refining	Gulf Oil Co	3/26/79	Crude	39,750
Tenneco Oil Co	La Gloria Oil	3/26/79	Crude	280,000
United Refining Co	Union Oil CA	3/26/79	Crude	688,733
United Refining Co	Union Oil CA	3/26/79	Crude	950,000
Total Petroleum	Koch Oil Co	3/27/79	Crude	430,000
United Refining	Gulf Oil Co	3/27/79	Crude	454,885
Pennzoil Co	Gulf Oil Co	3/27/79	Crude	1,500,000
Rock Island	Shell Oil Co	3/27/79	Crude	2,500,000
LaJet Inc	Shell Oil Co	3/29/79	Crude	59,260
LaJet Inc	Shell Oil Co	3/29/79	Crude	132,000
LaJet Inc	Shell Oil Co	3/29/79	Crude	74,401
LaJet Inc	Shell Oil Co	3/29/79	Crude	432,990
Tesoro Petroleum	Texaco Inc	3/7/79	Crude	2,750,000
Tesoro Petroleum	Texaco Inc	3/7/79	Crude	250,000
Sunland Refining	Coastal States	3/12/79	Crude	430,000
Sunland Refining	Coastal States	3/12/79	Crude	803,050
Sunland Refining	Coastal States	3/12/79	Crude	185,025
Sierra Anchor	Mobil Oil	3/15/79	Crude	600,000
Sierra Anchor	Texaco Inc	3/15/79	Crude	885,915
Chevron U.S.A	Edgington Oil	3/23/79	Unfinished	205,000
Oxnard Refinery	U.S. Oil	3/28/79	Crude	54,760
Oxnard Refinery	U.S. Oil	3/28/79	Crude	100,000

Table 4.—*Crude and Unfinished Oils—Refinery Section 213.29*

Company	Plant location	On-stream date	Inputs B/CD	Allocation total barrels
So. Louisiana Production Co	Mermentau, La	10/16/78	5,581	1,527,890
Int'l Processors	St. Rose, La	4/1/79	2,342	641,305

Table 5.—*Fee-Paid Licenses Issued Pursuant to Section 213.35*

Company	Date	Quantity total barrels
CRUDE OIL—PREPAID		
Independent Refining Corp	2/28/79	820,000
R & E Investment	3/13/79	500
CRUDE OIL—BOND POSTED		
Coastal States Gas Corp	2/28/79	5,000,000
Mobil Oil Corporation	3/5/79	10,000,000
Shell Oil Company	3/7/79	4,000,000
Shell Oil Company	3/7/79	8,000,000
Chevron U.S.A. Inc	3/7/79	10,000,000
Ingram Oil Company	3/7/79	2,500,000
Gulf Oil Company—U.S.	3/9/79	10,000,000
Texas City Refining Co	3/9/79	3,200,000
Chevron U.S.A. Inc	3/9/79	10,000,000
Sun Oil Company of PA	3/12/79	7,000,000
Sun Oil Company of PA	3/12/79	7,000,000
Sohio Natural Resources Co	3/13/79	10,000,000
Pacific Resources Inc	3/14/79	6,380,952
Getty Refining & Marketing	3/15/79	5,000,000
Getty Refining & Marketing	3/15/79	1,000,000
Exxon Corporation	3/19/79	25,000,000
United Refining Company	3/20/79	584,791
Mobile Bay Refining	3/23/79	166,666
Amoco Oil Company	3/26/79	5,000,000
Amoco Oil Company	3/26/79	5,000,000
Amoco Oil Company	3/26/79	2,000,000
Union Oil Company of CA	3/30/79	4,000,000
FINISHED PRODUCTS—PREPAID		
Americhem Corporation	2/26/79	20,000
Charter Chemicals	2/28/79	700
Charter Chemicals	2/28/79	10,800
Royden, Inc	3/5/79	500
Celanese Polymer	3/7/79	161
Van Waters & Rogers	3/8/79	3,700
Ashland Chemicals Co	3/8/79	2,000
Petrodyne, Inc	3/9/79	1,143
G. R. Waller	3/12/79	108
J & J Oil Company	3/13/79	500
R & E Investment	3/13/79	1,000
Industrial Solvents Corp	3/14/79	100,000
Big Reds Oils/USA	3/14/79	100
D. L. Brenner & Sons	3/14/79	1,000
Davos Chemicals Corp	3/15/79	3,200
Royal Lubricants Co	3/15/79	79
Mattiace Petrochemicals Co	3/19/79	10,000
Keyser International, Inc	3/20/79	1,200
Sunchem (Div. of Sunoco)	3/21/79	22,000
The Lubrizol	3/22/79	5,830
Uniroyal, Inc	3/23/79	1,361
Texas Olefins Company	3/26/79	10,000
Petro Chemoil, Inc	3/28/79	1,000
Hexagon Enterprises	3/29/79	286
Monsanto Company	3/29/79	61,000
FINISHED PRODUCTS—BOND POSTED		
Western Trading Company	3/8/79	40,000
Shell Oil Company	3/13/79	200,000
Pacific Resources, Inc	3/14/79	4,500,000
Time Oil Company	3/19/79	1,000,000
Cities Service Inc	3/19/79	500,000
Exxon Corporation	3/19/79	1,500,000
Central Solvents & Chemicals	3/20/79	8,000
Hydrocarbon Trading	3/22/79	396,825
Petrosar Limited	3/22/79	213,856
Western Eaton Solvents	3/26/79	6,349
Good Hope Industries	3/26/79	186,885
Western Trading Company	3/29/79	100,000

[Release No. 10]

[FR Doc. 79-11224 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Pennzoil Company, et al.; Notice of Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates [1]

April 3, 1979.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft(³)	Pressure base
G-7004, D, July 10, 1978	Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001	Consolidated Gas Supply Corp., Center District, Gilmer County, W. Va.	(¹)	
G-7526, C, Jan. 15, 1979	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Northwest Pipeline Corp. (successor in interest to El Paso Natural Gas Co.), certain acreage located in the Blanco Field, Rio Arriba County, N. Mex.	(²)	14.65
G-12154, D, Mar. 5, 1979	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Southern Natural Gas Co., Manila Village Field, Jefferson Parish, La.	Leases expired	
G-12261, C, Mar 9, 1979	Diamond Shamrock Corp. (successor to The Shamrock Oil and Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Northern Natural Gas Co., North Hansford (Cherokee) Unit, Hansford County, Tex.	(²)	14.65
G-12363, C, Jan. 15, 1979	Amoco Production Co	Northwest Pipeline Corp. (successor in interest to El Paso Natural Gas Co.), certain acreage located in the Basin Field, Rio Arriba County, N. Mex.	(⁴)	14.65
G-15038, D, Jan 23, 1979	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Southern Naurtal Gas Co., Felice Bayou Field, Plaquemines Parish, La.	No known physically recoverable reserves.	
CI61-1281, D, Jan 8, 1979	Mobil Oil Corp., Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	Michigan Wisconsin Pipe Line Co., Cedardale Field, Major, Woodward, and Dewey Counties, Okla.	(⁵)	
CI64-1142, C, Feb. 12, 1979	Terra Resources, Inc., 5416 South Yale, Tulsa, Okla. 74135.	Kansas-Nebraska Natural Gas Co., North Shawnee Flat Top Field, Converse County, Wyo.	(⁶)	15.025
CI68-234, D, Feb. 23, 1979	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Trunkline Gas Co., Lakeside, South Thornwell and Southwest Lake Arthur Fields Area, Cameron Parish, La.	Leases have expired by their own terms and have reverted to the lessons.	
CI68-1044, D, Jan. 23, 1979	Texaco Inc.	Transcontinental Gas Pipeline Corp., Pointe Au Fer Field, Terrebonne Parish, La.	No known physically recoverable reserves.	
CI68-1208 D, Feb. 23, 1979	Texaco Inc. P.O. Box 60252, New Orleans, La. 70160.	Transcontinental Gas Pipeline Corp., Pointe Au Fer Field, Terrebonne Parish, La.	No known physically recoverable reserves.	
CI69-832 D, Mar. 1, 1979	Mobil Oil Corp., Nine Greenway Plaza—Suite 2700, Houston, Tex. 77046.	Texas Eastern Transmission Corp., East Cameron Block 14 Field, Federal Offshore, Louisiana.	There are no recompletion possibilities. Gas reserves depleted.	
CI69-951, D, Mar. 12, 1979	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Brinkley #1 Well, Sec. 22-27N-16W, Woods County, Oklahoma, limited to the Oswego Formation.	(⁷)	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft(3)	Pressure base
CI72-311, D, Mar. 16, 1979	Mobil Oil Corp	Arkansas Louisiana Gas Co., Waveland (Arkoma) Field, Yell and Logan Counties, Ark.	(8)	
CI72-578, D, Mar 1, 1979	do	Texas Eastern Transmission Corp., East Cameron Block 257, *et al.*, Field, Federal Offshore, Louisiana.	(9)	
CI72-850, C, Mar. 5, 1979	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Texas Gas Transmission Corp., Ship Shoal Block 23 Field, Offshore Louisiana.	(10)	15.025
CI74-184, D, Mar. 12, 1979	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., W/2 of Section 2 of the Brooks and Burleson Survey, Hemphill County, Tex.	(11)	
CI74-567, C, Mar 5, 1979	Chevron U.S.A. Inc	Natural Gas Pipeline Company of America West Cameron Block 172, Offshore Louisiana.	(10)	14.73
CI75-522, C, Mar. 7, 1979	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Texas Gas Transmission Corp., Lisbon Field, Claiborne Parish, La.	(12)	14.73
CI76-526,[13] Feb. 15, 1979	Gulf Oil Corp	El Paso Natural Gas Co., Phantom Draw Unit Well No. 1, Wolfcamp Formation, Eddy County, N. Mex.		14.73
CI76-631, CI76-636,[14] Mar. 15, 1979.	Pogo Producing Co., P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., Block 281, East Cameron Area, South Addition, Offshore.		15.025
CI76-634, CI76-635,[14] Mar. 15, 1979.	Pennzoil Louisiana & Texas Offshore, Inc., P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., Block 281, East Cameron area, South Addition, Offshore.		15.025
CI76-646, C, Mar. 12, 1979	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., West Cameron Block 67, Offshore Louisiana.	(15)	14.73
CI76-647, CI76-649,G214 Mar. 15, 1979.	Pogo Producing Co., P.O. Box 2967, Houston, Tex. 77001.	Sea Robin Pipeline Co., Block 281, East Cameron Area, South Addition, Offshore.		15.025
CI77-43, C Feb. 23, 1979	Diamond Shamrock Corp. (successor to The Shamrock Oil and Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Arkansas Louisiana Gas Co., Certain acreage located in Leflore County, Okla., limited to the Alma Formation.	(16)	14.73
CI78-85, CI78-87,[14] Mar. 15, 1979	Pennzoil Oil & Gas, Inc., P.O. Box 2967 Houston, Tex. 77001.	United Gas Pipe Line Co., Block 281, East Cameron Area, South Addition, Offshore.		15.025
CI78-88, CI78-90,[14] Mar. 15, 1979	do	Sea Robin Pipeline Co., Block 281, East Cameron Area, South Addition, Offshore.		15.025
CI78-519, C, Feb. 15, 1979	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	El Paso Natural Gas Co., Phantom Draw Unit Well No. 1, Wolfcamp Formation, Sec. 20-T26S-R31E, Eddy County, N. Mex.	(12)	14.73
CI78-616, C, Jan. 17, 1979	Hondo Oil & Gas Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., certain acreage located in the Millman Area, Eddy County, N. Mex.	(17)	14.65
CI78-1043, C, Mar. 12, 1979	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Natural Gas Pipeline Co. of America, High Island Blocks A-337 and A-342 Field, Offshore Tex.	(10)	14.65
CI78-1094, C, Mar. 9, 1979	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	El Paso Natural Gas Co., Parkway State Comm. No. 1 Well from the Morrow Series of the Pennsylvania System only in the Morrow South Field, Eddy County, N. Mex.	(18)	14.65
CI78-1173, C, Mar. 8, 1979	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001	Montana-Dakota Utilities Co., Litfle Knife Field, Dunn and McKenzie Counties, N. Dak. (Mission Canyon Formation only).	(12)	14.73
CI79-38, C, Mar. 5, 1979	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Transcontinental Gas Pipe Line Corp., Unit 30-11 Well, Oakvale Field, Jefferson Davis County, Miss.	(19)	15.025
CI79-251, (CI63-1139) B, Feb. 9, 1979.	Harper Oil Co., 904 Hightower Bldg., 105 North Hudson, Oklahoma City, Okla. 73102.	Arkansas Louisiana Gas Co., North Drummond Area, Garfield County, Okla.	Release by purchaser	
CI79-252, B, Feb. 9, 1979	Texaco Inc. to plant operator, Phillips, P.O. Box 3109, Midland, Tex. 79702.	Phillips Petroleum Co., Panhandle Eastern Pipeline Co., Panhandle Field, Carson County, Tex.	Reserves depleted and lease released.	
CI79-253, B, Feb. 12, 1979	ARCO Oil & Gas Co., Division of Atlantic Richfield Company (ARCO), P.O. Box 2819, Dallas, Tex. 75221.	Phillips Petroleum Co., Empire Abo Field, Eddy County, N. Mex.	(20)	
CI79-254, B, Feb. 12, 1979	ARCO Oil & Gas Co., Division of Atlantic, Richfield Company (ARCO).	Phillips Petroleum Co., Empire Abo Field, Eddy County N. Mex.,	(21)	
CI79-255, A, Mar. 7, 1979	Diamond Shamrock Corp. (successor to The Shamrock Oil and Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Panhandle Eastern Pipe Line Co., certain acreage located in the Reno County, Kans.	(10)	14.65
CI79-256 (CI63-1139), B, Feb. 12, 1979.	Viersen & Cochran, P.O. Box 280, Okmulgee, Okla. 74447	Arkansas Louisiana Gas Co., North Drummond Area, Garfield County, Okla.	Release by purchaer	
CI79-257, A, Feb. 14, 1979	Texaco Inc., P.O. Box 60252, New Orleans, La. 70160.	Tennessee Gas Pipeline Co., South Marsh Island Area, Block 116, Offshore La.,	(22)	15.025
CI79-259, F, Mar. 6, 1979	Cabot Corp. (successor in interest to Shell Oil Co.), 1 Houston Center, Suite 1,000, Houston, Tex. 77002.	Colorado Interstate Gas Co., Northeast Quarter (NE/4) of Sec. 30-T5N-R10ECM, Texas County, Okla.	(23)	14.65
CI79-260 (G-16031), B, Feb. 15, 1979	Warren Petroleum Co., a Division of Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Transwestern Pipeline Co., Monument Gas Processing Plant, Lea County, N. Mex.	(24)	
C179-2261, F, Feb. 15, 1979	CIG Exploration, Inc., (partial successor in interest to Gas Producing Enterprises, Inc.), Nine Greenway Plaza, Houston, Tex. 77046.	Colorado Interstate Gas Co, Keyes Field, Cimarron County, Okla.	(25)	14.73
C179-262, A, Feb. 22, 1979	Tenneco Exploration, Ltd.[26] P.O. Box 2511, Houston, Tex. 77001	Tenneco Oil Co., Eugene Island Block 348, Eugene Island Block 348 Field, Offshore Louisiana.	(27)	15.025

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft(³)	Pressure base
C179-263, A, Feb. 22, 1979	Tenneco Oil Co.,[36] P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Eugene Island Block 348, Eugene Island Block 348 Field, Offshore Louisiana.	([2])	14.73
C179-270, A, Feb. 22, 1979	Pogo Producing Co., c/o Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., High Island Block A-339 East Addition, South Extension, Offshore Texas.	([1])	14.65
C179-271, A, Feb. 22, 1979	Pogo Producing Co	United Gas Pipe Line Co., High Island Block A-332, East Addition, South Extension, Offshore Tex.	([1])	14.65
C179-272, A, Feb. 26, 1979	Columbia Gas Development Corp., P.O. Box 1350, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Block 271 Platform "B", Ship Shoal Area, South Addition, Offshore Louisiana.	([19])([29])	15.025
C179-273, A, Feb. 22, 1979	Pennzoil Oil & Gas, Inc., c/o Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., High Island Block A-340, East Addition, South Extension, Offshore Texas.	([1])	14.65
C179-274, A, Feb. 22, 1979	Pogo Producing Co	United Gas Pipe Line Co., High Island Block A-340, East Addition, South Extension, Offshore Texas.	([1])	14.65
C179-275, A, Feb. 22, 1979	Pennzoil Oil & Gas, Inc	United Gas Pipe Line Co., High Island Block A-327, East Addition, South Extension, Offshore Texas.	([1])	14.65
C179-276, A, Feb. 22, 1979	do	United Gas Pipe Line Co., High Island Block A-332, East Addition, South Extension, Offshore Texas.	([10])	14.65
C179-277, A, Feb. 22, 1979	do	United Gas Pipe Line Co., High Island Block A-339, East Addition, South Extension, Offshore Texas.	([1])	14.65
C179-278, A, Feb. 22, 1979	Pogo Producing Co., c/o Pennzoil Co., P.O. Box 2967, Houston, Tex. 77001.	United Gas Pipe Line Co., High Island Block A-327, East Addition, South Extension, Offshore Texas.	([1])	14.65
C179-279, A, Feb. 22, 1979	Gulf Oil Corp. (successor in interest to Murphy Oil Co. of Oklahoma, *et al.*), P.O. Box 2100 Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., certain acreage located in the Little Lake Field, Jefferson Parish, La.	([29])	15.025
C179-280, A, Feb. 16, 1979	Felmont Oil Corp., P.O. Box 2266, Midland, Tex 79701.	Tennessee Gas Pipeline Co., Block 257, South Marsh Island Area, Offshore Louisiana.	([29])	15.025
C179-281, A, Feb. 16, 1979	Case-Pomeroy Oil Corp., P.O. Box 1511, Midland, Tex. 79701.	Tennessee Gas Pipeline Co., Block 257, South Marsh Island Area, Offshore Louisiana.	([29])	15.025
C179-283, A, Feb. 16, 1979	Tenneco Exploration II, Ltd.,[35] P.O. Box 2511, Houston, Tex. 77001.	Tenneco Oil Co., Eugene Island Block 367, Offshore Louisiana.	([29])	15.025
C179-284, A, Feb. 16, 1979	do	Columbia Gas Transmission Corp., West Cameron Block 642, Offshore Louisiana.	([29])	15.025
C179-285, A, Feb. 16, 1979	Tenneco Exploration, Ltd. [35]	Tenneco Oil Co., Eugene Island Block 367, Offshore Louisiana.	([29])	15.025
C179-286, A, Feb. 16, 1979	Tenneco Oil Co.,[35] P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Eugene Island Block 367, Offshore Louisiana.	([29])	15.025
C179-287, A, Feb. 14, 1979	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., certain acreage in the High Island Area, South Addition, Blocks, A-531, A-536 and A-537, Federal Offshore Texas.	([33])	14.73
C179-288, B, Feb. 21, 1979	Sinclair Oil Corp., P.O. Box 1677, Englewood, Colo. 80150.	Colorado Interstate Gas Co., Blue Gap Area, Carbon County, Wyo.	([34])	
C179-290, (CI73-144), B, Feb. 21, 1979.	ARCO Oil and Gas Co., Division of Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., Block 77, E. Cameron Block 89, Field, Offshore Louisiana.	([34])	
CI79-291, A, Feb. 21, 1979	Gulf Oil Corp. (successor in interest to Kewanee Oil Co.), P.O. Box 2100, Houston, Tex. 77001.	Texas Eastern Transmission Corp., certain acreage located in the Bethany-Longstreet Field, Caddo and DeSoto Parishes, La.	([32])	15.025
CI79-292, B, Feb. 27, 1979	Joseph I. O'Neill, Jr., P.O. Box 2840, Midland, Tex. 79702.	Northern Natural Gas Co., Hansford (Morrow, Lower) Field, Roberts County, Tex.	Uneconomical	
CI79-293, B, Feb. 27, 1979	Glen M. Neubert, Agent, D/B/A R & N Associates, 4100 McEwen Road, Suite 216, Dallas, Tex. 75234.	Getty Oil Co., Marlow Gas Plant, Burns Beaver Field, Grady County, Okla.	([30])	
CI79-294 (CI75-57), B, Mar. 1, 1979.	Mobil Oil Corp., Nine Greenway Plaza, Suite 2700, Houston, Tex. 77046.	Tennessee Gas Pipeline Co., West Delta Block 33 Field, Federal Offshore, Louisiana.	([37])	
CI79-295 (CI71-796), B, Feb. 26, 1979.	Texaco Inc., P.O. Box 430, Bellaire, Tex. 77401	Transcontinental Gas Pipeline Corp., Offshore Block 541, Matagorda County, Tex.	([38])	
CI79-296, F, Mar. 5, 1979	Transco Exploration Co. (partial successor in interest to Chevron U.S.A. Inc.), P.O. Box 1396, Houston, Tex. 77001.	Trunkline Gas Co., South Timbalier Area, Block 203, Offshore Louisiana.	([39])	15.025
CI79-297, B, Mar. 5, 1979	S. S. C. Gas Producing Co., 10601 Shiloh Lane, Corpus Christi, Tex. 78410.	Trunkline Gas Co., Fox Field, Bee County, Tex.	Depleted	
CI79-298 (G-10955), B, Mar. 6, 1979.	Energy Reserves Group, Inc., P.O. Box 3280, Casper, Wyo. 82602.	Mountain Fuel Supply Co., Middle Mountain Field, Sweetwater County, Wyo.	Last well has been plugged	
CI79-299, A, Mar. 8, 1979	TransOcean Oil, Inc., 1700 First City East, Houston, Tex. 77002.	Sea Robin Pipeline Co., Block 331, West Cameron Area, OCS-G-3275, Offshore Louisiana, Gulf of Mexico.	([40])	14.73
CI79-300, A, Mar. 8, 1979	Diamond Shamrock Corp. (successor to The Shamrock Oil and Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Panhandle Eastern Pipe Line Co., Certain acreage located in Beaver County, Okla.	([18])	14.65
CI79-301, A, Mar. 7, 1979	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., Vermilion Block 241, Vermilion Block 241 Field, Offshore Louisiana.	([41])	15.025
CI79-302, B, Mar. 9, 1979	Murfin, 1978 Joint Venture, *et al.*, 612 Union Center, Wichita, Kans. 67202.	Kansas-Nebraska Natural Gas Co., Inc., Sec. 1-3S-41W, Cherry Creek East, Cheyenne County, Kans.	([42])	

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft(³)	Pressure base
CI79-303 (CI61-126), B, Mar. 8, 1979.	General American Oil Company of Texas, Meadows Building, Dallas, Tex. 75206.	Southern Natural Gas Co., Montegut Field, La Fourche and Terrebonne Parishes, La.	Ceased production	
CI79-304 (CI77-225) B, Mar. 12, 1979.	Exxon Corp., P.O. Box 2180, Houston Tex. 77001	Columbia Gas Transmission Corp., Pecan Island Field, Vermilion Parish, La.	Depleted and contract has been canceled.	
CI79-305 (CI-75-251) B, Mar. 12, 1979.	Exxon Corporation	Columbia Gas Transmission Corp., Pecan Island Field, Vermilion Parish, La.	Depleted and contract has been canceled.	
CI79-306 (CI76-35) B, Mar. 12, 1979.	do	Columbia Gas Transmission Corp., Lake Sand Field, Iberia Parish, La.	Depleted and contract has been canceled.	
CI79-307 (CI74-68) B, Mar. 12, 1979.	do	Columbia Gas Transmission Corp., Lake Sand Field, St. Mary and Iberia Parishes, La.	Depleted and contract has been canceled.	
CI79-308, B, Mar. 12, 1979	The GHK Co. (Operator), *et al.*, 2601 Northwest Expressway, Oklahoma City Okla. 73112.	NI-Gas Supply, inc., Green Field, Beckham and Washita Counties, Okla.	To enable producer to serve other interstate purchasers from the undeveloped acreage.	
CI79-309, A, Mar. 12, 1979	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	Natural Gas Pipeline Company of America, State 19 Com. Well No. 1, Millman South Field, Eddy County, N. Mex., Morrow Formation only.	(12)	14.73
CI79-310, A, Mar. 12, 1979	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Pacific Lighting Service Co., Santa Clara Offshore Field, Santa Barbara Channel, Calif.	(10)	14.73
CI79-311, A, Mar. 8, 1979	Freeport Oil Co., P.O. Box 3038, Midland, Tex. 79702.	Transcontinental Gas Pipe Line Corp., Vermilion Block 25, Offshore Louisiana.	(43)	15.025
CI79-312 (CI77-127, B, Mar. 12, 1979.	Exxon Corp.	Columbus Gas Transmission Corp., Bayou Jean La Croix Field, Terrebonne Parish, La.	Depleted and contract has been canceled.	
CI79-313 (CI73-219), B, Mar. 12, 1979.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001	Columbia Gas Transmission Corp., Pecan Island Field, Vermilion Parish, La.	Depleted and contract has been canceled.	
CI79-314 (CI76-64), B, Mar. 12, 1979.	Exxon Corp.	Columbia Gas Transmission Corp., Bayou Jean La-Croix Field, Terrebone Parish, La.	Depleted and contract has been canceled.	
CI79-315 (CI78-263), B, Mar. 12, 1979.	do	Columbia Gas Transmission Corp., Lake Raccourci Field, LaFourche Parish, La.	Depleted and contract has been canceled.	
CI79-316, A, Mar. 12, 1979	Philadelphia Oil Co.[26] 420 Boulevard of the Allies, Pittsburgh, Pa. 15219.	Equitable Gas Co., Cove District, Doddridge County, W. Va.	(8)	14.73
CI79-317 (CI67-1376), B, Mar. 12, 1979.	J. M. Huber Corp., 2000 West Loop South, Houston, Tex. 77027.	Northern Natural Gas Co., Latta No. 1 Unit Well, Sec. 8-T23N-R23W, Southeast Gage Field, Ellis County, Okla.	Depleted	
CI79-318 (CI73-394), B, Mar. 9, 1979.	Getty Oil Co., P.O. Box 3000, Tulsa, Okla. 74102	Lone Star Gas Co., Marlow Natural Gas Plant, Stephens Couny, Okla.	Uneconomical to operate	
CI79-319 (CI68-220), B, Mar. 9, 1979.	Getty Oil Co.	Lone Star Gas Co., Marlow Natural Gas Plant, Stephens County, Okla.	Uneconomical to operate	
CI79-320 (CI61-244), B, Mar. 9, 1979.	do	Lone Star Gas Co., Marlow Natural Gas Plant, Stephens County, Okla.	Uneconomical to operate	
CI79-321, A, Feb. 16, 1979	Tenneco Exploration, Ltd.,[26] P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a Division of Tenneco Inc., West Cameron SA Block 643 Field, Offshore Louisiana.	(31)	15.025
CI79-322, B, Mar. 16, 1979	PAR Petroleum Inc., P.O. Box 280, Liberal, Kans. 67901.	Panhandle Eastern Pipe Line Co., Cherry Field, Meade County, Kans.	(44)	
CI79-323, B, Mar 5, 1979	S. S. C. Gas Producing Co., 10601 Shiloh Lane, Corpus Christi, Tex. 78410.	Trunkline Gas Co., Byrne Field, Bee County, Tex.	Depleted	
CI79-327 (CI61-1645), B, Mar. 16, 1979.	Energy Reserves Group, Inc., P.O. Box 1201, Wichita, Kans. 67201.	Cities Service Gas Co., Southeast Eureka Field, Grant County, Okla.	Well has been plugged and abandoned.	
CI79-328 (CI68-41), B, Mar. 16, 1979.	do	Cities Service Gas Co., Eureka Field, Grant County, Okla.	Well has been plugged and abandoned.	
CI79-329 (CI78-947), B, Mar. 19, 1979.	Pioneer Production Corp., P.O. Box 2542, Amarillo, Tex. 79189.	Southern Natural Gas Co., North Loisel Field, Iberia Parish, La.	Depletion of gas in paying quantities.	
CI79-330, A, Mar. 22, 1979	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79189.	Transcontinental Gas Pipe Line Corp., East Cameron Area, Block 263, Offshore Louisiana.	(41)	15.025
CI79-331, B, Mar. 19, 1979	Joseph I. O'Neill, Jr., P.O. Box 2840, Midland, Tex. 79702.	Phillips Petroleum Co., Wildcat Field, Dewey County, Okla.	Uneconomical	
CI79-332, A, Mar. 12, 1979	Mesa Petroleum Co	Michigan Wisconsin Pipeline Co., High Island Area, Blocks A-339 and A-340, Offshore Texas.	(11)	14.65
CI79-333, A, Mar. 23, 1979	Gulf Oil Corp. (successor in interest to Kewanee Oil Co.), P.O. Box 2100, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., certain acreage located in the Eugene Island Block 296 Field, Federal Domain, Offshore Louisiana.	(45)	15.025
CI79-334, A, Mar. 23, 1979	Gulf Oil Corp. (successor in interest to Kewanee Oil Co., *et al.*).	Panhandle Eastern Pipe Line Co., certain acreage located in the Avard N.W. Field, Woods County, Okla.	(46)	14.73
CI79-335, A, Mar. 26, 1979	Transco Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., Vermilion Area, Block 25 Field, Offshore Gulf of Mexico.	(13)	14.65
CI79-336, A, Mar. 15, 1979	Texas Gas Exploration Corp., P.O. Box 52310, Houston, Tex. 77052.	Texas Gas Transmission Corp., "B" Platform, Block 99, Eugene Island Area, Offshore Louisiana.	(47)	15.025
CI79-337, A, Mar. 20, 1979	The Offshore Co., P.O. Box 2765, Houston, Tex. 77001.	Southern Natural Gas Co., South Marsh Island Blocks 149 and 150, Offshore Louisiana.	(48)	15.025
CI79-338, A, Mar. 20, 1979	Sonat Exploration Co., 3336 Richmond Ave., Houston, Tex. 77098.	Southern Natural Gas Co., South Marsh Island Blocks 149 and 150, Offshore Louisiana.	(48)	15.025

[1] Seller leased to Robert R. Jones certain leases as more fully set out in the lease agreement dated 5-13-77.
[2] Applicant is filing under Gas Sales Contract dated 4-7-50, amended by amendment dated 10-5-78.
[3] Applicant is filing under Amendment dated 11-29-78, to Gas Purchase Contract dated 2-28-57 and 7-25-77.
[4] Applicant is filing under Gas Sales Contract dated 3-18-57, amended by amendment dated 6-12-78.
[5] Non-producing acreage as set forth in the Assignment of Oil and Gas Leases, executed 6-23-78, by Applicant to Exploration Associates, *et al.*
[6] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended.
[7] By Letter Agreement dated 7-27-78, Applicant and Panhandle Eastern Pipe Line Company have agreed to delete Cities' 25% interest in the acreage from the basic contract. Commitment was released due to the fact that Cities' 25% interest in the reserves in the Brinkley #1 Well are insufficient to justify connection by Panhandle Eastern.
[8] By Assignment and Agreement (S-5449-O), effective 3-21-78, Applicant assigned to Texland Petroleum, Inc., all of its right, title and interest in and to that certain acreage fully described in said Assignment and Agreement.
[9] By Letter Agreement dated 2-12-78, Applicant and Purchaser amended their Gas Purchase Contract dated 2-18-72, deleting non-producing acreage fully described in said Letter Agreement.
[10] Applicant is willing to accept the rates prescribed by the Natural Gas Policy Act of 1978.
[11] Applicant has assigned its interest in the acreage to Hoover & Bracken's Energies, Inc., and they have drilled and completed the Steele Unit #1-2 well on the acreage and wishes to sell the gas from said well to Pan Eastern Pipe Line Company pursuant to a Gas Purchase and Sales Agreement dated 1-22-79.
[12] Applicant is willing to accept a permanent certificate at such prices in conformance with the Commission's Regulations under the Natural Gas Act and the Natural Gas Policy Act of 1978.
[13] Gas from the Phantom Draw Unit Well No. 1 formerly sold under the certificate issued in Docket No. CI76-528 will be sold instead under the certificate issued in Docket No. CI78-519.
[14] Applicant is requesting for an additional delivery point.
[15] Applicant is filing under Gas Purchase and Sales Agreement dated 8-17-76, amended by amendatory agreement dated 3-8-79.
[16] Applicant is filing under Gas Purchase Contract dated 7-30-76, amended by amendment dated 5-22-78.
[17] Applicant is filing under Section 104(b) of the Natural Gas Policy Act of 1978 and upon final determination by jurisdictional agency under Part 274, for the rate prescribed in Section 102 of the Natural Gas Policy Act of 1978.
[18] Applicant is filing under the nationwide rate prescribed by Opinion No. 770-A, or pursuant to the provisions of the Natural Gas Policy Act of 1978.
[19] Applicant is filing under Section 2(18) of the Natural Gas Policy Act of 1978 and the Commission's Interim Regulations issued thereunder.
[20] Primary term of percentage of proceeds type Casinghead Gas Contract expired 8-29-70. ARCO elects to process the gas in its own facilities.
[21] Primary term of percentage or proceeds type Casinghead Gas Contract expired 8-1-70. ARCO elects to process the gas in its own facilities.
[22] An application for determination under Section 102(d) of the Natural Gas Policy Act of 1978 will be submitted by Applicant to the U.S.G.S. concurrent with a filing under Section 273.202 of the Interim Regulation of the Commission.
[23] By assignments dated 3-22-62 and 2-17-78, Shell conveyed its interest in said Northeast Quarter to Applicant.
[24] No excess residue gas has been available for sale to Transwestern since November of 1967, and Warren does not expect to be able to resume sales of residue gas to Transwestern due to the decline in the production of gas in the area of the Monument Gas Processing Plant.
[25] Applicant is filing under Gas Sales Contract dated 11-27-53, ratified by an instrument dated 3-1-55, further amended on 11-18-70, an assignment to Applicant dated 8-22-78 and an amendment with (CIGE), as Seller and (CIG), as buyer dated 1-15-79.
[26] Applicant and Purchaser are affiliated.
[27] Applicant is filing in accordance with Section 102(d)(1) of the Natural Gas Policy Act of 1978.
[28] Applicant is filing under Section 102(b)(2) of the Natural Gas Policy Act of 1978.
[29] Applicant is willing to accept the applicable national rate pursuant to Opinion No. 770, as amended and is requesting to continue the sale of its own gas heretofore authorized in Docket No. CI66-1058 under American Petrofina Company of Texas (Operator), *et al.*
[30] Applicant is filing under Gas Purchase and Sales Agreement dated 12-1-78.
[31] Applicant is filing under Section 109 of the Natural Gas Policy Act of 1978.
[32] Applicant is willing to accept an initial rate determined in accordance with the Natural Gas Policy Act of 1978, Part 271, Subpart B, Section 102(d) and Subpart D, Section 104.
[33] Applicant elected to retain for its own use or for sale to a company affiliated with Seller for its use or consumption up to 25% of the Total Contract Quantity, pursuant to the provisions of Paragraph 1.1(f) of the Contract.
[34] The East Cameron Block 77 Well #A-5 ceased to produce and attempts to restore production were unsuccessful. The well was abandoned on 5-5-78. Since this was the last well on Block 77, the lease automatically expired 8-3-78.
[35] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by contract dated 10-27-75, as amended.
[36] Operation of the Marlow Gas Plant has been unprofitable for Getty for Getty Oil Company (Successor in Interest to Skelly Oil Company) and has ceased gas gathering and gas plant operations. R & N Associates' (Successor in Interest to the Estate of Gerald L. Reasor), Fritts, Jacobs and Odom leases have been "shut-in" since 12-28-78 due to no market outlet for the gas.
[37] Ceased production on 12-21-77. This is the last well on the lease. OCS-G-1494 expired on 3-20-78. Contract expired under its own terms on 4-21-78 and no remaining development being considered.
[38] Gas deliveries have ceased and Texaco released the lease (OCS-G-1733) covering Offshore Block 541 and has no further right, title, or interest therein.
[39] TXC requests to continue a sale of gas to Trunkline from a portion of certificated acreage in the South Timbalier Area, Block 203, Offshore, wherein the current certificate holder is Chevron. TXC acquired a portion of C&K Offshore Company's interest pursuant to assignment dated 12-31-75. Contract dated 4-4-69 between Chevron (as successor to the California Company, a division of Chevron Oil Company), agreed to sell gas from the acreage to Trunkline Gas Company. TXC formally ratified the 4-4-69 Gas Purchase Contract to cover gas attributable to its interest.
[40] Applicant is willing to accept certification at an initial rate equal to the applicable rate fixed by the Natural Gas Policy Act of 1978, provided that Applicant shall be entitled to file increases to any higher contractually authorized prices in accordance with the Natural Gas Act or the Natural Gas Policy Act of 1978.
[41] Applicant is filing under Section 104 of the Natural Gas Policy Act of 1978.
[42] Not economical. Production average less than 9 MCFD gas plus 20 barrels water per day by pumping. Water must be hauled approximately 7 miles for disposal.
[43] Applicant is willing to accept a certificate conditioned upon the applicable ceiling price as established by the Natural Gas Policy Act of 1978 and permitted by the terms of the Gas Purchase Contract dated 3-2-79.
[44] The well produces only 20 mcf gas per day when 80 bbls of saltwater is pumped. The equipment cannot pump this much water so the well is water out and cannot sell any gas.
[45] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by contract dated 9-8-71, as amended.
[46] Effective as of 7-1-78, Applicant acquired all of Kewanee's interest in properties covered by contract dated 3-11-64.
[47] Applicant is willing to accept the rates set forth in Section 104 of Title 1 of the Natural Gas Policy Act of 1978 and as more fully set forth in Subpart D of Part 271 of the Commission's Interim Regulations.
[48] Applicant is filing under Sections 102 and 104 of the Natural Gas Policy Act of 1978.

Filing Code: A—Initial Service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Total Succession, F—Partial Succession.

[Docket Nos. 6-7004, et al.]

[FR Doc. 79-11221 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Appalachian Power Co.; Application for New Major License

April 5, 1979.

Take notice that Appalachian Power Company (APCO) filed on June 27, 1978, and supplemented on January 30, 1979, an application for a new major license for the Claytor Hydroelectric Project No. 739. The original license for the project expires June 30, 1981. The project is located on the New River in Pulaski County, near Radford, Dublin, and Pulaski, Virginia, and affects navigable waters. Correspondence regarding the application should be sent to: Mr. John W. Vaughn, Executive Vice President, Appalachian Power Company, 40 Franklin Road, Roanoke, Virginia 24009; and Mr. A. Joseph Dowd, Senior Vice President and General Counsel, American Electric Power Service Corporation, Two Broadway, New York, New York 10004.

According to the application, the project principally consists of: (1) a concrete gravity dam approximately 1,150 feet long and 123 feet high, including a spillway with nine 50-foot wide and 28.5-foot high vertical-lift gates; (2) an indoor powerhouse containing four vertical Francis-type hydraulic turbines and four generators having a total installed capacity of 74,998 kW; (3) a 4,472-acre reservoir 21 miles long with a total volume of approximately 225,000 acre-feet and a normal pool elevation of 1,862 ft. m.s.l.; and (4) all other facilities and interests appurtenant to operation of the project.

APCO proposes to include within the project boundary an additional 120 acres of land for new picnic facilities to be developed by the Virginia Division of Parks at APCO's expense. These facilities would complement existing privately operated campgrounds and the Claytor Lake State Park, which occupies 320 acres of land previously conveyed by APCO for that purpose.

Anyone desiring to be heard or to make any protest about this application should file a protest or petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 C.F.R. § 1.10 or § 1.18 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before June 11, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Project No. 739]

[FR Doc. 79-11323 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Cities Service Gas Co. Request for Interim Adjustment

April 6, 1979.

Take notice that on April 2, 1979, Armour and Company (Armour), c/o Ross, Marsh & Foster, 730 15th Street, N.W., Washington, D.C. 20005, filed in Docket No. TC79-79 a request pursuant to Title IV of the Natural Gas Policy Act of 1978 that effective April 2, 1979, Cities Service Gas Company (Cities Service) be ordered to deliver, until October 31, 1979, or until the Commission's Interim Curtailment Rule, 18 CFR 281.101, *et seq.*, expires, an additional 10 Mcf of natural gas per day to The Gas Service Company (Gas Service) for service to Armour's Kansas City, Missouri, meat processing plant, all as more fully set forth in said request which is on file with the Commission and open to public inspection.

Armour states that it presently uses 248 Mcf of natural gas on a peak day in its Kansas City plant, which gas it purchases from Gas Service, a customer of Cities Service. The gas is said to be used in the production of hot dogs, lunch meats, sausages, bacon, and hams. Armour requests up to 10 Mcf on a peak day and up to 300 Mcf per month of additional natural gas for use in smokehouse operations where the by-products of combustion could be in direct contact with the food products.

Armour states that it has requested the additional service from Gas Service which has requested additional gas from Cities Service and that Gas Service has declined to provide the service because Cities Service has declined to provide the service to Gas Service.

Armour submits that it is entitled to the additional gas because the Secretary of Agriculture has determined in 7 CFR 2900, *et seq.*, that all essential agricultural uses with peak day requirements of less than 300 Mcf of gas per day must receive 100 percent of current requirements. Therefore, Armour requests that Cities Service be ordered in conformity with Original Sheet No. 54 of its FERC Gas Tariff, Original Volume No. 1, to supply an additional 10 Mcf of gas on a peak day to Gas Service for service to Armour.

Any person desiring to be heard or to make any protest with reference to said request should on or before April 13, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,
Acting Secretary.

[Docket No. TC79-79]

[FR Doc. 79-11324 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL ENERGY REGULATORY COMMISSION

Colorado Interstate Gas Co., Proposed Changes in FERC Gas Tariff

April 6, 1979.

Take notice that Colorado Interstate Gas Company (CIG), on March 39, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed base rates would increase revenues from jurisdictional sales and service by approximately $17.5 million above the rates subject to refund in Docket No. RP79-1 inclusive of the PGA adjustment proposed to be effective on April 1, 1979 (excluding the deferred purchase gas cost surcharges) and the GRI adjustment. The proposed increase is based on the 12-month period ended December 31, 1978.

adjusted for known and measurable changes which will become effective within the nine months subsequent to that date, as provided for in the Commission's Regulations.

CIG states that the jurisdictional rates filed herewith are designed to enable CIG to recover increases in its jurisdictional cost of service attributable primarily to additional facilities and increased labor and other operating costs.

Also included in the filing are Second Revised Sheet Nos. 187, 251, and 330 reflecting the adjusted transportation rates contained in Rate Schedules X–14, X–19, and X–25.

Copies of CIG's filing have been served on CIG's jurisdictional customers and interested public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP79–59]

[FR Doc. 79–11325 Filed 4–11–79; 8:45 am]

BILLING CODE 6450–01–M

Consolidated Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

April 6, 1979.

Take notice that Consolidated Gas Supply Corporation (Consolidated), on March 30, 1979, tendered for filing proposed changes to its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes, reflected on Substitute Eleventh Revised Sheet No. 16, to be effective March 1, 1979 represent a revision to Consolidated's semi-annual PGA originally filed January 30, 1979 as required by letter order issued March 1, 1979 which required Consolidated " * * * reflect the proper pipeline supplier rates * * * " and "the elimination of costs from suppliers which those suppliers are not authorized to charge on March 1, 1979, pursuant to the NGPA, the Natural Gas Act and the Regulations thereunder."

The proposed changes would generate approximately $124.5 million in revenues from the rate set forth on Third Substitute Ninth Revised Sheet No. 16 that became effective January 1, 1979.

Consolidated requests a waiver of any of the Commission's Rules and Regulations as may be deemed necessary by the Commission.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP72–157; PGA 79–4]

[FR Doc. 79–11326 Filed 4–11–79; 8:45 am]

BILLING CODE 6450–01–M

El Paso Natural Gas Co.; Estimate of Summer Season Gas Availability

April 6, 1979.

Take notice that on March 30, 1979, El Paso Natural Gas Company ("El Paso"), in compliance with the provisions of Section 11.9(d) of its FERC Gas Tariff, Original Volume No. 1 and Section 3.9(d) of its FERC Gas Tariff, Third Revised Volume No. 2 and Original Volume No. 2A, tendered for filing for the 1979 Summer Season its Report of Estimate of Summer Season Gas Availability, by Priority of Service, for each customer and for its total interstate system.

El Paso states that the above tariff provision requires El Paso to furnish to each of its interstate system customers and the Commission, no less than 30 days prior to the commencement of each summer and winter season, an estimate of its total available interstate system gas supply for the forthcoming season and that it shall determine from such estimated available supply, the amount of gas available to each customer, by priority of service.

El Paso further states that its filing for the 1979 Summer Season reflects its forecast of natural gas requirements, sales and deficiencies for its total interstate transmission system and its forecast of natural gas sales and deficiencies for each individual customer, together with an explanation of the basis for the estimated customer requirements utilized in compiling the data.

El Paso states that copies of the filing have been served upon all parties of record in Docket No. RP72–6 and, otherwise, upon all of El Paso's interstate transmission system customers and all interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff filing should, on or before April 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP72–6]

[FR Doc. 79–11327 Filed 4–11–79; 8:45 am]

BILLING CODE 6450–01–M

Florida Power & Light Co.; Change in Delivery Point

April 6, 1979.

Take notice that on April 4, 1979, Florida Power & Light Company tendered for filing an Exhibit A to its FERC Electric Tariff, Revised Volume No. 1, for a new delivery point for service to Clay Electric Cooperative, Inc. In accordance with the terms of that Exhibit A, all load currently served from the Kingsley delivery point to Clay is to be transferred to the new delivery point. Therefore, FPL has also tendered for filing an Exhibit A cancelling service at the Kingsley delivery point.

The proposed effective date for both Exhibits A is August 1, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 C.F.R. 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. ER79-287]
[FR Doc. 79-11328 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Florida Gas Transmission Co.; Application

April 6, 1979.

Take notice that on March 28, 1979, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 32790, filed in Docket No. CP79-244 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain transportation services that it presently renders for Florida Power Corporation (Florida Power) and Florida Power & Light Company (FP & L), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Pursuant to a gas purchase contract dated July 17, 1956, Sun Oil Company (Sun) and Pure Oil Company (Pure) agreed to sell to Florida Power, an aggregate daily quantity of 50,000 Mcf of natural gas for a period of twenty years from the date of first delivery, it is stated. Florida Gas agreed to transport said quantities of gas pursuant to the terms of the January 15, 1957 T-1 agreement, for twenty years, it is further stated.

It is asserted that FP & L executed a gas purchase contract with Sun, dated January 15, 1957, pursuant to which Sun agreed to sell FP & L 90,000 Mcf of gas per day for a period of twenty years from the date of first delivery. Florida Gas agreed to transport said quantities of natural gas for twenty years, it is stated.

Since there have been no additional gas supplies committed under the said gas purchase contracts with Florida Power and FP & L to warrant continuation of the transportation services, Florida Gas requests authorization to abandon the transportation service it renders under its Rate Schedules T-1 and T-2 effective as of June 1, 1979 (T-1) and June 11, 1979 (T-2), it is said.

The abandonment is required since the arrangements embodied in the T-1 and T-2 transportation agreements would expire by their own terms on June 1 and June 11, 1979, respectively, it is further said.

Florida Gas states that the facilities necessary for the rendition of the said transportation services would not be involved in the abandonment. All facilities that have heretofore been utilized to render the T-1 and T-2 services are or would be used for the benefit of Florida Gas' customers, it is stated.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Florida Gas to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP79-244]
[FR Doc. 79-11329 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Great Lakes Gas Transmission Co.; Proposed Changes in PGA Gas Tariff Under Purchased Gas Adjustment Clause Provisions

April 6, 1979.

Take notice that Great Lakes Gas Tranmission Company (Great Lakes), on March 30, 1979, tendered for filing Twenty-Nineth-A Revised Sheet No. 57, to its FERC Gas Tariff, First Revised Volume No. 1, proposed to be effective May 1, 1979.

Great Lakes states that its sole supplier of natural gas, TransCanada PipeLines Limited (TransCanada), will increase the rates for gas purchased by Great Lakes effective May 1, 1979. The increase is the result of the announcement by the Canadian Government that the border price of natural gas exported shall be at the rate of $2.30 per MMBTU in United States currency effective May 1, 1979.

In addition, the revised tariff sheet reflects a purchased gas cost surcharge resulting from maintaining an unrecovered purchased gas cost account for the period commencing September 1, 1978 and ending February 28, 1979.

Great Lakes also states that copies of this filing have been served upon its customers and the Public Service Commissions of Minnesota, Wisconsin and Michigan.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules and Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP72-140]
[FR Doc. 79-11330 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Gulf Power Co.; Supplements

April 6, 1979.

Take notice that on April 4, 1979, Gulf Power Company (Gulf) filed herein Supplements to its FERC Electric Tariffs providing for changes in loads for service by Gulf to West Florida Electric Cooperative, Inc., at Graceville (Holmes County), Westville (Walton County), Altha (Calhoun County), Grand Ridge (Jackson County), Chipley (Washington County), Pittman (Holmes County), Bonifay (Holmes County) and Alford (Jackson County), all located in Florida. These tariff supplements are proposed to be effective for service commencing on December 29, 1978 (Graceville, Grand Ridge, Pittman, Bonifay) and June 1, 1979 (Westville, Altha, Chipley, Alford), and Gulf therefore requests waiver of the Commission's notice requirements to allow such effective dates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1, 8, 1.10). All such petitions or protests should be filed on or before April 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER79-286]

[FR Doc. 79-11331 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

Indiana & Michigan Electric Co.; Changes in Rates and Charges

April 6, 1979.

Take notice that American Electric Power Service Corporation (AEP) on April 4, 1979 tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&M) Modification No. 2 dated March 1, 1979 to the Agreement dated January 2, 1977 between Indiana & Michigan Electric Company and City of Richmond, Indiana (RP&L) designated I&M's Rate Schedule FERC No. 70.

Sections 1 and 2 of Modification No. 2 provide for an increase in the demand charge for Short Term Power from 60¢ to 70¢ per kilowatt per week and also in the transmission charge for third party Short Term transaction from 15¢ to 17.5¢ per kilowatt per week respectively. The above schedule is proposed to become effective June 1, 1979.

Applicant states that since the use of Short Term Power Service cannot be accurately estimated, it is impossible to estimate the increase in revenues resulting from the Modification. Applicant's Exhibit I which was included with the filing of this Modification, demonstrates that the increase in revenues, which would have resulted had the modification been in effect during the twelve-month period ending December 1978 would have been $2,699.99 (i.e., from $38,618.00 to $41,317.99).

Copies of the filing were served upon the City of Richmond, Indiana, the Public Service Commission of Indiana and the Michigan Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 N. Capitol Street, Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR. 1.10). All such petitions or protest should be filed on or before April 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER79-288]

[FR Doc. 79-11332 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

Kansas-Nebraska Natural Gas Company, Inc.; Proposed Change in Rates Under Purchase Gas Adjustment Clause Provision

April 6, 1979.

Take notice that Kansas-Nebraska Natural Gas Company, Inc., on March 30, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The proposed changes would increase the commodity rate under each of Kansas-Nebraska's jurisdictional rate schedules by 31.11¢ per Mcf.

This filing is made to enable Kansas-Nebraska to reflect in its rates pursuant to Section 19 of the General Terms and Conditions of its FERC Gas Tariff, Third Revised Volume No. 1, increases in its purchased gas costs. Kansas-Nebraska requests the instant filing be made effective on May 1, 1979.

Copies of the filing were served upon the company's jurisdictional cutsomers and interested public bodies.

Any person desiring to be heard or make any protest with reference to this filing should, on or before April 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) under the Regulations of the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP72-32 (PGA79-1)]

[FR Doc. 79-11333 Filed 4-11-79; 8:45 am]

BILLING CODE 6450-01-M

Kansas-Nebraska Natural Gas Company, Inc.; Revised Changes in Rates

April 6, 1979.

Take notice that Kansas-Nebraska Natural Gas Company, Inc., on March 30, 1979, tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1. The purpose of the filing is to comply with a directive stated in Ordering Paragraph (C) of the Commission's Order issued November 29, 1978, requiring Kansas-Nebraska to file substitute revised tariff sheets reflecting: (1) the eliminating of costs associated with the facilities which are uncertificated and not in service by March 31, 1979, (2) the actual balance of advance payments in Account No. 166 outstanding as of March 31, 1979 and (3) the actual purchase gas and royalty costs as of March 31, 1979. As a result of this filing, the jurisdictional cost of service in Docket No. RP79-8 will be reduced by approximately $618,661.

Substitute Eighth Revised Sheed No. 4 is proposed to be substituted and to replace Eighth Revised Sheet No. 4, as filed with the Commission on October 31, 1978, in Docket No. RP79-8. Kansas-Nebraska requests that Substitute Eighth Revised Sheet No. 4 be made effective as of May 1, 1979, the date

previously provided for in Docket No. RP79–8.

Copies of the filing have been served upon the company's jurisdictional customers and upon interested public bodies.

Any person desiring to be heard or make any protest with reference to this filing should, on or before April 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) under the Regulations of the Natural Gas Act (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP79–8]

[FR Doc. 79–11334 Filed 4–11–79; 8:45 am]

BILLING CODE 6450–01–M

Locust Ridge Gas Co.; Proposed Changes in FERC Gas Tariff

April 6, 1979.

Take notice that Locust Ridge Gas Company (Locust Ridge) on March 30, 1979, tendered for filing proposed changes in its FERC Gas Tariff Original Volume No. 3. The proposed changes would increase revenues from jurisdictional sales and service by $466,540 based on the twelve (12) month period ending December 31, 1978, as adjusted. Locust Ridge states that the principal reasons for the proposed rate increases are increased operating costs and to partially offset a net operating revenue deficiency.

Copies of the filing were served upon the company's jurisdictional customers.

Any person desiring to be heard or to protect said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. RP79–58]

[FR Doc. 79–11335 Filed 4–11–79; 8:45 am]

BILLING CODE 6450–01–M

Miami Power Corp.; Proposed Change in Rate Schedule

April 6, 1979.

Take notice that on April 3, 1979, Miami Power Corporation (Miami) tendered for filing a proposed change in its Rate Schedule FERC No. 2. The proposed change is an increase of the rate of return component in the cost of service formula utilized to calculate the monthly rental charge for transmitting electric energy for the Cincinnati Gas & Electric Company (Cincinnati). This change has been agreed to by Miami and Cincinnati as evidenced by an Agreement executed and dated March 29, 1979. Miami indicates that this rate schedule supercedes that contained in the Agreement between Miami and Cincinnati dated June 30, 1952.

Miami requests waiver of the Commission's notice requirements to allow for an effective date of June 1, 1979.

Miami indicates that copies of the filing were served upon Cincinnati.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER79–285]

[FR Doc. 79–11336 Filed 4–11–79; 8:45 am]

BILLING CODE 6450–01–M

Montana Power Co.; Filing

April 6, 1979.

Take notice that on March 20, 1979, The Montana Power Company tendered for filing in compliance with the Federal Power Commission's Order of May 6, 1977, a summary of sales made under the Company's FPC Electric Tariff M–1 during February, 1979, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 23, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[Docket No. ER 79–290]

[FR Doc. 79–11337 Filed 4–11–79; 8:45 am]

BILLING CODE 6450–01–M

Mountain Fuel Supply Co.; Tariff Sheet Filing

April 6, 1979.

Take notice that on March 30, 1979, Mountain Fuel Supply Company, pursuant to Section 154.62 of the Commission's Regulations under the Natural Gas Act, filed Sixth Revised Sheet No. 3–A to its FPC Gas Tariff Original Volume No. 1. Mountain Fuel states that the filed tariff sheet relates to the Unrecovered Purchased Gas Cost Account of The Purchased Gas Adjustment provision authorized by the Commission's order issued February 27, 1976 in Docket No. RP76–64. More specifically the tariff sheet reflects a net rate increase over that currently being collected of $.36862/MCF (X–4), $.36248/MCF (X–5), and $1.19077/MCF (X–20) and are to be effective May 1, 1979.

Any person desiring to be heard and to make any protest with reference to said filing should on or before April 18, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it but will not serve to make the protestants

parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. Mountain Fuel Supply Company's Tariff Filing is on file with the Commission and available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP76-64; PGA 79-1]
[FR Doc. 79-11312 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

New England Power Co.; Compliance Filing

April 6, 1979.

Take notice that New England Power Company (NEP) on March 28, 1979, tendered for filing pursuant to the Commission's Order of January 30, 1979, amendments to NEP's FERC Electric Tariff, Original Volume No. 1. NEP indicates that these amendments reflect the exclusion of Electric Power Research Institute (EPRI) and Liquid Metal Fast Breeder Reactor Program (LMFBR) support payments from rates charged to NEP's contract demand and non-affiliated wholesale customers.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before April 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary

[Docket Nos. ER79-92 and ER79-93]
[FR Doc. 79-11313 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

FEDERAL ENERGY REGULATORY COMMISSION

New Jersey Zinc Division of G+W Natural Resources Group, a Division of Gulf+Western Industries, Inc.; Petition for Declaratory Order

April 6, 1979.

Take notice that on April 2, 1979, New Jersey Zinc Division of G+W Natural Resources Group, a division of Gulf+Western Industries, Inc. (Zinc), First American Center, Nashville, Tennessee 37238, filed in Docket No. CP79-253 a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure (18 CFR 1.7) for an order of general applicability declaring the elimination, for a one-year period and year-to-year thereafter of restrictions on the end-use of natural gas transported to end-users under certificate authorizations pursuant to Section 7(c) of the Natural Gas Act, whether such authorizations were granted pursuant to Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) or under the usual Section 7(c) procedures, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that Zinc owns gas reserves which are currently transported by Transcontinental Gas Pipe Line Corporation (Transco) and United Gas Pipe Line Company (United) under certificate authorizations granted pursuant to Section 7(c) of the Natural Gas Act, which authorizations contain end-use restrictions patterned on Section 2.79 of the Commission's General Policy and Interpretations. Further, it is stated that Zinc is an existing industrial customer of Union Gas Company (Union), through which Transco delivers Zinc's own gas supply of 2,000 Mcf daily to its Palmerton, Pennsylvania, plant. By order issued December 3, 1976, as amended, in Docket Nos. CP76-514 and CP76-529, Transco and United were authorized under Section 7(c) and Section 2.79 to render the transportation service of natural gas produced from reserves which Zinc acquired in place from Trident Oil and Gas Corporation, *et al.*, in Winn Parish, Louisiana, for use in Zinc's Palmerton plant for purposes within the contemplation of Section 2.79, it is said.

Zinc asserts that its natural gas requirements at the Palmerton plant are 10,500 Mcf per day and that at normal production levels Zinc requires approximately 8,895 Mcf of gas per day to satisfy its priority 2 needs and for which there is technically no feasible alternate fuel. Further, it is asserted that Union represents that it would supply the 10,500 Mcf per day to the Palmerton plant; however, due to the high priority use restrictions in the order of December 3, 1976, as amended, Zinc is limited to use a maximum of 8,895 Mcf per day, including the 2,000 Mcf daily delivery of its own gas by Transco for priority 2 or 3 uses only. It is indicated that due to these high priority use restrictions, the Palmerton plant is compelled to use oil for various essential plant operations even though natural gas could be consumed in place of oil, if such restrictions were eliminated.

Zinc states that its subject petition is consistent with current national policy, as it understands, to facilitate the direct purchase and transportation of natural gas by users capable of substituting gas for oil. Zinc further alleges that across-the-board treatment through the vehicle of a declaratory order of general applicability is appropriate and would mitigate the administrative burden of a case-by-case approach. Zinc indicates that it requested one of its transporting pipelines to file a petition to amend the certificate authorization to remove the end-use restrictions and the pipeline declined, but indicated that it would reassess its position if the Commission were to consider the matter of end-use restrictions in the context of a policy statement or declaratory order of general applicability.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP79-253]
[FR Doc. 79-11314 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Niagara Mohawk Power Corp.; Application for Major License

April 3, 1979.

Public notice is hereby given that an application for major license was filed on January 22, 1969 and most recently revised on June 5, 1978 under the Federal Power Act (16 U.S.C. §§ 791a-825r) by Niagara Mohawk Power Corporation (Applicant) for the Stuyvesant Falls Project, FERC Project No. 2696. The project is located on Kinderhook Creek, a tributary of the Hudson River, in Columbia County, New York in the town of Stuyvesant Correspondence regarding the application should be sent to Mr John H. Terry, Senior Vice President, General

Counsel and Secretary, 300 Erie Boulevard West, Syracuse, New York 13202.

The power generated by the project is used for public utility purposes.

The Stuyvesant Falls Project, constructed in 1900, consists of: (1) a masonry gravity dam about 240 feet in length and about 13 feet in height with a tainter gate and trash sluice near the left (south) abutment; (2) a reservoir with a surface area of about 46 acres at spillway crest elevation of 174.3 USGS datum; (3) a reinforced concrete water intake structure with steel trash racks and two wooden headgates located upstream near the left abutment; (4) two riveted steel pipelines, each about 2,860 feet long and 7.5 feet in diameter; (5) a 25-foot diameter surge tank; (6) two riveted steel penstocks, each about 200 feet long and 7.5 feet in diameter; (7) a powerhouse containing a horizontal shaft turbine rated 4,800 horsepower at 75 feet of head and directly connected to a 2,800 kW generator; and (8) appurtenant facilities. There are no recreational facilities existing or proposed at the project.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR § 1.8 or § 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before June 12, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[Project No. 2696]
[FR Doc. 79-11315 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Pacific Gas Transmission Co.; Rate Change

April 6, 1979.

Take notice that on April 2, 1979, Pacific Gas Transmission Company tendered for filing a "Notice of Rate Change to Reflect Increase in the Price of Canadian Gas in Cost of Service Charges and Request for Expedited Consideration."

PGT states that its filing is made in compliance with the Federal Power Commission's orders in Docket No. RP73-111 which require PGT to make filings pursuant to Section 4 of the Natural Gas Act before there is reflected in PGT's cost of service charges any increase in the cost of gas imposed or required by Canadian authorities.

PGT indicates that its filings will effect increases in rates charged under its PL-1 Rate Schedule which is applicable to sales of gas made by PGT to its one customer for sale, Pacific Gas and Electric Company.

The filed changes in rates will reflect in PGT's cost of service charges certain increases mandated by Canadian authorities in the price of gas imported from Canada, commencing May 1, 1979. PGT presently obtains more than 99% of its entire supply of gas from Canada at a border price which is the Canadian dollar equivalent of $2.16 (U.S.) per Mcf of 1000 Btu gas. PGT recites that on March 30, 1979, the Canadian Prime Minister announced that existing National Energy Board (NEB) export licenses would be amended, effective May 1, 1979, to increase the border export price to the Canadian dollar equivalent of $2.30 (U.S.) per Mcf of 1000 Btu gas payable in Canadian dollars in accordance with a monetary exchange formula specified by the NEB. On the basis of expected volumes and Btu content, PGT estimates that the effect of the May 1, 1979 increase would be approximately $55,000,000 (U.S.) on an annualized basis.

PGT advises that copies of its filings have been mailed to its customers and to interested state commissions. PGT requests that expedited consideration be given to the instant filing and that the filing be allowed to become effective on less than 30 days notice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before April 19, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP79-60]
[FR Doc. 79-11316 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Philadelphia Electric Co.; Compliance Filing

April 6, 1979.

Take notice that Philadelphia Electric Company on March 7, 1979 tendered for filing proposed changes in its FPC Electric Tariff, Rate Schedule FERC No. 44, applicable to service to the Borough of Lansdale, Pennsylvania.

The nature of the change is to delete the Auxiliary Service Provision contained in that rate, in compliance with the Order dated November 13, 1978 at this Docket.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before April 27, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies on this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary

[Docket No. ER77-402]
[FR Doc. 79-11317 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

South Carolina Public Service Authority; Application for Use of Project Lands

April 3, 1979.

Take notice that an application was filed on February 23, 1978, for use of project lands of the Santee-Cooper Project No. 199, by South Carolina Public Service Authority (Applicant). Project No. 199 is located on the Santee River (Lake Marion), South Carolina, and the project lands to be used are located in Clarendon County. Correspondence concerning the application should be sent to: Mr. W. Andrew Burke, Executive Staff Assistant, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 24461, or to Mr. Jasper Floyd, Route 1, Box 55, Summerton, South Carolina 29148.

Applicant requests Commission approval to authorize the issuance of two lease agreements which would permit the expansion of an existing commercial campground known as the Taw Caw Campground. The owner of the campground proposes to expand the existing 2.86 acre campground by an additional 5.85 acres of project lands. Phase I of the proposal would permit 40 additional campsites on 1.95 acres. This phase has been approved by the S.C. Department of Health and Environmental Control (SCDHEC). Phase II, which has not been approved by SCDHEC, would permit 34 campsites on 3.90 acres. The proposed lease provides for a 30-foot buffer strip along the shoreline and 75-foot (from normal highwater) building setback. Any wharfs, docks, etc. would require prior approval by the Applicant.

The proposal is contemplated by Applicant's proposed Exhibit R currently pending before the Commission for approval.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 1.8 or § 1.10 (1977). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any protest or petition to intervene must be filed on or before May 7, 1979. The Commission's address is: 825 N. Capitol Street, N.E., Washington, D.C. 20426.

The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary

[Project No. 199]
[FR Doc. 79-11318 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

St. Joseph Light & Power Co.; Filing

April 6, 1979.

Take notice that St. Joseph Light & Power Company (St. Joseph), on April 4, 1979, tendered for filing a Participation Power Interchange Service Agreement executied with The Kansas Power and Light Company dated March 5, 1979. Included with the filing was a Certificate of Concurrence of The Kansas Power and Light Company assenting to and concurring in the filed rate schedule.

St. Joseph requests an effective date of June 1, 1979.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. GR79-289]
[FR Doc. 79-11319 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Transcontinental Gas Pipe Line Corp.; Application

April 6, 1979.

Take notice that on March 20, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-230 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for El Paso Natural Gas Company (El Paso), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that El Paso has contracted to purchase certain volumes of natural gas from Mobil Oil Corporation (Mobil) in various blocks in the High Island Area, offshore Texas, which gas would be transported to shore by High Island Offshore System (HIOS) and U-T Offshore System (UTOS). Pursuant to the terms of a transportation agreement dated February 9, 1979, between Applicant and El Paso, Applicant proposes to transport up to 30,000 Mcf of natural gas per day from the point of interconnection of Applicant's Southwest Louisiana Gathering System (SW System) and the tailgate of the separation plant of U-TOS at Johnson's Bayou, Cameron Parish, Louisiana, and to deliver or cause the delivery of thermally equivalent volumes of gas to Houston Pipe Line Company (Houston) and/or its affiliate Oasis Pipe Line Company (Oasis) at (1) an existing point of connection between the facilities of Applicant and the Katy Plant of Exxon Company, U.S.A. in Waller County, Texas (Katy), and (2) an existing point of interconnection between the facilities of Applicant and Houston near Fulshear, Fort Bend County, Texas (Fulshear). Transportation through the SW System to Applicant's main line would be on a firm basis; transportation to Katy and Fulshear would initially be on a best efforts basis, it is said.

Applicant states that it would charge El Paso initially a monthly demand charge of $37,500 for the proposed transportation service. Applicant indicates that it would retain initially 0.6 percent of the transportation volumes for compressor fuel and line loss make-up.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 30, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.
[Docket No. CP79-230]
[FR Doc. 79-11320 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Utah Power & Light Co. Order Accepting Rates for Filing, Suspending Proposed Rate Increase, Granting Intervention and Establishing Procedures

April 5, 1979.

On February 9, 1979,[1] Utah Power & Light Company (Utah) tendered for filing proposed increases in the three rate schedules contained in its wholesale electric tariff.[2] Affected are 24 customers, including 4 private utilities, 15 municipally owned utilities; 4 cooperatively owned utilities; and the Navajo Tribal Utility Authority. The rates proposed by Utah would result in increased revenues of $12,419,000 (or 24.9%) based upon the 12 month test year ending December 31, 1979.

Notice of the filing was issued January 12, 1979, with protests and petitions to intervene due on or before February 5, 1979. Timely and adequate petitions to intervene were filed by the following petitioners: (1) Intermountain Consumer Power Association, Lincoln Service Corporation, Navajo Tribal Authority, Strawberry Water Users Association, and the Cities of Blanding, Bingham, Levan, Nephi, Price, and Soda Springs; (2) by Sierra Pacific Power Company; and; (3) by CP National Corporation. On February 12, 1979, City of Monticello filed a letter of protest, but did not request leave to intervene in any proceeding to be held in this docket.[3] All of the intervenors allege that Utah's proposed increase is excessive of Utah's cost of service and urge the maximum suspension period for the rates filed. We find that participation by the petitioners in the proceeding to be held in this docket may be in the public interest.

Our review indicates that the proposed rates have not been shown by Utah in its filing to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Therefore, the Commission will accept Utah's submittal for filing as of April 11, 1979, and suspend the rate changes proposed for five months, to become effective September 11, 1979, subject to refund.

The Commission orders: (A) Utah's proposed rates are hereby accepted for filing and suspended for five months, to become effective September 11, 1979, subject to refund.

(B) The petitioners identified above hereby are permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* that participation by these intervenors shall be limited to the matters set forth in their petitions to intervene; and *Provided, further,* that the admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission enetered in this proceeding.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the DOE Act and by the Federal Power Act, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by Utah Power & Light Company in this docket.

(D) Staff shall serve top sheets in this proceeding on or before June 8, 1979.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall convene a conference in this proceeding to be held within (10) days of the serving of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated Law Judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,
Secretary.

Utah Power & Light Co., Docket No. ER79-121

[FPC Electric Tariff, Original Volume No. 1]

Dated: December 26, 1978.
Filed: February 9, 1979.

Designation	Superseded sheets
Twenty-fourth Revised Sheet No. 1	Twenty-second Revised Sheet No. 1
Eighth Revised Sheet No. 4.1	Seventh Revised Sheet No. 4.1
Eighth Revised Sheet No. 4.2	Seventh Revised Sheet No. 4.2
Eighth Revised Sheet No. 5.1	Seventh Revised Sheet No. 5.1
Eighth Revised Sheet No. 5.2	Seventh Revised Sheet No. 5.2
Seventh Revised Sheet No. 5A.1	Sixth Revised Sheet No. 5A.1
Seventh Revised Sheet No. 5A.2	Sixth Revised Sheet No. 5A.2
First Revised Sheet No. 9 [1]	Original Sheet No. 9.

[1] Dated December 26, 1978.

[Docket No. ER79-121]
[FR Doc. 79-11321 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

Valley Gas Transmission, Inc.; Purchased Gas Cost Adjustment Filing

April 6, 1979.

Valley Gas Transmission, Inc. ("Valley"), on March 30, 1979, submitted for filing as part of its FERC Gas Tariff, Original Volume No. 1, its proposed "Fifteenth Revised Sheet No. 2A". The proposed effective date is May 1, 1979.

Valley states that this tariff sheet is filed pursuant to its currently effective Purchased Gas Cost Adjustment Provision. The proposed changes involve Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." The adjustments are supported by computations attached to the filing.

[1] Utah originally tendered this filing on December 28, 1978, but the filing was deficient in technical details necessary for its evaluation and was refiled by Utah on February 9, 1979.

[2] Utah offers the three rate schedules depending on the delivery voltages at which service is taken, as follows: Schedule RS-1, Resale Service—Medium Voltage (2.3 to 15 kV); Schedule Rs-2, Resale Service—High Voltage (44 kV to 138 kV); and Schedule RS-3, Resale Service—Extra High Voltage (138 kV or higher). See Attachment for rate schedule designation changes.

[3] Accordingly, we are not treating Monticello as an intervenor.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties ot the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

Lois D. Cashell,
Acting Secretary.

[Docket No. RP73-94 (PGA79-1)]
[FR Doc. 79-11322 Filed 4-11-79; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Ambient Air Monitoring Reference and Equivalent Methods; Amendment to Equivalent Method for SO_2

Notice is hereby given that EPA, in accordance with 40 CFR Part 53 (40 FR 7044, February 18, 1975), has approved an amendment to SO_2 equivalent method number EQSA-0276-009 (**Federal Register**, Vol. 40, page 8531, February 27, 1976). While the designation number of the method remains the same, the method identification is amended to read as follows:

EQSA-0276-009, "Thermo Electron Model 43 Pulsed Fluorescent SO_2 Analyzer," operated on either the 0-0.5 ppm range or the 0-1.0 ppm range, with or without any of the following options:

001—Rack mounting for standard 19 inch relay rack.

002—Automatic actuation of zero and span solenoid valves.

This method is available from Thermo Electron Corporation, Environmental Instruments Division, 108 South Street, Hopkinton, MA 01748.

This change is made in accordance with 40 CFR 53.14, based on additional information submitted by the applicant subsequent to the original designation (40 FR 8531, February 27, 1976). As an equivalent method, this method is acceptable for use by States and other control agencies for purposes of § 51.17(a) of 40 CFR Part 51 ("Requirements for Preparation, Adoption, and Submittal of Implementation Plans") as amended on February 18, 1975, (40 FR 7042).

Additional information concerning the use of this designated method may be obtained from the original Notice of Designation (40 FR 8531) or by writing to: Director, Environmental Monitoring and Support Laboratory, Department E (MD-77), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711. Technical questions concerning the method should be directed to the manufacturer.

March 23, 1979.

Stephen J. Gage,
Assistant Administrator for Research and Development.

[FRL 1099-7]
[FR Doc. 79-11429 Filed 4-11-79; 8:45 am]
BILLING CODE 6560-01-M

Florida Department of Agriculture and Consumer Services; Specific Exemption To Use Benomyl To Control Stalk Rot on Potatoes

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Issuance of specific exemption.

SUMMARY: EPA has issued a specific exemption to the Florida Department of Agriculture and Consumer Services (hereafter referred to as the "Applicant") to use up to 21,000 pounds of Benlate, containing the active ingredient (a.i.) benomyl, for the control of stalk rot on 7,000 acres of white potatoes in Dade County, Florida. The specific exemption ends on April 30, 1979.

FOR FURTHER INFORMATION CONTACT: Emergency Response Section, Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W., Room E-315, Washington, D.C. 20460, Telephone: 202/755-4851.

SUPPLEMENTARY INFORMATION: According to the Applicant, stalk rot, which is caused by the phytopathogenic fungus *Sclerotinia sclerotiorum*, is a major pest of white potatoes in Dade County. The fungus was considered a minor pest of the potatoes until the 1960's, when the South Florida Water Management District drained the marl potato production fields by digging drainage ditches. The fields no longer stay flooded over a sufficient enough period of time to kill the sclerotia (hardened masses of hypae) which survive through the summer. On potatoes, *S. sclerotiorum* has been observed on ocasion to attack the young vines very soon after emerging; however, the disease is observed more often at layby when the leaves touch the soil. At this time, there is an optimum environment for this fungus to produce spores, which land on the vines, germinate, infect, and eventually kill the infected tissue. This disease occurs annually on the potato crops from November through March.

The Applicant stated that, in the past, calcium cyanamide has been used to control *S. sclerotiorum;* however, this material is no longer manufactured in the United States. The Applicant further stated that there are no alternative fungicides registered for control of this fungus on potatoes in Florida. Botran is known to be registered for control of white mold (*Sclerotinia*) on potatoes in the North Central States; however, it is not satisfactory in Florida because it may induce phytotoxic effects such as leaf bronzing and a reduction in tuber size. While it would be possible to flood the fields artificially, it is not possible this year because potato planting has already begun.

Over the past years, the Applicant estimated that yield losses due to *S. sclerotiorum* have averaged 34 percent, with the value of the crop ranging between 7 to 10 million dollars; last year, losses due to this pest were estimated to be 1 million dollars.

The Applicant proposed to use Benlate, applied by ground equipment, at a dosage rate of 1 to 1.5 pounds product (0.50 to 0.75 a.i.) in sufficient water. The higher rate will be used under severe conditions. All of the treatments will be confined to 7,000 acres of potatoes in Dade County, once the presence of the fungus is verified.

It should be noted that a rebuttable presumption against registration of peticide products containing benomyl was published in the **Federal Register** on December 6, 1977 (42 FR 61788); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter. EPA has determined that this use of benomyl on potatoes does not appear to introduce any significant new hazard to man than what may exist through present use patterns of benomyl. The residue levels of benomyl likely to occur have been deemed adequate to protect the public health.

Overall, this short-term use of benomyl will not significantly affect any populations of either invertebrates or vertebrates that are well-established. There are two endangered species known to frequent Dade County: The Cape Sable Sparrow (*Ammospiza maritima mirabilis*) and the American Crocodile (*Crocodylus acutus*). However, it is not firmly established

that these species occur in the particular area of Dade County in which the potato fields are located; it is highly unlikely, for example, that the American Crocodile would be present near drained agricultural fields. Nonetheless, special precautions concerning treatment will be taken in connection with these two endangered species.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of *S. sclerotiorum* has occurred; (b) there is no pesticide presently registered and available for use to control this pest in Dade County, Florida; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the fungus is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until April 30, 1979, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The DuPont product Benlate, containing the active ingredient benomyl, is authorized at a dosage rate of from 1.0 to 1.5 pounds product (0.50 to 0.75 pound a.i.) per 100–125 gallons of water/acre. Two applications are authorized, the first approximately 7 to 8 weeks after planting and the second 2 to 3 weeks later;

2. Up to 21,000 pounds of product are authorized;

3. The presence of *S. sclerotiorum* in a given potato growing area must be verified by Florida State Extension personnel before any applications of benomyl are made;

4. Treatment is authorized in the following area of Dade County: the marl soils east of Highway U.S. 1, running east to within ¼ mile of Biscayne Bay and the inland grade and marl prairies west of Highway U.S. 1, and bounded on the west by Country Club Road (S.W. 202nd Avenue);

5. Applications may be made by either private or commercial applicators. Application must be made by ground equipment only;

6. All label directions, precautions, and restrictions must be followed;

7. Potatoes with residues of benomyl and its metabolites not exceeding 0.05 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

8. A full report summarizing the results of this program must be submitted to EPA by the end of January, 1980;

9. The EPA shall be immediately informed of any adverse effects resulting from the use of benomyl in connection with this exemption; and

10. The Applicant must take precautions to insure that application of benomyl will not be made in areas where the Cape Sable Sparrow and the American Crocodile are known to occur.

Statutory Authority: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

Dated: April 5, 1979.

Edwin L. Johnson,
Deputy Assistant Administrator for Pesticide Programs.

[FRL 1099-2; OPP-180279]
[FR Doc. 79-11432 Filed 4-11-79; 8:45 am]
BILLING CODE 6560-01-M

Pesticide Programs; Filing of Pesticide and Feed Additive Petitions

Pursuant to sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP 9F2175. ICI Americas, Inc., Concord Pike and New Murphy Road, Wilmington, DE 19897. Proposes that 40 CFR 180.365 be amended by establishing tolerance limitations for the combined residues of the insecticide 2-(dimethylamino)-5,6-dimethyl-4-pyrimidinyl dimethylcarbamate and its metabolites 5,6-dimethyl-2-(formylmethylamino)-4-pyrimidinyl dimethylcarbamate and 5,6-dimethyl-2-(methylamino)-4-pyrimidinyl dimethylcarbamate (both calculated as parent) in or on the following raw agricultural commodities:

[Commodity—Parts per million (ppm)]	
Alfalfa hay	50.0
Fresh alfalfa (green chop)	10.0
Pecans	0.05
Meat, fat, meat byproducts of cattle, goats, hogs, horses, and sheep	0.05
Milk, Poultry, Eggs	0.05

The proposed analytical method for determining residues is a gas chromatographic procedure using a nitrogen detector. PM16. (202/755–9315)

PP 9F2186. Union Carbide Corp., 2001 Jefferson Davis Highway, Suite 401, Arlington, VA 22202. Proposes that 40 CFR 180 be amended by establishing tolerance limitations for the residues of the insecticide aldoxycarb (2-methyl-2-(methylsulfonyl) propanol *O*-[(methylamino)-carbonyl]oxime) in or on the following raw agricultural commodities:

[Commodity—Parts per million (ppm)]	
Peanuts	0.10
Peanut hulls	0.50
Peanut hay	10.00
Milk	0.03
Meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep	0.04

The proposed analytical method for determining residues is by gas chromatography utilizing a flame-photometric detector and incorporating a filter-specific for sulfur-containing compounds. PM12. (202/426–9425)

FAP 9H5206. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City, KS 66110. Proposes that 40 CFR 561 be amended by permitting residues of the insecticide diflubenzuron (*N*-[[(4-chlorophenyl)amino] carbonyl] 2,6-difluorobenzamide) on the commodities soybean hulls at 0.5 ppm and soybean soap stock at 0.1 ppm. PM17. (202/426–9425)

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

Dated: April 3, 1979.

Douglas D. Campt,
Acting Director, Registration Division.

[FRL 1099-3; PH-125]
FR Doc. 79-11431 Filed 4-11-79; 8:45 am]
BILLING CODE 6560-01-M

Pesticide Programs: Oxyfluorfen; Extension of a Temporary Tolerance

On April 18, 1978, the Environmental Protection Agency (EPA) announced (43 FR 16405) an extension of a temporary tolerance for combined residues of the herbicide oxyfluorfen (2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene) and its metabolites containing the diphenyl ether linkage in or on the raw

agricultural commodity soybeans at 0.05 part per million (ppm). This tolerance was established (42 FR 31643) in response to a pesticide petition (PP 5G1581) submitted by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105. This extension expired June 4, 1978. Rohm and Haas Co. requested a one-year renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit (707-EUP-83) that has been extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that renewal of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been renewed on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Rohm and Haas Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires June 5, 1980. Residues not in excess of 0.05 ppm remaining in or on soybeans after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Robert Taylor, Product Manager 25, Registration Division (TS-767), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460 (202/755-7013).

Dated: April 4, 1979.

Douglas D. Campt,

Acting Director, Registration Division.

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

[FRL 1099-4; PP 5G1581/T195]

[FR Doc. 79-11430 Filed 4-11-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

Regulatory Policies Concerning the Provision of Domestic Public Message Services by Entities Other than the Western Union Telegraph Co.

AGENCY: Federal Communications Commission.

ACTION: Memorandum, Opinion and Order (decision) released in CC Dockets 78-95/96, *Domestic Public Message Services.*

SUMMARY: Open entry policy for applicants seeking to provide public message (telegram) service is adopted, effectively ending Western Union Telegraph Company's monopoly. Application by Graphnet Systems, Inc., is approved. Proposed rule modifications will be announced in near future.

DATES: Non-Applicable.

ADDRESSES: Office of the Secretary, Federal Communications Commission, 1919 M St., N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION: Contact Leonard Sawicki or Charles Oliver, Common Carrier Bureau, 202-632-6363.

SUPPLEMENTARY INFORMATION:

In the matter of Domestic Public Message Services; Graphnet Systems, Inc., Application to Participate in the Hinterland Delivery of International Communications Messages; Regulatory Policies Concerning the Provision of Domestic Public Message Services by Entities Other than the Western Union Telegraph Company.

Adopted: January 25, 1979.
Released: March 28, 1979.

By the Commission: Chairman Ferris issuing a separate statement.

1. Both of the above-captioned matters have their genesis in a Section 214 application filed on June 23, 1977, by Graphnet Systems, Inc. Later modified on September 21, 1977, the application contains a proposal to convey inbound international messages from the gateway locations of international record carriers (IRCs) to recipients located in the U.S. hinterland. The recipients would not be required to be Graphnet subscribers.

2. The general availability of the proposed offering clearly marks it as a public message service, a field of business which for years has been a monopoly reserved for the Western Union Telegraph Company outside what have become known as the five "gateway" cities. The application thus raises broad issues extending beyond the merits of Graphnet's request, and it was in that context that we instituted Docket 78-96, an inquiry into the continuation of Western Union's status as a sole-source supplier. As part of our Notice of Inquiry, we also sought comments concerning what, if any, rule changes might be needed in the event that the monopoly were exposed to competition.[1] Four specific questions were set for resolution:

I. Whether there is a public need for public message telegraph service which cannot adequately be satisfied by alternative voice and record services (including public message telephone service, Mailgram, postal services, electronic funds transfer, or other forms of electronic message services);

II. Whether the public message telegraph service is or can be made economically viable without either direct or cross subsidization, and, if not, what should be the magnitude and source of such subsidy, both now and in the future;

III. Considering the information developed in response to the foregoing issues, whether there is any public interest justification for:

i. requiring as a matter of policy the continued offering of public message telegraph service;

ii. authorizing as a matter of policy whatever direct or cross-subsidies are required to maintain this service; or

iii. continuing the role of Western Union as the sole source supplier of domestic public message telegraph service;

IV. If the domestic message telegraph market is opened to competition, whether different regulatory standards and procedures should be established for carriers participating in the handling of domestic PMS and private record services and, if so, the specific rules and regulations which should be adopted. This should include consideration of:

i. whether Western Union should be relieved of any of the regulatory requirements now imposed as a result of its offerings of PMS service; and,

[1] *Memorandum Opinion and Order and Notice of Inquiry and Proposed Rulemaking*, 67 FCC 2d 1059, par. 23 (1978).

ii. the maximum extent to which the Communications Act of 1934 will permit those markets opened to competition to be deregulated.

3. In this inquiry we revisit many questions previously addressed in a 1943 decision which permitted the merger of Western Union and its only major competitor, the Postal Telegraph Company.[2] We do so in the light of a quarter century of changing technology and changing needs. As suggested by the comments of the parties and our own staff's research, those changes cast doubt on the continued viability of policies which were adopted to meet the pressing demands of a critical, but unique, time in our nation's history.

A. Comments of the Parties [3]

4. In the view of *The Western Union Telegraph Company* (WUTC), "[T]he ultimate question which the Commission must answer in this proceeding is whether the Commission's mandate from Congress, contained in Section 1 of the Act * * * requires the continuation of a universal public message service and, if so, whether that objective can be better achieved—or for that matter achieved at all—under monopoly or competitive conditions" (WUTC Comments, p. 2). Western Union offers a profile of its services, information concerning the public message service market and its characteristics and a history of public message service detailing WUTC's steps to modernize and improve these services. WUTC also discusses the economic impact of competition on WUTC, the public interest questions surrounding the maintenance of "a universal public message service," and what the Commission's role should be in a competitive market.

5. WUTC defines its public message service to include domestic telegram (full-rate, night letter, personal opinion messages and options available under these classifications), telegraphic money order service and the domestic handling of international telegrams. WUTC also includes Mailgram service as a public message service. The 1977 volume of all these public message services was over 49 million. WUTC contrasts this with the 244 million messages handled in 1945. The number of messages had declined until 1975 (46.8 million), but total volume has risen recently due to the growth of Mailgram (WUTC Comments, p. 11). The decline in basic telegram service has been greatest in business traffic. According to a mid-1977 sample of full rate and night letter public messages (results presented at pp. 12, 13 of WUTC's Comments), the three leading uses of telegram service were personal opinion messages, congratulatory and greeting, and orders and shipments. WUTC remarks that 90% of its ordinary money order traffic is sent by the general public. Western Union also points out that:

> Approximately 64% of telegrams and cablegrams are originated at the CTBs [Central Telephone Bureaus], 14% at Western Union's public offices and agencies, and 22% via Telex and TWX terminals. Approximately 83% are delivered through the public offices and agencies, 8% through Centralized Telephone Bureaus, and 8% via Telex and TWX machines. Approximately 85% of telegrams are furnished to the addressee in hard copy form. Thus, 63% are delivered by messenger, over-the-counter or by tieline, and an additional 22% are delivered by telephone with confirmation by mail or Mailgram. (WUTC Comments, p. 14.)

6. Telegram service already is subject to competition. WUTC lists certain services which have diverted large telegram users: Telex, TWX, Mailgram, telephone company services, specialized services recently engendered by the Commission's *Specialized Common Carrier* and *Resale and Shared Use* decisions and certain "underground" services operated in purported violation of FCC Rules. WUTC also asserts that Graphnet is already directly competing for PMS traffic.

7. Reviewing the history of PMS, WUTC states that "the Western Union-Postal merger in 1943 did not produce the desired results" (WUTC Comments, p. 22). The post-war decline in telegraph traffic, the continued "weakened financial position" of Western Union and the growth of subtitute services left public messages in a "sick condition." In response to the FCC's *Domestic Telegraph Investigation* (FCC Docket No. 14650), Western Union began a modernization program. WUTC purchased the TWX service from AT&T, established an Integrated Record Message System (IRMS) for use by many of its services, installed its InfoMaster computer switching system, and established three Centralized Telephone Bureaus. Western Union claims that these actions were responsive to the recommendations in the FCC's 1966 *Report of the Telephone and Telegraph Committees* in the Domestic Telegraph Investigation (Docket No. 14650). Although it has taken remedial action, WUTC asserts that the *Report's* recommendation that competition for record services be limited has not been carried out by the Commission (WUTC Comments, p. 24).

8. Western Union lists improvements in its tariffed speed of service standards and service reliability. It also claims that it "has done everything possible to promote demand for public message service" (WUTC Comments, p. 30). These actions include attempts at promotional pricing and the introduction of Mailgram. WUTC observes that it "has attempted to respond in good faith to the Commission's suggestions for enhancing and improving our public message service . . . [N]ow that the newly enhanced service is in place, we hope the Commission will think twice before concluding that it is unneeded" (WUTC Comments, p. 32).

9. Western Union emphasizes that PMS has been victimized by segmentation of the record communications market and cream-skimming, "leaving only the relatively high cost, low-volume users entirely dependent on PMS" (WUTC Comments, p. 33). WUTC admits that it has done some of the skimming (e.g., Telex/TWX), but argues that it is better to have the "skimmed" revenues go to WUTC than to another carrier since it can use these revenues to aid in its obligation for continued provision of PMS. Relying largely on the Statement of Paul Davidson (WUTC Attachment 1), WUTC asserts that the heavy fixed costs associated with PMS "logically suggest a natural monopoly—*i.e.*, an economic environment where two or more duplicate networks would not be able to survive" (WUTC Comments, p. 34). Already, the diversion of traffic has made PMS facilities inefficient in an economic sense and WUTC is unable to earn an adequate rate of return on the investments in those facilities. Any further drain would affect its net income. Variable costs are already pared to a minimum. Western Union opines that "It should be clearly understood that neither Western Union nor any other carrier can be expected to provide a universal PMS service if significant volumes of PMS traffic are diverted to competing carriers" (WUTC Comments, p. 35). WUTC further speculates that if competition is allowed it may have to abandon or substantially curtail current services.

10. WUTC argues for the continuation of PMS because there is no fully adequate substitute for all of what is handled as PMS traffic. Its main advantages, in WUTC's view, are speed,

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[2] *In the Matter of the Application for Merger of the Western Union Telegraph Company and Postal Telegraph, Inc.*, 10 FCC 143 (1943).

[3] Formal comments are summarized here. We also received informal comments from J. P. Mullan, L. C. Seeley, P. B. Redding, N. Reichert, D. Sayia, R. F. Bossert, L. H. Herrenton, J. A. Marquadt, the Vermont Public Service Commission, A. L. Weiser, E. H. Weber, D. H. Colley (Tri-Ex Tower Corp.), A. R. Benson and R. Gershman.

accessibility, and availability of a written record, without requiring user access to a special terminal device. If basic telegram service were eliminated, the cost of existing facilities would fall on money order and Mailgram which use the same facilities. WUTC argues that these additional costs may cause these services to fail also.

11. WUTC claims that PMS cannot pay its own way and must be subsidized and if the subsidy (estimated at $29 million, currently) must come from Western Union services, other WUTC services must be protected from excessive competition. The fact that PMS cannot be offered economically is not sufficient reason for its demise. Using an "option demand" hypothesis, WUTC's consultant, Paul Davidson, notes that, while users may take their business elsewhere in the short run, this does not imply that they favor the demise of PMS. These customers assume that PMS will always be available, if needed, and find some utility in its availability which is not reflected in the market.

12. If competition is allowed, WUTC urges the Commission not to apply a double standard of regulation to it and other entrants. Noting a number of instances where it believes such a double standard exists (WUTC Comments, pp. 46–48), Western Union suggests that,

> If competition is to be the order of the day, Western Union should be permitted to compete in a fashion similar to the other record carriers. Thus, we should be free to abandon the unprofitable routes and service points on our network, to discontinue toll free access to the network by occasional callers, to price selectively so as to attract high-volume business, to limit or discontinue service outside of normal business hours, and to offer data processing embellishments to our communications services without regard to the "maximum separation" requirements of Section 64.702 of the Rates and Regulations. [Footnote omitted.] Moreover, the stringent requirements applicable to the closing of public telegraph offices and speed of service studies set forth in Parts 63 and 64 of the Rules—and never applied to Graphnet or any other domestic carrier—clearly should be repealed if entities other than Western Union are to be allowed to provide public message service. (WUTC Comments, p. 48; see also WUTC Reply, p. 32.)

13. Western Union comments that Graphnet is not proposing similar service to the general public (WUTC Reply, p. 4) and that Graphnet's "sole objective is to enhance the financial position of the participants without regard to the ultimate effect on the public." WUTC also claims that not enough data has been gathered in this proceeding to reach an informed judgment, particularly information from users. WUTC characterizes the arguments put forward by many other parties as vague and speculative and claims that many of these parties are biased. WUTC attacks the two major arguments that there is no need for PMS (adequate alternatives exist and PMS volume declines), by contending that (1) none of the services mentioned by other parties (present unregulated message services, public facsimile networks, bank money order, electronic funds transfer, or electronic mail) could replace PMS and (2) the very decline of PMS volume argues for its retention since PMS is now much more a service for the non-business, emergency user (WUTC Reply, pp. 9–15).

14. WUTC argues that claims that it has priced PMS out of the market and failed to innovate or provide speedy service are incorrect. Service has not significantly declined despite a reduction from 16,421 offices and agencies in 1962 to 5200 today. WUTC "still provides messenger delivery at tariff rates to communities which have populations both above and below 2500 and which we estimate represent 83% of the nation's urban population and 61% of the total population" (WUTC Reply, p. 20).

15. In answer to arguments raised by NTIA, WUTC asserts that PMS is not a resale type service. Its method of providing PMS is not resale (WUTC Reply, pp. 21–23) and no resale carrier could duplicate WUTC's service except at a heavy cost. However, WUTC agrees with NTIA and Telenet that PMS is not economically viable and notes that cross-subsidization of PMS by a competitive service (Telex) is not antithetical to the public interest.

16. Turning to the issue of domestic handling of international messages, WUTC argues that since it "is apparently precluded by present law from entering international markets, it would be anomalous, unfair, and antithetical to open competition to allow the IRCs [International Record Carriers] to enter the domestic markets, either directly or through division of revenues arrangements with domestic carriers" (WUTC Reply, p. 29). It contends that, until the restraints of Section 222 of the Communications Act are lifted from WUTC, the Commission should not allow the IRCs to enter the domestic PMS market or allow the IRCs to exchange traffic with other domestic carriers. Furthermore, the parties supporting Graphnet's application are said to have failed to show why it should be granted. WUTC answers a number of alleged "misstatements" by arguing that Graphnet's services are not superior, that Graphnet understates the harm to WUTC from traffic diversion, and that granting Graphnet's application will allow the current international formula to be subverted (WUTC Reply, p. 33).

17. *Graphnet Systems, Inc.* (Graphnet) observes that telegram service has continued its decline in spite of "protective federal attitudes [which] have not only failed to regenerate a service the marketplace has declared inadequate, but have inhibited the development of viable alternative services in the bargain" (Graphnet Comments, p. 3). Graphnet recites "certain basic realities" which face the Commission in its consideration of PMS: Western Union has enjoyed exclusivity in the PMS market for 35 years and Western Union has "almost destroyed" the market with poor business judgment, lack of technological and marketing innovation, reduced service availability and skyrocketing prices (Graphnet Comments, p. 4). Pointing to the alleged superiority of its services and its operating agreements with ITT World Communications, Inc. and RCA Global Communications, Inc., Graphnet observes that the public is not being allowed to benefit while this proceeding continues and urges a speedy resolution. It also requests oral argument (Graphnet Comments, pp. 30–33).

18. After reciting a history of the origins of this proceeding (Graphnet Comments, p. 7–15), Graphnet questions the Commission's characterization of the 1943 merger decision as a public interest determination "to close the domestic public message telegraph market to competition." [4] Graphnet finds this statement inconsistent with earlier Commission declarations at least as they relate to hinterland delivery of international message traffic. In fact, Graphnet remarks that "the Commission has twice determined that the offering of Graphnet's domestic services and innovative system capabilities—and the competition they may represent for Western Union's PMTS—are in the public interest" (Graphnet Comments, p. 18). In spite of a series of Commission findings favorable to Graphnet's position, "the Commission finds itself declaring impermissible the interconnection of an already authorized domestic system for handling inbound international message communications in the same operational fashion

[4] *Memorandum Opinion and Order and Notice of Inquiry and Proposed Rulemaking*, FCC Dockets CC 78–95, CC 78–96 and File No. W–P–C 1430; 67 FCC 2d 1059 (1978) released March 28, 1978, par. 19 (hereinafter referred to as *Notice*).

previously held to be in the public interest" (Graphnet Comments, pp. 19–20).

19. The Commission must recognize the "inevitability of the telegram's demise" and "take steps to foster a marketplace environment designed to promote the earliest possible development of alternatives to the Western Union telegram" (Graphnet Comments, p. 21). Distinguishing domestic public message handling from the hinterland delivery of inbound international messages, Graphnet emphasizes that its instant application covers only the latter. Further, the proposed delivery function's compensation is based on a division-of-revenues arrangement rather than a per-transaction charge. Thus, there is said to be no effective tariff for the delivery function because it is not an offering to the U.S. public. The delivery is provided by a carrier-to-carrier interconnection, an arrangement traditionally arrived at contractually between carriers. Although Graphnet's proposed interface arrangement with the International Record Carriers would be similar to Western Union's, Graphnet, unlike WUTC, will be able to deliver communications to any terminal device, regardless of type. If the recipient terminal is inaccessible, the message will be received on a Graphnet facsimile terminal for ultimate delivery by telephone, mail, or by means directed by the recipient. Graphnet also claims that its system will perform repeated error checking and that its "superior protocols and codes" will assure greater reliability than Western Union's system (Graphnet Comments, pp. 25–26).

20. Graphnet argues that grant of its application will have no significant economic impact on Western Union. Relying on analysis performed by Barbara Epstein (Graphnet Comments, Appendix B), Graphnet alleges that "the potential impact on Western Union is negligible, and will decline over time." If Graphnet diverted 50% of inbound message traffic, the revenue diversion from Western Union would be less than 1.1% of either Western Union's overall operating revenues or its transmission revenues (Graphnet Comments, p. 28). Graphnet disputes WUTC's estimate that its losses would be $6.9 million in revenues (in the worst cast of a 100% traffic loss), equal to 20% of Western Union Corporation's 1976 net income. Noting that telegram revenues have been a progressively smaller share of WUTC's total revenues over time, Graphnet maintains that any diversion of traffic from WUTC will have "a progressively decreasing effect on Wester Union's overall financial picture. And, in fact, the amount of potential diversion is but a fraction of what Western Union has already determined to be acceptable, through its own planned diversion of telegram traffic to Mailgram and other of its services" (Graphnet Comments, p. 30).

21. Graphnet argues that Western Union seeks to broaden the scope of its existing *de facto* monopoly. In its *Notice*, the Commission made it clear that public message telegraph service was the only "monopoly" involved and that all other areas of record communications are competitive in nature. Graphnet faults Western Union's inclusion of sevices other than domestic telegram and domestic handling of international message traffic in the category "public message services" (*e.g.*, money order and Mailgram) as misleading. These are not the proper subject of this inquiry. Graphnet offers a distinction between "telegram service" and "public message service" or "public record service." " 'Public record service' is a generic term—one which denotes a service that permits any member of the general public, or a per transaction, no-prior arrangement basis to send a hardcopy communication to any other member of the general public" (Graphnet Reply, p. 10). Noting that there are a wide variety of ways to provide such service, Graphnet remarks that telegram and Mailgram are particular types of public record service and many other types are possible. The reason that there are not more types of public record service available is that "current regulatory policies forbid their provision" (Graphnet Comments, p. 11). Such protective policies have not been successful and should be terminated. Western Union has been neglectful for three decades. This has resulted in telegram service being "little more than an overpriced answering service" with deteriorated service quality and higher rates (Graphnet Reply pp. 13–18).

22. Graphnet addresses a number of so-called "myths" advanced by Western Union. Graphnet maintains that Western Union's claim that it alone is able to provide "universal" public record service is unfounded. Noting the trend in WUTC office closures, the advent of WUTC's three central telephone bureaus, and the public acceptance of Mailgram's next-day delivery, it argues that substitutes for today's telegram service could easily be established. Graphnet claims that its network is already "more sophisticated, more flexible and more accessible than Western Union's" (Graphnet Reply, p. 25). Given the opportunity, says Graphnet, it could emulate Western Union's telegraph operation by using the central telephone bureau of its parent company.

23. Graphnet also argues that contrary to WUTC's representations of good faith efforts to revitalize its telegram service by 1970, Western Union managment had decided to get out of the telegram business, as demonstrated by its attempt to divert telegram business to Mailgram and supplant telegram usage. Graphnet observes that WUTC's InfoMaster System was not a product of Western Union design and was initially established for Telex, not telegram. Additionally, Graphnet questions WUTC's claim that it is unique in its interest in serving the general public. Graphnet accuses Western Union of hiding behind the "little guy," using the " 'general public' as a foil in its regulatory litigation, [while] it is that very 'general public' that it has victimized, by both failing itself to provide a meaningful service and preventing others from doing so" (Graphnet Reply, p. 33). Graphnet further accuses Western Union of attempting of "smother" competitors rather than attract customers by improving service. Rates have inceased "so greatly that the very population segments Western Union seeks to use in its pleas for protection are those most adversely affected by current telegram rates, and have the fewest effective alternatives" (Graphnet Reply, p. 36).

24. Graphnet believes that public record service can be profitably provided in a competitive environment. In fact, the component functions of "a public record service—message acceptance, transmission, and delivery—are provided separately by many companies today on a profitable basis" including 5500 telephone answering services and more than 10,000 messenger delivery services (Graphnet Reply, p. 38). Western Union's "inability to profit from a $4.75 charge for a 15-word telegram message is simply incomprehensible" (Graphnet Reply, p. 39). Graphnet avers that a turnkey facility to duplicate Western Union's service could be established for a monthly lease cost of between $160,000 and $175,000 and that "all necessary computer switching equipment, data processing equipment, terminal equipment, software development, land, buildings and office equipment could be developed or purchased for $4.75 million" (Graphnet Reply, pp. 40–41).

25. Graphnet asserts that telegram service competition will not adversely affect Western Union's financial

position. Telegram revenues are a decreasing portion of Western Union's total revenues. Even without competition, the absolute reduction in telegram revenues has averaged $9.3 million per year since 1971. Even if Western Union lost all of its telegram revenues, increases in other services would make up the entire difference in 15 months.

26. Graphnet urges a rapid grant of authorization and argues that interconnection with the IRCs is in the public interest. It also notes that it is at a disadvantage competing for a customer's business when it cannot offer a full range of services. Finally, Graphnet offers to perform an "interim test" where it would provide a nationwide public record service for 24 months. Graphnet would undertake this experiment at its own risk (Graphnet Reply, pp. 63–64).

27. The *Communications Workers of America* (CWA) argue that the logic of the Commission's 1943 finding concerning the telegram market remains basically unchanged. "Western Union was specifically granted a monopoly on the delivery of such messages . . . both to prevent duplication and to assure the continued delivery of telegrams by a non-government entity" (CWA Comments, p. 1). Telegram remains a vital but unprofitable service. CWA further asserts that Graphnet proposes to "cream off" the remaining lucrative portion of the public telegraph business. If Graphnet is permited to do this, some International Record Carriers may decide to do the same. This, it concludes, will lead to unnecessary duplication which will end up being more expensive to the user.

28. Ending Western Union's monopoly will "imperil and ultimately ring-down the curtain on domestic public telegraph" (CWA Comments, p. 2). the union predicts that, if and when electronic mail becomes a reality, there will be little room for Graphnet or Western Union. There is no need to bring about the premature death of public telegraph service. Noting the loss of jobs resulting from technological innovations and office closings, CWA asserts that Graphnet's entry will mean a "greater shrinkage of job opportunity" (CWA Comments, p. 4) and, ultimately, elimination of standard telegraph service.

29. The *United Telegraph Workers, AFL–CIO* (UTW) states that there is a public need for PMS which cannot be met by alternative services and that "the public interest is best served by retaining the Western Union monopoly of PMS" (UTW Comments, p. 2). In evaluating substitutes for public use of PMS (telegrams and money orders), UTW observes that Telex and TWX are for business users and that Mailgram is not as expeditious as telegram and cannot be used for money orders. Telephone is also a limited sustitute. Electronic funds transfer does not appear imminent.

30. UTW asserts that telegram service should be maintained and imporved because the current message volume bespeaks the need for PMS service. It further contends that PMS could make money and rejects the notion that PMS requires subsidization from other services. Further, UTW is not convinced that PMS has not been used to subisdize other services. "PMS is so essential to the individual consumer and small business user that it must continue to exist even if direct subisdy becomes necessary" (UTW Comments, p. 7).

31. UTW argues that a grant of Graphnet's application would result in "cream-skimming." If Graphnet eventually seeks total entry into PMS, the situation will be as it was prior to the 1943 Western Union-Postal merger: Competition could destroy PMS and both companies involved; the rationale of the Commission's 1943 decision is still correct. UTW urges, "Let us not err where we have succeeded" (UTW Comments, p. 10). UTW states that the Commission should consider the human impact of any decision on the Western Union employees which UTW represents.

32. *TRT Telecommunications Corporation* (TRT) takes issue with the Commission's construction of Section 222 of the Communications Act in our *Notice.* Although it agrees that Section 222 alone did not mandate the Western Union-Postal Telegraph merger and that the Commission was required to make certain findings prior to approval of the merger, TRT questions whether the Commission's 1943 ruling was really an exercise of "discretion." Afer long deliberation by the Congress, it is difficult to believe that the Commission could make the requisite findings to approve the merger "and yet still retain nearly complete flexibility to reintroduce domestic PMS competition by the mere exercise of discretion" (TRT Comments, p. 4). TRT also observes that in its Order, the Commission "ignored its obligation to consider whether Graphnet should be made subject to Section 222(c)(2)." Since Western Union is bound by this Section, new PMS competitors such as Graphnet should also be barred from providing international service. "Section 222(e)," TRT notes, "similarly manifests a congressional intention not to permit the Commission to restructure the domestic PMS market simply by finding that the public interest requires (or is consistent with) more competition in that market" (TRT Comments, pp. 5–6). Further, it says, Congress required the establishment of an international formula for a fair distribution of traffic among the IRCs, and Graphnet's entry would impair the operation of that formula. The Commission must carefully consider whether any new entrant should be subject to the same limitations on international service as WUTC and whether the entrant should be bound by the international formula.

33. Noting the heavy reliance of the IRCs on Western Union, TRT remarks that "the Commission should not authorize additional competition in the domestic PMS market unless such data plainly shows that introduction of such new competition will neither lead to further degradation of domestic [service] nor hasten the time when that service is no longer viable" (TRT Comments, p. 10).

34. *American Satellite Corporation* (ASC) claims that the PMS monopoly is no longer warranted. The considerations which prompted the Commission's 1943 finding are not valid now; with the FCC's new policies toward resale carriers and shared use groups, "it is possible for more than one carrier to provide a service without wasteful duplication of facilities" (ASC Comments, p. 3). Also, the Commission's competitive policies have proved beneficial and new carriers should be allowed to compete in all facets of communications. If competition were to end PMS, such competition would still be in the public interest if more efficient and cheaper alternatives developed. The Commission need not consider the effects of competition on Western Union's revenues. There is every reason to believe that the public will benefit from competition and new services"despite the possible negative impact on Western Union's revenues and PMS" (ASC Commments, p. 4).

35. ASC argues that PMS is not a natural monopoly. The Western Union PMS monopoly no longer meets the needs for which it was established and only serves to deprive the public of innovative services developed by other carriers. ASC also avers that WUTC has spent its research and development resources on competitive services and has no incentive to improve PMS (ASC Reply, p. 2). Noting the number of alternative services available to business, ASC professes that PMS competition would give incentives to

WUTC and other carriers to develop new and different means of providing PMS. ASC agrees with WUTC that PMS service, as now structured, would most likely disappear. New services would evolve to replace it in a competitive atmosphere. Competition should be allowed and unnecessary restricitions on Western Union should be removed so that it, too, may compete freely.

36. *RCA Global Communications, Inc.* (RCA Globcom), notes its current reliance on WUTC for hinterland pick-up and delivery beyond the authorized gateway cities and remarks that its major concern in this proceeding is the grant of Graphnet's application. RCA Globcom argues that this proceeding is broader than necessary to deal with Graphnet's application; the Commission should not let this issue become enmeshed in a larger proceeding dealing with the entire domestic PMS market. Pointing to major increases in domestic landline haul charges and the absorption of these costs by the international carriers, RCA Globcom argues that the public interest requires that the IRCs be given the capability to utilize alternatives to Western Union. Globcom suggests that the Commission revisit its Free Direct Access decision at the earliest opportunity. This, too, limits the alternatives available to the IRCs since the "hinterland public" represents almost 50% of the U.S. users of overseas telegram.

37. RCA Globcom recommends that the Commission review Western Union's cost allocations. It alleges that the domestic telegram service is subsidized by internal service, and that, as domestic telegram volume has declined and international volume has remained stable, the share of total costs attributed to international service has increased under WUTC's costing method. This results in IRCs bearing a disproportionate and unfair portion of WUTC's revenue requirement for message telegram traffic because the cost of plant constructed for domestic use is being charged to international traffic. RCA Globcom also claims that Western Union's service is unsatisfactory in a number of respects (RCA Globcom Reply, p. 1). It disagrees with TRT on the application of the international formula and argues that the formula would not apply to domestic carriers other than Western Union.

38. *American Facsimile Systems, Inc.* (AFSI) relates that its "interest in this proceeding stems from its current and future plans to offer public message-relafed services over a nationwide facsimile network" (AFSI Comments, p. 1). It calls for competition in PMS and the adoption of rigid cost accounting principles to protect new entrants from anti-competitive practices of established carriers. AFSI now provides a comprehensive truck permit service (the "Transceiver Network") which competes with Western Union's (detariffed) permit service. AFSI accuses Western Union of unfair subsidization of its permit service.

39. AFSI states that it is "presently entertaining plans to develop and implement, as a resale carrier, a nationwide facsimile network" which would offer services to the public (AFSI Comments, p. 6). Continuation of the WUTC monopoly would hinder or altogether bar such plans. AFSI claims that the Western Union PMS monopoly fails to meet the public's message communication needs and points to PMS' high rates, high maintenance costs, outmoded equipment, government bureaucracy, cross subsidization of competitive services, low earnings and office closures. AFSI also notes the "onerous requirements" placed on WUTC by the Commission's speed of service studies.

40. AFSI lists a number of alternatives to PMS which already exist. Others continue to be developed. These alternatives include the range of services made possible by the Commission's *Specialized Common Carrier* and *Resale and Shared Use* decisions, Mailgram, Telex/TWX, non-tariffed services available from various sources such as DATAPOST, FINANCIAL-GRAM, FAXGRAM, COM-PAK, FAX-PAK, Photophone, AFSI and WU truck permit services, Digital Broadcasting, Wilcom and COMET. AFSI observes that these services are relatively low-cost and are oriented toward unique service markets. It further observes that its permit service reaches rural areas and a mobile population.

41. AFSI recommends a four-point competitive approach to PMS services. First, Western Union should be relieved of excessive bureaucratic burdens such as speed of service studies. Liberal conversion of offices to agencies should be allowed. Second, the FCC should specifically find that a competitive PMS environment "depends on the ability of service providers to interface with the U.S. Postal Service." This interface should be available to all suppliers. Third, PMS suppliers should be regulated the same way as resale carriers. There would be no showing of public convenience and necessity. Only the technical, legal and financial feasibility of the proposed service need be demonstrated. Fourth, the Commission should require strict cost accounting under FDC Method 7 for multi-service carriers or order the establishment of separate corporate entities to avoid cross-subsidization (AFSI Comments, pp. 14–16).

42. AFSI argues that Western Union's assertion that PMS is a universally required service which can be provided only by WUTC is unsupported. Hard copy delivery with high speed of service can be achieved under competition. Moreover, it says, WUTC seeks to protect many of its other services under the guise that such protection is necessary to subsidize PMS. The question is raised whether "PMS is really operating at a deficit to provide emergency services or to compete with other telecommunications offerings," especially when WUTC's own data shows that "only slightly over 8% of its 1977 public message traffic can reasonably be categorized as urgent or emergency-based" (AFSI Reply, p. 5).

43. AFSI argues that in addition to allowing PMS competition, the Commission should relax regulatory controls. It should eschew regulation of services which do not squarely fall under the Act's definition of "common carriage." There should be clear guidelines for waiver requests under the Computer Rules. Finally, the handling of resale Section 214 applications should be expedited.

44. *Western Union International, Inc.* (WUI), does not offer comments but expresses its interest in this proceeding. WUI is an international record carrier (IRC) which provides public message service between the United States and overseas points. Among the many means of access used by its customers are the facilities of WUTC.

45. *ITT World Communications, Inc.* (ITT Worldcom) is one of the IRCs which has reached an interconnection agreement with Graphnet. Commenting that "WU has already largely eliminated the market for any such universal PMS service through its own unilateral action," ITT Worldcom opines that "the real issue facing the Commission in this inquiry is whether a public need exists for a scaled down PMS-type service such as that being approached by the WU system, and, if so, whether such a need will be better served by a monopoly franchise or by competition among two or more carriers for that service" (ITT Worldcom Comments, p. 5). It is argued that a scaled down domestic system can be augmented by existing or soon to be available alternatives and that competition would well serve the public. Graphnet's service will provide the landline-haul function

at a lesser cost than WUTC and its entry into the market will provide a "stablizing force for controlling rate increases" and stimulate WUTC's efficiency. Western Union's monopoly is no longer justified. The nature of WUTC's service has changed since the Commission's 1943 Order and competition would result in improved services at lower rates. ITT Worldcom also endorses Telenet's comment that trying to maintain a WUTC monopoly over telegram service will deprive "the public of the benefits of the competitive advantages of technological development and reduced cost." If, as WUTC claims, there is now no "fully adequate substitute" for PMS, "the Commisison should permit a competitive environment conducive to development of a substitute" (ITT Worldcom Reply, p. 4).

46. The *Computer and Business Equipment Manufacturers Association* (CBEMA) notes that the provision of telegram service does not have a major direct impact upon the business interests of its members and it has not filed detailed comments. However, CBEMA expresses interest in the proceeding as it relates to the *Computer Inquiry II* and observes that the basic deregulation policy considerations advanced in its filings in that Inquiry should "predominate the Commission's deliberations herein" (CEBMA Comments, p. 3).

47. *RCA Alaska Communications, Inc.* (RCA Alascom) wishes to make sure that this proceeding, regardless of its result, "in no way affects the role of RCA Alascom as the sole supplier of public message services . . . to, from and within the State of Alaska" (RCA Alascom Comments, p. 2). Citing an August 30, 1971 Commission Order (FCC 71M–1405) rejecting applications of other carriers to provide service in Alaska, and noting that no other Commission order has contradicted those findings, RCA Alascom states its belief that the Commission's order in this Inquiry was not intended to encompass Alaska service.

48. The *National Telecommunications and Information Administration* (NTIA) explores the background of the Commission's 1943 findings in the Western Union—Postal Telegraph merger. NTIA comments that "[T]he Report of the House Committee on Interstate Commerce reveals that the Committee's general preference for a competitive market structure was overcome by the financial difficulties facing the telegraph industry, particularly in the case of Postal Telegraph, and by the need to assure a sound telegraph industry to meet the contingencies of World War II" (NTIA Comments, p. 2). The Commission's 1943 finding did not confer upon Western Union perpetual monopoly rights in the domestic telegraph market. The Commission was charged with approving a merger to take it out of the ambit of the antitrust laws, and the FCC may authorize competition today. The merger was approved for reasons unique to a particular time, and the reasons for the Commission's 1943 finding are no longer relevant. "The nature of telegraph service today, when viewed in the context of the rapidly evolving telecommunications industry generally, should not only be competitive but should be substantially, if not totally, derregulated" (NTIA Comments, pp. 4–5).

49. In support of its position, NTIA cites historical developments: Teleghraph service has declined since 1945. While total telephone calls have increased 500% and first class mail increased 140% between 1945 and 1975, telegraph messages have declined 89%. Rising labor costs and evolutionary trends in telecommunications and computer technologies have outmoded the traditional telegraph service of the 1940's. The service is different today than at the time of the merger and will continue to evolve into a capital intensive service, competitive with other electronic message services. Numerous rate increases (NTIA Comments, p. 9), did not guarantee Western Union an adequate rate of return. To cut costs, the Commission has allowed WUTC to reduce steadily the number of its offices. "The reduction in employees and offices reflects an important change in the nature of the telegraph service. Messenger delivery is now a very costly option" (NTIA Comments, p. 11). NTIA does not argue that these changes are improper, only that the Commission be mindful of such changes when it analyzes the long-term viability and the market role of the telegraph service.

50. NTIA lists a number of changes which have occurred in the means of providing telegraph service. NTIA cites the introduction of the InfoMaster computer system in 1959 and the inauguration of the three Central Telephone Bureaus (CTBs). The CTBs "now accept telegrams over WATS lines and most messages are delivered by telephone" (NTIA Comments, p. 13). Western Union has also introduced Mailgram, which at lower-than-telegram rates has been reasonably successful for Western Union.

51. NTIA notes that decades of regulation have not succeeded in making telegraph service profitable to Western Union or affordable to the public. "If PMTS can be offered successfully in a competitive market, it will justify its own existence . . . [A]lternatives can and will continue to serve the communications needs which were once served by public message telegraph" (NTIA Comments, p. 15). Although several nonmarket barriers to competition exist, these can be overcome. For example, the Postal Service has long granted WUTC an exemption from the Private Express Laws for telegraph service, and the Postal Service would be required to treat all telegraph vendors equally. Also, the billing service now provided to WUTC by telephone companies would be required to be provided to all carriers, or not provided at all.

52. NTIA characterizes today's telegraph service as "essentially a value added communications service which could be offered by competing resale suppliers" (NTIA Comments, p. 16). If the Commission recognizes the value added characteristics of telegraph message service and applies an open entry policy, in time, the innovation and improved service which characterizes the resale market generally will be brought to this service. By way of example, NTIA mentions facsimile innovations, speed and service conversion, compression to reduce transmission cost, and automatic distribution of multiple copies. Western Union has already incorporated many such advances into InfoMaster.

53. Addressing the viability of PMTS, NTIA cautions that fully distributed costs tests may not be indicative of the economic viability of this service. WUTC may decide to keep the service if revenues exceed the avoidable costs of discontinuance even though they do not exceed FDC. It is possible that another vendor could offer the service at a profit or that use of newer technologies could improve the current service. Further, "FCC regulations could have the effect of making an otherwise profitable service lose money" (NTIA Comments, p. 19). NTIA urges the Coimmission not to rely on cross-subsidization of PMTS by other services as a way of insuring the viability of PMTS. If subsidies are needed, and it is not clear that they are, direct subsidies are preferable to cross-subsidization. The FCC should not consider subsidies for telegraph without recognizing that the taxpayers already subsidize the U.S. Postal Service. USPS may soon provide electronic services. There would be no need for two electronic messages systems, both under governmental protection. NTIA observes

that "if privately owned and operated enterprises are to compete with USPS electrronic services, they must be free to respond with service offerings and pricing policies in a flexible and competitive manner. Opening up the PMTS market to allow Western Union and other carriers to respond competitively is essential. The Commission should make it clear that the electronic message market is not going to be artificially segmented or restricted . . ." (NTIA Comnments, p. 23).

54. NTIA discusses competition in the money order market—a type of service which has been cited as one of the essential public services offered by Western Union. Citing bank money order service as an example, NTIA argues that the rates for bank services are comparable or lower than Western Union's, and that bank service is more accessible in rural areas and towns not served by WUTC.

55. NTIA does not believe that there is a need for a "carrier of last resort" in the PMTS business. Western Union is not now serving this role and should be free to streamline its operations. Entry would be in the public interest and should be allowed. PMTS should be deregulated and all carriers, including WUTC should "be free to structure their offerings in an optimal manner and [be] free to discontinue the service if it proves not to be viable" (NTIA Comments, p. 26).

56. NTIA urges the Commission to consider whether and to what extent new entrants (presumably resale carriers) should be regulated. Full imposition of Title II regulation may thwart entry. The Commission has "broad discretion to exercise forbearance where it concludes that regulation would not serve the policy of the statute or the public interest" (NTIA Comments, p. 28). NTIA argues that *FPC* v. *Texaco* (417 U.S. 380 (1974)) would not bar deregulation of PMTS. If the providers of PMTS are resellers, the consumer would still be protected under the Communications Act, since the transmission services obtained by the resellers from underlying carriers are fully regulated by the Commission. The rates of the underlying carriers, subject to strict Commission control, "will determine to a significant extent the rates charged by the PMTS carriers" (NTIA Comments, p. 29). The Commission then would not need to rely on marketplace forces alone. It would have indirect control over PMTS rates and this is permissible under *FPC* v. *Texaco*.

57. *MCI Tellecommunications Corporation* (MCI) supports the institution of this proceeding and claims a relationship between this proceeding and the MTS/WATS market structure inquiry (FCC Docket CC 78–72). MCI states that many of the issues in MTS/WATS are relevant to this Inquiry and urges that a means of coordinating these dockets be fashioned.

58. *Southern Pacific Communications Company* (SPCC) disagrees with the Commission's interpretation of its 1943 Western Union-Postal Telegraph merger decision which appeared in the Notice of Inquiry in this proceeding. SPCC claims that, contrary to the Commission's statement that the 1943 decision constitutes an acceptable public interest finding to close the public message telegraph market to competition and restrict new carriers' Section 214 applications under the Execunet I decision, the 1943 merger decision was not sufficient to restrict new carriers' record communications authorizations. SPCC offers two main arguments in its support. First, the 1943 merger decision was not a public hearing on telegraph industry structure. That inquiry was inadequate in terms of issues, record and analytical methods used to be construed as an industry structure-type inquiry for Execunet I purposes. Significantly, there was no reference as to the Commission's intention to foreclose new entry. Second, the merger decision was not intended to establish a monopoly in perpetuity for all domestic record services other than telegraph. Neither Section 222 of the Communications Act nor the merger decision apply to all record services. SPCC cites a number of precedents where it views the Commission as carefully "limiting the scope of the *de facto* monopoly that resulted from the Western Union-Postal merger to the telegraph service offered by Western Union in 1943" (SPCC Comments, p. 10). SPCC also points out that although the Commission has attempted to define public message telegraph service, it has never defined "public message service" or "record service" in general. Precise definitions will be important, especially if the Commission decides to confer monopoly status on a market or service because of the various degrees of cross-elasticity between different record services and the instability which will occur as vendors attempt to develop services on the periphery of the protected market.

59. SPCC urges the Commission to consider whether the objectives of the 1943 merger and the objectives associated with the creation of a public utility type monopoly have been met. SPCC claims that other than the prevention of Postal Telegraph's bankruptcy, the monopoly has not fulfilled public objectives. The results have been higher prices, poorer service and less availability. Western Union has itself diverted traffic from PMTS to other services, especially Mailgram. Mailgram was obviously not a service offered at the time Section 222 was enacted. SPCC observes, "In that Western Union has been permitted to divert traffic from its monopoly service categories (and to proportionately reduce its investment in and commitment to such service) to a competitive service area, there is no apparent public interest served in foreclosing the entry of other carriers to the same effect" (SPCC Comments, p. 17).

60. SPCC avers that there is no shortage of parties interested in entering the record communications market. Citing its SPEEDFAX service, SPCC notes that it believes that there is growth potential for a public facsimile service. SPCC calls on the Commission to open all domestic record communications markets to competition. SPCC avers that Western Union has not met its burden of proof supporting the continuation of its monopoly and its extension to the domestic record service industry. SPCC argues that WUTC is seeking to monopolize the record service industry under the guise of protecting telegraph service. If this is allowed, the public will pay higher prices for new services to support the old, and in turn, demand and innovation will be inhibited. SPCC also attacks Western Union's "option demand" justification for continued support of PMTS as speculative, undocumented, and lacking in specific information which would allow evaluation of the costs and benfits of the continuation of PMTS.

61. SPCC suggests substantial deregulation of the public message service market. If competitors enter the market, the regulatory controls designed for monopoly circumstances can be modified. SPCC points to a number of areas as candidates for changes. It suggests that "the Commission should limit its entry regulation of prospective domestic record carriers to an assessment of the [applicant's] financial, technical and character fitness to provide such service" (SPCC Reply, p. 7, footnote omitted). SPCC finds it unlikely that the FCC "could abdicate its responsibility to insure that rates are just and reasonable" and recommends that tariffs be handled on an expedited basis. However, the Commission should refrain from direct involvement or analysis of the tariffs unless "it has

persuasive reason to believe that the tariffs are unjust, unreasonable or discriminatory" (SPCC Reply, p. 8, footnote omitted). Marketplace forces should dictate facilities construction with the Commission policing spectrum usage. With respect to abandonment and reductions of service, the Commission need not be concerned with these rules (designed to protect the public where it has no service alternative) since there are now a number of service alternatives.

62. *Telenet Communications Corporation* (Telenet) is confident that there is no public need for PMTS which cannot be met by alternative services. The level of PMTS traffic signifies that there is no great public demand for this service. Telenet argues that "it is unlikely that PMTS can be made viable so long as it is offered only by Western Union in its current mode" (Telenet Comments, p. 6). If there is to be a subsidy, it should be a direct taxpayer subsidy rather than an "indirect" subsidy paid for by users of other services. Telenet opines that Western Union should be relieved of any requirement to offer PMTS. The utility of the service has been "totally eclipsed by technology." Western Union should be "afforded wide latitude in restructuring and repricing the service to render it more useful and, thus, more viable" (Telenet Comments, p. 18). Other entities should be allowed to innovate. Although PMTS cannot be totally deregulated, a number of "incidents of PMTS regulation could be modified or abolished" (Telenet Comments, p. 11).

63. The *United States Department of Justice* (DOJ) cites the "widespread availability of less expensive, equally effective alternatives" to telegraph service. PMTS volume has remained stagnant while the economy generally and other means of electronic communications have grown. It is DOJ's view that "the effective demise of the 'public message' telegraph business demonstrates, first, the inability of traditional regulation to compel carrier performance in the 'public interest' and second, that the 'public interest' generally speaking is less likely to be furthered by relying on a sole service supplier than by fostering competition" (DOJ Comments, pp. 8–9). DOJ states that this proceeding has ramifications beyond the public message telegraph business. A variety of new services are arising from the marriage of computers and communications technologies and applications. Many resemble or are cross-elastic with traditional telegraph-type offerings. Among these are electronic mail and electronic funds transfer. DOJ urges the Commission to deregulate the public message telegraph field, or at a minimum precisely define the scope of Western Union's *de facto* monopoly. DOJ makes recommendations in favor of deregulation. Among these are the elimination of all classes of telegram service altogether and a reduction of the level of regulation to a "base minimum."

64. *DHL Communications, Inc.* (DHL) is a new company, seeking entry into the communications market. Its plans do not include PMS, but it does support competition. DHL contrasts the conditions of the PMS industry in 1943 with those existing today. In 1943, the Western Union-Postal Telegraph merger was approved in the light of imminent financial danger to the companies (Postal was losing $300,000 per month), the political situation in World War II, and technological conditions (duplication of facilities). Merger was the only solution. Today, WUTC is losing money on telegram. Business users are utilizing more efficient private message services and the public should be given the opportunity to use these alternatives, even if it affects Western Union's revenues. The current political climate favors deregulation and Western Union's monopoly only bars entry and innovation. Unlike 1943, technological conditions today dictate that development of new services will not lead to duplication of facilities.

65. DHL argues that Western Union was not granted monopoly status to the permanent exclusion of other companies. Legislative history and FCC statements are cited to support this conclusion. DHL avers that Western Union's monopoly status no longer fills its purpose and that WUTC's economic arguments in support of its monopoly are without merit. One of the reasons WUTC is advancing against new entrants is the possibility of "cream skimming." However, Western Union itself has "cream skimmed" the PMS market. DHL claims that effective regulation would solve this "problem" and all carriers would operate under the same rules. Further, Western Union has "almost priced itself out of the market" and DHL finds it no wonder that PMS volume has declined. Cost efficient and effective alternatives exist and many are under development. DHL urges the FCC to extend its pro-competitive approach to record services.

B. Statutory Authority To Declare an End to the PMS Monopoly

66. Before reaching the public interest considerations, we are obliged to address a threshold question: Has Congress left the Commission discretion to permit an end to Western Union's monopoly in the delivery of public message telegrams? The issue was given only a brief discussion in our Notice of Inquiry because the answer seemed clear on the face of the relevant statute,[5] but the questions of statutory discretion and Congressional intent have since been raised in the comments and thus merit further analysis in this opinion.[6]

67. The statutory language of Section 222 of the Communications Act clearly was permissive and not mandatory. The Commission was not required to approve the Western Union-Postal merger but was given discretionary authority to exempt it from the operation of the antitrust laws:

> It shall be lawful, upon application to an approval by the Commission as hereinafter provided, for any two or more domestic telegraph carriers to effect a consolidation or merger * * * (Section 222(b)(1))

and:

> Whenever any consolidation or merger is proposed under subsection (b) of this section, the telegraph carrier or telegraph carriers seeking authority therefore shall submit an application to the Commission, and thereupon the Commission shall order a public hearing to be held . . . If, after such public hearing, the Commission finds that the proposed consolidation or merger, or an amended proposal for consolidation or merger, (1) is authorized by subsection (a) of this section, (2) conforms to all other applicable provisions of this section, (3) is in the public interest, the Commission shall enter an order approving and authorizing such consolidation or merger and thereupon any law or laws making consolidations and mergers unlawful shall not apply . . . (Section 222(c)(1)).

Thus, on its face, the Section 222 focus was the antitrust laws, and not limitation of entry in the future by others.

68. Moreover, the legislative history clearly manifests Congress' understanding that it was bestowing permissive merger authority to take the Western Union-Postal merger out of the operation of the antitrust laws:

> This legislation proposes to amend the Communications Act of 1934, as amended, so as to permit domestic telegraph carriers to consolidate or merge. Such consolidations or mergers are made *permissive and not mandatory*, and must be approved by the Federal Communications Commission, as being in the public interest before they can be effected. *This affirmative grant of authority is required because of the fact that the*

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[5] *Memorandum Opinion and Order and Notice of Inquiry and Proposed Rulemaking*, 67 F.C.C. 2d 1059, 1065 (1978) *citing* 42 U.S.C. § 222.

[6] WUTC Comments, p. 22; UTW Comments, p. 8.

antitrust laws now stand in the way of such consolidations and mergers.[7]

and:

The bill . . . would permit the *voluntary* consolidation or merger of domestic telegraph carriers . . .[8]

69. In approving the Western Union-Postal merger itself the Commission did not grant Western Union an absolute "monopoly" over domestic wireline telegraph, for all time.[9] Section 222 left telegraph carriers the option of merging or not merging. Thus, neither the language of Section 222 nor our approval under it of the Western Union-Postal merger represented a policy determination that entry or participation in domestic telegraphy would be foreclosed henceforth. We reached a particular public interest determination in 1943 that the public would be served by this merger and the monopoly it created. In this order we are examining where the public interest lies today, in light of changed circumstances, changed technology, Western Union's performance over the last 35 years, and the likely course of telegraph service in the event that we alter our historic regulatory policy. We are not bound by a 1943 "snapshot" of the conditions then existing, for if we were so bound we could not fulfill our legislative mandate of *continuing* to promote the goals of the Communications Act.

C. Discussion

Issue I: *The Public Need for PMTS and the Existence of Substitute Services*

70. Western Union characterizes its service as unique and universal and claims that there is a need for public message service which cannot be met by other alternatives (WUTC Reply, pp. 7–17). Most other parties, with the notable exceptions of UTW and CWA, disagree with Western Union, WUTC's argument is two-fold. First, PMS "is the only record service which combines ease of access to both sender and recipient with the advantage of high-speed electronic transmission." [10] Second, the market demand for PMS underestimates its value to society at large. This second argument depends on the analysis of PMS "option demand" presented by Dr. Paul Davidson (WUTC Comments, Attachment 1). The "option demand" hypothesis implies that PMS is available when people need it, although they may "not use it frequently enough to enable the service to pay its own way" (WUTC Reply, p. 7).

71. In order to analyze Western Union's claims of uniqueness and universality, it is helpful to view the provision of telegram service in its basic, functional form. The essential components of this service are acceptance, electronic transmission and delivery. Telegrams are accepted by Western Union by a numnber of means. Customers may file messages over-the-counter at an office operated by Western Union or an agency compensated on a commission basis, via the telephone to one of three Centralized Telephone Bureaus (using an In-WATS or "800" number), or from a Telex or TWX terminal. Electronic transmission of the messages is accomplished over Western Union's own facilities or over lines leased from AT&T. Delivery may be by messenger, directly to a Telex or TWX terminal, or orally by telephone with an optional confirmation copy sent later by mail or Mailgram. Messenger delivery and confirmation copies are optional services and are provided for an additional fee. We shall evalute WUTC's claims in light of the current functional characteristics of PMTS.

72. At the outset, it is important to note that telegram service has diminished in importance, both as a source of revenue to Western Union and as a means of public communications. Demand for public message service (PMS) has declined markedly since World War II. This fact and the underlying traffic volumes are recited many times in the record of this Inquiry. According to Western Union, public message service volumes declined from 244.3 million messages in 1945 to 49.0 million in 1977.[11] Of the 1977 volumes, Mailgrams accounted for 28.1 million messages, 7.7 million were international telegram, 6.9 million domestic telegrams, and there were 6.3 million money orders. The traffic decline was matched by office and agency closures. In 1943, there were 32,891 telegraph offices or agencies. By 1977, there were 5,212. As recently as 1969, there were still 10,289.[12] These declines have led to important changes in the structure of Western Union's offering. Telegram service has evolved away from the traditional messenger-delivered yellow telegram toward a system which is highly reliant on the telephone and other services outside the corporate control of Western Union. This evolution is most marked in the acceptance and delivery functions.

73. Telegram service has changed most radically over the past decade. In 1969, Western Union undertook a major modernization program. It installed the InfoMaster computer switching centers at Middletown, Virginia and Bridgeton, Missouri. This system is the cornerstone of its Integrated Record Message System (IRMS). IRMS is used by many of Western Union's services, including Telex/TWX, Info-Com, Mailgram and telegram (WUTC Comments, pp. 25–29). Western Union also established three Centralized Telephone Bureaus (CTBs). The CTBs replaced many small groups of telephone operators in numerous offices. At the CTBs operators receive incoming telephone calls, record messages on cathode ray tubes and transmit the messages to the InfoMaster computer. Western Union claims that the CTBs "constitute the largest telephone answering complex in the world" (WUTC Comments, p. 29). Western Union now leases WATS lines from AT&T for telephone acceptance at the CTBs.

74. Western Union's reliance on telephone acceptance is increasing. In 1971, the Commission took note of the decline in over-the-counter message traffic. The percentage of messages originated by telephone then was 44%.[13] Today, according to Western Union, "approximately 64% of telegrams and cablegrams are originated at the CTBs, 14% at Western Union's public offices and agencies and 22% via Telex and TWX terminals" (WUTC Comments, p. 14). These figures indicate that message

[7] House Report No. 69, 78th Cong., 1st Sess. (1943) (emphasis added).

[8] Senate Report No. 13, 78th Cong., 1st Sess. (1943) (emphasis added). *See also* Cong. Rec., daily ed. January 25, 1943, at 339 (remarks of Sen. McFarland); *id.* at 342 (remarks of Sen. White); *id.* at 350 (remarks of Sen. Barkley); *id.*, February 10, 1943, at 770 (remarks of Rep. Bulwinkle); *id.* at 776 (remarks of Rep. Halleck); *id.* at 779 (remarks of Rep. Brown); *id.* at 781 (remarks of Rep. Wolverton); *id.* February 18, 1943, at 1092 (remarks of Sen. McFarland).

[9] See, *e.g.*, *Press Wireless, Inc.*, 21 FCC 311, 315–16 (1956), *Press Wireless, Inc.*, 21 FCC 511, 528 (1956).

[10] WUTC Reply, p. 7. WUTC observes that mail is not as speedy as PMS, telephone does not provide a written record, and services requiring a terminal device are not accessible to the general public.

[11] Western Union Comments, p. 11, Table 1. These figures include various domestic telegram services, money order, international, and Mailgram. The specific terms "telegram" and "public message telegraph service" are used interchangeably in the record of this proceeding. Also, the general terms "public message service" and "public record service" are used interchangeably. In a subsequent rulemaking, the Commission will seek precise definitions of these terms. For the purpose of this decision, we shall use the terms as generally understood in the record, making descriptive distinctions where necessary. See our discussion in Issue II, par. 103.

[12] Source: FCC Statistics of Communications Common Carriers 1943–76; Western Union Form O, Schedule 402A for 1977. In 1943, these were broken down as 3544 "independent" (WUTC) offices (2308 main, 1236 branch), 15,279 joint offices and 14,068 agency or commission offices. In 1969, there were 1373 offices, 621 joint offices, 8295 agencies. In 1977, there were 193 offices, no joint offices and 5019 agencies.

[13] *In the Matter of Domestic Telegraph Service—Inquiry Into the Office of [sic] Conversion Program of the Western Union Telegraph Co.*, 27 FCC 2d 787, 802 (1971).

origination (over the counter and telephone) at offices and agencies has declined in relative importance in just a few years. This is unsurprising in view of the shift to CTBs and the number of office closures.

75. A number of parties have argued that the reduction of offices and movement toward increased telephone acceptance and delivery are indicative of a decline in service quality or are evidence of WUTC's move toward a "scaled-down PMS" (see, for example, ITT Worldcom Comments, p. 5; Graphnet Replies, pp. 13–14; among others). Western Union defends its performance as follows:

"Despite the reduction of offices service has not significantly declined. For example, in 1962, there were 16,421 offices and agencies. At that time, Western Union provided some service to 90.2% of all communities with less than 2,500 population, and 97.9% of all communities with 2,500 or more population . . . Today, with only 5,200 offices and agencies [footnote omitted], Western Union still provides messenger delivery at tariff rates to communities which have populations both above and below 2,500 and which we estimate represent 83% of the nation's urban population and 61% of the total population. And, contrary to the allegations of some parties [citations omitted], 63% of all telegrams are still delivered by Western Union in hard copy form . . ." [14]

76. A few observations are in order. WUTC relies heavily upon outside sources for both its acceptance and delivery functions. For the areas outside its delivery zones, Western Union must rely on delivery services which it procures for the customer. The customer is, in turn, charged the cost incurred by WUTC. The major functions of Western Union in such cases are to transmit the message to its nearest service point and then find a suitable means of physical delivery. Besides messenger service, Western Union uses the mails as part of its delivery function. Twenty-two percent of its telegrams are delivered by telephone with confirmation by mail or Mailgram. Mailgram itself, which WUTC has included in its listing of "public message services," replaces the same day messenger (or telephone) delivery by providing next day delivery service by the U.S. Postal Service. As indicated above, a large number of telegram messages (at least 37%) are conveyed orally by telephone, with or without mail confirmation. Finally, 64% of telegrams and cablegrams are originated at the CTBs and only 14% at offices and agencies. (The other 22% are originated via Telex and TWX.) Thus, at least five out of seven non-terminal originated telegrams are telephone originated.

77. Besides relying on outside sources for the acceptance and delivery functions, Western Union relies on the facilities of others for its electronic transmission function. WUTC leases 10% of its voice band, 30% of its narrowband intercity transmission mileage, and much of its local distribution plant. (WUTC Reply, p. 22)

78. Another aspect of the electronic transmission portion of the service is the use of Western Union's Integrated Record Message System and the InfoMaster computers which lie at its heart. This serves as more than a transmission and switching system. InfoMaster performs a number of functions (e.g., billing, error checking) for diverse services (WUTC Comments, pp. 25–29). Among the services using the system are Telex and TWX, telegram, Mailgram, INFO–COM and many others. Western Union attributes much significance to the role of this system in its "PMS Modernization" program, but it is important to note that this "PMS Modernization" aided many services in addition to PMS. Many of the facilities involved are fungible among these services. [15]

79. It is clear that Western Union relies on others to offer today's version of its public message services, and it is evident that the many functions performed or orchestrated by Western Union could be made available to or performed by other record service vendors. We now turn to a discussion of substitute services, and alternative provision of these functions.

80. As evidenced by the declines in telegram volume enumerated above, most of the communications needs that were formerly dependent upon telegram service have shifted elsewhere. The decline in telegram traffic has been especially steep for business messages. While 81% of total telegram traffic in 1961 was for business use, by 1977 the proportion of business use had declined to 55%. Western Union states that in 1961, the largest uses for telegram were (1) business orders and notices of shipment (44.7%), (2) price quotations and product information (11.7%), and (3) credit and collections (9.1%). In 1977, the leading uses were (1) personal opinion messages, not sent at the reduced POM rate (15.7%), (2) congratulatory and greeting (13.8%), and (3) orders and shipments (10.1%).

81. As telegram volume has declined and the proportional makeup of its remaining usage has shifted, other communications services have generally increased, leading to a decline in the importance of telegraph service in the telecommunications market as a whole and in Western Union's revenue structure. NTIA points out that:

[T]he telegraph service share of the total message exchange market has dropped from about 0.37 percent in 1945 to less than 0.1 percent today [footnote ommitted]. Over approximately the same period of time, communications messages, generally, have experienced a dramatic increase. For example, from 1945 to 1976 total telephone calls, local and toll increased by more than 500 percent from 42 billion to 248 billion [footnote omitted]. Even First Class Postal messages which have experienced very little growth in recent years, grew by about 140 percent from 1945–1974 [footnote omitted]. This precipitous decline over the past three decades has been accompanied by a serious erosion of telegraph revenues. Revenues dropped from $163 million in 1945 to $95.6 million in 1976 [footnote omitted]. This amounts to a 41 percent drop even before the effects of inflation are taken into account and over 80 percent after inflation has been considered. Telephone operating revenues, by contrast, rose from $2 billion in 1945 to $35.6 billion in 1976, an increase so substantial that a percentage representation loses meaning. Of the $35.6 billion in telephone revenues in 1976, only about 4.8 percent can be attributed to private line services [footnote omitted] (NTIA Comments, pp. 6–7).

82. Telegraph revenues are also a decreasing portion of Western Union's total revenues. Graphnet observes that telegram revenues have fallen from about 80% of Western Union's total revenues in 1947 to 8% in 1976. [16] This has occurred despite the growth of total operating revenues from $199.7 million to $527.5 million during the same period. While these figures indicate that

[14] WUTC Reply, pp. 19, 20. The 63% figure includes messenger, over-the-counter and tieline delivery combined (WUTC Comments, p. 14). Another 22% are delivered by telephone with confirmation by mail or Mailgram.

[15] Western Union lists its expenditures for twelve years of "PMS Modernization" in Attachment 5 of its Comments. Of the $250 million shown, $136 million was for InfoMaster, $34 million for "carrier and microwave," and $58 million for "construction." Certainly InfoMaster and "carrier and microwave" are highly fungible among services (*e.g.*, see discussion at pp. 25–29 of WUTC Comments). WUTC lists $11 million investment for the CTB's and only $11 million for offices and agencies. Based on the average number of offices and agencies (8007) over the period, this works out to $1,374 per agency or office. Even based on the current number of offices and agencies, this is only $2,110 per location. Further, it is likely that more was invested per office (company operated) than per agency.

[16] Graphnet Reply, p. 43 and Appendix C, p. 3. These are noted as taken from the *Statistics of Communications Common Carriers*, Federal Communications Commission, presumably from Tables corresponding to Tables 23 and 24 in the 1976 edition. The "domestic public telegram revenues" noted in Graphnet's Appendix C, do not include money order, Mailgram or the domestic transmission of transoceanic and marine messages, as well as some minor categories. According to the Western Union Corporation 1977 Annual Report (p. 14), Domestic and international telegram combined account for only 10% of revenues.

telegram is, in fact, becoming less important in terms of the overall revenue picutre of Western Union, two observations are in order. First, the figures mentioned above are not indicative of the total record communications market. For example, Western Union Corporation's revenues from teletypewriter networks exceeded $220 million in 1976 and $230 million in 1977. This point is particularly important since the entire record communications market is growing. The decline in telegram traffic should be contrasted to the growth in usage of substitute services. Second, the public message service, as defined by Western Union, still generates revenues of $95.6 million annually. While this is a small percentage of the total telecommunications market, it is not unimportant. Moreover, the growth of Mailgram and the introduction of new types of record communications such as electronic mail, indicate that there may be potential for further growth, as we shall examine below.

83. The changes in the character of telegram usage and declining volume are intertwined with the increasing price of telegram and the development of substitutes. Some usage has shifted to telephone as the relative prices of the two services changed over time and telephone became cheaper.[17] Other record services have also grown, taking portions of traffic which are not best handled on telephone. Businesses, in particular, have been the beneficiaries of a proliferation of less costly substitute services. The services to which PMS traffic has been diverted are amply discussed in the record. Western Union enumerates Telex, TWX, Mailgram, telephone company services (such as private line telegraph and WATS, "which have attracted large quantities of business traffic, including record traffic handled by means of Dataphone terminals, facsimile machines, communicating typewriters and CRT devices"), specialized services sanctioned by the Commission and "underground" services (WUTC Comments, pp. 16–17). Besides these, AFSI lists a number of services "which are competitive in many respects with PMS." These include "(a) non-tariffed information processing and forwarding services such as those provided by TDX Systems, Inc. (DATAPOST) and Graphic Scanning Corporation (FINANCIAL–GRAM); (b) Digital input store-and-forward services like those provided by Graphnet (FAXGRAM), and soon to be provided by ITTDTS (COM–PAC and FAX–PAX); (c) facsimile network services using MTS and WATS facilities like those provided by Archer Courier Corp. (Photophone), AFSI (truck permit), and WU (WUPS); (d) digital broadcasting services such as those provided by the TDX subsidiary, Digital Broadcasting Corporation; and (e) electronic message mailbox services such as those provided by Wiltek (Wilcom) and Computer Corporation of America (COMET)." [18]

Year	Telegram	Telephone (3 min.)	Telephone (4 min.)
1951	$1.45	$2.50	$3.10
1963	2.10	2.25	2.85
1971	5.25	1.35	1.80
1978	7.95	[1]1.30	1.68

[1] 1 minute rate = $0.54.

84. The Department of Justice lists long distance telephone, the U.S. Postal Service and private courier document delivery service as substitutes for telegram. (DOJ Comments, p. 3.) DOJ also notes that a Washington-to-San Francisco telegram of 15 words costs $7.95 delivered ($4.95 if "the customer foregoes actual carrier delivery of a 'hard' or written copy"), while a telephone call is priced at about $1.62, an ordinary letter at 15 cents and overnight document delivery by USPS or private courier costs between $7 and $15. Other services noted in the record are SPCC's SPEEDFAX, electronic funds transfers and bank money orders.

85. It is clear that what once were among the many needs for telegram service have been met by other services. When discussing the alternatives available to the public at large, it first must be remembered that Western Union's entrenched monopoly position has likely barred entry by competitive record carriers. Western Union, by virtue of its market position, sanctioned by this Commission, has been able to control innovation in the public telegram and public message fields unfettered by competitive considerations.

86. Moreover, Western Union's facilities innovation apparently was not directed solely at telegram; it was directed at the host of other Western Union services which use its fungible facilities (*e.g.*, Telex, Mailgram, Infocom, private line, etc.). Western Union's entrenched monopoly position in this field effectively foreclosed entry by others (or even the threat of entry). Thus other entities' creative efforts were not brought directly to bear on PMTS-directed innovation. The "service" innovations which Western Union has introduced have generally lowered its quality from the *circa* 1940 traditional messenger delivered telegram, which could be sent to virtually all communities in the United States and delivered the same day, to what largely is an oral delivery by telephone of a message, accompanied (for an *additional* fee) by subsequent mail delivery of a confirmatory copy of what was read orally a day or so earlier.

87. Second, less expensive substitute services have flourished. Telegrams are not inexpensive as the record of this case demonstrates.[19] For example, at about half the cost of telegram, Mailgram volumes have increased,[20] although delivery is next-day through the mail, as compared with the same day standard for telegram. This would indicate, at least to some extent, that there is a demand for widely available, lower cost record services, even if of not quite the same service standard as a traditional messenger delivered telegram.

88. The fact that telegram service volumes have declined while other substitutes such as Mailgram have increased implies that much of the public has found adequate substitutes. We would agree that there is no service *exactly* like telegram; the substitutes

[17] Telephone offers a substitute for many of the uses of telegrams. The following comparisons demonstrate the relative prices of transcontinental delivered telegrams and three minute and four minute daytime station-to-station (Direct Distance Dialed, where applicable) telephone rates. The four minute rate corresponds to that needed for a typical facsimile transmission, which like a telegram produces a record of the messages.

[18] AFSI Comments, pp. 11–12. AFSI also notes that "Datapost advertises 200 words delivered for $0.80, whereas a 100 word Mailgram is $1.60 and a delivered telegram is $7.75. Digital Broadcasting Corp. advertises that it will transmit a 24-line message for as little as 2.5 cents/page!"

[19] There appears to be some confusion on the record concerning Western Union's current rates. WUTC Tariff F.C.C. No. 255 lists the following rates: Telegrams delivered by telephone or tieline are $4.95 for 15 words or less, 15 cents for each additional word up to 50 words and 9 cents per word over 50 words. Messenger delivery is $3.00 within WUTC delivery zones. Outside these specified areas, the ratepayer is charged the amount incurred by Western Union for delivery. Overnight messages cost $4.45 for 100 words or less and $0.03 for each additional word. WUTC Tariff F.C.C. No. 260 gives a variety of Mailgram rates which depend, among other things, on method of origination (e.g., TWX, Telex, magnetic tape). For "individual messages of different texts" originated by telephone, the intra-United States rate is $2.95 for 100 words or less and $1.50 for each additional 100 words.

[20] Mailgram message volumes and revenues have grown steadily since its inception.

Year	Messages	Revenue	Average revenue per message
1972	1,391,214	$1,802,731	$1.30
1973	5,350,769	7,211,010	1.35
1974	14,313,745	17,222,320	1.20
1975	17,826,194	26,150,400	1.47
1976	20,940,153	34,391,582	1.64
1977	24,357,086	41,876,574	1.72

mentioned above have characteristics which somewhat differentiate them from traditional telegrams. The variation in these characteristics and their perception by the consumer dictates whether they are strong or weak substitutes—whether one service is an acceptable alternative to another and to what degree. As consumers view the range of choices, they may be willing to sacrifice one aspect of one service to gain a benefit from using another service. Thus individuals will make choices among combinations of price, availability, accessibility, speed and any number of the attributes which comprise a "service." Much of the discussion on this record, particularly that of Western Union, seems to imply that the Commission needs to find that there are perfect substitutes for all uses of telegram. This is not the case, nor could it be. Western Union has maintained a monopoly over telegram, and by its nature this monopoly position has barred entry by others seeking to offer telegram or close substitutes therefor.

89. Third, although widely available, telegram service in its many forms is not "universal," as frequently claimed by Western Union. A telegram can be delivered by telephone to any telephone subscriber or by mail to anyone with a mailing address. In these forms, however the telegram loses aspects of its immediacy of delivery in record form. On the other hand, telegrams can be delivered to anyone—at a price. Western Union observes that its tariffed three dollar delivery rate covers 83% of the nation's urban population and 61% of the total population.[21] Anyone seeking delivery outside Western Union's delivery zones must pay the delivery cost incurred by Western Union. The only convenience of this type of service is that Western Union finds a messenger for the sender. Messenger delivery is not unique to Western Union; Graphnet claims that there are over 10,000 messenger delivery services now operating profitably throughout the United States (Graphnet Reply, p. 39). For those telegram recipients outside WUTC's delivery areas, Western Union relies on the same methods of delivery available to anyone at the same rates. The inference to be drawn is that Western Union only provides delivery service where it meets the company's convenience and objectives. This is not a criticism of Western Union's practices, but only serves to reinforce the conclusion that alternatives exist outside of Western Union's service. Western Union itself freely uses substitutes for its own delivery and the "universality" telegram service professed by Western Union relies in large part on facilities and services outside of its corporate control, such as telephone, mail and messenger delivery services.

90. Moreover, Western Union itself has chosen to offer close substitutes for telegram which appealed to certain classes of high volume users who, in the absence of these offerings, would have used and in the past did use telegram. These services (*e.g.*, Telex) drew off large segments of profitable PMTS (telegram) volume, and this shift from telegram to close substitutes in turn was driven by a pattern of ever-increasing telegram prices. While Western Union acknowledges that it has, in essence, "cream skimmed" PMTS traffic (WUTC Comments, p. 16), it claims that it was better to divert this traffic to other Western Union offerings than to competitors, so that revenues from these other offerings could aid Western Union in fulfilling its obligation for the continued provision of PMS (WUTC Comments, pp. 33–34). Not surprisingly, Western Union acknowledges that the present end result of its own "cream skimming" is that it is now left with "only the relatively high-cost, low-volume users entirely dependent on PMS service."

91. Thus, Western Union maintains that telegram is unprofitable, and that to maintain it diseconomic subsidies are required from substitute service offerings. In real terms, therefore, Western Union is arguing not only that its existing monopoly over PMTS should be maintained, but also that the monopoly should be extended to any other service which might be cross elastic with PMTS, thereby preserving a subsidy pattern.

92. Since Western Union's argument is premised on the belief that PMTS cannot be profitable, it is important to examine this basic assumption. We first note that technological innovation can make a previously unprofitable enterprise profitable by lowering the costs of the enterprise (or alternatively, by increasing its efficiency). In this field, the only technological innovation which has occurred has been done by Western Union, because of Western Union's monopoly position. Western Union argues that whatever improvements could have occurred over the past 35 years to make PMTS more profitable (or even break even) have already been made by Western Union, and that we must therefore accept the premise that PMTS will continue to be unprofitable.

93. One problem with this position is that just because Western Union's pattern of innovation over the past 35 years has not made its current version of PMTS profitable does not mean that others could not have done so in the past, or cannot do so in the future. Some comments in this proceeding indicate that PMTS can be profitable. Another problem with Western Union's position is that it seeks to constrain our analysis to exact substitutes for the *circa* 1940 telegraph service—a service which is rapidly disappearing—while the needs previously met by that service have shifted to alternatives as the public's perception of telegraph service has shifted to alternatives as the public's perception of telegraph service has shifted over time. The comments demonstrate that needs for telegraph service increasingly are being met by alternatives in the face of the constraints on entry imposed by our 1943 *Telegraph Merger* decision; absent such artificial market constraints these needs likely will be met even better. There are a variety of substitutes for PMTS and its functional elements which are today meeting needs for PMTS and which will do so in the future.

94. In view of these factors and for the additional reasons listed below we are concluding that there is not a vital public need for Western Union's PMTS today. First, the existence of close and not-so-close substitutes for PMTS in spite of the constraints imposed by the 1943 *Telegraph Merger* decision assures that public need for telegraph service will be satisfied even if Western Union chooses to provide it no longer (a result which we do not expect, see paras. 128–30 below). Moreover, by removing the existing market constraints imposed by the 1943 decision we expect today's substitutes for Western Union's PMTS to become closer to today's PMTS where economically feasible. Second, the decline in telegraph traffic and the concomitant decline in the number of messenger-delivered telegrams since 1945 certainly implies a greatly diminished public need for traditional PMTS. Third, the growth of lower priced substitutes demonstrates that dependency on and need for the telegram has declined markedly. Finally, as we have noted, WUTC's claim of "universality" has been found wanting. This implies that even if there is a need for universal PMTS service, it is being ignored without perceivable ill effects on the public and the public interest.

95. This brings us to Western Union's contention that it is, in effect, a carrier

[21] Contrast this with SPCC's claim that it plans "to be providing service to areas encompassing approximately 80% of the nation's population within the next few years." (SPCC Reply, p. 11).

of last resort. Western Union characterizes PMS as a back-up and emergency service. As to emergency use, the Commission agrees with AFSI's observation that, "From WU's own data (see Table 2 WU *comments*) only slightly over 8% of its 1977 public message traffic can reasonably be categorized as urgent or emergency-based" (AFSI Reply, p. 5). To support its contention that it is a back-up service or service of last resort, Western Union largely depends on the "option demand" paper of Dr. Paul Davidson.[22] The argument is that the market demand does not reflect the full social value of the service because, although consumers do not use the service frequently enough to make it profitable, they still desire to have it around in case they need it.

96. Dr. Davidson's work is questioned by SPCC and Graphnet. SPCC's major objections are the following:

> Western Union's option demand argument does not provide an algorithm or an objective [criterion] which would enable someone to evlauate these alleged costs. The author assumes *a priori* (1) that social costs exist, and (2) the social costs are of a sufficient magnitude to be relevant. However, since the author does not provide a methodology for evaluating these social costs, the above assumptions are unsupported.
>
> Further, in virtually any economy, the consumer always has the option of purchasing one good over another. Regulated or unregulated companies alike bear the risk that they will die a natural death if consumers find their products deficient. Hence, there is nothing particularly unique about PMTS in this respect. The fact that market demand for a service does not accurately reflect the value of that service is *true* of *all* services *not just* PMTS.
>
> However, by focusing on PMTS in this context, Western Union has attributed to PMTS some special characteristics which in fact are common to all services in a market economy. [Footnote omitted.] Since PMTS does not possess unique economic characteristics, it is difficult to see why it should merit any special regulatory consideration.
>
> Moreover, the concept that some social welfare will be "lost" if PMTS disappears from the market ignores the gains that will be made by other services that will enter to meet the unfulfilled demand where entry is unrestricted. (SPCC Reply, pp. 3, 4.)

In a footnote, SPCC maintains that the five necessary conditions for "option demand externalities" presented by WUTC are not cited or referenced. Thus, it is not possible to determine whether the five conditions are meritorious, unique or exhaustive. SPCC opines that the five stated conditions are unsupported assumptions.

97. Graphnet points out that Dr. Davidson assumes that "universal PMS" is coextensive with telegram. Telegram is merely a type of PMS and Dr. Davidson's characterization of the "big decision"—referred to in his testimony as being whether "a universal PMS should be maintained"—is misstated. Graphnet believes that the question should be whether one type of PMS, WUTC's telegram, should be mandated to the exclusion of all others (Graphnet Reply, p. 11). Dr. Davidson asks the Commission to ignore historical market reactions and implement protective policies which, says Graphnet, are not even recommended by Western Union (Graphnet Reply, pp. 18–19).[23]

98. The Commission finds merit in these criticisms of Dr. Davidson's testimony. In addition, there are a number of other disturbing aspects of the testimony that are not addressed by the parties. Dr. Davidson assumes that problems would be caused by duplication of facilities, that PMS meets all conditions for an "option demand externality," that cream-skimming and a system of subsidization by a single carrier are superior to allowing competitive entry, and that Western Union's service is universal and unique.

99. As we have noted above, and as NTIA and Graphnet have argued, it is likely that new entrants would be resale carriers. This is the mode of operation of the instant applicant, Graphnet. That prospect under-cuts the "duplication of facilities" argument since these facilities will be leased from an "underlying" carrier. Further, such leased facilities have a multitude of uses and if an entrant fails, the underlying carrier can put them to use in other sectors of the expanding telecommunications market. As we have noted earlier, many of Western Union's facilities also have multiple uses (are fungible). Even if a firm entered the PMS market using its own facilities, it is unlikely that it would only offer a single service. A review of the new specialized common carrier's service offerings confirms that this fact. It should also be noted that, despite the variety of services it offers, the size of the company, and the amount of its total investment, WUTC itself leases a quantity of facilities from AT&T in what is, in effect, a resale capacity.[24]

100. We shall discuss cream-skimming and subsidization issues later in this decision. At this point, we merely note that Dr. Davidson does not discuss or attempt to refute the benefits of competitive entry. His analysis only covers today's static situation in the telegram market. His only premise is that WUTC's monopoly gives consumers a back-up service which benefits them in excess of what they are willing to pay and that belief is not supported with any evidence other than theoretical arguments. As to the arguments that WUTC's PMS is universal and unique, we have discussed that topic above and found that, while there is not service exactly like telegram, there are a number of alternatives and close substitutes. Western Union's market domination has suppressed the introduction of substitute services for the public, even though businesses have benefited greatly from innovative offerings. That innovation by WUTC and others was made possible by segmentation of the market, accomplished in part by Wester Union's own admitted cream-skimming activities.

101. There are now the means for developing lower-cost public record services with coverage comparable to Western Union's. The current telegram service does not achieve "universal" coverage without losing some of its distinguishing characteristics or using means of acceptance or delivery outside the corporate control of Western Union. There is no question that a message service comparable to Western Union's could be created by another entrant. Of course, that observation does not speak to the desire of other firms to do so or the ability of the record market to sustain any and all services offered. However, the acceptance of Mailgram is encouraging, and in the future better techniques will be available. The dynamics of a competitive market are making record services available for business, but the general public has not so far been a direct beneficiary. Western Union's monopoly appears to have prevented other firms from offering such services to the public. For example, AFSI observes that the continuation of Wester Union's monopoly will hinder, and perhaps bar altogether, the type of facsimile services it envisions (AFSI Comments, p. 6). The imminent institution of "electronic mail" services may provide additional impetus for

[22] WUTC Comments, Attachment 1.

[23] Although Western Union did not recommend explicitly such policies in its Comments, there was a change in the emphasis of its arguments in its Reply. Compare pp. 2–5 in WUTC Comments with pp. 15–16, 20 and especially p. 26 of WUTC's Reply.

[24] WUTC Reply, p. 22. While Western Union owns 90% of its intercity voice-bandwidth and 70% of its intercity narrowband transmission facilities, it leases a variety of facilities from the telephone companies, including local distribution facilities (to connect customers to its intercity facilities), Wide Area Telephone Service (WATS) lines for telephone acceptance at its CTBs, and interstate private lines. Western Union indicates that it intends to replace some of these leased facilities with its own, as it claims that it would be less expensive to build its own plant.

development of new applications of such offerings.[25]

Issue II: *The Viability of Public Message Telegraph Service*

102. At this point in our discussion, it is important to make some distinctions among the various terms used by the parties in referring to the services in question. Western Union includes a number of services in what it calls PMS: telegram (full rate and a number of variants), international telegrams, telegraphic money order service, and Mailgram service (WUTC Comments, pp. 6–9). Graphnet opines that there is a distinction between "telegram service" and "public record service." "Public record service" is the same as "public message service" but it prefers the former term. Graphnet defines "public record services" as a generic term which "denotes a service that permits any member of the general public, on a per-transaction, no-prior-arrangement basis, to send a hardcopy communication to any other member of the general public." (Graphnet Reply, p. 10). Graphnet points out that telegram is one type of public record service, Mailgram is another. SPCC urges that we precisely define the terms used in this proceeding, particularly if we decide to delineate certain services or markets over which we intend to confirm (or reaffirm) monopoly status, to assure that any such *de jure* monopoly is not overly broad. SPCC also faults the definition of public message telegraph service which we used in the *Notice* (footnote 6), and which was taken from *Graphnet Systems Inc.*, 64 FCC 2d 1023 (1977), as unnecessarily broad.[26]

103. We will not attempt to define precisely the contours of public message service here for two basic reasons. First, the many comments filed have indicated that the relevant market to be considered is not narrowly bounded by what was thought of *circa* 1940 as a telegram, nor by what is thought of as telegram today. It includes a variety of public record (or message) offerings generally involving acceptance of a message from the public, electronic transmission of the message, production of a physical hard copy, and ultimately some form of delivery to its recipient. Second, as discussed in detail below, such a definition is decisionally not required in this proceeding. We are opening what may be called the public record (or message) market to competition, and "public message telegraph" is only one method of operation in that market. Since we are neither conferring nor preserving any *de jure* monopoly protection over the PMTS segment of the broader public message market, we need not be concerned with arriving at a narrow definition. For purposes of this decision, we are using the terms "public record service" and "public message service" interchangeably to refer to a broad category of service which includes telegram (or PMTS), Mailgram, and other record services which would be available for use by the general public. We avoid making narrow definitions of individual offerings within that market because they could thwart innovation or confuse potential entrants.[27]

104. Obviously, the viability of "public message telegraph service" depends on what services are included in the calculations, the individual profitability of each and the method used in determining and allocating cost of service. For example, WUTC's money order service faces various forms of rival services. They range from mail money order services to transfer services provided by banks. Bank money order transfer services received prominent discussion on the record, particularly by NTIA (NTIA Comments, pp. 23–25). Although Western Union views the bank money order transfer services as not as accessible as its "universal" money order service, there is no question that there is competition among money order services.[28] Clearly, money order should not be linked to telegram in the discussion of Western Union monopoly services, except to note that the volume generated by money order likely spreads the costs of certain facilities and overhead.

105. Western Union argues that, if a "universal public message service" is to survive, it must be subsidized and that, "if the subsidies are to come from other Western Union services, these services must be protected from excessive competition" (WUTC Comments, p. 40). WUTC estimates that the revenue deficiency for its PMS is currently $29 million, assuming a 12% after tax rate of return. It notes that the amount of the deficiency depends on the degree to which the Commission permits other carriers to divert PMS traffic. Western Union's witness, James P. Daly, reports that the overall loss on public message service in 1976 was $1,443,000. In the same period, WUTC had an overall pre-tax return of 7.5%.[29] Without judging the validity of WUTC's cost allocation methodology we still may draw some conclusions in light of the Return on Investment (ROI) reports. First, WUTC's $29 million estimate may be unrealistically high. Its projections are made on the basis of a 12% post-tax return, but its company-wide 1977 actual pre-tax return was only 7.5%. The higher return is no doubt desirable to Western Union and was used in its June 30, 1978 Combined Service Tariff Filing, but the 12% figure is far different from its historical results, as shown in Table 1.

Table 1.—*Western Union Telegraph Co. Pre-Tax Percent Return on Investment*

	1977	1976	1975	1974
All services	7.5	6.6	6.5	7.0
Private wire services	1.4	1.5	2.9	5.6
Non-communication services	(22.3)	(11.7)	(0.0)	13.4
Hotline	4.7	9.3	5.8	6.8
Broadband	(21.4)	(21.0)	(18.1)	(15.9)
Telex	17.8	17.4	18.1	18.7
TWX	18.3	15.7	12.0	10.5
Mailgram	(2.2)	(7.5)	(1.2)	(9.2)
Public message and other services	0.9	(0.9)	(4.1)	(6.0)

From: WUTC *Return on Investment* Reports, for twelve months ending December 31 of the years listed. Negative returns indicated by ( ).

106. In its Combined Service Tariff Filing of June 1978, Western Union offers the breakdown of PMS investment shown in Table 2. The figures reflect 1977 operating results.

[25] See NTIA Comments, pp. 22–23 for a discussion of U.S. Postal Service plans for electronic mail services.

[26] That definition is: Public message telegraph service is ordinary telegram service, in which the carrier . . . accepts either written or oral messages at a public office or via the public telephone network, transmits those messages to its public office in another city, and delivers the messages either in written or oral form to the designated recipient. No customer terminal equipment is required. Unlike the customer who uses public long distance telephone service, the telegram customer does not subscribe in advance to any service and get his premises connected to the network. *Graphnet Systems, Inc.*, 64 FCC 2d 1023 (1977).

[27] The Department of Justice argues that the traditional neat distinctions between different classes of record service are essentially obsolete today. (DOJ Comments, p. 15.)

[28] NTIA cites the availability of money order service from 45,000 banks and branches at rates below Western Union's. Senders and recipients need not have bank accounts. Also, WUTC does not provide money order delivery outside its principal cities. As EFT systems become more prevalent, NTIA believes that other organizations will begin offering money order services. WUTC retorts that its rates for average money orders ($185 is average) are comparable to bank rates. Also, many smaller banks do not offer this service. Banks will only serve noncustomers on a case-by-case individual basis. Western Union has longer hours than banks and does provide messenger delivery at 4,000 points; and places where 61% of the nation's population lives. (WUTC Reply, pp. 10–12).

[29] The overall loss on PMS in the Return on Investment (ROI) Reports was $1.4 million. The loss on international was $9.5 million. This implies that WUTC is attributing an $8.1 million profit to domestic operations. Although the Commission is aware that problems may exist in WUTC's cost allocation schemes, this result is striking nevertheless, in light of many of Western Union's arguments in the record of this proceeding.

Table 2

[In millions of dollars]

	Net investment	Operating revenue	Operating revenue deductions	Net revenue
Intrastate	22,998	22,955	20,585	2,370
Interstate	82,236	72,124	72,439	(315)
International	34,667	19,954	25,063	(5,109)
Total	139,901	115,033	118,087	(3,054)
Non-regulated	529	6,799	1,759	5,040
Total	140,430	121,832	119,846	1,986

Source: WUTC Combined Service Tariff Filing, June 1978, Form WP-PMS-PRE-1

107. We take no position on the validity of the above figures because the method of allocation is not at issue in this proceeding, but they are indicative of the way that Western Union views and represents the earnings of public message service (excluding Mailgram). In the same Combined Services Tariff Filing, WUTC projects continued losses on regulated PMS, including particularly large losses on the international service, even with the requested rate relief.[30] Western Union also forecasts decreasing demand for domestic PMS services.[31] On the basis of this and other material on the record of this proceeding, it is fair to say that Western Union paints a gloomy picture for the future of its PMS.

108. These cost allocations and forecasts performed by Western Union have not yet been assessed by the Commission, and there is much disagreement in the record concerning WUTC's methods. For example, ASC contends that WUTC is using its cost allocations to load a disproportionate share of overhead costs on PMS (ASC Comments, p. 4). RCA Globcom alleges that domestic telegram is being subsidized by international services since the allocation method used by WUTC (relative use) shifts plant built for domestic service to international in the face of declining domestic demand. The relative stability of international traffic causes it to bear larger and larger portions of total plant. If WUTC's figures even approximate an acceptable cost allocation scheme, they would indicate a distinct problem for WUTC. The situation of declining demand for telegram service coupled with a large investment in fixed plant creates problems for the recovery of investment. On a fully distributed cost basis it would appear that PMS would carry continued losses. However, as we noted above in Issue I, many of these facilities are fungible, and as NTIA points out,

> As to whether PMTS is now economically viable, we should caution that the failure of PMTS to pass a Fully Distributed Cost test is not indicative of economic viability of the service. It may well be in the interest of Western Union to maintain PMTS at revenue levels below Fully Distributed Costs if the revenues received exceed avoidable costs of discontinuing the service. As to whether the service could be made economically viable if it is not so now, one possibility is that some vendor other than Western Union could provide the service at a profit. Either because of management deficiencies on the part of Western Union or because of embedded investments which provide disincentives to using the best available technology, it is possible that competitors might improve upon the current service. Another related possibility is that FCC regulations have the effect of making an otherwise profitable service lose money. (NTIA Comments, p. 19.)

109. We find merit in NTIA's arguments. As noted elsewhere in this decision, other record services have been developed, mostly oriented toward business users. Western Union's monopoly has acted as the major barrier to entry in the public record field. One would expect, as a practical matter, that the services introduced have been undertaken by various carriers with reasonable expectations of profitability. It cannot be surmised that Graphnet's entry is motivated by expected continued losses. There is no guarantee that any undertaking will be successful, but the facts remain that entry is desired and services are being introduced where allowed.

110. As a result of this inquiry and the rule changes which we shall propose, the Commission will seek to create an atmosphere in which Western Union, as well as its competitors, may make management choices in the least restrictive manner which the Communications Act allows. Thus, Western Union will be able to re-evaluate its PMS and make changes and modifications to those aspects of the service which it considers unprofitable.

111. Turning to the issue of subsidies, it has been suggested that the Telex and TWX services have been the major source of subsidies for PMS service.[32] There is no dispute on the record that Telex and TWX are the most profitable of Western Union's services. Western Union's ROI Reports (see Table 1) indicate that Telex and TWX generate by far WUTC's highest returns. In fact, the company maintains that they are the only services where returns exceeded the company-wide rate of return in 1977. The figures indicate that these services are not only "subsidizing" PMS but are carrying the rest of Western Union services, as well.

112. The Commission has recognized that Telex would be used to subsidize other services:

> "Furthermore, while the company's integration program for the various classes of service in 'PMS and Other' and Telex is just in its intial stages [reference omitted], we cannot ignore the fact that such integration is

[30] "Part 61.38 Explanation and Data Supporting Tariff Revisions For Domestic TELEX and TWX Services, Mailgram Service, Domestic TELEX and TWX Service for Connection with the Inbound Overseas Telex Services of the IRCs, Public Message Service and Private Wire Service," June, 1978, Attachment K.

[31] *Id.*, Attachment D.

[32] See, for example, NTIA Comments, p. 20; AFSI Comments, p. 9.

the ultimate objective, that users of PMS and Telex, as well as other services, will benefit therefrom; that Western Union is proceeding toward that objective; and that the earnings from Telex are supportive of that program at this time. In short, we are confronted with unusual circumstances, and it is only on the basis of these usual [sic] circumstances that we conclude that the present Telex rates are the maximum rates that can be found to be just and reasonable and not inconsistent with the public interest" (27 FCC 2d 515, 540 (1971)).

113. The rates for Telex and TWX are at issue in CC Docket 78–97. Since they appear to be subsidizing many of WUTC's services, not just PMS, we shall not attempt to track the amount of subsidy going to any single service such as PMS. We note, though, that WUTC's integration program is complete and the Integrated Record Message System is in place and functioning (WUTC Comments, pp. 25–29). Suffice it to say that, based on the fully distributed cost method put forth by WUTC, PMS is not generating a return equal to the company wide return while Telex and TWX services are generating returns in excess of the company-wide rate.

114. While it is not clear that PMTS, as currently configured by WUTC, can be made viable, at least one entrant seeks authority to offer service in what WUTC represents as the least profitable portion of its public message services. Whether the use of a different facilities configuration, lack of embedded facilities, newer technology or different management leads Graphnet to believe that entry is desirable, it is clear that Graphnet is willing to try. By its own estimates, Graphnet does not believe that it will capture the entire hinterland delivery business for international messages. We believe this to be further indication that a viable service is possible, under conditions of supply different from those traditionally or currently adhered to by Western Union.

Issue III: *Does the Public Interest Require (i) Continuing the Role of WUTC as Sole Source Supplier of PMTS; (ii) Requiring the Continued Offering of PMTS; and (iii) Subsidies for PMTS?*

115. The touchstone of our analysis of these issues is the current (and likely future) needs of the public for generally available record communications services, whether these needs are now being satisfied, and how they may better be satisfied in the future. If any changes are to be made in our current regulatory policies, we must assess their likely effects on existing rate patterns and on overall service available to the public.

116. Any requirement for the continued offering of the PMTS segment of public message service, as it is now structured, is intertwined with the role of Western Union as the sole source supplier of domestic PMTS. We find below that it is not in the public interest to retain Western Union as the sole source supplier of PMTS. Thirty-five years of monopoly have not produced a vigorous, publicly available record communications service. Rather, it has produced ever-increasing telegraph rates, diseconomic subsidies from more vigorous services, and increasing volume declines as the public finds and uses other services more closely tailored to its needs. Arguments have been advanced on the record that Western Union's service could be offered for a significantly lower expense with relatively little investment.

117. The PMTS monopoly could also be a barrier to the development by privately owned enterprises of systems which may compete with U.S. Postal Service electronic services, as NTIA and DOJ have commented. NTIA urges that private firms should have freedom to respond with service offerings and pricing policies in a flexible and competitive manner. The Commission should make it clear that the electronic message market will not be artificially segmented and that it will facilitate the private sector's ability to meet the public's needs for record services. DOJ also sees ramifications of this proceeding beyond PMTS. Besides services being created by the "marriage" of computers and communications which are significantly cross-elastic with traditional telegraph-type offerings, many news services are being developed as alternatives to traditional mail delivery services—electronic mail. There is great uncertainty surrounding the development of these services. Favorable Commission action could remove some of this uncertainty. The Justice Department recommends deregulation of the entire domestic public message field.

118. The major argument advanced by Western Union in support of its monopoly is that competitive entry would cause harm to its "universal" telegram service. In Issue I, we reviewed the claim that service was universal and found it wanting in several respects. In fact, ITT Worldcom argues that Western Union has eliminated the market for universal PMS by its own unilateral action. Worldcom claims that it is futile to give serious consideration to the idea of same-day public message delivery to all points, large and small, because Western Union has made a concerted effort over the years to eliminate offices at lower density points. Worldcom also suggests that Mailgram, with its use of the CTBs for acceptance and USPS for delivery, has eliminated the need for most offices (ITT Worldcom Comments, pp. 4–5). Western Union also points to its large investments in facilities for the benefit of its PMS. Although these investments are significant, the largest portions are in common or fungible equipment. The costs of these facilities, installed for the use of many services, were borne primarily by Telex and TWX users. What benefits have been derived, besides higher rates for most users, and especially Telex and TWX customers, are not readily apparent. Although Western Union can claim better service quality in the past few years, these gains have not been costless. It is also uncertain that PMS users have been the major beneficiaries of such subsidies. Addressing WUTC's plans for modernization and its program to integrate Telex and other services, this Commission noted that, "[W]e cannot ignore the fact that such integration is the ultimate objective; that users of PMS and Telex, *as well as other services*, will benefit therefrom" (27 FCC 2d 515, 540 (1971); emphasis added). More recently, we noted that, "Consequently, it is obvious that Western Union is utilizing the high returns on Telex and TWX services to offset, wholly or in part, losses or deficient returns on PMS, Mailgram, and various competitive services, as well as some non-communication services" (FCC 78–186, 1978, par. 11). Thus, it is reasonable to ask how the public benefits from this activity. PMS rates are increasing,[33] Telex and TWX rates may be kept artificially high, and the general public has a limited selection of choices from which to fulfill its record communications needs, while business

[33] It should be noted that its telegram service offering is apparently more labor intensive than other telecommunications services and that there may be limits to which WUTC can control labor costs. On the other hand the Commission is asked by the unions (CWA and UTW) to continue its current policies, at least partially because of potential job losses which the unions anticipate from a pro-competitive Commission decision. The Commission is cognizant of the reduction in the number of employees of Western Union over the years. It is not clear from the pleadings precisely how our decision would affect the current employees of Western Union. The entry of new firms and any stimulus caused by competitive activity should act to ameliorate short term dislocations, if any occur. In the aggregate, job opportunities may increase, although the nature of the mix of available jobs may change. Although the Commission recognizes the social importance of continued employment opportunities, in this case the communications benefits to the whole public far outweigh the speculative detriments feared by the unions.

users have benefited form competitive offerings. The Western Union monopoly is a major barrier to the development of alternative public services. Numerous parties have pointed out that the 1943 merger has failed to fulfill public policy objectives. See, for example, SPCC's discussion (SPCC Comments, p. 5) concerning poorer service, higher prices and decreased availability of telegram service and DHL Communications' (Reply, pp. 6–8) comments on changed conditions in this market since 1943.

119. Some parties have contended that our decision in *Press Wireless;* 21 FCC 311, (1956), bars entry of new firms into the public message field. In *Press Wireless,* 21 FCC at 317, we said:

> It appears to us, that although Western Union is not entitled as a matter of law to the exclusive grant for pick-up and delivery of international traffic in the hinterland, the obligation it has to provide such service at all times, whether traffic be heavy or light, carries with it the privilege of continuing to provide service and reap the revenues of heavy traffic volume, unless it is demonstrated that it is unable to do so in a manner which will serve the public interest, or some other carrier will provide service which is so superior as to support a finding that the public interest would be served by a grant of its application. Any other course of action would enable the international carriers to pick and choose the times and places where they desire to provide service and incidentally reap the benefits thereof in revenue and leave Western Union with the obligation to provide service at all other times and places. We do not believe that such a policy on our part would serve the public interest.

120. *Press Wireless* sought to establish a temporary connection with the IRCs for transmitting information during the Democratic National Convention during 1956. The Commission distinguished this application as follows:

> In balancing these equities, it appears to us that they are in favor of Western Union which assumes the burden of providing continuous service. This situation is to be distinguished from one where Press Wireless would undertake to expand its area of service on a permanent basis. (21 FCC at 318).

121. We believe that the opening of the public record market to competiton is consistent with *Press Wireless.* First, for example, Graphnet's application is not for temporary service. We do not contemplate that other carriers, if they seek to enter this area, would be doing so on a short-term basis. Second, we shall propose rule changes which will significantly affect Western Union's burdens in this market. These should act to ameliorate any problems which Western Union will confront. As far as the need to serve "at all other times and places," it is clear from our discussion in Issue I that WUTC has not experienced significant difficulty in modifying its operations through agency and office closings and conversions. Also, we have noted the changes in its method of operations, particularly its increasing dependence on the telephone operations of the CTBs and decreasing reliance on offices, agencies and messenger delivery. We noted in Docket 18908 that, "PMS is in a state of flux and the ultimate form it will take is beyond our knowledge" (27 FCC 2d 787, 828 (1971)). The service is still changing, and the state of our knowledge of its future is still uncertain. However, as we have shown it is declining and the *status quo* is not conducive to its regeneration, either in a form similar to what it is today, or some new form, such as a facsimile-oriented system.[34]

122. It is the Commission's opinion that entry of rival firms will better meet the Act's Section 1 objective than retention of the *status quo.* Many services correspond to the component portions of Western Union's PMS. The electronic functions could be handled by other networks; transmission, for example, could be handled via MTS, WATS, CCSA, FX, DDS, SPCC's digital networks, domestic satellites, or value added resale networks (*e.g.,* Telenet, Graphnet). These hardly exhaust the possibilities. The point is that these services and networks allow transmission prices which are well below Western Union's telegram rates—low enough, in fact, to absorb acceptance and delivery costs and possibly be less expensive than WUTC's service.[35]

123. As we noted above, Western Union avails itself of other delivery services outside its own delivery zones. There are many delivery services throughout the country. Graphnet remarks that there are more than 10,000 messenger delivery services and 5,500 telephone answering services nationwide. Besides these, there are a number of other potentially useful services. For the delivery function, there are postal delivery, postal private express, futuristic cable television offerings and maybe even broadcast offerings like digital broadcating. Besides answering services, secretarial services, agents or even post offices are possible acceptance points.

124. While any entrant could assemble a set of agents or open a number of offices, the unique feature of Western Union's operation may be its already established set of offices and agencies. WUTC claims that the introduction of competition will have a negative effect on the number of offices and the availability of its public services. Thus, it argues that competition will reduce services available to the public rather than increase the number of options. As we have shown, the number of offices has plummeted and most of the service locations are agencies. Agents are paid on a commission basis. While there are certain costs borne by Western Union in its agency operations (*e.g.,* terminal, rate schedules, training, signs), they are not so pervasive as to bar Western Union from shifting its emphasis to agency operations and indeed increasing the number of its agenices [36] in spite of its purported continued losses from PMS.

125. This threat of the loss of a public message service loses its credibility when, besides viewing the current means of pick-up and delivery as we have done above, one considers the costs and potential availability of alternative message service systems. There are thousands of telephone answering services and messenger delivery services throughout the country. Graphnet states that a turnkey facility to duplicate Western Union's service could be established for a monthly lease cost of between $160,000 and $175,000 and that "all necessary computer switching equipment, data processing equipment, terminal equipment, software development, land, buildings and office equipment could be developed or purchased for $4.75 million" (Graphnet Reply, pp. 40–41). Even if this figure is grossly understated, it is inconceivable that total investment could reach the $139 million allocated by Western Union to "public message and other services." [37] The record convinces us that there is untapped demand for cost-effective public record and message services, but that Western Union's pattern of service reduction, escalating PMTS rates, and offering of substitutes have frustrated and siphoned off that demand. Moreover, the monopoly position which Western Union has acquired in the PMTS field, in

[34] At one time, Western Union contemplated a facsimile oriented system, called Telefax, for public use. See 10 FCC 148, 175 *et seq.* (Dissent of Commissioner Durr) for excerpts from a 1943 statement of Western Union's vice president in charge of engineering.

[35] When it first introduced *Speedfax,* SPCC proposed sending a facsimile message across the country in less than a minute for 20 cents. Also, see rate comparisons in the above discussion of substitute services. Graphnet shows prices from 25–30% below Western Union's (Graphnet Reply, p. 17).

[36] In 1976, WUTC had 4742 agencies. This number increased to 5019 in 1977.

[37] WUTC Combined Service Tariff Filing, June 1978, Form WP-PMS-PRE-1.

part through our regulatory decisions, has assured that this demand will not be tapped by others. Notwithstanding the formidable regulatory barriers to entry in this field, a variety of cost-effective substitutes for certain uses of PMTS have arisen. Users are apparently satisfied with these inasmuch as they are using these substitutes and not the traditional (or current) telegram. If a portion of the public has been served under current regulatory policies, it is apparent that it would be served even better by regulatory encouragement of competition.

126. In sum, we believe that there is no public interest reason for continuing the role of WUTC as the sole source supplier of PMTS and we expect that the interjection of competition into this area will encourage innovation, greater efficiency and lower costs. [38] We are confident that the public will be served by allowing multiple entry in these markets. However, should there arise any unforeseen adverse consequences from this decision we retain ample power to take appropriate corrective action. [39] As we discuss in Issue IV below, we will be carefully and continuously monitoring changes in these markets in a systematic fashion, and we will be focusing on the entire record service field to detect changes (if any) in overall service available to the public. Our primary concern will be the level of aggregate service which is available to the public. The effect on service rendered by any particular company is of concern only insofar as it has an impact on the *overall* level of service which is available to the public from all sources.

127. Now we may return to the remaining sub-issues in Issue III: first, requiring the continued offering of PMTS and second, authorizing subsidies for the service as a matter of public policy. If significant competition develops in the public message field, it would not be necessary to take steps to insure the continued offering of PMTS as a matter of public policy. The need for the service would be clear from the public subscription to it, and carriers would voluntarily strive to fulfill the demand without any necessity for the Commission to require any one or number of carriers to provide the service.

128. There is the possiblity that PMTS, as it is now constituted, may disappear. The decline in service volume has been profusely documented, and some parties even venture that PMTS as now constituted *will* disappear and other services will replace it (Telenet Comments, p. 11; ASC Reply, p. 4). In light of the alternative services available, we do not believe that the public interest requires us to insure the continued existence of PMTS for its own sake. Nor do we believe that the continued availability of the old-time telegram is essential to insure the continued availability of generic public record services. Western Union's so-called PMS still accounts for revenues of $95 million per annum. This is too large a market to be left unserved by communications carriers and we have no doubt that it will be served, whether by Western Union type services or in some other manner.

129. If Western Union were to "close down" its telegram service, there could be some temporary adjustment problems for the delivery of international messages. As RCA Globcom points out, the hinterland public comprises almost 50% of the users of overseas telegram service (RCA Globcom Comments, p. 7). We mention in passing that, as to the domestic delivery of international telegrams, nearly any domestic delivery system may meet International Telecommunications Union (ITU) standards, to which the U.S. subscribes. [40] While in some other countries, same-day delivery may not be available, our obligations under Section 1 of the Communications Act calling for "a rapid, efficient, Nation-wide and world-wide wire and radio communication service with adequate facilities at reasonable charges," may arguably require something more than, for example, a next-day mail delivery of such a message.

130. Western Union could attempt a wholesale shut-down of its remaining offices and agencies. While this is an unlikely result, we must be mindful of WUTC's increasing reliance on telephone operations and its history of office and agency closures. The Commission agrees in principle with NTIA's position that, at least in a competitive environment, we should not impose the obligation to serve where service is outdated or uneconomical (NTIA Comments, p. 4). In this case, others could enter and offer forms of delivered direct-to-customer record communications similar to today's service, perhaps using a different technology for the electronic transmission or a telephone delivery system with optional mail confirmation (also similar to large portions of WUTC's current operation). Money order services are already widely available. These possibilities are discussed by the parties in this proceeding, along with the enumeration of possible substitutes (see Issue I, above). The important point is that weak substitutes certainly exist and close substitutes, if not available to the general public today, are in operation serving certain segments of the record market and could be modified for service to the public. Furthermore, Graphnet is prepared to enter at least one portion of the public record communications market. [41] Practically, Western Union has a sufficient stake in its plant investments and system of agencies that a wholesale shut-down is unlikely. In sum, there appears to be no need for the Commission to make a finding mandating the continued offering of PMTS.

131. Since we are embarking on a course of open entry and endorsing a pro-competitive approach to the provision of record services for the public, it would be inconsistent to endorse a system of subsidies for public message telegraph service. Western Union will be given sufficient latitude to modify its operations to achieve suitable profitability. However, we caution Western Union that its fully distributed cost methodology, upon which it bases its claim of losses from public message services, is still in question. Also, in the presence of significant embedded fungible investment and declining demand at current prices, the fully distributed cost test may not give proper indications of the desirability of the continued offering of a service. It should also be noted that the system of subsidies among the many WUTC services has yet to be determined to the satisfaction of the Commission (see Issue II above).

[38] ITT Worldcom avers that Graphnet's lower cost will be a stabilizing influence on WUTC rate increases besides stimulating improved efficiency on Western Union's part (ITT Worldcom Comments, p. 7).

[39] For example, if Western Union's claim that PMTS must be subsidized by other services is borne out, we might authorize subsidies to PMTS from other services, at least as a stopgap. Or, we might recognize, as is suggested elsewhere in this decision, that PMTS is no longer within the "universality" mandate of Section 1 of the Communications Act, and allow its demise.

[40] The ITU calls for the establishment of six mandatory classes of international telegrams: (1) telegrams relating to the safety of life; (2) government telegrams; (3) meteorological telegrams; (4) telegrams concerning persons protected in time of war; (5) ordinary private telegrams, and (6) telegraph service correspondence. However, delivery is only required by any available means. Telegraph Regulations, Articles 4 and 5.

[41] SPCC adds, "It is clear that a number of existing carriers, including Graphnet, Telenet and SPCC, for example, are ready, willing and able to serve the record market. Additional carriers may materialize as well." (SPCC Reply, p. 10). Graphnet has proposed a two year experiment during which it would offer a nationwide public record service (Graphnet Reply, p. 63–64).

132. We note that there have been no complaints on the record concerning possible anti-competitive effects of subsidization of regulated PMTS by Telex and TWX services,[42] sanctioned by the Commission in the past contemplating the monopoly provision of PMTS. This is probably because the applicant, Graphnet, is prepared to offer service at rates lower than Western Union's. The rate levels for Telex/TWX and the subsidies generated thereby are at issue in CC Docket 78–97. Therefore, we shall not delve into that problem in this proceeding. For the purpose of this decision, we observe that, given the nature of Western Union's monopoly and the regulatory restraints placed upon it in the past, such subsidies may have been warranted. However, in the future such subsidies may become troublesome; as a general matter, pending the outcome of CC Docket 78–97, we view the presence of subsidies for ostensibly "competitive" services as undesirable.

Issue IV: Regulatory Standards and Procedures for Domestic PMS and Private Record Carriers; Regulatory Relief for Western Union

133. During the past thirty-five years of Western Union's telegraph monopoly, we have developed a large body of regulations and regulatory constraints intended to protect the public in a monopoly market structure. In view of the possibility of allowing multiple entry into this market, we sought comments in the Notice herein about changing these regulations and regulatory constraints to better promote efficiency, and to acknowledge the protection of the public which will be accorded through competition.

134. A number of parties, particularly NTIA and DOJ, have recommended that we minimize direct regulation of the domestic record communications business. DHL Communications has asked that we specifically allow multiple entry in non-PMTS record services (and therefore assure that a monopoly over PMTS is not extended to peripheral offerings). Similar sentiments are expressed by SPCC, AFSI, Telenet and ASC. Western Union argues that, if we decide to allow multiple entry in PMS, we should follow the recommendations of NTIA and DOJ to relax current pervasive regulation of Western Union's participation in this market (WUTC Reply, p. 32).

135. The Department of Justice points out that an affirmative finding by the Commission "that it will seek to minimize its regulation of all domestic record carriers, including Western Union, would signify to the investment community that new electronic communications services, while they may fail to win acceptance in the marketplace, will neither be subjected to unnecessary regulation, nor hampered by artifically created regulatory barriers." (DOJ Comments, p. 13). The Department notes further that the courts have repeatedly upheld the FCC's reliance on competition as a surrogate for detailed and intrusive regulation, citing *NARUC* v. *FCC*, 525 F.2d 630, 634 (D.C. Cir. 1976). Justice suggests, for example, that a possible approach to deregulation of public message telegraph service might be to eliminate all specific classes of telegraph service, since the traditional distinctions between different forms of telegraph (and record) service have been made obsolete by an availability of telecopiers, facsimile devices, data processing equipment, and imminent new electronic services.

136. The Department suggests that open entry and competition should be extended to all classes of telegraph and record communications. Assuming that this policy is adopted, traditional regulation should be relaxed to the base minimum which is required under the Communications Act.[43] It suggests that traditional regulatory requirements such as certification and facilities authorizations, tariff filings, and rate regulation (or review) could be reduced to a simple minimum such as registration, and that such action would be legally sustainable.[44]

137. NTIA contends that telegraph service "when viewed in the context of the rapidly evolving telecommunications industry generally, should not only be competitive but should also be substantially, if not totally, deregulated." (NTIA Comments, pp. 4–5). Deregulation would allow all carriers who might wish to enter the market to be "free to structure their offerings in an optimal manner and . . . to discontinue the service if it proves not to be viable" (NTIA Comments, p.26). In essence, NTIA is arguing that we should forbear the type of entry and discontinuance regulation embodied in Section 214 of the Communications Act. In NTIA's view, full Title II common carrier regulation which serves no public policy objectives should not be allowed to thwart entry into a market currently characterized by declining revenues and a declining share of the overall communications market.

138. AFSI calls upon the Commission to relax its regulatory controls, eschew regulation of services which are not squarely common carrier, give clear guidelines for waiver requests under our computer rules and expedite handling of resale Section 214 applications. It offers four recommentations for a competitive approach to PMS services: First, WUTC must be relieved of excessive bureaucratic burdens such as speed of service studies and that requirements for office conversion should be eased. Second, the FCC should recognize the need of offerers of record services for interface with the U.S. Postal Service, especially in rural areas. Such interface should be available to all providers of public message services. Third, providers of PMS should be regulated as resale carriers with no need to make a showing of public convenience and necessity. Entrants would only have to demonstrate legal, technical and financial feasibility. Fourth, there should be strict cost accounting under FDC Method Seven for carriers or separate corporate entities should be established to act as a check against cross-subsidization.

139. Telenet argues that if Western Union is to be relieved of a requirement to offer PMTS generally, it should also be relieved of the requirements which were especially imposed upon it solely by virtue of its previous monopoly over PMTS. PMTS should be treated just like any other non-monopoly communications service. Telenet argues that the "deregulation" issue has been resolved in Docket No. 20097 and is before us again in the Second Computer Inquiry (Docket No. 20828). In *Resale and Sharing*, Telenet continues, the Court of Appeals noted that the Act imposes certain obligations which are unavoidable. The Commission may not totally deregulate, but Telenet observes that "a number of incidents of PMTS regulation could be modified or abolished upon a Commission determination that the service would cease to be regarded as a *de facto* monopoly." (Telenet Comments, p. 11).

140. SPCC suggests a number of regulatory changes which should be made. As criteria for entry, the Commission need only examine financial and technical matters and the character fitness of an applicant. Observing that the Commission must

[42] AFSI has made certain accusations concerning Western Union's truck permit service. However, these are not at issue in this proceeding.

[43] The Department acknowledges that we may not have sufficient flexibility under the Communications Act to deregulate completely.

[44] The Department notes the Commission's flexible statutory mandate under which it may adapt its processes to changing conditions, and it cites *Philadelphia Television Broadcasting* v. *FCC*, 359 F.2d 282 (D.C. Cir. 1966) and *General Telephone of Calif.* v. *FCC*, 413 F.2d 390 (D.C. Cir. 1969).

regulate rates, SPCC recommends that filings be expedited and the FCC refrain from direct involvement in rate filings unless it is acting on a complaint. The market should govern facilities construction and the Commission should only assert control over frequency use. As for abandonment, reduction or impairment of service, it points out that, since alternatives to PMS exist and since PMS depends greatly on the telephone, rules designed for monopoly need not be applied.

141. As the comments suggest, abolishing the monopoly in telegram service would reduce the need for government regulation. Elimination or reduction of existing requirements could occur in two contexts: (a) entry of carriers into the PMS market, and (b) regulation of PMS carriers after entry has been authorized. We discuss both of those areas in turn.[45]

1. *Entry Requirements:*

142. In adopting an open entry policy for PMS, we must be guided by the holding in *F.C.C.* v. *RCA Communications*, 346 U.S. 86 (1953). There, the Court remanded a Commission decision which had been reached on the basis of a presumed national policy in favor of competition. The Court observed that "encouragement of competition as such has not been considered the single or controlling reliance for safeguarding the public interest," *Id.* at 93, and it established a standard to make clear the manner in which the Commission can use competition as a standard of entry:

> In reaching a conclusion that duplicating authorizations are in the public interest wherever competition is reasonably feasible, the Commission is not required to make specific findings of tangible benefit. It is not required to grant authorizations only if there is a demonstration of facts indicating immediate benefit to the public. To restrict the Commission's action to cases in which tangible evidence appropriate for judicial determination is available would disregard a major reason for the creation of administrative agencies, better equipped as they are for weighing intangibles "by specialization, by insight gained through experience, and by more flexible procedure." Far East Conference v. United States, 342 U.S. 570, 575 (72 S.Ct. 492, 494, 90 L. Ed. 576). In the nature of things, the possible benefits of competition do not lend themselves to detailed forecast, cf. National Labor Relations Board v. Seven-Up Bottling Co., 344 U.S. 344, 348 (73 S.Ct. 287, 289 97 L. Ed. 377), but the Commission must at least warrant, as it were, that competition would serve some beneficial purpose such as maintaining good service and improving it. Although we think RCAC's contention that an applicant must demonstrate tangible benefits is asking too much, it is not too much to ask that there be ground for reasonable expectation that competition may have some beneficial effect. Merely to assume that competition is bound to be of advantage, in an industry so regulated and so largely closed as is this one, is not enough.[46]

143. This standard was subsequently applied by the U.S. Court of Appeals for the 9th Circuit in affirming our *Specialized Common Carrier Decision*, 29 FCC 2d 870 (1971). *Washington Utilities and Transportation Commission* v. *F.C.C.*, 513 F. 2d 1142 (9th Circuit, 1975). There, the court upheld our decision to permit "open entry" in the specialized carrier field. However, this did not mean that we had disposed of the need to ask questions going to "the qualifications of the applicants on the sufficiency of particular proposals." *Id.* at 1161. *Washington Utilities* established that the Commission may, by rule, dispose of any need to address the following issues on a case-by-case basis: (a) the adequacy of existing service, (b) the need for the new service, and (c) the desirability of competitive entry. Since we retained power to determine whether particular applicants are qualified and proposed services are technically and economically sound, the case did not address the scope of our discretion to grant certificates without inquiring into such questions on a case-by-case basis. We will not inquire here as to whether such scrutiny is required by the Communications Act, since we have decided that the same policy upheld in Washington Utilities will best serve our public interest obligations in this field.

144. In *Washington Utilities*, the court upheld our open entry decision for specialized carriers based upon the following warrant:

> The Commission based its conclusion upon the following general findings: "[T]here is a public need and demand for the proposed facilities and services and for new and diverse sources of supply, competition in the specialized communications field is reasonably feasible, there are grounds for a reasonable expectation that new entry will have some beneficial effects, and there is no reason to anticipate that new entry would have any adverse impact on service to the public by existing carriers such as to outweigh the considerations supporting new entry." . . . These findings are based in turn upon subsidiary factual determinations, forecasts, and expert judgments detailed in the Commission's report. . . . [T]he Commission said, "It is our judgment based on our cumulative knowledge of the industry and the entire record in this proceeding—including our staff's analysis, that there is a sufficient ground for a reasonable expectation that new entry here will have some beneficial effects. We so warrant." [47]

145. We similarly are concluding here that an open entry policy in the public record service will benefit the public interest. As we have observed, a number of alternatives exist to Western Union's service and others are reasonably imminent. There are a number of new services already available to limited groups of (primarily) business users, and by adopting an open entry policy, we expect such service innovations to benefit the whole public more broadly. There is no public interest consideration to justify impeding these likely new entrants from being given the opportunity to bring new developments to the public. However, unless we remove current barriers to entry, the benefits of these developments are likely to be offered selectively. Our new policies and the technological innovation which we expect them to stimulate will make it possible for potential suppliers of PMS and similar services to attempt to rejuvenate this market. Thus, an open entry policy will serve the public interest, convenience and necessity.

146. Open entry and the ability to introduce new services does not, of course, insure their success; any entrant must accept the possibility of failure in a competitive market. Just as we will attempt to maximize efficiency to the public and reregulate this field to the maximum extent permitted by the Act consistent with this goal, we similarly must not act as a guarantor of inefficient services and offerings. We recognize that our expectations in this area, however reasonable and supported by the record of this proceeding, may not necessarily be fulfilled in the vagaries of a competitive market structure. However, we retain adequate power to ensure that the public interest will be served (see our discussion under Issue III, above). It appears that the needs of consumers will be met, and our statutory obligation to assure an efficient nation-wide, world-wide communications system at reasonable cost will be furthered.

147. The effects on Western Union of such a policy should not be great. As noted on the record, as well as by Western Union in its 1977 Annual Report, telegram revenues have been a decreasing portion of its total revenues for thirty years. It has reached the point

[45] We need not address the issue, raised by parties herein, as to the extent of our discretion to forbear from the exercise of our authority to regulate common carriers under Title II.

[46] *Id.*, 96–97.

[47] *Id.* at 1155–56 and 1159.

where this service accounts for 10% or less of the company's total revenues.[48]

148. In the event that Western Union suffers a decline in its telegram traffic exceeding the historical declines which it is experiencing, there may be some temporary dislocation. Our analysis herein demonstrates that Western Union has significant investment in PMS, lying not in its offices and agencies, but in major common electronic facilities.[49] If others enter PMS, WUTC may either utilize such facilities for other services or conclude that it has a significant stake in PMS service and decide to actively compete. This, of course, does not imply that Western Union would make no changes or stop its pattern of office closures. However these facts do militate against the notion of immediate major and widespread abandonment of service by Western Union outside the course of recent events (i.e., further major abandonments would not be caused solely by this decision).[50]

149. In order to facilitate entry, speed out Section 214 applications process and allow any new entrants to become operational in a reasonable time, we shall waive these portions of Section 63.01 of our Rules which require applicants to demonstrate public need for the facilities, economic justification, and inadequacy of existing facilities. Specifically these are Sections 63.01(l), 63.01(m), and 63.01(n). The waiver of these requirements will relieve the Commission of reviewing duplicative showings on a case-by-case basis. These showings may be waived since their purpose is to elicit information on need for the new service entry and we have already found in this proceeding that such entry is in the public interest.

150. We conclude, based on the record of this proceeding, that there is a potential public need for the PMS services which may be offered over such facilities and that it is the proper role of the marketplace to decide whether there is sufficient demand for the service to make it a financial success. If new and innovative services are offered, it is not the FCC's role to contemplate or anticipate all the potential technological applications. It is sufficient to note, as we have done above, that there is a need for new and diverse sources of supply which will likely bring forth new services or services similar to existing ones at more favorable rates.

151. The Commission will carefully monitor changes in this area. In cooperation with the Experimental Technology Incentives Program (ETIP) of the Center for Field Methods of the National Bureau of Standards, U.S. Department of Commerce, we are developing a system of measurements and surveillance which will allow us to monitor changes in this area for a period of three to five years. We will track the effects of our policy changes and rule modifications. We will gather information concerning the public message field and develop data which will be useful in the preparation and evaluation of future policy changes. The details of this monitoring program are not yet finalized but will be in the near future; they will be presented in a subsequent rulemaking designed to modify our telegraph-related rules to accommodate the change from a monopoly to a more competitive market. We intend to take great care in evaluating and monitoring the changes effected by this decision. The staff of the Common Carrier Bureau will be responsible for monitoring the public message telegraph service provided to the public in this market. The Bureau will issue an appropriate order to this effect in the near future, pursuant to authority delegated herein and in Sections 0.91 and 0.291 of the Commission's Rules.

152. Thus, there is a reasonable expectation of public benefits. While monitoring the results of changes brought forth by this decision we shall retain sufficient authority to ameliorate, if not totally prevent any unforeseen dislocations. There is no reason to anticipate that entry would have a significant adverse impact on overall service to the public. At worst, the historic trends discussed in Issue I would continue. The record indicates that the benefits of entry will outweigh any potential harms. The benefits of competition have been well realized in other telecommunications markets and we expect the same to occur here. The evidence on this record dictates that we should not let a single firm hold the key to innovations and control over what has been turned into a moribund submarket. For this reason and for the reasons stated elsewhere in this decision, we shall open this market to entry by carriers other than WUTC in order to achieve the purpose of the Communications Act. Based on our cumulative knowledge of this industry and the record of this proceeding, there is sufficient ground to expect that the public will realize benefits by new entry. We so warrant.

2. *Changed Regulatory Requirements:*

153. Now that we have authorized multiple entry, there appear to be good reasons for us to minimize our regulatory involvement in this area, with regard not only to new entrants, but to Western Union as well. The introduction of rival firms into a hitherto monopolistic market may well both eliminate the need for detailed price regulation and the potential for cross-subsidization. In addition to giving a signal to the investment community (as suggested by DOJ), this would also allow the carriers to structure their offerings in the way dictated by the supplier's perception of the market. Excessive regulation would likely discourage entrants or add unnecessarily to the costs of their operation. There also appears to be no compelling reason to discriminate against Western Union in its ability to provide service or to modify its existing service. As Telenet points out, if multiple entry policies relieve WUTC of an existing requirement to offer PMTS, it should be relieved of the requirements which were especially imposed upon it solely by virtue of its offering of PMTS. These and similar questions will be addressed in the near future when we propose rule changes for the public record service market.

D. Graphnet's Section 214 Application:

1. Background

154. When we instituted the inquiry herein, we had before us a Section 214 application (for convenience and necessity) filed by Graphnet, seeking authority to use its facilities to convey inbound messages between the gateway locations of United States international record carriers[51] (IRCs) and addressees located outside the gateway locations (so-called "hinterland" locations).[52] Many of the facilities needed to provide this service had already been acquired

[48] See "Western Union Corporation Annual Report 1977," p. 14; Graphnet Comments, Appendix B and Western Union Comments, Attachment 6. Although Western Union's arguments concerning avoidable costs and the need for other services to absorb facilities costs are not without merit, we cannot agree totally with Mr. Daly's analysis. The facts indicate that much of WUTC's investment is fungible and that other services are growing which may absorb at least a large portion of these costs (See Graphnet Comments, Appendix B, pp. 6–8). Further, we are proposing rule changes which shall affect WUTC's ability to make modifications to its service.

[49] WUTC Combined Service Tariff Filing, June 1978, Form WP–PMS–PRE–1.

[50] The pace of discontinuance of the service as it is now structured could depend on many things. For example, WUTC's reaction to entrants, the type of technologies used, the amount of traffic diversion (or stimulation) caused by the ability of an entrant to get business at the level of prices, among other things, would all have their effects.

[51] Internation Record Carriers are permitted to serve the general public directly only in their "gateway" locations (generally, locations where they are connected with international communications facilities). See 47 U.S.C. § 222.

[52] Graphnet's application is described in detail in the Notice of Inquiry and Proposed Rulemaking herein, at pars. 2–4.

and used for other purposes pursuant to existing limited Section 214 authorizations, but Graphnet also proposed to use additional facilities. Graphnet planned to allow overseas originators of international messages, as well as persons intended to receive these messages in the United States, to have Graphnet perform communications between the IRCs' gateways and the "hinterland." This proposal was for provision of a public message telegraph service. Since at the time the application was filed there were several existing FCC policy determinations which barred our granting the authorization sought by Graphnet, and we were revisiting these determinations herein, we held Graphnet's application in abeyance pending completion of the proceedings in Docket No. 78–96.[53]

155. Graphnet had previously pressed an alternative approach to providing the service which formed the basis for its application. It had argued that its Section 214 authorizations for existing facilities authorized Graphnet to provide this service, and it accordingly filed tariff revisions offering the service to the public.[54] We rejected these proposed tariff revisions, insofar as inbound service was concerned, on two independent grounds. First, this service was inconsistent with and unauthorized under Graphnet's existing Section 214 certificates. And second, this service would be contrary to our 1973 "Free Direct Access" decision in Docket No. 19660.[55] Graphnet appealed the tariff rejection to the United States Court of Appeals, D.C. Circuit. We asked the Court to hold the case in abeyance pending resolution of the Inquiry and Rulemaking proceeding herein, in recognition that a ruling favorable to Graphnet's Section 214 application would make moot its appeal.

2. *Discussion:*

156. It should be noted at the outset that Graphnet's alternative theory—that its existing Section 214 authorizations and existing Commission policies already allow it to perform hinterland delivery of international telegrams and telegraph messages—is not before us for decision in this proceeding. What is before us is Graphnet's application for new authority to use its facilities (existing and future) to offer this service.

157. In this proceeding we are removing a substantial legal barrier to granting Graphnet's Section 214 application, an entry barrier raised by our 1943 *Telegraph Merger* decision. We have concluded that the public interest would better be served by multiple entry than monopoly in PMTS (including hinterland pickup and delivery of international telegrams and telegraph messages), and this new policy is applicable to Graphnet's application. In the past, Western Union has been the sole entity preforming this service; under our decision herein others will be permitted to do so.

158. In light of the public interest conclusions of this proceeding, we must now also re-examine the applicability of our "Free Direct Access" policies to Graphnet's proposed service. In our "Free Direct Access" decision we considered whether IRCs could properly absorb the cost of hinterland pickup and delivery of international telegraph messages. We concluded that such "free direct access" was in essence an attempt by the IRCs to expand their existing gateways to encompass other points, 40 F.C.C. 2d at 1087.[56] Since the ongoing Docket No. 19660 proceeding was already considering establishment of new or additional gateways, we incorporated into that proceeding any applications for additional gateways. *Id.*, 1087–88. Because Graphnet's proposal also involved a division of revenues with the IRCs, we anticipated problems similar to those raised in "Free Direct Access", *i.e.* the potential expansion of the IRCs' gateways without prior authorization.

159. However, our decision in this proceeding now to authorize multiple entry in domestic PMTS changes an essential premise in treating Graphnet's proposed service as falling within the proscription of the "Free Direct Access" decision. Upon grant of its Section 214 application, Graphnet will no longer necessarily have to be treated as other than an authorized domestic telegraph carrier.

160. With multiple entry now authorized in domestic PMTS, Graphnet, upon grant of appropriate Section 214 authorization, would be in no different position from Western Union insofar as domestic delivery of international messages is concerned. Like Western Union it will be able to pick up, carry and deliver telegrams and telegraph messages within the United States, and it may do so between the hinterland points and the gateway locations of the IRCs as a domestic telegraph carrier. Upon the establishment of a proper contract with an IRC or upon the effectiveness of a proper tariff involving the exchange of traffic with IRCs, Graphnet, like Western Union, would be able to exchange PMTS traffic with an IRC without violating our Free Direct Access Decision. This result follows not merely as a matter of logic, but it also is dictated by the public interest conclusions of this proceeding. We have found that multiple entry in domestic PMTS will better serve the public interest than Western Union's monoply. It would be inconsistent with this finding to preserve a Western Union monopoly over one segment of PMTS, hinterland pickup and delivery of messages from the IRC's gateways, and inconsistent with our statutory mandate to "make available, so far as possible . . . a rapid, efficient, National-wide, and world-wide . . . communication service with adequate facilities at reasonable charges . . .".[57]

161. Graphnet proposes to accept responsibility for hinterland pickup and delivery of international messages and to offer international service as a participating carrier with the IRCs on a *bona fide* division of revenue basis. This was not the case in "Free Direct Access," where the IRCs proposed to absorb the charges (usually on a collect call basis) of other carriers. These other carriers (principally the Bell System telephone companies) offered and accepted responsibility only for domestic service. Their offering and responsibility would have run solely to the IRC, as is the case of the telephone companies' existing offerings of entrance facilities and private lines to the IRCs for use within the gateways. *See, for example,* AT&T's Facilities for Other Common Carrier Tariff F.C.C. No. 266, §§ 1.2, 2.1.1(b) and 2.1.2(a).

162. In sum, our "Free Direct Access" policies are not applicable to hinterland

[53] The pleading cycle had already been completed on Graphnet's application giving us the necessary record to decide most of the public interest questions. However, because of two apparent policy impediments, we designated this application for hearing. The hearing was held in abeyance because of the possibility that issues might be mooted by our decision in Docket 78–96. Now that Docket 78–96 has removed the policy impediments, there is no reason to have the hearing, and it will be terminated accordingly. See par. 162.

[54] Graphnet Tariff Transmittal No. 28 and Graphnet Tariff Transmittal No. 38 (67 F.C.C. 2d 1051).

[55] *International Record Carriers' Scope of Operations in the Continental United States*, 40 F.C.C. 2d 1082 (1973).

[56] The essential purpose of the Free Direct Access decision was to preserve the distinction between domestic and international operations consistent with the directives of Section 222 of the Communications Act. It was recognized that it was proper for the IRC to exchange its hinterland originated or destined traffic at the gateway city with the authorized domestic telegraph carrier (until now only Western Union) and to reimburse such carrier on a division of charge basis. However, under the facts of Free Direct Access the IRCs filed tariffs merely agreeing to absorb the cost of hinterland pickup (e.g. by accepting collect calls) and delivery. Under the circumstances, we determined that for an IRC to so absorb the charges of other carriers constituted, in essence, an unauthorized extension of the IRC's gateway.

[57] Section 1 of the Communications Act, 47 U.S.C. § 151.

delivery of telegraph messages by authorized domestic PMTS carriers, so long as these carriers accept responsibility for the international telegrams or telegraph messages on a participating or concurring carrier basis with the IRCs. This result accords with long-standing treatment of Western Union's pickup and delivery and properly acknowledges the new conditions of multiple entry in PMTS established in this decision. In view of this, there is no impediment to grant of Graphnet's Section 214 application seeking authority to provide PMTS in participation with the IRCs for delivery of inbound international telegrams and telegraph messages. We turn now to the merits of Graphnet's application.

163. Graphnet's application demonstrates that its existing network, with modest improvements proposed in the application, could enhance the delivery of international messages. It claims that it can deliver to more than one million terminals that Western Union cannot reach today.[58] Moreover, Graphnet states that its distributed computer processing facilities are capable of re-formatting messages and transmitting them among disparate terminal devices, while Western Union is limited to forwarding communications to a central telephone bureau for (oral) delivery, or to a more limited class of terminals which conform to TWX and Telex electrical protocols.[59]

164. Thus, Graphnet proposes a form of delivery broader than Western Union offers. In addition, there is evidence that entry by Graphnet could help check (through competitive pressure and cost saving innovation) the rising costs of inbound message delivery. Graphnet notes that its present network and allied services provide hand delivery of facsimile and telegraph-like messages in more than 550 cities. This broad capability could prove a meaningful alternative to Western Union's service and provide an incentive for Western Union to establish more attractive prices for its service.[60]

165. This point is supported by at least one IRC, ITT World Communications, Inc., which states:

> Because WU enjoys a monopoly stranglehold on the landline-haul function for international message traffic [hinterland delivery], the IRCs have been forced to absorb the increasing WU PMS unit costs through the landline-haul charges which the IRCs pay to WU for the domestic handling of international PMS traffic. To date these increases have been absorbed by the IRCs, but it is inevitable that, if these increases continue, these increased charges will have to be passed on by the IRCs to the users.[61]

Thus, not only the general conclusions of this proceeding but specific testimony by an interested international carrier suggests that entry by Graphnet could check the pattern of ever-increasing costs for hinterland delivery.[62]

166. In view of these considerations, we conclude that the public interest and the statutory objectives of the Communications Act [63] would be served by immediate grant of Graphnet's application for convenience and necessity under Section 214 of the Act. The nature and quality of international telegrams and telegraph message service will be enhanced by Graphnet's capabilities, it is likely that the existing pattern of cost increases in this service will be halted or at a minimum slowed by Graphnet's competitive presence, and this service will expeditiously be made available to the public. We will, of course, carefully examine Graphnet's tariff filings and its contracts with the IRCs to assure that its actual offering to the public is consistent with the policies expressed herein, and does not represent an unauthorized expansion of the IRC's gateways.[64]

E. Other Matters

167. Western Union and Graphnet each requested oral argument before the Commission in this proceeding. They have not stated with particularity what matters might best be brought to the Commission's attention in oral procedures, nor how they would be prejudiced in the absence of such procedures. We find that interested parties have filed sufficiently detailed comments, both in the combined proceedings in CC Dockets 78–95/96 and in consideration of Graphnet's Section 214 application, File No. W–P–C–1430, and that additional proceedings would serve no useful purpose. We therefore deny the requests for oral argument.

168. Accordingly, pursuant to Sections 1, 4(i) and (j), 201–205, and 214 of the Communications Act of 1934, as amended, IT IS HEREBY ORDERED, That a policy of accepting applications by entities which seek to provide record communications services of the nature described herein IS HEREBY ADOPTED.

169. IT IS FURTHER ORDERED, pursuant to Section 214 of the Communications Act of 1934, as amended, That application File No. W–P–C–1430 IS HEREBY GRANTED and Graphnet Systems, Inc. IS AUTHORIZED to lease and operate the channel quantities, listed below, or the equivalent thereof, to provide the service as described in the application.

Locations	No. of channels	Speed (baud)
Englewood, N.J	3	1200
New York, N.Y	5	50
	4	75

Such authorization is explicitly subject to possible revocation or modification as a result of any findings, rules, requirements or other actions which may result from or be promulgated by, the proceedings in Common Carrier Docket No. 78–72, In the Matter of MTS and WATS Market Structure, FCC 78–144 (March 3, 1978). The grantee is afforded 30 days from the release of this order to decline this authorization as conditioned. Failure to respond within this period will constitute formal acceptance of the authorization as conditioned.

170. IT IS FURTHER ORDERED, That the hearing to investigate whether grant of the above-captioned application is in the public interest, convenience and necessity, which was instituted in our Memorandum Opinion and Order and Notice of Inquiry and Proposed Rulemaking, 67 F.C.C. 2d 1059 (1978), IS HEREBY TERMINATED.

Federal Communications Commission.[65]

William J. Tricarico,

Secretary.

January 25, 1979.

IN RE: Separate Statement of Chairman Charles D. Ferris, Public Message Telegraph Inquiry (CC Docket Nos. 78–95 and 78–96).

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[58] In contrast to its Section 214 application, Graphnet's tariff is limited to pickup and delivery for its subscribers. If Graphnet wishes to offer this service more broadly to the general public (i.e. remove the Graphnet subscriber limitation), it should file the necessary tariff modifications. It will not be necessary for Graphnet to file an application to delete the PMTS restrictions on its existing 214 authorizations because we construe the 214 application presently before us as making that request and grant it.

[59] Graphnet Reply, p. 61.

[60] Graphnet Comments, p. 25.

[61] ITT Worldcom Comments, pp. 7–8.

[62] Most of the facilities Graphnet will use in this service already are placed. See *Graphnet*, 44 F.C.C. 2d 800 (1974).

[63] 47 USC 151.

[64] Only Graphnet's inbound service has been in dispute in this instance. In *Graphnet Systems, Inc.*, 64 F.C.C. 2d 1021 (1977), *recon. denied*, 67 F.C.C. 2d 1043 (1978) and 67 F.C.C. 2d 1051 (1978), we rejected Graphnet's tariff revisions pertaining to its inbound traffic. By subsequent Order, 67 F.C.C. 2d 1077 (1978), we stayed the effectiveness of our second rejection *pendente lite* and allowed Graphnet's tariff revision to remain on file provided its effective date was postponed until the issue was resolved upon appeal. In view of our decision herein we will file appropriate motions to have the case removed from the Court's docket. Thereafter, the Chief, Common Carrier Bureau is directed to review the matter and to take appropriate action consistent with our determination and action herein. We hereby delegate to the Bureau Chief any additional authority necessary to accomplish this.

[65] See attached Separate Statement of Chairman Charles D. Ferris.

I strongly endorse the Commission's decision today adopting a policy of open entry into the public message service market. I expect this competitive policy to lead to lower prices, innovative service offerings, and more rapid implementation of new technology in this area.

Public use of domestic telegrams has fallen dramatically since the end of World War II. The number of messages and the number of Western Union offices have exhibited parallel declines. The nature of the telegram has changed as well, with Western Union increasingly using the telephone network to accept telegrams and using unaffiliated messenger services to physically deliver them.

During the past 30 years, a number of substitutes of varying degree for telegram have also been developed and marketed. In fact, Western Union—with its Telex and Mailgram offerings—appears to have been its own most formidable competitor for telegram business.

We will soon initiate another proceeding concerning proposed rule changes for public message telegraph service carriers. My initial belief is that we should minimize government regulation of this market. I also look forward to the opportunity this proceeding will give us to examine to what degree—if at all—regulation is necessary or appropriate in this kind of competitive market. In addition, I currently believe that whatever the rules, they must apply equally to Western Union and the new entrants to insure that the resulting competition is fair. I will, of course, base my ultimate decision on the comments and evidence filed in that proceeding.

Finally, I intend to insure that the Commission monitors the effects of this policy change. This evaluation will be undertaken by staff of the Common Carrier Bureau in cooperation with the Experimental Technology Incentives Program (ETIP) of the National Bureau of Standards. This will enable the Commission to check its expectation of public benefits, based on today's reasoned judgment, against subsequent events in the marketplace.

[CC Docket No. 78-95, File No. W-P-C-1430; CC Docket No. 78-96; FCC 79-42]

[FR Doc. 79-11289 Filed 4-11-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on UHF-TV Receiver Noise Figure Measurement Standards; Change in Meeting Location

The April 2, 1979 Federal Register (44 FR 19245) contained notice of a meeting of the Commission's Advisory Committee on UHF-TV Noise Figure Measurement Standards to be held on April 18 at the FCC Laboratory in Guilford, Maryland. It has become necessary to change the location of this meeting. The new meeting place is Room 261 of the Matomic Building, 1717 H Street NW., Washington, D.C.

As previously announced, Subgroup A of this committee will meet at 9 a.m. and Subgroup B will convene at 1 p.m.

Further details concerning this meeting may be obtained from the FCC designated Federal employee for the committee, Lawrence C. Middlekamp, telephone 301-725-1585.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 79-11288 Filed 4-11-79; 8:45 am]

BILLING CODE 6712-01-M

Television Station WJAN, Canton, Ohio

Adopted: March 30, 1979.

Released: April 5, 1979.

By the Commission:

In the Matter of Inquiry into the operation of Television Station WJAN Canton, Ohio.

1. The Commission has under consideration information which indicates that the captioned television station may have been operated in violation of the Communications Act of 1934, as amended, and the Commission's Rules and policies. In particular, the Commission is concerned that WJAN(TV) may have been operated contrary to the public interest and the Commission's Rules or policies in that misrepresentations or false, misleading or deceptive statements may have been made over the station in connection with broadcast announcements concerning fundraising for particular projects or purposes. In this regard, the Commission is concerned that such misrepresentations or false, misleading or deceptive statements may have been made by the licensee's principals or employees. The Commission is also concerned that if such misrepresentations or false, misleading or deceptive statements were made over Station WJAN(TV) by other persons, that the licensee's principals or employees knew or should have known that such statements were misrepresentations or false, misleading or deceptive.

2. *Therefore, it is ordered,* on the Commission's own motion pursuant to Section 403 of the Communications Act of 1934, as amended, and Section 1.1 of its Rules and Regulations, and by authority granted in Sections 4(i) and (j), and 303(n) of the Communications Act of 1934, as amended, that an inquiry is hereby instituted to determine whether there is any basis for the Commission's concerns expressed in paragraph 1, above.

3. *It is further ordered,* That, the inquiry shall be a non-public proceeding unless and until the Commission orders that public sessions be held after determining that the public interest would be served thereby.

4. *It is further ordered,* That, pursuant to Section 5(d)(1) of the Communications Act of 1934, as amended, for the purpose of this inquiry authority is hereby delegated to the Chief Administrative Law Judge of the Commission to require by subpoena the production of books, papers, correspondence, memoranda and other records deemed relevant to the inquiry; to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and to perform such other duties in connection therewith as may be necessary or appropriate to the compilation of a complete record concerning the subject matter of this inquiry.

5. *It is further ordered,* That, the Chief Administrative Law Judge is specifically authorized to designate an Administrative Law Judge to exercise the authority conferred by this Order, and to require witnesses to testify and produce evidence under authority of; and in the manner provided in, Sections 409 (e), (f), (g), (h), (i), (j), (k), and (m) of the Communications Act of 1934, as amended, when requested to do so by Commission counsel.

6. *It is further ordered,* That, the subpoena powers delegated by this Order shall be exercised in accordance with Sections 1.331 through 1.340 of the Commission's Rules, except as indicated in paragraph 8 hereof.

7. *It is further ordered,* That, the provisions of Section 1.27 of the Commission's Rules shall apply to the production of oral and documentary evidence under subpoena.

8. *It is further ordered,* That, pursuant to Section 1.1 of the Commission's Rules, this proceeding shall be expedited and that in furtherance of this end all motions to quash or limit subpoenas issued by the authority granted herein shall be filed with the Commission within ten (10) days of their service for *en banc* Commission disposition.

9. *It is further ordered,* That, upon conclusion of the inquiry ordered herein, the presiding Administrative Law Judge shall certify the record thereof to the Commission for appropriate action.

10. The authority for this action is contained, *inter alia,* in Sections 4(i), (j), 5(d)(1), 303(n), 308(b), 403, 409(e)-(k), 409(m), of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)-(j), 155(d)(1), 303(n), 308(b), 403, 409(e)-(n), 409(m), Sections 1.1 and 1.3 of the Commission's Rules, 47 C.F.R. §§ 1.1 and

1.3 and the Administrative Procedure Act, 5 U.S.C. § 555. See *FCC* v. *Schreiber*, 381 U.S. 279 (1965).

Federal Communications Commission.

William J. Tricarico,
Secretary.

[BC Docket No. 79-64]
[FR Doc. 79-11287 Filed 4-11-79; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL COMMUNICATIONS COMMISSION

Denial of Extension of Marketing Cut-Off Date

AGENCY: Federal Communications Commission.

ACTION: Order denying petition.

SUMMARY: Order denies extension of sales cut-off date for 27MHz walkie-talkies operating under Part 15 of FCC Rules beyond December 31, 1978.

DATES: Non-Applicable.

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

FOR FURTHER INFORMATION CONTACT: Herman Garlan, FCC, Washington, D.C. 20554, Phone: 202-632-7095.

ORDER DENYING EXTENSION OF MARKETING CUT-OFF DATE

Adopted: March 30, 1979; Released: April 4, 1979

By the Commission: Commissioner Lee absent

In the Matter of Petition for extension of the cut-off date for marketing walkie-talkies operating under § 15.115.

1. The Commission has before it a petition, filed on January 2, 1979, by the Fanon/Courier Corporation, 990 South Fair Oaks Ave., Pasadena, CA 91105 requesting the Commission to grant an individual waiver of the marketing termination date and to permit marketing of their Model Spokesman I low power walkie-talkie until December 31, 1979. This device operates under the interim provisions of § 15.115, which provide in part that such a device may not be marketed after September 18, 1978.[1]

Background of Interim Provisions

2. On July 23, 1974, the Commission instituted a proceeding in Docket No. 20119 [2] which proposed to move all low power communications devices (including walkie-talkies) out of the 27 MHz band (26.96–27.27 MHz) and into a new 49 MHz band (49.8–49.9 MHz). Notice was given that manufacture of devices in the 27 MHz band would be terminated one year after the effective date of the rules promulgated in the proceeding and that marketing would be terminated two years after the effective date of the new rules. The basic reason given for the proposed action was to eliminate the confusion in enforcement of the CB regulations, since the non-licensed 27 MHz walkie-talkies operated to different regulations. Interference to licensed services—basically to CB radio stations—was given as a second reason, although of lesser concern.

3. A Report and Order was adopted February 4, 1976.[3] This Order adopted, with minor changes, the rules that had been proposed in the Notice. It provided that the new rules become effective on March 18, 1976 and set a cut-off date for manufacture of March 18, 1977 and a cut-off date for marketing of March 18, 1978.

4. In response to several petitions for reconsideration, largely from the manufacturers of cordless telephones and a manufacturer of a 27 MHz radio control system for warehouse tractors, a Memorandum Opinion and Order was adopted on January 13, 1977.[4] This Order did not change the technical specifications applicable to voice operated 27 MHz low power communication devices (27 MHz walkie-talkies). However, the manufacturing cut-off date was extended to September 18, 1977 and the marketing cut-off date to September 18, 1978.

5. Early in 1978, a number of petitions were received, including one from Fanon/Courier, requesting the September 18, 1978 sales cut-off date in § 15.115 be extended to encompass at least the 1978 Christmas selling season, although some of the petitioners, including Fanon/Courier, requested an extension to December 31, 1979. The extension was requested to dispose of existing stock of 27 MHz walkie-talkies—basically, a seasonal sales item—to avoid financial loss. In response to these petitions, the Commission extended the sales cut-off date to December 31, 1978.[5]

Fannon/Courier Position in Docket 20119

6. Although the rulemaking in Docket No. 20119 vitally affected the interests of Fanon/Courier, it did not file its own comment in this proceeding. In a letter dated February 16, 1979, which supplements its petition of January 2, 1979, Fanon/Courier states that it filed jointly with other manufacturers through the Electronic Industries Association Citizen Radio Section.

7. The EIA filing, in which Fanon/Courier joined, recommended that the 27 MHz walkie-talkies be moved to the 49 MHz without adopting stricter technical specifications. Based on this recommendation, the EIA took no exception to the time table of movement from the 27 MHz to the 49 MHz. However, when the Commission, on February 4, 1976, ordered the movement to 49 MHz and did require tighter technical specifications, neither EIA nor Fanon/Courier asked for reconsideration. It was not until February 1, 1978 that Fanon/Courier requested that the sales cut-off date be extended.

Fanon/Courier Petitions

8. The instant petition is the second petition filed by Fanon/Courier seeking the same relief. In the petition filed on February 1, 1978, Fanon/Courier had requested an extension of the sales cut-off date to December 31, 1979 on the ground that it could not sell its inventory of 27 MHz walkie-talkies through its normal channels of distribution—the catalog merchandizer—in face of the September 18, 1978 sales cut-off date. Fanon/Courier claimed that its inventory on hand in February 1978 was due to irreversible commitments it had made in 1976 based on its market forecasts at that time. As pointed out in Paragraph 5 above, this argument, among others, led the Commission to extend the marketing cut-off date to December 31, 1978.

9. In its 1979 petition, Fanon/Courier reiterates its original request for an extension of the sales cut-off date (limiting its request to one model) to give it an opportunity to liquidate its remaining inventory of 45,500 units of Model SPOKESMAN I representing an investment of $508,235. Authority is requested to market this model until December 31, 1979 or until the inventory of this model is depleted, whichever comes first. Attempts to sell the 88,700 low power communication devices mentioned in the 1978 petition have not been fully successful according to the petitioner who said they were able to

[1] This date was extended to December 31, 1978. See Paragraph 5 of the Order.

[2] Docket No. 20119: In the matter of Amendment of Rules Part 15 Subpart E—Low Power Communication Devices—to delete the frequency band 26.97–27.27 MHz, to add the frequency band 49.9–50.0 MHz and to promulgate technical specifications. Notice of Proposed Rulemaking adopted 7–23–74, releases 7–31–74; 39 FR 28172; 47 FCC 2d 1122.

[3] Ibid: 41 FR 7394; 57 FCC 2d 1134.

[4] Ibid: 42 FR 4461; 62 FCC 2d 573.

[5] In the matter of: Extension of the cut-off date for sale of low powered 27 MHz walkie-talkies certificated under Part 15 of FCC Rules. Order adopted 3–22–78, released 3–30–78; 67 FCC 2d 1405.

sell only about half of the units within the allocated time period. Petitioner also states that no additional units had been imported and that the units on hand are the remainder of the inventory manufactured prior to November 19, 1977 and imported prior to October 18, 1977. Petitioner points out further that, in its March 22, 1978 Order, the Commission had stated that the interference potential of these devices is low. Therefore, petitioner argues it would not be detrimental to the public interest for this waiver to be granted. While the Commission did so state, the statement is taken out of context. When read in the full text of the Commission's statement[6], it is evident, that the low interference potential of the 27 MHz walkie-talkies was the least weighty of the several arguments that persuaded the Commission to extend the marketing cut-off date to December 31, 1978.

Commission Decision

10. Thje entire basis for the waiver requested by Fanon/Courier appears to be financial losses due to a marketing decision made by the company in 1976. The company now apparently expects the Commission to provide additional relief over and beyond the extensions heretofore granted in our Orders of January 13, 1977 [7] and of March 22, 1978.[8] This raises a fundamental question concerning how far the Commission should go to assist a manufacturer who claims financial plight as the reason for not being able to comply with a reasonable timetable for modification or conversion of equipment that has been ordered by the Commission. Commissioners Tyrone Brown and Abbott Washburn touched on this question in their concurring statement attached to our Order of March 22, 1978, when they said that the Commission should not be an indemnitor of corporate marketing decisions, particularly when industry has been given adequate advance notice that a marketing prohibition may be imposed. In this instance, the proposal to shift low power communication devices from the 27 MHz bands to the 49 MHz band was announced July of 1974—two years before the devices in question were ordered[9] by Fanon/Courier. The Report and Order setting a specific cut-off date was adopted in February 1976. It would appear that the cut-off date was announced well in advance of Fanon/Courier's commitment to buy 27 MHz walkie-talkies.

Their decision to buy so many of these units must be construed as a market decision that didn't work out. Fanon/Courier was not alone. Other manufacturers and distributors were also caught in the erosion of the 27 MHz walkie-talkie market in 1977–78, as evidenced by the number of petitions for extension we received in 1978. Most of the petitioners were satisfied with an extension to the end of 1978, accepting the 9 month lead time granted by our Order of March 22, 1978, as providing sufficient time to arrange for publication in their catalogs. To grant Fanon/Courier a further extension would be unfair to the other petitioners who accepted the need to liquidate their inventories before December 31, 1978.[10]

11. There is also the matter of the credibility of this agency and the potential adverse consequences to those who, in good faith, took steps to comply with our deadlines. In this connection, it should be noted that in Paragraph 25 of our Order of March 22, 1978, we committed ourselves not to grant any further extension of the sales cut-off date beyond December 31, 1978. For the reasons given above, we cannot find it in the public interest to extend the sales cut-off date to December 31, 1979.

12. In view of the above, IT IS ORDERED that the petition of Fanon/Courier for extension of the marketing cut-off date beyond December 18, 1978 for their Model SPOKESMAN I low power communication device is DENIED.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FCC 79-197]

[FR Doc. 79-11347 Filed 4-11-79; 8:45 am]

Billing Code 6712-01-M

[6] The full text of the Commission's statement reads: In these circumstances—the unforeseen and unexpected softeness of the 1977 market for 27 MHz walkie-talkies as aggravated by the dock strike which prevented the movement of merchandise from dock to retailer; the changed circumstances which has lessened the need to move the 27 MHz walkie-talkies to the new band at 49 MHz; the relative low interference potential of the 27 MHz walkie-talkies; and finally the selection of a marketing cut-off date at the beginning of the major selling season of the year—the Commission finds that it is in the public interest to grant a waiver of the existing marketing cut-off date in § 15.115 of our rules and to permit marketing of 27 MHz walkie-talkies until December 31, 1978. At the same time, we want to stress that we do not propose to grant any further extension of the marketing cut-off date beyond December 31, 1978.

[7] Footnote 3 above.

[8] Footnote 4 above.

[9] See Paragraph 2 above.

[10] See Paragraph 21 of the ORDER referenced in footnote 4.

FEDERAL MARITIME COMMISSION

Dell/Pacific Rate Agreement; Disapproval of Agreement for Failure To Include Provisions for Adequate Self-Policing as Required by General Order 7; Order To Show Cause; Correction

In FR DOC. 79-10507 appearing at page 20503 in the issue of Thursday, April 5, 1979, the docket number on page 20504 which reads, "[Docket No. 79-21, Agreement No. 192]" should be corrected to read "[Docket No. 79-26, Agreement No. 192]".

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, unless otherwise noted, received by the appropriate Federal Reserve Bank not later than May 7, 1979.

A. *Federal Reserve Bank of New York, 33 Liberty Street,* New York, New York 10045:

Manufacturers Hanover Corporation, New York, New York (mortgage and insurance activities; Texas): to engage, through its subsidiaries, Citizens Mortgage Corporation and CMC Insurance Agency, Inc., in arranging, making, or acquiring loans and other extensions of credit such as would be made or acquired by a mortgage company; servicing such loans and other extensions of credit; and acting as agent or broker for the sale of life and accident and health insurance directly related to such extensions of credit. These activities would be conducted from an office in Humble, Texas, and the geographic areas to be served are northern Harris County and Montgomery, Liberty, Polk, and Walker Counties, Texas.

B. *Federal Reserve Bank of St. Louis,* 411 Locust Street, St. Louis, Missouri 63166:

Mercantile Bancorporation, Inc., St. Louis, Missouri (leasing activities; Washington): to engage, through its subsidiary, Franklin Finance Company (doing business as Franklin Equity Leasing Company), in leasing personal property or acting as broker, agent, or advisor in leasing such property in accordance with the Board's Regulation Y. These activities would be conducted from an office in Seattle, Washington, and the geographic area to be served is within a two-mile radius of that office. This application is for the relocation of an existing office, and comments must be received by the Federal Reserve Bank of St. Louis by April 27, 1979.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 5, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-11336 Filed 4-11-79; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 3, 1979.

A. *Federal Reserve Bank of Boston,* 30 Pearl Street, Boston, Massachusetts 02106:

Industrial National Corporation, Providence, Rhode Island (finance and insurance activities; Florida): to engage, through its subsidiaries, Southern Discount Company and S.D.A. Corp., in consumer finance; and insurance agency for the sale of life, accident and health, and property insurance directly related to their extensions of credit. These activities would be conducted from an office in Winter Haven, Florida, and the geographic area to be served is the southeastern section of Polk County, Florida.

B. *Federal Reserve Bank of New York,* 33 Liberty Street, New York, New York 10045:

1. J. P. Morgan & Co. Incorporated, New York, New York (trust company and investment advisory activities; Florida): to engage through its subsidiary, Morgan Trust Company of Florida, in activities that may be performed or carried on by a trust company, including activities of a fiduciary, investment advisory, agency or custodian nature. These activities would be conducted from an office in Palm Beach, Florida, and the geographic area to be served is Palm Beach County, Florida.

2. Manufacturers Hanover Corporation, New York, New York (finance and leasing activities; Colorado, Idaho, Montana, Utah, Wyoming): to engage, through its subsidiary, Manufacturers Hanover Leasing Corporation, in leasing real and personal property and acting as agent, broker, or advisor in leasing such property in accordance with the Board's Regulation Y; making and acquiring loans and other extensions of credit with respect to such property; and servicing such leases, loans, or other extensions of credit. These activities would be conducted from an office in Denver, Colorado, and the geographic areas to be served are the five states listed in the caption to this notice.

3. U.S. Trust Corporation, New York, New York (trust company and investment advisory activities; Florida): to engage, through its subsidiary, U.S. Trust Company of Florida, in activities that may be carried on by a trust company, including activities of a fiduciary, investment advisory, agency or custodian nature. These activities would be conducted from an office in Palm Beach, Florida, and the geographic area to be served is Florida.

C. *Federal Reserve Bank of Philadelphia,* 100 North 6th Street, Philadelphia, Pennsylvania 19105:

The Girard Company, Bala-Cynwyd, Pennsylvania (data processing activities; Pennsylvania, Delaware, New Jersey, New York, Maryland): to engage, through its subsidiary, Girard Services, Inc., acting in conjunction with Girard Bank, in providing processing and storing of banking, customer, operational, and other financial data for bank correspondents of Girard Bank and other banks, including in such services data base systems, processing of data for customer records and statements and auxiliary activities such as payroll, general ledger, and similar systems, through services rendered at the data center of Girard Bank in Philadelphia, Pennsylvania, and facilitating activities at sites leased from such correspondents and other banks. These activities would be conducted at locations in Philadelphia, Pennsylvania, and other locations in the five states listed in the caption to this notice, and the geographic areas to be served are those five states.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 4, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-11339 Filed 4-11-79; 8:45 am]

BILLING CODE 6210-01-M

Meta Banco, Inc.; Formation of Bank Holding Company

Meta Banco, Inc., Meta, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 97.6 per cent of the voting shares of Meta State Bank, Meta, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 1, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 5, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-11340 Filed 4-11-79; 8:45 am]

BILLING CODE 6210-01-M

Tuscumbia Bancshares, Inc.; Formation of Bank Holding Company

Tuscumbia Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 99 per cent or more or the voting shares of Bank of Tuscumbia, Tuscumbia, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserved Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washinton, D.C. 20551 to be received no later than May 3, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 3, 1979.

Edward T. Mulrenin,

Assistant Secretary of the Board.

[FR Doc. 79-11341 Filed 4-11-79; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

District of Columbia Public Service Commission; Proposed Intervention in a Rulemaking Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the District of Columbia Public Service Commission involving an investigation into procedures for dealing with attrition and presentation of utility rate cases. The Administrator of General Services represents the interests of the executive agencies of the United States Government as users of utility services.

Persons desiring to make inquiries of GSA concerning this proceeding should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets, NW., Washington, DC 20405, telephone (202) 566-0726, on or before May 14, 1979, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)))

Dated: March 30, 1979.

Jay Solomon,

Administrator of General Services.

[Intervention Notice 87; Formal Case No. 712]

[FR Doc. 79-11385 Filed 4-11-79; 8:45 am]

BILLING CODE 6820-61-M

Secretary of Defense; Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate 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 Oklahoma Corporation Commission involving the application of the Oklahoma Gas and Electric Company for an increase in its electric rates.

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.

Dated: April 2, 1979.

Paul E. Goulding,

Acting Administrator of General Services.

[Federal Property Management Regs.; Temporary Reg. E-63]

[FR Doc. 79-11386 Filed 4-11-79; 8:45 am]

BILLING CODE 6820-24-M

Secretary of Defense; Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense, in conjunction with the Administrator of General Services, to represent the interests of the executive agencies of the Federal Government in an electric and gas rate design review 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 Maryland Public Service Commission involving the petition of the Maryland Industrial Group to require the Baltimore Gas and Electric Company to prepare cost-of-service studies and to make modifications to its fuel adjustment clause. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

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.

Dated: April 2, 1979.

Paul E. Goulding,
Acting Administrator of General Services.

[Federal Property Management Regs.; Temporary Reg. E-64]
FR Doc. 79-11387 Filed 4-11-79; 8:45 am]
BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

Contracting Process; Special Relationships

Background.

Based on an internal audit of a portion of the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) contract programs, it was determined that action should be taken to identify and rectify any situations that could have the appearance of, or potential for, conflict of interest, favoritism, cronyism, bias, or preferential treatment in the contracting process.

Policy.

The ADAMHA is initiating on a one year trial basis, a policy that ADAMHA offerors and contractors be requested to voluntarily disclose on a timely basis any special relationship about which they have knowledge. By requesting voluntary disclosure of information, ADAMHA expects to avoid situations where the relationship between an ADAMHA employee and an individual contractor or offeror or an officer or employee of an offeror or contractor could affect the objectivity of either party and modify the "arms length" relationship which exists between the Government and offerors or contractors.

Also, ADAMHA employees will be required to disclose any such relationships about which they have knowledge. This will assure that potential conflicts are disclosed for consideration, documentation, and action by the appropriate ADAMHA officials in order to avoid any real or apparent conflicts of interest or improprieties and preserve the integrity of the procurement process.

Definitions.

The following definitions apply for purposes of this policy: (a) *Special relationship.* "Special relationship" is a generic term applying to a variety of specific circumstances that could have the appearance of, or potential for, conflict of interest, favoritism, cronyism, bias, or preferential treatment in the contracting process.

(b) *ADAMHA contracting organization.* "ADAMHA contracting organization" means the awarding Institute or, in the case of a contract sponsored by a component of the Office of the Administrator (OA), the OA itself. For example, for a contract sponsored and awarded by the National Institute on Drug Abuse (NIDA), an employee of the ADAMHA contracting organization is any NIDA employee.

(c) *Officer or employee of an offeror or contractor.* The term "officer or employee of an offeror or contractor" means only those officers and employees of the organizational divisions, subdivisions, and offices responsible for or directly involved in either the preparation of the specific proposal and/or the work to result from acceptance of the proposal plus the general executive officers of the divisions, subdivisions, and offices.

Examples.

The following are examples of special relationships: (a) Kinship or relationship by marriage between an employee of the ADAMHA contracting organization and an individual offeror or contractor or an officer or employee of an offeror or contractor.

(b) A current of former employer-employee relationship between an employee of the ADAMHA contracting organization (or a member of his/her immediate family) and an individual offeror or contractor or an officer or employee of an offeror or contractor (or a member of his/her immediate family).

(c) A financial relationship or interest, including prospective employment with the offeror or contractor, between an employee (or member of his/her family or other persons with whom the employee has a close personal relationship) of the ADAMHA contracting organization and the offeror or contractor. (For the purposes of this policy, financial relationships would include ownership of stocks, bonds, or other financial instruments issued by an offeror/contractor; receipt of (or eligibility to receive) retirement, or profit sharing income from the offeror/contractor, etc.).

(d) A close professional or personal relationship between an employee of the ADAMHA contracting organization and an individual offeror or contractor or an officer or employee of an offeror or contractor. (For example: The proposed Project Director is a close collaborator with the Government Project Officer and has recently coauthored scientific publications with him/her.)

(e) Any other circumstances that could appear to provide the potential for favoritism or loss of objectivity.

General Procedures.

To implement this policy, the following procedures will be employed:

(a) Each Request for Contract which is initiated by an ADAMHA contracting organization will include or be accompanied by a statement concerning special relationships. The Government program official initiating the request and each recommending and approving official will either (1) identify any known special relationships pertaining to suggested sources for the contract or (2) state that he/she does not know of any special relationship with the suggested source(s). At any point in the contracting process where new information is made available to the initiating program official or the recommending and approving officials which would reveal a special relationship, those officials shall inform the Contracting Officer in writing concerning any special relationships pertaining to the offerors or proposals then under consideration.

(b) Each Request for Proposal will include a request that the Representations and Certifications portion of the proposal contain a certification from the offeror disclosing any information about any special relationships. In completing the certification, offerors are expected to rely upon knowledge readily available to their project personnel and others involved in the proposal process including officers and employees of the organization. The ADAMHA does not expect offerors/contractors to develop new data banks for the specific purpose of supporting this certificate.

(c) ADAMHA Contracting Officers will attempt to negotiate into each contract awarded by ADAMHA a special provision requiring contractors to inform the Contracting Officers of any special relationship that come to their attention during the period of performance of the contract.

(d) Guidelines will be prepared pertaining to the disclosure of special relationships with respect to individuals who participate in the review of contract projects.

Use of Information Disclosed.

All disclosures made by ADAMHA staff, offerors, or contractors will be reviewed by a task force composed of three senior ADAMHA officials.

This task force will meet as often as necessary to provide timely review of disclosures and will make

recommendations to the Executive Officer, ADAMHA, who will be the responsible official. Each meeting of the task force will be documented in sufficient detail to advise the Executive Officer and support his determination on each disclosure. The records will also provide a basis for the evaluation of this policy at the conclusion of the one year trial period.

The information provided to ADAMHA will be reviewed solely to determine whether ADAMHA action is necessary to neutralize any apparent or potential conflict of interest, favoritism, or bias and to assure the integrity of the contracting process and that any required actions are taken expeditiously. Where action is determined to be necessary, (for example: (a) the proposed Government Project Officer was recently employed by the offeror and was instrumental in developing the project being proposed, or (b) the proposed Project Director is a close collaborator with the Government project sponsor and has recently coauthored scientific publications with him/her) the information provided will be used as the basis for discussion between the ADAMHA and the offeror toward the goal of resolving or neutralizing the problem.

Disclosure of information concerning special relationships is to be voluntary on behalf on the offeror and is made for the purpose of protecting the integrity of the contracting process. In no circumstance will providing the requested information on special relationships interfere with the full and complete consideration of an offeror's proposal or the opportunity for receiving an award.

Effective Date.

The policy and procedures described herein will be effective (the date of their publication in the **Federal Register**) and will remain in effect for a period of one year. At the end of this one year trial period, ADAMHA will evaluate its experience with the policy to determine its effectiveness in achieving the stated purposes and objective prior to continuation or revision.

Public Comment.

Since it is to the mutual advantage of officers and employees of ADAMHA and its offerors and contractors to disclose fully and on a timely basis any information about special relationships as defined in the Notice, the cooperation of everyone involved in the ADAMHA contract programs is solicited. Comments concerning the implementation of this policy on a trial basis are invited on or before May 14, 1979.

Comments and requests for a copy of the detailed policy statement should be addressed to:

Director, Division of Grants and Contracts Management, ADAMHA, Room 13C–20, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–4147.

Telephone comments may be made directly to Mr. William F. Fowler, Division of Grants and Contracts Management, ADAMHA, on phone number (301) 443–3334.

Dated: March 30, 1979.

Gerald L. Klerman, M.D.,

Administrator, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 79–11305 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–88–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

Statewide Professional Standards Review Council of New York; Request for Nominations for Public Member Positions on the Council

There are four public representatives on the Statewide Council. Membership terms for two of those representatives will expire on September 30, 1979.

Professional Standards Review Organizations (PSROs) review medical care services paid for under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs in order to assure that those services are medically necessary of acceptable quality, and provided at the appropriate level of care.

Statewide Councils are established in States that have 3 or more PSROs to: (1) help to coordinate PSRO activities and disseminate information among them; (2) assist the Secretary in the development of uniform data gathering and operating procedures; (3) review certain determinations and recommendations made by PSROs as a result of their review of medical care; (4) work with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) assist the Secretary to carry out several of his responsibilities, including the evaluation of the PSROs' review activities and the designation of replacement PSROs when necessary.

Nominees for public representatives are considered on the basis of whether they are: (1) Knowledgeable about health care provided in New York under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs;

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals who are not affiliated with: (1) Organizations and groups that must, under law, be represented on the Council (PSROs and physician groups); or

(2) Organizations and groups that must, under law, be represented on the Council's Advisory Group (hospitals and other health care facilities and health care practitioners other than physicians).

Please include biographical data which demonstrate each nominee's qualifications, particularly their knowledge of health care in the State and their willingness and ability to represent the interests of the public. Persons or organizations may submit nominations to:

William Toby, Regional Administrator, Health Care Financing Administration, 26 Federal Plaza, Room 3811, New York, N.Y. 10007.

After consideration of all nominations received within 60 days of this Notice, the Secretary will appoint two new public representatives.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, (212) 264–4680.

Dated: March 27, 1979

William Toby,

Regional Administrator, Health Care Financing Administration.

[FR Doc. 79–11304 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–35–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Board of Regents; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on May 24–25, 1979, in the Board Room and the History of Medicine Reading Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of

the Extramural Programs Subcommittee of the Board of Regents on the preceding day, May 23, 1979, from 2:00 p.m. to 5:00 p.m., in Conference Room "B" of the Library.

The meeting of the Board will be open to the public from 8:30 a.m. to 2:45 p.m. on May 24 for administrative reports and program discussions, and from 9:00 a.m. to 4:00 p.m. on May 25 for special presentations in connection with the centenary celebration of INDEX MEDICUS. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4), 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the entire meeting of the Subcommittee on May 23 will be closed to the public, and the regular Board meeting on May 24 will be closed from 2:45 to 5:00 p.m. for the review, discussion, and evaluation of individual grant applications. These applications and the discussion could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, Telephone Number: 301–496–6308, will furnish a summary of the meeting, rosters of Board members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13–879—National Institutes of Health.)

Dated April 6, 1979.

Suzanne Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–11374 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, NEI; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Eye Institute, June 11 and 12, 1979, Building 31, Room 6A–35, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on June 11 from 8:30 a.m. until 2:30 p.m. for general remarks by the Institute Director on matters concerning the intramural programs of the National Eye Institute. Attendance by the public will limited to space available.

In accordance will provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on June 11 from 2:30 p.m. until adjournment and the entire day on June 12 for review, discussion, and evaluation of individual projects conducted by the Laboratory of Vision Research, NEI. This evaluation and discussion could reveal personal information concerning individuals associated with the projects. Consequently, this meeting is concerned with matters exempt from mandatory disclosure, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Julian Morris, Chief, Office of Program Planning and Scientific Reporting, National Eye Institute, Building 31, Room 6A–25, National Institutes of Health, Bethesda, Maryland 20205 (telephone 301/496–5248), will furnish summaries of the meeting and rosters of committee members.

Substantive program information may also be obtained from Dr. Carl Kupfer, Director, National Eye Institute, Building 31, Room 6A–03, National Institutes of Health, Bethesda, Maryland 20205 (telephone 301/496–2234).

Dated: April 6, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79–11376 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors, NIA; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute on Aging, May 10–11, 1979, to be held at the Gerontology Research Center, Baltimore, Maryland. The meeting will be open to the public from 9:00 a.m. to adjournment on Thursday, May 10, and from 9:00 a.m. until noon on Friday, May 11. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on May 11 from 1:00 p.m. until adjournment for the review, discussion, and evaluation of individual programs, and projects conducted by the National Institutes of Health, NIA, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Suzanna H. Porter, Committee Management Officer, NIA, Building 31, Room 5C05, National Institutes of Health, Bethesda, Maryland 20014 (telephone: 301/496–5345) will provide a summary of the meeting and a roster of committee members. Dr. Richard C. Greulich, Scientific Director, NIA, Gerontology Research Center, Baltimore City Hospitals, Baltimore, Maryland 21224, will furnish substantive program information.

Dated: April 6, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–11371 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–08–M

Cancer Control and Rehabilitation Advisory Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, May 10–11, 1979, Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 1:00 p.m. on May 10 to adjournment on May 11, to report on status of selected projects and to review initial concepts for projects to be funded in fiscal year 1980. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Mr. H. C. Noyes, Acting Executive Secretary, National Cancer Institute, Blair Building, Room 720, Silver Spring, Maryland 20910 (301/427–8053) will furnish substantive program information.

Dated: April 5, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–11370 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–08–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on May 31–June 1, 1979, in the Landow Building, Conference Room A, first floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on May 31 from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Review and the Chiefs of the Human Learning and Behavior, Pregnancy and Infancy and Developmental Biology and Nurtition Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6) and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 31 from 10:30 a.m. to adjournment on June 1 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Majorie Neff, Committee Management Officer , NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 7C16, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health)

Dated: April 6, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–11375 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Allergy and Infectious Diseases Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, May 22, 23, and 24, 1979, in Building 1, Wilson Hall, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 23 from 9:00 a.m. until 9:30 a.m., and from 1:30 p.m. until recess, and on May 24 from 9:00 a.m. until 1:00 p.m., to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code, and Section 10(d) of Public Law 92–463, the meeting of the Council will be closed to the public on May 22 from 8:00 p.m. until their respective recesses for meetings of the NAAIDC Molecular Microbiology and Parasitology Subcommittee, the NAAIDC Bacterial and Viral Diseases Subcommittee, and the NAAIDC Subcommittee on the Task Force on Asthma and the Other Allergic Diseases; on May 23 from 9:30 until 1:30 p.m.; and on May 24 from 2:00 p.m. until adjournment, for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland, telephone (301) 496–5717, will provide summaries of the meetings and rosters of the Council members.

Dr. William I. Gay, Director, Extramural Activities Program, NIAID, NIH, Westwood Building, Room 703, telephone (301) 496–7291, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.855, 13.856, 13.857, and 13.858, National Institutes of Health)

Dated: April 6, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–11373 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Environmental Health Sciences Council; Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Advisory Environmental Health Sciences Council, National Institute of Environmental Health Sciences, May 21–22, 1979, in Building 31–C, Conference Room 7, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public on May 21, 1979, from 9 a.m. to approximately 1 p.m. to discuss program policies and issues, recent legislation, interagency activities, NIEHS program planning report, and other items of interest. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public on May 21, 1979, from 1 p.m. to adjournment on May 22, 1979, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Leota B. Staff, Committee Management Officer, NIEHS, Westwood Building, Room 340, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–7483, will provide summaries of the meeting and rosters of council members.

Dr. Wilford L. Nusser, Associate Director for Extramural Program, National Institute of Environmental Health Sciences, P. O. Box 12233, Research Triangle Park, North Carolina 27709, (919) 755–4015, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.872, 13.873, 13.874, 13.875, National Institutes of Health)

Dated: April 6, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–11372 Filed 4–11–79; 8:45 am]

BILLING CODE 4110–08

National Institute of Child Health and Human Development; Conference

Notice is hereby given of the Conference on Nutrition, Behavior, and the Life Cycle, co-sponsored by the National Institute on Aging and the National Institute of Child Health and Human Development, June 18–20, 1979, in the National Institutes of Health, Bethesda, Maryland, Building 31, C Wing, Conference Room 8.

This Conference will be open to the public on June 18, from 9:00 a.m. until 5:00 p.m., June 19, from 8:30 a.m. until 5:00 p.m., and on June 20, from 9:00 a.m. until 12:00 noon. The purpose of the conference is to identify the inter-relationships between nutrition,

behavior, and the life-cycle; assess current state of research; and identify areas for future research.

Ms. Judy Fernandes, Public Information Officer, National Institute on Aging, Building 31, Room 5C36, Bethesda, Maryland 20205, phone (301) 496–1752 or Ms. Pamela Driscoll, Public Information Office, National Institute of Child Health and Human Development, Building 31, Room 2A32, Bethesda, Maryland 20205, phone (301) 496–5133 will provide additional information.

Dated: April 5, 1979.

Suzanne L. Fremeau,
Committee Management Officer, NIH.
[FR Doc. 79–11377 Filed 4–11–79; 8:45 am]
BILLING CODE 4110–08–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Health

Health Maintenance Organizations; December Qualified List

In F.R. Doc. 79–8108 appearing at page 16496 in the issue of Monday, March 19, 1979 on page 16497, in the middle column, the following correction should be made. The seventh group of numbers in the first line of the third paragraph, "Camden County," should be transposed to read "08333" instead of "80333."

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Wilderness Initial Inventory; Public Comment Period

Notice is hereby given that pursuant to the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579) and Bureau of Land Management's Wilderness Inventory Handbook, that a 90-day public comment period will begin April 24, 1979 on the results of the Initial Inventory on 12.5 million acres of public lands administered by Bureau of Land Management in Arizona.

Comments will be accepted during the stated period regarding which lands clearly and obviously do not meet wilderness critieria as defined by he Wilderness Act of 1964 (Pub. L. 88–577) Sec. 2(c), and those lands which should be considered further through Intensive Inventory as described by the Wilderness Inventory Handbook.

Maps and other information about Initial Inventory results can be obtained from the Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073. Phone (602) 261–3141 after April 24, 1979.

Robert O. Buffington,
State Director.
[FR Doc. 79–11388 Filed 4–11–79; 8:45 am]
BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Approval of Outer Continental Shelf Official Protraction Diagrams

1. Notice is hereby given that, effective with this publication, the following OCS Official Protraction Diagrams, approved on the dates indicated, are available for information in the Outer Continental Shelf Office, Bureau of Land Management, Anchorage, Alaska. In accordance with Title 43, Code of Federal Regulations, these protraction diagrams are the basic record for the description of mineral and oil and gas lease offers in the geographic area represented.

Outer Continental Shelf Protraction Diagrams

	Description	Approval date
NP 1–2		March 1, 1979.
NP 2–1	Gambell	March 1, 1979.
NQ 2–6	Little Diomede Island	March 1, 1979.
NQ 2–7, 2–8	Ukivok	March 2, 1979.

2. Copies of these diagrams are for sale at two dollars ($2.00) per sheet by the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 A Street, Anchorage, Alaska. Checks or Money Orders should be made payable to the Bureau of Land Management.

Robert J. Brock,
Acting Manager, Alaska Outer Continental Shelf Office.
[FR Doc. 79–11302 Filed 4–11–79; 8:45 am]
BILLING CODE 4310–84–M

Bannock-Oneida Livestock Grazing Environmental Statement; Intent

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Bureau of Land Management's Burley District Office intends to prepare an environmental impact statement (EIS) on the allocation of available range forage to competitive uses and management of livestock use of the range vegetation on public lands in Oneida County and parts of Power, Bannock, Caribou and Cassia Counties, Idaho.

The purpose of this action is to arrest deterioration and improve the quality of the vegetative and associated resources through:

1. The allocation of forage among competing uses.
2. The management of livestock use of the vegetation through the development of Allotment Management Plans and/or initiation of range improvements that will improve the quality of forage for use under the principles of multiple use and sustained yield.

The preferred action will establish the livestock grazing capacity for 431,508 acres of public land including 56 Section 3 grazing allotments and 28 Section 15 grazing allotments, consistent with the resource capability of each to provide for watershed and soil protection, preservation of game and non-game fish and wildlife species, maintenance of basic range vegetation growth requirements, protection of cultural resources and maintenance of aesthetic quality.

The EIS area consists of the Malad and Pocatello Planning Areas. First generation Management Framework Plan (MFP) Step II multiple use recommendations for each of these planning areas will be revised prior to start of the grazing EIS. Proposed forage allocation levels, livestock management systems, range improvements and constraints on livestock use will be established in the revised MFP II recommendations. The preferred alternative for the grazing EIS will be based upon these revised MFP IIs.

Components of the preferred alternative for 79% or 339,169 acres within the EIS area have been established in the Malad MFP II. Specific components of this portion of the preferred alternative include:

—Allotment Management Plan (AMP) development and implementation of 3 pasture deferred rotation grazing systems on 65,835 acres.

—AMP development and implementation of 2 pasture deferred rotation grazing systems on 76,136 acres.

—AMP development and implementation of a 4-pasture rest rotation grazing system on 7,000 acres.

—Update of a 3,000 acre AMP to provide for a two-pasture deferred rotation system.

—AMP development and implementation of a 3-pasture rest rotation grazing system on 47,510 acres of crested wheatgrass.

—Continuance of existing 3 pasture rest rotation grazing management systems on 96,271 acres.

—Within 33,633 acres develop and implement management plans for 6 one-pasture, 1 two-pasture and 1 three-pasture deferred use ares.

—Continue existing seasonal grazing use on 8,780 acres.

—Construction of 14 miles of fence, 11 on public land and 3 on private land to implement AMPs.

—Development of the following water facilities to implement AMPs and grazing systems: 15 reservoirs, 34 catchments, 51 troughs, 1 haul station and 30 miles of pipeline.

—Chemical control of 8,366 acres of vegetation to increase livestock carrying capacity.

—Chaining and drill seeding of 11,980 acres to increase livestock carrying capacity.

—Burning and drill seeding of 600 acres to increase livestock carrying capacity.

—Installation of 114 cattleguards to control livestock movements.

—Allocation of forage among competing uses. Where necessary allow downward adjustments to be made by reduced livestock numbers, seasons of use or a combination over a period of three years with the full reduction coming in the last year, projected to be the 1983 grazing season. The average amount of voluntary non-use the last five years for all allotments indicating a needed livestock reduction in the Malad Planning Area is 20%. The average mean reduction proposed for all allotments is 24%. Reductions range from 0% to 55%.

Three other alternatives are currently being considered for inclusion in the EIS:

—No grazing or the exclusion of all livestock grazing from public lands in the EIS area. The exclusion would be carried out by an active trespass control program.

—No action or continuance of the livestock grazing status qou. This alternative includes no livestock use level or season of use adjustments and implementation of no AMPs.

—Low level stocking. Stocking rates would be set 50% below preferred alternative rates to maximize wildlife, soil and water resources and enhance the visual resource.

Every effort has been made to insure that MFP II multiple use recommendations for the Malad and Pocatello Planning Areas will be developed with the benefit of extensive public involvement.

Special Ad Hoc Committee meetings of individuals representing the major interests on identified issues in the ES area were held at American Falls, Idaho, August 29, 1978, Malad, Idaho, August 30, 1978, and Pocatello, Idaho, March 14, 1979. Public meetings on MFP II recommendations for the 339,169 acre Malad portion of the ES area were held January 9, 1979, in the afternoon at American Falls, Idaho, and in the evening at Malad, Idaho.

District Office staff have made written or personal contact with the following and are in the process of making additional contacts:

U.S. Forest Service, Sawtooth National Forest, Caribou National Forest.

U.S. Fish & Wildlife Service, Boise Area Office, Endangered Species Program.

Idaho Fish & Game Department, Region 4—Jerome, Idaho, Region 5—Pocatello, Idaho.

University of Idaho Cooperative Extension Service, Bannock County Extension Agent, Oneida County Extension Agent, Power County Extension Agent.

State of Idaho, Idaho State Clearinghouse Coordinator, Division of Budget, Policy Planning & Coordination, Boise, Idaho.

Gilbert Teton, Chairman, Business Council, Shoshone Bannock Tribal Council, Ft. Hall, Idaho.

Executive Director, Southeast Council of Governments, Pocatello, Idaho.

Idaho Water Resources Board, Boise, Idaho.

City of Pocatello, Planning Department & City, Parks and Recreation Dept., Pocatello, Idaho.

Idaho State Department of Highways, District I, Pocatello, Idaho.

Idaho School Board Association, Boise, Idaho.

Power County Planning & Zoning Commission, American Falls, Idaho.

Idaho State Land Board, Idaho Falls, Idaho.

American Falls Chamber of Commerce, American Falls, Idaho.

Idaho Cattleman's Associatioan, Boise, Idaho.

Executive Director, Idaho Conservation League, Boise, Idaho.

Executive Director, Idaho Petroleum Association, Boise, Idaho.

Vice President, Development & Planning, J. R. Simplot Company, Pocatello, Idaho.

Citizens Environmental Council, Pocatello, Idaho.

Idaho Power Company, Boise, Idaho.

Southeast Idaho Rod & Gun Club, Pocatello, Idaho.

The Wilderness Society, Denver, Colorado.

Coordinator, Outdoor Program, Idaho State University, Pocatello, Idaho.

Department of Biology, Idaho State University, Pocatello, Idaho.

Department of Anthropology, Idaho State University, Pocatello, Idaho.

U.S. Dept. of Agriculture—Soil Conservation Service: Pocatello, Idaho, Malad, Idaho, American Falls, Idaho.

Department of Geology, Idaho State University, Pocatello, Idaho.

President, Idaho Wildlife Federation, Twin Falls, Idaho.

Superintendent, Bureau of Reclamation, Burley, Idaho.

Power County Highway District, American Falls, Idaho.

Power County Commission, American Falls, Idaho.

Mayor, City of Rockland, Rockland, Idaho.

State of Idaho, Parks and Recreation Department, Boise, Idaho.

Natural Resopurces Defense Council, Palo Alto, California.

Malad Chamber of Commerce, Malad, Idaho.

Chairman, Oneida Co./Malad City Planning Commission, Malad, Idaho.

Honorable John V. Evans, Governor, State of Idaho, Boise, Idaho.

Public Lands Council, Washington, D.C.

Bureau of Indian Affairs, Ft. Hall Agency, Ft. Hall, Idaho.

Coordinator, Bear River RC&D, Brigham City, Utah.

Farmers Home Administration, Malad, Idaho.

Mayor, City of Snowville, Snowville, Utah.

Curator of Archaeology, Idaho State University, Pocatello, Idaho.

Mayor, City of Downey, Downey, Idaho.

Pocatello Chamber of Commerce, Pocatello, Idaho.

Bannock County Planning & Zoning Staff, Pocatello, Idaho.

Union Pacific Railroad, Salt Lake City, Utah.

Mountain Bell, Denver, Colorado.

Independent Petroleum Association of America, Washington, D.C.

Southeast Idaho Field Representative, Idaho Conservation League, McCammon, Idaho.

Idaho Mining Association, Boise, Idaho.

Director, Lava Hot Springs Foundation, Lava Hot Springs, Idaho.

Southeast Idaho District Health Department, Pocatello, Idaho.

Portneuf Valley Audubon Society, Pocatello, Idaho.

League of Women Voters, Pocatello, Idaho.

Bureau of Land Management, Burley District Grazing Advisory Board,

Burley District Grazing Associations: Pleasant View Livestock Association, Samaria Grazing Association, Marsh Valley Cattlemen's Association, Pocatello Cattlemen's Association, Curlew Valley Horse & Cattle Association, Cambridge Cattlemen's Association, East Fork Cattle Grazing Association.

In addition to those formal groups and agencies listed, numerous livestock licensees and other interested parties have discussed their concerns for land management in the EIS Area.

A meeting has been scheduled to provide for public review of multiple use recommendations for the 92,339 acre Pocatello Planning Area, 21% of the public land within the Bannock-Oneida Livestock Grazing ES Area. In addition the meeting has been scheduled to invite the participation of affected Federal, State and local agencies, any affected Indian Tribe, and any interested groups or persons in defining the significant issues that relate to the subject of the livestock grazing environmental impact statement, thus eliminating from detailed study those issues deemed not central to the scope of the statement.

The meeting will adhere to the following agenda:

1. Introduction—purpose of meeting, relationship between EIS and District planning.

2. Presentation of Pocatello MFP II multiple use recommendations.

3. Recap of Malad MFP II multiple use recommendations.

4. Presentation of grazing environmental statement alternatives.

5. Presentation of public comment and recommendations on issues of major concern and any options to alternatives being considered in the environmental statement.

Interested persons are encouraged to attend and present their views at the following location and time: Holiday Inn, Pocatello Creek Road & I–15, Pocatello, Idaho, Monday, April 30, 1979, 7:30 p.m.

Individuals wishing to comment orally at the meeting are encouraged to provide written copies of their remarks. Supplemental information or additional comments not presented at the meeting should be sent to the Burly District Office no later than May 15, 1979.

For further information regarding the meetings or the subject of the Bannock-Oneida Livestock Grazing Environmental Statement, contact Tim Hartzell, Team Leader, BLM, Burley District Office, Route A #3, Box 1, Burley, Idaho 83318. Telephone (208) 678–5514 (FTS 554–6635).

Dated: April 5, 1979.

Nick James Cozakos,
Burley District Manager, Bureau of Land Management.

[FR Doc. 79–11303 Filed 4–11–79; 8:45 am]

BILLING CODE 4310–84–M

Utah; Wilderness Study Area Proposal; Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the following public meeting will be held to discuss a proposal for a wilderness study area (WSA) of approximately 90,000 acres in Wayne and Garfield Counties. The meeting will be held May 12 at 6:00 p.m. at Hanksville, Utah, in the Hanksville Elementary School. Richfield District personnel will conduct an afternoon tour of part of the proposed study area, beginning at 11:00 a.m. Individuals wishing to participate in the tour must contact the Richfield District Office by May 4.

The meeting is being held to gain public comment on the WSA proposal. Accelerated initial and intensive wilderness inventories were conducted on a 359,480 acre inventory unit because of proposed minerals operations within the unit. Approximately 90,000 acres were found to meet the criteria for a WSA. The boundaries of the entire inventory unit and the proposed WSA are designated on the map. Physical boundaries of the proposed WSA are described as follows: Beginning at the Dirty Devil River, approximately 6 river miles north of Poison Springs Canyon; proceeding north along the top of the cliff line on the west side of the Dirty Devil River; around the head of Beaver Canyon; to a point on the Dirty Devil River, approximately eight miles downstream from Utah Highway 24; along the top of the cliffs around the head of Pasture Canyon, White Roost Canyon; and the North Middle, and South Forks of Robbers Roost canyon; below the rim of Angel Point, around the head of No Mans Canyon, Sams Mesa Box Canyon; southwest to the north rim of Happy Canyon, west to the Dirty Devil River.

The proposed WSA is located on the high desert plateau country of south central Utah and contains canyons and mesas typical of this desert area. While vegetation is sparse or non-existent at upper canyon levels, canyon bottoms contain comparatively dense riparian cover. The Dirty Devil River and its tributaries have created the deep, rugged and winding canyons.

Of the 90,000 acres proposed for wilderness study, approximately 60,000 acres are in a natural condition, having been affected primarily by the forces of nature with the imprint of man's work substantially unnoticeable. About 30,000 acres have been intruded by over 25 miles of roadways. However, most of these intrusions are substantially unnoticeable due to the vastness of the area.

Outstanding opportunities for solitude within the proposed WSA are promoted by over 100 miles of deeply bisected, winding canyons. The vastness of the proposed area decreases the probability of visitor encounters.

The ruggedness and inaccessibility to mechanized equipment generally restrict recreational use to a primitive and unconfined type.

In addition to public comment at the May 12 meeting, written comments on the WSA proposal will be accepted until June 5, 1979. Comments should be mailed to: Richfield BLM District Manager, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701.

FOR FURTHER INFORMATION CONTACT: BLM Richfield District Office, 150 East 900 North, P.O. Box 768, Richfield, Utah 84701. (801) 896–8221, FTS 584–8221.

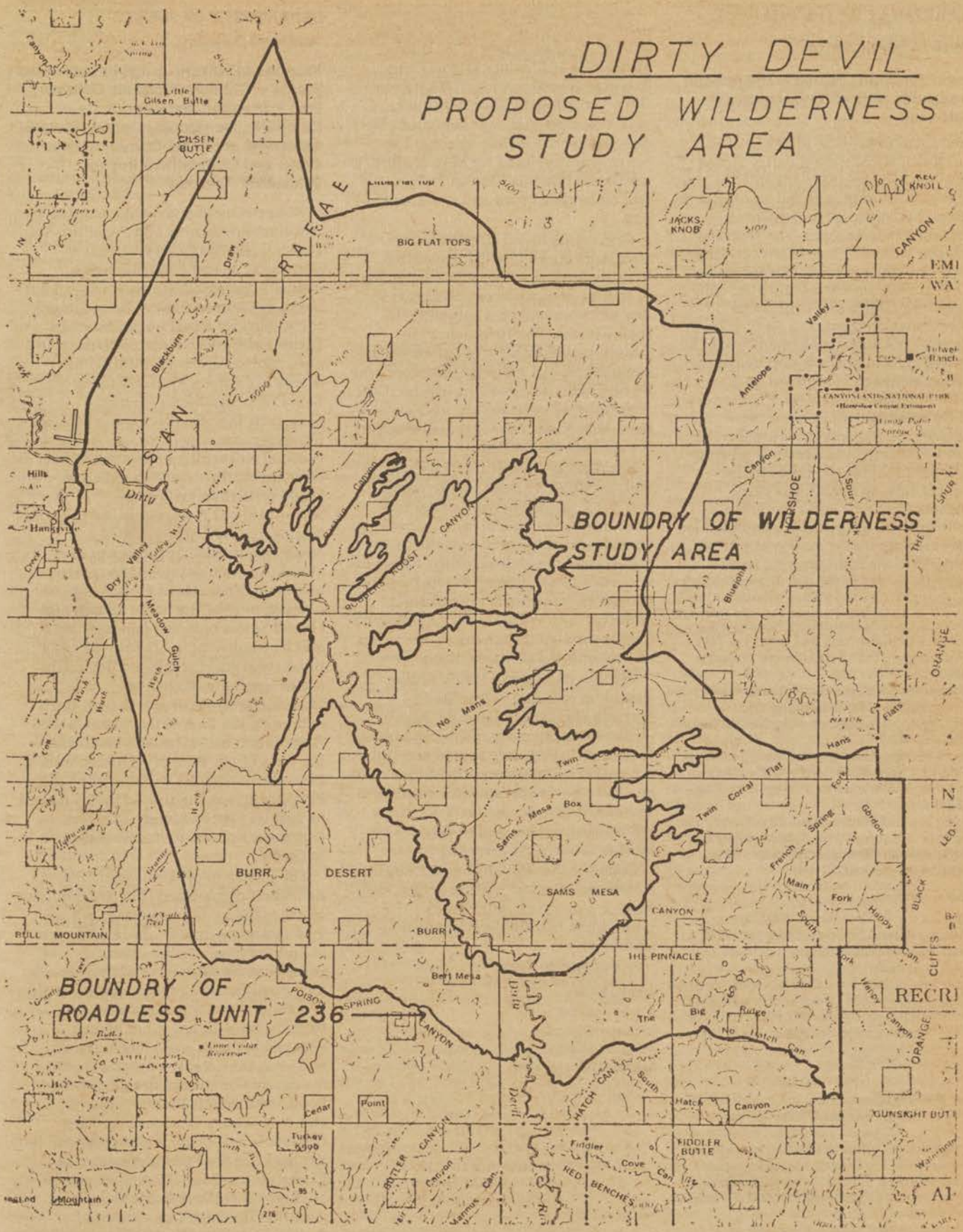
Dated: April 3, 1979.

Paul Howard,
State Director.

BILLING CODE 4310–84–M

[U310–84, U–910]

[FR Doc. 79–11342 Filed 4–11–79; 8:45 am]


DIRTY DEVIL
PROPOSED WILDERNESS
STUDY AREA
BOUNDRY OF WILDERNESS
STUDY AREA
BOUNDRY OF
ROADLESS UNIT 236
BIG FLAT TOPS
SAN RAFAEL
BURR DESERT
SAMS MESA
CANYON
BULL MOUNTAIN
THE PINNACLE
HATCH CANYON
FIDDLER BUTTE
GUNSIGHT BUTTE
CANYONLANDS NATIONAL PARK
Little Gilsen Butte
GILSEN BUTTE
JACKS KNOB
Blackburn
Dry Valley
Meadow Gulch
Antelope
Canyon
Bluejoint
No Mans
Twin Corral
Flat
Fork
Hans
Flats
Sams Mesa
Box
French
Spring
Gordon
Main
Fork
South
Happy
Black
Cliffs
Bert Mesa
Poison Spring
Canyon
Dirty Devil
The
Big
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Hatch
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Canyon
Orange
Cedar
Point
Turkey
5090
Butler Canyon
Fiddler
Cove
Can
Hed
Benches
Hanksville
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Creek
Valley
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Mountain
Valley
Ranch
Knoll
Draw
Wash
Creek
Canyon
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DEPARTMENT OF THE INTERIOR

Office of the Secretary

Grand Junction Grazing Management; Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared an environmental statement on grazing management in the Grand Junction Resource Area. The proposal includes implementing 78 new grazing plans or allotment management plans (AMP's), fully implementing 8 partially completed AMP's and continuing present management on 3 AMP's. Less intensive grazing management would be applied to 88 allotments and livestock grazing would be eliminated on 2 additional allotments.

The environmental statement analyzes the impacts that would result from management of livestock grazing and additional range improvement projects such as fences, livestock watering facilities, and vegetation treatment. The proposal is scheduled for implementation over an 8 year period.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Room 5560, Interior Building, 18th and C Streets, NW, Washington, D.C. 20240 (Phone: 202–343–6011)

Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: 303–837–4481)

Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501 (Phone: 303–243–6552)

Bureau of Land Management, Glenwood Springs Resource Area, 5629 Highway 6 & 24, Glenwood Springs, Colorado 81601 (Phone: 303–945–5478)

Public Libraries

Mesa County Public Library, 530 Grand Avenue, Grand Junction, Colorado 81501

Mesa College Library, Grand Junction, Colorado 81501

Glenwood Springs Public Library, 806 Cooper, Glenwood Springs, Colorado 81601

Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206

County Courthouses

Garfield County, Glenwood Springs, Colorado 81601

Mesa County, Grand Junction, Colorado 81501

Single copies of the draft statement can be obtained from the District Manager, Grand Junction District Office; or the State Director, Colorado State Office, at the addresses listed above.

Written comments on the adequacy of the draft environmental statement should be submitted by June 4, 1979, to the District Manager, Grand Junction District Office, Bureau of Land Management, 764 Horizon Drive, Grand Junction, Colorado 81501.

Oral and written comments wil also be received at a public hearing. The hearing is scheduled for May 10, 1979, at the Grand Junction District Office, and will be held at 1 p.m. and continued at 7 p.m.

Oral testimony of 10 minutes maximum duration will be accepted from each witness at the hearing in lieu of written comments or in addition to any written comments submitted by such witness. The 10 minute time limitation will be strictly enforced. The complete text of prepared speeches may be filed with the presiding officer at the hearing whether or not the speaker has been able to finish with oral delivery in the allotted 10 minutes.

Speakers will be heard, if present, in their established order on the witness list. After the last listed witness has been heard, the presiding officer will consider the request of any other person present and wishing to testify. Only one witness will be allowed to represent the viewpoints of a single organization. However, any witness will be permitted to give germane testimony as the views or opinions of a private citizen.

Written requests to testify orally should be received at the Grand Junction District Office at the above address prior to close of business on May 8, 1979. Requests should identify the organization represented and should be signed by the prospective witness. The cutoff date is necessary so that a witness list can be made available on the day of the public hearing.

Comments on the draft environmental statement, whether written or oral, will receive equal consideration in preparation of a final environmental statement.

Dated: April 9, 1979.

Larry E. Meierotto,
Assistant Secretary.

[INT DES–79–19]

[FR Doc. 79–11366 Filed 4–11–79; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment in United States v. Childers Products Company, Inc.; Preformed Metal Products Company, Inc.; Quality Service Metals Company; and Insul-Coustic/Birma Corp. and Competitive Impact Statement Thereon

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed consent judgment and a competitive impact statement as set out below have been filed with the United States District Court for the Southern District of Texas, Houston Division, in Civil Action No. 76–H–1858, *United States* v. *Childers Products Company, Inc.; Preformed Metal Products Company, Inc.; Quality Service Metals Company, and Insul-Coustic/Birma Corp.* The Complaint alleged that the defendants, their trade association, Metal Insulation Jacketing Manufacturers Association, and Herren Metals, Inc. had engaged in a combination and conspiracy to raise, fix, stabilize and maintain prices, and to eliminate discounts in the sale, of aluminum jacketing in the continental United States between February 1973 and November 1974. On May 19, 1977 the district court dismissed defendant Metal Insulation Jacketing Manufacturers Association from the action. By the time of the dismissal the Association had dissolved itself under the laws of the state of its incorporation, Ohio. Simultaneous with the filing of the Final Judgment, the United States moved to dismiss Herren Metals, Inc. The company is no longer transacting business.

The judgment prohibits each defendant corporation from entering into or maintaining any agreement or understanding to raise, fix, stabilize, or maintain prices or other terms or conditions for the sale of aluminum roll jacketing. Each defendant retailer is also prohibited from communicating or exchanging with any other person engaged in the sale of aluminum roll jacketing the actual or proposed prices for the sale of aluminum roll jacketing. Public comment is invited within the statutory 60-day time periods. Such comments and responses thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Barry F. McNeil, Chief, Antitrust Division, Department of Justice, 1100 Commerce Street, Room 8C20, Dallas, Texas 75242.

Dated: April 2, 1979.

John H. Shenefield,
Assistant Attorney General, Antitrust Division.

United States District Court, Southern District of Texas, Houston Division

United States of America, Plaintiff, v. *Childers Products Co., Inc.; Preformed Metal Products Co., Inc.; Quality Service Metals Co.*, and *Insul-Coustic/Birma Corp.*, defendants. Civil Action No. 76–H–1858, Filed: April 2, 1979.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act [15 U.S.C. § 16], and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever and the making of this Stipulation shall be without prejudice to plaintiff or defendants in this or any other proceeding.

Dated: April 2, 1979.

For the Plaintiff: John H. Shenefield, *Assistant Attorney General;* William E. Swope, Barry F. McNeil, *Attorneys, Department of Justice;* Mary Coleen T. Sewell, J. Michael Weston, *Attorneys, Department of Justice; U.S. Department of Justice, Antitrust Division, 1100 Commerce Street, Room 8C6, Dallas, Texas 75242, (214) 749–1275.*

For the Defendants: Fulbright & Jaworski, Houston, Tex.; Dudley Oldham, *Attorney for Preformed Metal Products Company, Inc.;* Arter & Hadden, Cleveland, Ohio; M. Neal Rains, *Attorney for Childers Products Company, Inc.;* Vinson & Elkins, Houston, Tex.; Max Hendrick III, *Attorney for Quality Service Metals Company;* Walder, Steiner & Sondak, Newark, New Jersey; Justin P. Walder, *Attorney for Insul-Coustic/Birma Corp.*

United States District Court, Southern District of Texas, Houston Division

United States of America, Plaintiff, v. *Childers Products Company, Inc.; Preformed Metal Products Co., Inc.; Quality Service Metals Co.; and Insul-Coustic/Birma Corp.*, defendants. Civil Action No. 76–H–1858, Filed: April 2, 1979.

FINAL JUDGMENT

Plaintiff, United States of America, having filed its Complaint herein on November 10, 1976, and plaintiff and defendants, by their respective attorneys, having each consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by plaintiff or defendants, or any of them, in respect to any such issue;

NOW, THEREFORE, before any testimony has been taken and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties as aforesaid, it is hereby

ORDERED, ADJUDGED, and DECREED as follows:

I

This Court has jurisdiction of the subject matter herein and of the parties hereto. The Complaint states claims upon which relief may be granted against the defendants under Section 1 of the Sherman Act, 15 U.S.C. § 1.

II

As used in this Final Judgment:

(A) "Person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity.

(B) "Aluminum roll jacketing" is a sheet of aluminum to which a moisture barrier has been applied. Aluminum roll jacketing is commonly wrapped around the piping in petrochemical and power generating facilities to protect the pipes, or insulation around the pipes, from the weather and other external forces.

(C) "Defendant corporation" shall refer to defendants Childers Products Company, Inc.; Preformed Metal Products Company, Inc.; Quality Service Metals Company; and Insul-Coustic/Birma Corp.

III

The provisions of this Final Judgment are applicable to each defendant herein and shall apply also to each of such defendant's subsidiaries, successors, assigns, directors, officers, agents, servants and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

(A) Defendant corporations are enjoined and restrained, individually and collectively, from entering into, adhering to, maintaining, furthering, enforcing or claiming any rights under any contract, agreement, understanding, plan, program, combination or conspiracy with any other person, directly or indirectly, to:

(1) Fix, determine, maintain, or stabilize prices or other terms or conditions for the sale of aluminum roll jacketing to any third person; or

(2) Fix, determine, maintain, stabilize or adhere to discounts for the sale of aluminum roll jacketing to any third person or to limit, reduce, remove or eliminate such discounts.

(B) For a period of ten (10) years from the date of entry of this Final Judgment, each defendant corporation is enjoined and restrained from communicating to any other person engaged in the sale of aluminum roll jacketing prices at which, or terms or conditions upon which, aluminum roll jacketing is then being sold or offered for sale by said defendant to any third person.

(C) Each defendant corporation is enjoined and restrained from communicating to any other person engaged in the sale of aluminum roll jacketing information concerning:

(1) Future prices at which, or terms or conditions upon which, aluminum roll jacketing will be sold or offered for sale by said defendant to any third person; or

(2) Any intention by said defendant to change or revise the prices at which, or the terms or conditions upon which, said defendant sells or offers to sell aluminum roll jacketing to any third person.

(D) Nothing contained in this Final Judgment shall apply to any negotiation or communication between a defendant and any other defendant or between any defendant and any other person engaged in an actual bona fide purchase or sale of aluminum roll jacketing.

(E) Nothing contained in this Final Judgment shall prohibit the transmission, by a defendant corporation, without additional comment or explanation, to another person engaged in the production and sale of aluminum roll jacketing products, of such defendant's aluminum roll jacketing products price list, or any change therein, regularly issued in the course of business, which price list, or said change, had been previously released and circulated to the trade generally.

(F) This Final Judgment shall not be deemed to prohibit any defendant from formulating or submitting with any other defendant a bona fide joint bid or quotation, when the submission of such joint bid or quotation has been requested by the purchaser.

V

(A) Each defendant corporation shall independently and individually review and recompute its current list prices, delivery charges and all other terms and conditions for the sale of aluminum roll jacketing.

(B) Each defendant corporation shall reduce to writing the results of the independent review and recomputation required by Paragraph V(A) of this Final Judgment. This written review shall include but not be limited to:

(1) A full explanation of the methodology employed by the defendant corporation in reviewing and recomputing its list prices, delivery charges and other terms and conditions of sale;

(2) A full explanation of the accounting method used by the defendant corporation as part of its independent review and recomputation;

(3) A full explanation of each of the constituent factors determining the list prices, delivery charges, and other terms and conditions for the sale of aluminum roll jacketing sold by the defendant corporation; and

(4) The list prices, delivery charges and other terms and conditions for the sale of aluminum roll jacketing sold by the defendant corporation after the independent review and recomputation.

(C) Provided, however, if the defendant corporation has independently and individually reviewed and recomputed its list prices, delivery charges and all other terms

and conditions for the sale of aluminum roll jacketing subsquent to January 24, 1977, then defendant corporation's statement in response to Paragraph V(B) above may be made in the context of said independent review and recomputation.

(D) The written results of the independent review and recomputation required by Paragraph V(B) of this Final Judgment shall be submitted to the plaintiff at the offices of the Antitrust Division, U.S. Department of Justice, Room 8C20, 1100 Commerce Street, Dallas, Texas 75242, within ninety (90) days after the entry of this Final Judgment.

VI

Each defendant corporation is ordered and directed to:

(A) Furnish, within thirty (30) days after the date of entry of this Final Judgment, a copy thereof to each of its officers and directors, and to each of its employees and agents who have any responsibility for the pricing or sale of aluminum roll jacketing;

(B) Furnish, for a period of ten (10) years after the date of this Final Judgment, a copy of this Final Judgment to each successor to those officers, directors, employees or agents described in Paragraph (A) of this Section, within thirty (30) days after such successor is employed by or becomes associated with such defendant;

(C) File with this Court and to serve upon the plaintiff within sixty (60) days after the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Paragraph (A) of this Section; and

(D) Obtain, from each officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (A) of this Section, and from each successor to each such officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph (B) of this Section, a written statement evidencing each such person's receipt of a copy of this Final Judgment, and to retain such statements in its files.

VII

(A) For the purpose of determining or securing compliance with this Final Judgment, and for no other purpose, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any defendant made to its principal office, be permitted, subject to any legally recognized privilege:

(1) Access during the office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, directors, agents, servants, or employees of such defendant, who may have counsel present, regarding any such matters.

(B) A defendant, upon the written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, shall submit such reports in writing, under oath if requested, with respect to any of the matters contained in this Final Judgment as may from time to time be requested.

No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

If at any time information or documents are furnished by a defendant to plainfiff, such defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which the defendant is not a party.

VIII

Jurisdiction is retained for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction or the carrying out of this Final Judgment, for the modification of any the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof.

IX

Entry of this Final Judgment is in the public interest.

United States District Judge.

Dated:

United States District Court, Southern District of Texas, Houston Division

United States of America, Plaintiff, v. *Childers Products Company, Inc.; Performed Metal Products Company, Inc.; Quality Service Metals Company; and Insul-Coustic/Birma Corp.,* Defendants. Civil No. 76–H–1858, Filed: April 2, 1979.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)), the United States of America hereby files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

Nature and Purpose of the Proceeding

On November 10, 1976, the United States filed a Complaint under Section 4 of the Sherman Act (15 U.S.C. 4), alleging that between February 1973 and November 1974 the defendant corporations, together with Herren Metals, Inc. and Metal Insulation Jacketing Manufacturers Association (MIJMA) (both formerly defendants in this action), engaged in a combination and conspiracy to raise, fix, stabilize and maintain the prices of aluminum roll jacketing, in violation of Section 1 of the Sherman Act (15 U.S.C. 1). The Complaint requested the Court to rule that the defendants had been engaged in an unlawful conspiracy in violation of Section 1 of the Sherman Act (15 U.S.C. 1) and to issue an injunction prohibiting its continuation. The five companies and MIJMA were indicated for this same violation on the same day. On January 24, 1977, the Court accepted the pleas of *nolo contendere* of all the defendants and imposed sentence.

Entry by the Court of the proposed Final Judgment will terminate this action against all defendants. The Court will retain jurisdiction over the matter for any further proceedings which might be required to interpret, modify or enforce the Judgment, or to punish violation of any of the provisions of the Judgment.

II

Description of Practices Involved in the Alleged Violation

The defendant corporations are the principal manufacturers of aluminum roll jacketing in the United States. Metal Insulation Jacketing Manufacturers Association was a trade association of maufacturers of aluminum roll jacketing. In 1974 total sales of aluminum roll jacketing exceeding $18 million, and defendants together accounted for about 80 percent of the amount. Aluminum roll jacketing is a sheet of aluminum to which a moisture barrier has been applied. Aluminum roll jacketing is commonly wrapped around the piping in petrochemical and power generating facilities to protect the pipes, or insulation around the pipes, from the weather and other external forces.

The defendants are Childers Products Company, Inc. of Cleveland, Ohio; Preformed Metal Products Company, Inc. of Shreveport, Louisiana; Quality Service Metals Company of Houston, Texas; and Insul-Coustic/Birma Corporation of Sayreville, New Jersey.

The complant alleges that the defendants and co-conspirators engaged in a conspiracy to fix, raise, stabilize and maintain prices and other terms and conditions for the sale of aluminum roll jacketing and to eliminate discounts in the sale of aluminum roll jacketing. The alleged conspiratorial activity involved discussions and agreements among officials of defendants and co-conspirators concerning prices to be charged for selling aluminum roll jacketing. These discussions and agreements occurred at or in conjunction with meetings of MIJMA.

According to the complaint, the conspiracy had the following effects: (a) prices for aluminum roll jacketing were raised to and quoted at artificial and non-competitive levels; (b) purchasers of aluminum roll jacketing were deprived of free and open competition, and (c) price competition among

defendants and co-conspirators was restrained.

III

Procedural History of Case

On May 19, 1977, the Court entered an Order of Dismissal dismissing the Complaint as to defendants MIJMA and Insul-Coustic/Birma Corp. On August 1, 1977, the Court, upon motion of the Government, vacated its Order of Dismissal as to defendant Insul-Coustic/Birma Corp. and reinstated the corporation as a defendant. The Government did not move for the reinstatement of MIJMA, as it had been legally dissolved under the laws of the state of its incorporation, Ohio. Simultaneous with the filing of the Final Judgment and this Competitive Impact Statement, the United States moved to dismiss the action as against defendant Herren Metals, Inc. Herren Metals, Inc. is no longer in business and any relief that might have been needed against this company is rendered moot by that fact.

IV

Explanation of the Proposed Consent Judgment

The United States and the defendants have agreed that a Final Judgment in the form negotiated by the parties may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act provided the plaintiff has not withdrawn it consent. The stipulation provides that there has been no admission by either party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Judgment is conditioned upon a determination by the Court that it is in the public interest.

A. *Prohibited Conduct.* The proposed Judgment prohibits each defendant from entering into, adhering to, maintaining, enforcing or claiming rights under any agreements with any other person to fix, determine, maintain, or stabilize prices or other terms or conditions of sale of aluminum roll jacketing, or to fix, determine, maintain, or stabilize or adhere to discounts or to limit, reduce, remove or eliminate such discounts. Each defendant is further prohibited, for a period of ten years, from communicating to another seller of aluminum jacketing the prices at which or the terms and conditions upon which, aluminum roll jacketing is being offered for sale by said defendant. Defendants are also enjoined and restrained from communicating information concerning future or comtemplated changes in prices or terms or conditions of sale of aluminum roll jacketing.

The proposed Judgment also requires the defendants to review and recompute their current list prices, delivery charges and all other terms and conditions for the sale of aluminum roll jacketing or to present evidence that they have done so since the time of sentencing in the companion criminal case. An understanding was reached with defendant Quality Service Metals Company on how the paragraph requiring the review and recomputation applied to it. In the past, Quality Service set its prices by adopting the prices of its largest competitors. Pursuant to the Judgment, they must now compute their prices on the basis of their own operating costs.

B. *Scope of the Proposed Judgment.* The Final Judgment applies not only to the defendants but also to their directors, officers, agents, and employees as well as to any successors or assigns of the defendants. It also applies to anyone participating with any defendant who receives actual notice of the Judgment.

The Judgment is geographically applicable anywhere the defendants do business. In addition, the Judgment perpetually restrains the prohibited conduct. In other words, unless the Court either modifies or vacates all or part of the Judgment, the defendants are forever bound by its prohibitions.

C. *Effect of the Proposed Judgment on Competition.* The terms of the Judgment are designed to insure that each corporate defendant will act completely independently in determining the prices, terms and conditions at which it sells or offers to sell aluminum jacketing. Compliance with the proposed Judgment will ensure competition among the defendants in the sale of aluminum jacketing.

The Department of Justice believes the proposed Final Judgment contains fully adequate provisions to prevent the continuance or reoccurrence of the violations of the antitrust laws charged in the Complaint. The Government is also given access, upon reasonable notice, to the records and employees of the defendants to monitor their compliance with the provisions of the Judgment. In the Department of Justice's view, disposition of the lawsuit without further litigation is appropriate, in that the proposed Judgment provides all the relief which the Government sought in its Complaint.

V

Alternatives to the Proposed Consent Judgment

The proposed Final Judgment, except as it related to MIJMA, is substantially in the form as submitted initially to the defendants. As originally submitted the proposed Judgment called for the dissolution of MIJMA and would have, for a period of five years, prohibited the formation of a comparable trade association. These provisions were deleted when the Association voluntarily dissolved itself. Prohibition of a new association was not considered necessary in view of the Judgment's stringent prohibitions against pricing discussions among sellers of aluminum jacketing and the fact that the decree involves industry wide relief.

VI

Remedies Available to Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust actions, nor will it have any effect on pending actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this Final Judgment has no *prima facie* effect in any lawsuits which might be brought against these defendants.

VII

Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Judgment should be modified may submit written comments to Barry F. McNeil, Antitrust Division, U.S. Department of Justice, 1100 Commerce Street, Room 8C20, Dallas, Texas 75242, within the sixty (60) day period provided by the Act. These comments, and the Department's responses to them, will be filed with the Court and published in the **Federal Register.** All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to its entry if it should determine that some modification of it is necessary.

VIII

Other Materials

No materials and documents of the type described in Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. Section 16(b)) were considered in formulating this proposed Judgment, and consequently, none are being filed.

Mary Coleen T. Sewell,

J. Michael Weston,

Attorneys, Department of Justice, Antitrust Division, 1100 Commerce St., Room 8C20, Dallas, Tex. 75242, 214/749-1275.

[FR Doc. 79-11306 Filed 4-11-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Wholesale Tobacco Distributors of New York Inc., et al.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, the following written comments on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil Action No. 77 Civ 805, United States of America v. Wholesale Tobacco Distributors of New York Inc., et al., were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: March 30, 1979.

Charles F. B. McAleer,

Special Assistant for Judgment Negotiations, Office of Operations, Antitrust Division.

Mr. Charles E. Hill, Associate Director, Institute for Public Representation, Georgetown University Law Center, 600 New Jersey Avenue, NW., Washington, D.C. 20001.

Re: United States v. Wholesale Tobacco Distributors of New York Inc., et al. *Civil Action No. 77 Civ 805, S.D.N.Y.*

Dear Mr. Hill:

This is submitted in response to your letter of February 23, 1979 to Ralph T. Giordano, Chief, of the New York Office of the Antitrust Division, concerning the proposed final judgment in the captioned case.

After carefully reviewing your comments concerning Section VI of the proposed judgment, we have concluded that there is no need to change the language of that Section.

With one exception, the Complaint in this matter did not relate to the business practices of any subjobbers of cigarettes. Except for defendant Sanders-Langsam Tobacco Co., Inc., none of the defendants is a subjobber or has anything more than a supplier/customer relationship with any subjobber. Moreover, other than said defendant, no member of the Wholesale Tobacco Distributors of New York Inc. is a subjobber.

Sanders-Langsam Tobacco Co., Inc. acts as the marketing parent of two subsidiaries which are direct jobbers. These subsidiaries sell cigarettes only to their parent, Sanders-Langsam, which in turn sells to retailers and several other subjobbers. Technically, therefore, Sanders-Langsam may be regarded as a subjobber.

While Section VI of the proposed judgment permits Sanders-Langsam to announce its prices and price changes to its subjobber customers, this Section is not intended to and does not authorize any subjobber, including Sanders-Langsam, to engage in any agreement or scheme to fix, raise, or stabilize the prices of cigarettes, or to exchange price information with any competitor in violation of Section 1 of the Sherman Act (15 U.S.C. 1).

Your interest in this matter is appreciated. Your letter and this response will be published in the **Federal Register** and filed with the District Court in the Southern District of New York in acordance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16).

Sincerely yours,

Robert A. McNew,

Assistant Chief, New York Office Antitrust Division.

INSTITUTE FOR PUBLIC REPRESENTATION

GEORGETOWN UNIVERSITY LAW CENTER

February 23, 1979

Ralph T. Giordano, Esq.
Chief, New York Office
Antitrust Division U.S. Department of Justice
26 Federal Plaza
New York, New York 10007

Re: United States v. Wholesale Tobacco Distributors of New York, Inc., et al., Civil Action No. 77 Civ. 805 (CMM)

Dear Mr. Giordano: In reviewing the proposed Final Judgment in this action, we note an ambiquity in the proviso of Section VI which, if that proviso is read literally, could seriously undermine the impact of the decree. The language in question reads:

> Provided, however, that nothing contained in this paragraph shall restrict . . . the announcement by any direct jobber and/or subjobber of any price or proposed price changes to any subjobber or retailer of cigarettes; . . .

This proviso, while effectively prescribing the basic prohibition relating to communications between jobbers, could be read to authorize such commnuications between subjobbers. We believe the intent of the decree can be more clearly stated by substituting the following language:

> Provided, however, that nothing contained in this paragraph shall restrict the announcement by any direct jobber of any price or proposed price changes to any subjobber or retailer of cigarettes, or the announcement by any subjobber of any price or proposed price changes to any retailer of cigarettes.

Sincerely,

Charles E. Hill.

[FR Doc. 79-11307 Filed 4-11-79; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Judgment in Action To Enjoin Discharge of Water Pollutants

In accordance with Departmental policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Douglas County Sewer Improvement District No. 1 (DCSID), et al.*; *National Resources Defense Council* v. *DCSID, et al.*, Civil Action No. R. 78-0123 HEC, has been lodged with the District Court for the District of Nevada. There are five major components to the proposed consent decree. First, it provides for an automatic sewer hook-up ban and inflow limitation whenever an applicable effluent limitation is violated. Sewer permits issued on or before February 16, 1979 (amounting to approximately 400,000 gallons per day) are not subject to the sewer hook-up ban provision, but are subject to the inflow limitation provision.

Second, the proposed consent decree requires the approval of the Environmental Protection Agency for the issuance of a sewer permit to any entity with a potential discharge to the sewer plant of 100,000 or more gallons per day. Third, it limits the future inflow from its current peak of about 2.1 million gallons per day (mgd) to 2.5 mgd in January of 1982. This limitation is subject to renegotiation following twelve consecutive months of compliance or the installation of any major new treatment facility that significantly improves the plant's compliance capability.

Fourth, the proposed decree provides for a stipulated penalty of $500 per future violation. Finally, it requires the implementation of numerous operating and testing improvements.

The Department of Justice will receive written comments relating to the proposed judgment for thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to *United States* v. *Douglas County Sewer Improvement District No. 1*, D. J. Ref. No. 90-5-1-6-103.

The proposed decree may be examined at the office of the United States Attorney, 300 Booth Street, Reno, Nevada 89509; at the Region IX Office of the Environmental Protection Agency, Enforcement Division, 215 Fremont Street, San Francisco, California 94105; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person, by mail, or by telephone from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Washington, D.C. 20530; (202) 633-2709.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-11308 Filed 4-11-79; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Visual Arts Policy Panel; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Policy Advisory Panel to the National Council on the Arts will be held April 30 and May 1, 1979, from 9:00 a.m. to 6:00 p.m., in rooms 1340 and 1426, Columbia Plaza Office Building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on April 30, 1979, from 9:00 a.m. to 12:00 p.m., and on May 1, 1979, from 9:00 a.m. to 6:00 p.m. The topic of discussion will be policy and task force discussions.

The remaining sessions of this meeting on April 30, 1979, from 12:00 a.m. to 6:00 p.m., are for the purpose of Panel Review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman

published in the **Federal Register** March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

April 5, 1979.

[FR Doc. 79–11389 Filed 4–11–79; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL FOUNDATION ON ARTS AND THE HUMANITIES

Humanities Panel; Meeting

April 9, 1979.

Pursuant to the provisions of the Federal advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in Room 1134, from 9 a.m. to 5:30 p.m. on 27 April 1979.

The purpose of the meeting is to review applications in Basic Research that have been submitted to the General Research Program of the National Endowment for the Humanities, for projects beginning 1 July 1979.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal 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.

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. 79–11394 Filed 4–11–79; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Aircraft Accident—Gulfport, Miss.; Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:30 a.m., (local time) on May 8, 1979 in the Supervisor's Board Room, Harrison County Courthouse, Gulfport, Mississippi.

The public hearing will be held in connection with the Safety Board's investigation of an accident involving a Universal Airways, Inc., Beech 70, which occurred March 1, 1979 at Gulfport, Mississippi.

David F. Thomas,

Hearing Officer.

April 9, 1979.

[Docket No. SA–467]

[FR Doc. 79–11438 Filed 4–11–79; 8:45 am]

BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting

In accordance with the purposes of Sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on April 16–17, 1979, in Room 1046, 1717 H Street, NW, Washington, DC.

The purpose of this meeting will be to discuss a recent unexpected incident at the Three Mile Island Nuclear Station Unit 2 which resulted in the release of primary coolant to the containment and apparent damage to the reactor core.

This meeting notice is being published on an emergency basis (less than 15 days prior notice) because this incident warrants review to examine the current status of the plant and interim action taken to provide adequate protection of the public health and safety.

The agenda for this meeting will be as follows.

Monday, April 16, 1979, 8:30 a.m.–11:30 a.m.: Meeting with NRC Staff (Open)—The Committee will hear reports and will discuss the NRC Staff evaluation of replies to NRC/IE Bulletin 79–05A, Nuclear Incident at Three Mile Island (dated April 5, 1979).

11:30 a.m.–1:30 p.m.: Executive Session (Open)—The Committee will hear and discuss the reports of members of the ACRS and consultants who may be present regarding the current status of the Three Mile Island Nuclear Station Unit 2 and actions taken or proposed to cooldown and secure the nuclear reactor.

2:30 p.m.–5:30 p.m.: Meeting with Representatives of the Nuclear Industry (Open)—The Committee will hear reports and will discuss actions proposed with respect to nuclear stations which make use of Babcock and Wilcox Company nuclear steam supply systems in response to NRC/IE Bulletin 79–05A.

5:30 p.m.–7:30 p.m.: Meeting with NRC Staff (Open)—The Committee will hear reports and hold discussions with members of the NRC Staff regarding the status of the Three Mile Island Nuclear Station Unit 2 and interim actions taken or planned to adequately protect the public health and safety.

7:30 p.m.–8:30 p.m.: Executive Session (Open)—The Committee will discuss its proposed recommendations to the Nuclear Regulatory Commission regarding proposed modifications to Babcock and Wilcox nuclear steam supply systems and the Three Mile Island Nuclear Station.

Tuesday, April 17, 1979, 8:30 a.m.–12:30 p.m.: Executive Session (Open)—The Committee will continue discussion of proposed recommendations to the Nuclear Regulatory Commission regarding proposed modifications to Babcock and Wilcox nuclear steam supply systems and the Three Mile Island Nuclear Station.

1:30 p.m.–2:30 p.m.: Executive Session (Open)—The Committee will discuss items for discussion with the NRC Commissioners regarding proposed changes to Babcock and Wilcox nuclear steam supply systems and the status of the Three Mile Island Nuclear Station.

2:30 p.m.–3:30 p.m. Meeting with NRC Commissioners (Open)—The Committee will meet with the NRC Commissioners to discuss items noted above.

3:30 p.m.–4:00 p.m.. Executive Session (Open)—The Committee will discuss its future activities regarding evaluation of this accident.

Portions of the sessions noted above will be closed as necessary to discuss Proprietary Information related to the design of the Three Mile Island Nuclear Plant Unit 2 and water cooled nuclear power plants of similar design.

Procedures for the conduct of an participation in ACRS meetings were outlined in the **Federal Register** on October 4, 1978, page 45926. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statments should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with Subsection 10(d) P.L. 92–463 that it is

necessary to close portions of this meeting as noted above to protect Proprietary Information (5 U.S.C. 552 b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634–1371), between 8:15 a.m. and 5:00 p.m. EST.

Dated: April 10, 1979.

Samuel C. Chilk,
Secretary of the Commission.

[FR Doc. 79–11495 Filed 4–11–79; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Ad Hoc Subcommittee on the Three Mile Island Nuclear Station, Unit 2 Accident; Meeting

The ACRS Ad Hoc Subcommittee on the Three Mile Island Nuclear Station, Unit 2 Accident will hold a meeting on April 23–24, 1979 in Los Angeles, CA to discuss the accident which occurred on March 28, 1979. The address of the meeting room will be announced as soon as possible.

This meeting notice is being published on an emergency basis (less than 15 days prior notice) because of the need for prompt Committee action to review the accident at Three Mile Island and to consider recommendations to be made as a result of this review.

In accordance with the procedures outlined in the **Federal Register** on October 4, 1978, (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

Monday, April 23 and Tuesday, April 24, 1979, 8:30 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, the Metropolitan Edison Company, et al., and their consultants, pertinent to this review. The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purposes of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Public Law 92–463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)((4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allocated therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Robert L. Wright, Jr., (telephone 202/634–3314) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning this nuclear station can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Government Publications Section, State Library of Pennsylvania, Education Building Commonwealth and Walnut Street, Harrisburg, PA 17126.

Dated: April 10, 1979.

Samuel J. Chilk,
Secretary of the Commission.

[FR Doc. 79–11496 Filed 4–11–79; 8:45 am]

BILLING CODE 7590–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Availability of Accident Reports, Safety Recommendations and Responses

Accident Reports

Aircraft Incident Report No. NTSB–AAR–79–3: E. S. M. Group, Inc., Cessna Citation, N51MW, and North Central Airlines, Inc., DC–9–30, N957N, LaGuardia Airport, Flushing, N. Y., June 21, 1978.—The National Transportation Safety Board on March 30 made public its report on the investigation of this near collision.

Investigation showed that shortly after the local controller had cleared the Cessna for takeoff from runway 13, the DC–9, which had been cleared by the ground controller to taxi northwest on the active runway, turned on to runway 13. The pilot of the Cessna saw the DC–9, rejected the takeoff, steered his airplane off the runway, and avoided a collision. Although there were no injuries to the occupants of either aircraft and the DC–9 was not damaged, the Cessna was damaged slightly. Thunderstorms throughout New York Air Route Traffic Control Center's airspace had caused traffic delays, and these delays produced congested taxiways, ramps, and gates at La Guardia Airport.

The Safety Board determined that the probable cause of the incident was the failure of the ground and local controller in the La Guardia tower to effect the required coordination before using the active runway for taxiing an aircraft. Also contributing to the incident was a coordination procedure which did not require the local controller to establish direct communication with the pilot of the aircraft before clearing him to use the active runway for extended taxi operations.

As a result of this incident, last June 26 Federal Aviation Administration's Eastern Region issued the following Regional Notice (RENOT):

3. Effective immediately, Facility Chiefs shall ensure the following:

a. With the approval of local control, ground control may authorize an aircraft guarding ground control frequency to cross an active runway. An aircraft wishing to taxi along an active runway shall be held clear of that runway and instructed to contact local control.

b. Aircraft may be authorized to taxi along an active runway only by local control, by means of direct radio communications with the aircraft on local control frequency.

c. Develop mandatory briefing items that emphasize a. and b. above.

The provisions of the RENOT apply to ATC facilties in the Eastern Region. Testimony at the public hearings disclosed that these provisions would not be applied nationally until their effects within the Eastern Region were evaluated thoroughly.

Aircraft Accident Report No. NTSB–AAR–79–4: North Central Airlines, Inc., Convair 580, N4825C, Kalamazoo, Mich., July 25, 1978.—The report, released April 3, shows that at 0700 e.d.t. last July 25, a North Central Airlines, Inc., Convair 580, crashed after takeoff. Just as the aircraft passed V_1, a bird struck the left engine, and the left propeller autofeathered as the aircraft lifted off. The aircraft turned to the left and flew for 1 minute 19 seconds before it crashed into a cornfield. There were 40 passengers, including an infant, and a crew of 3 on

board the aircraft. One crewmember and two passengers were inured seriously.

The Safety Board has determined that the probable cause of this accident was the failure of the captain to follows the prescribed engine-out procedures during instrument meteorological conditions, which allowed the aircraft to decelerate into a flight regime from which he could not recover. Contributing to the accident were inadequate cockpit coordination and discipline.

The Board made no safety recommendations as a result of its investigation of this accident, but did criticize the flightcrew's decision to return to the Kalamazoo Airport. This not only compounded the situation, but it demonstrated poor judgement, since the airport was below the landing minima for any published approach. The more prudent decision would have been to proceed to a good alternate airport.

Highway Accident Report No. NTSB–HAR–79–2: Overturn of an Ypsilanti, Mich., Boys Club Bus on I–75 near Tifton, Ga., April 11, 1978.—About 10 a.m., the "schoolbus" type bus, occupied by 56 boys and two adults, was southbound en route to Disney World, Fla., from Ypsilanti. As the bus existed I–75 at a safety rest area, it went off the road while negotiating a right curve on the exit lane, overturned, and stuck a tree. Three passengers were killed, and the driver and 25 passengers were injured.

Probable cause of the accident, as found by the Safety Borad, was the driver's loss of directional control of the bus on a curve because of excessive speed due to the failure of the accelerator return spring, which resulted from improper maintenance. Contributing to the accident were severely underinflated tires, deteriorated suspension, excessive luggage on the roof, and driver fatigue.

As a result of its investigation, the Safety Board on March 22 issued four safety recommendations, asking: The State of Michigan to provide an annual motor vehicle inspection program for vehicles that seat 10 or more persons and buses that are not presently required to be inspected (recommendation H–79–8); the State of Georgia to continue pavement edge lines though the length of an exit ramp at locations where these lines have been terminated prior to the ramp ending (H–79–9); and the National Highway Traffic Safety Administration to request that the individual States identify individuals or groups in the State that transport persons on a nonscheduled, not-for-hire basis, with group- or institution-owned vehicles that have a seating capacity of 10 or more persons, and disseminate material and information to these groups on (1) vehicle maintenance and (2) NHTSA's Schoolbus Driver Instruction Program and the National Safety Council's Defensive Driving Course (H–79–10 and 11). (See 44 FR 18748, March 29, 1979, for the full text of these recommendations.)

Safety Recommendations Letters

Highway: H–79–13 and H–79–14 through 17.—The Safety Board has undertaken to conduct a special study on "Safety of Multipurpose Vans" for the following reasons:

There were 70 persons who died in van accidents in 1977; by comparison, 655 persons died in air carrier accidents, 653 died in railroad accidents, 43 died in pipeline accidents, and 216 died in commercial marine accidents.

To determine the injurious effects of custom interior furnishings and structural modifications to customized vans.

To determine the injurious effects on occupants of custom vans because certain Federal Motor Vehicle Safety Standards (FMVSS) do not apply to vans.

To provide actual crash data to the National Highway Traffic Safety Administration for its on-going and planned accident studies to support the extension of existing FMVSS's to light trucks and vans.

To meet the objectives of the study, the Safety Board investigated 18 accidents involving 19 vans. The change in velocity, in most cases was 31 mph or lower. The data were analyzed in these safety areas: Injury-producing environments, restraints, crashworthiness ease and difficulty of escape, and postcrash fire.

As a result of this study, the Safety Board on April 4 in a letter directed to the Recreation Vehicle Industry Association reiterated a recommendation previously made to the Association and extended that recommendation to vans:

Conduct an engineering study through its membership to determine the best methods of securing appliances in recreational vehicles and amend the Standard for Recreational Vehicles (A119.2) to specify these methods. (H–76–9)

Further, the Safety Board recommended that the Recreation Vehicle Industry Association:

Conduct an engineering study through its membership to determine the best methods of securing furnishings, such as custom beds, seats, couches, and paneling, and to amend the Standard for Recreational Vehicles (A119.2) to specify these methods. (H–79–13)

In a separate letter, also forwarded April 4, the Safety Board recommended that the National Highway Traffic Safety Administration:

In its on-going and planned investigation of van accidents: (1) study the failures of custom highback bucket seats and anchorage systems to determine if they pose a significant injury or safety problem, (2) study the failures of custom steering wheels which do not meet FMVSS 203 to determine whether they pose a significant injury or safety problem, (3) study the extent to which doors jam in collisions to determine if corrective action is needed to prevent ejection and to enhance escape, (4) determine if FMVSS's 203 and 204 (steering wheel and steering column) should be extended to all classes of vans or if new requirements are needed for vans, and (5) determine the feasibility of extending FMVSS–212 to all classes of vans. (H–79–14)

Intensify its study to explore the feasibility of extending the passive restraint requirements of FMVSS–208 to all classes of vans. (H–79–15)

Specify, in rulemaking action on FMVSS–206, Door Locks and Door Retention Components, a requirement for a locking mechanism on cargo-type doors that can be operated from the interior of the vehicle. (H–79–16)

Include in its exploratory rulemaking and research activity control of crash aggressiveness of vans in relation to other vehicles. (H–79–17)

With the exception of recommendation H–79–15, which is designated "Class I, Urgent Action," the above recommendations resulting from this study are designated "Class II, Priority Action." Printed copies of the special study, "Safety of Multipurpose Vans," will be available in the near future.

Highway: H–79– 18 and 19 and H–79–20 through 24.—At 8:07 p.m. on Sunday, September 25, 1977, an empty tractor-semitrailer was traveling eastbound on I–70 in downtown St. Louis, Mo., when the truckdriver lost control of his vehicle on wet concrete pavement. The tractor struck, broke and overrode a concrete median barrier, vaulted into the westbound lanes, and collided with a westbound automobile. All three occupants of the automobile died; the truckdriver was injured slightly.

Investigation indicated that the accident occurred when the truckdriver lost control of his vehicle between an on-ramp and exit ramp as a result of an evasive maneuver made in response to improper lane changes by an eastbound automobile driver. The driver lost control on a section of Portland cement concrete that was smooth and traffic-polished with ruts in the wheel paths ranging from 1/16- to 3/16-inch deep in all traffic lanes. Although the Safety Board could not determine whether the pavement surface directly contributed to the accident or whether improvements

in wet pavement frictional quality would have prevented or reduced the severity of this accident, improved wet pavement frictional quality is known to prevent, or reduce the severity of, accidents on wet pavements.

Accordingly, the Safety Board on April 5 recommended that the Federal Highway Administration:

Determine what improvements should and can be made to insure a more progressive pavement surface improvement program by the Missouri State Highway Commission. (H–79–18)

Establish a program to examine the feasibility of developing design alternatives to improve the performance of concrete barrier systems already in place. (H–79–19)

Also on April 5, the Safety Board recommended that the Missouri State Highway Commission:

Accelerate the planned closure of the Delmar Avenue on-ramp on I–70. (H–79–20)

Upon or in conjunction with establishing a new pavement surface improvement policy, re-analyze eastbound I–70 at the Delmar on-ramp and other similar sites for possible corrective action. (H–79–21)

Insure that the current Missouri State Highway Commission wet pavement surface improvement policy is being consistently followed. (H–79–22)

Develop a more progressive wet pavement surface improvement policy that will insure that the driving public is not unknowingly exposed to a potentially dangerous wet roadway when low wet pavement frictional qualities have been detected. (H–79–23)

Determine whether additional resources are necessary to attain a wet pavement surface improvement policy level that is consistent with other States. (H–79–24)

Each of the above recommendations is designated "Class II, Priority Action." Copies of the accident investigation report will be made available within the next few weeks.

Marine: M–79– 32 through 37.—On October 20, 1976, the SS FROSTA, a Norwegian tanker on route to Baton Rouge, La., from Rotterdam, the Netherlands, collided with the Luling-Destrehan ferry M/V GEORGE PRINCE at mile 120.8 AHP on the Mississippi River. The ferry capsized in about 10 seconds and all five crewmembers and 71 passengers were killed. Only 18 passengers survived; one passenger is missing and presumed dead. The entire ferry deck cargo of 34 vehicles was cast overboard. The FROSTA was slightly damaged.

Investigation of the accident showed that the GEORGE PRINCE had left its east bank ferry landing, which was obscured to upbound river vessel traffic by a grain-loading pier and a large bulk carrier, to make a cross-river run which normally took about 3 minutes. The boatmaster failed to give the proper whistle signal to comply with the Western Rivers Rules of the Road when the ferry departed, was unresponsive to radio communications and ship's whistle signals originated by the pilot of the FROSTA, and did not post a proper lookout.

As a result of the investigation, the Safety Board on April 6 recommended that the U.S. Coast Guard:

Require passenger-ferry operators to issue written instructions to masters and crews concerning passenger safety in the event of a collision. (M–79–32)

Require passenger-ferry operators providing short-trip services, wherein time precludes adequate indoctrination of passengers on board about the location and use of personal flotation devices and safety equipment, to post appropriate information at ferry terminals for passengers to read before boarding. (M–79–33)

Require pilots to ring "stand-by" on main engines or otherwise alert the engineroom when approaching cross-traffic lanes where emergency engine maneuvers may be required on U.S. navigable waterways. (M–79–34)

Include in the next revision of the Western Rivers Rules of the Road: (a) a requirement that crossing ferries keep clear of channel-bound traffic and avoid any maneuver toward such traffic which may be misinterpreted; (b) requirements for immediate responses, using consistent language, in all rules involving the exchange of signals to reach maneuvering agreements; (c) interpretive rulings relative to "proper look-out," clarifying lookout location, times of posting, and acceptable communications with the conning officer, as applicable to self-propelled vessels and towing vessels when towing; and (d) an appropriate cautionary note concerning the closing of pilothouse windows and doors, and the effect on maintaining a proper lookout. (M–79–35)

Coordinate action with the National Oceanic and Atmospheric Administration and the Corps of Engineers, Department of the Army to use greater graphic emphasis in illustrating ferry crossings on charts, and include the use of text "CAUTION—FERRY CROSSING" or similar warning to alert channel-bound vessels of such crossings. (M–79–36)

Study the feasibility of using nonskid decking, grating, or other vehicle restraints to minimize vehicle skidding or shifting on ferry decks in the event of a collision. (M–79–37)

These recommendations have been designated "Class II, Priority Action" with the exception of M–79–36, which is a Class III, Longer Term Action, recommendation. Copies of the formal report on the investigation of this collision will be available in the near future.

Responses to Safety Recommendations

Aviation

A–73–53.—The Federal Aviation Administration on March 22 informed the Safety Board that action has now been completed with respect to the recommendation which called for amending certification and operating rules for air carrier and air taxi aircraft to provide for tactile guidance and improved visual guidance to emergency exits and more efficient methods of indicating the location of emergency exits in a dark or smoke environment.

In connection with the study referred to FAA's letter of October 10, 1973, and other efforts, the following actions have been taken:

Federal Aviation Regulations §§ 25.811, Emergency exit marking; 25.812, Emergency lighting; 25.813, Emergency exit access; 121.291, Demonstration of emergency evacuation procedures; 121.318, Public address system; and 121.319, Crewmember interphone system, were revised as a part of the Airworthiness Review Program Amendment No. 7 issued October 20, 1978, effective December 1, 1978.

Advisory Circular 121–24, Passenger Safety Information Briefing and Briefing Cards, which contains information and guidance material for use by air carriers in the preparation of passenger safety information briefings, was issued June 23, 1977.

FAA reports that studies and tests to date indicate that tactile cues are less effective than other evacuation aids because of their relative lack of use and the time needed to use them. FAR § 25.811(c) requires a means to assist the occupant in locating the exits in conditions of dense smoke. Data, suitable as a basis for regulatory action with respect to additional tactile guidance requirements, are not available at this time.

A–78–3.—FAA's letter of March 20 advises of action taken to implement the recommendation calling for a joint Government-industry committee to develop flight techniques for coping with inadvertent encounters with severe wind shears at low altitude.

FAA reports issuance of Advisory Circular 00–50A, "Low Level Wind Shear," on January 23, 1979. This circular provides guidance for recognizing low level wind shear, describes preflight and in-flight procedures for detecting and predicting the phenomenon, and provides pilot techniques to minimize the effects when inadvertently encountered during takeoff or landing. Air Carrier Operations Bulletin 7–79–1, "Low Level Wind Shear," is included in change 9, Order 8430.17 issued January 10, 1979. This bulletin requests principal

operations inspectors to assure that the information in AC 00–50A is reflected in the air carriers' operations procedures and training programs. Information developed from the simulator studies conducted by FAA/NTSB/industry and from other efforts has been included in AC 00–50A.

Highway

H–78— 71, 77, 78, and 79.—These recommendations, issued last December 27, resulted from investigation of the grade crossing accident in Plant City, Fla., on October 2, 1977, involving an Amtrak passenger train and a pickup truck. (See 44 FR 3795, January 18, 1979.) Recommendation H–78–71, addressed to the Federal Highway Administration, Federal Railroad Administration, National Railroad Passenger Corporation (Amtrak), Seaboard Coast Line Railroad Company (The Family Lines Systems), and the Florida Department of Transporation, called for cooperative corrective action to reduce the high frequency of railroad/highway grade crossing accidents along the 240 miles of track between Jacksonville and Tampa, Fla.

Seaboard's January 12 response advises that the Florida DOT, Amtrak and Seaboard are presently engaged in a joint project to install more crossing protection along the corridor. Also, Seaboard and other safety organizations are engaged in "OPERATION LIFESAVER." This program is being continued and expanded to other States in which Seaboard operates. In response to H–78–79, which called for Seaboard's cooperation with Plant City to expedite installation of recommended reflectorized, lighted automatic railroad/highway grade crossing gates and cantilever light signals at the accident site, Seaboard advises that the Turkey Creek crossing has a first priority for upgrading and work is progressing.

The Safety Board replied to Seaboard's letter on March 2 advising of discussions with both Florida DOT and Plant City concerning the Turkey Creek crossing. The Board has found a reluctance of the part of Plant City to enter into a maintenance agreement with the State and the railroad company; however, the roadway at the crossing is being transferred to county jurisdiction. The county stated that the maintenance agreement will be no problem. Recommendations H–78–71 and H–78–79 are being held in open status.

Response of February 7 from the Florida Department of Transporation is with reference to H–87–71, H–78–77, and H–78. As requested by H–78–77, the Department is taking steps to implement an effective Operation Lifesaver program, with cooperation of the Governor's Highway Safety Commission, Florida Highway Patrol, Amtrak, and the various railroads in the State. Florida DOT advises that the selective law enforcement programs do not come under its jurisdiction but the problem has been discussed with the proper agency, which is reviewing its program to insure that proper emphasis is placed on railroad signal compliance, alcohol, and suspended license driving. In response to H–78–78, which recommended that Florida DOT insure that improvement plans for upgrading the Turkey Creek crossing and all other crossings on the 240-mile Jacksonville/Tampa corridor provide for uniform warning times for various train speeds in conformity with the American Association of Railroads and Federal Highway Administration guidelines, Amtrak advises, "We are proceeding with the Amtrak program as discussed in your report."

The Safety Board replied to Florida DOT's letter on March 23. With reference to H–78–71, the Board asked for an update of the accident-rate statistics in the Jacksonville/Tampa corridor for 1978 and 1979 as they become available, as well as a comparison of these rates with rates on the total Amtrak system so as to observe the trend. The Board advised that recommendation H–78–77 has been classified as "closed, acceptable action." With respect to H–78–78, the Board notes that a letter of December 22, 1978, from Florida DOT has established criteria for the use of uniform warning time devices at railroad crossings. The Board asks for a copy of these criteria as well as a listing of locations where the criteria have been applied, resulting in installation of a uniform warning time device. The file on H–78–78 remains in open status.

Pipeline

P–74–33.—The American Gas Association (AGA) on March 23, 1979, responded to the recommendation addressed to it as a result of investigation of the December 2, 1973, natural gas explosion at Charleston, W. Va. The recommendation asked AGA to investigate the availability, economic feasibility, and practicability of gas vapor detectors currently manufactured and explore the possibility of their installation in manholes, conduits, basements, and other substructures for the automatic detection and reporting of natural gas vapors, and, if none are found acceptable, to sponsor research to develop such a detector.

AGA reports that in 1974 it initiated a research program at the Institute of Gas Technology for the development of a sonic leak pinpointing device; this work is still in progress. As a backup to this study, a second project, aimed at detection of gas leaks, was initiated in 1975 at the Applied Physics Laboratory, Johns Hopkins University. This project has been conducted by the Gas Research Institute. In both of these projects an excess of $500,000 has been expended.

P–78– 34 through 37.—On March 23 AGA provided update information on efforts to implement recommendations emanating from the December 15, 1977, pipeline accident in Lawrence, Kans. AGA's initial response was dated August 24, 1978 (43 FR 44578, September 28, 1978.)

AGA reports the Gas Research Institute advises that at its meeting with the American Gas Association Plastic Pipe Research Advisory Committee last September 12 these projects would be addressed in the 1979 research programs: (a) Analysis of field experience with polyethylene pipe; (b) crack propagation testing at design stress levels; (c) effects of environmental conditions on laboratory results; (d) joint design and field installation technology; and (e) requirements for new plastics for gas distribution. Other on-going plastic pipe research projects include: (a) The effect of outdoor storage on plastic piping behavior; (b) the butt fusion joining of similar and dissimilar polyethylene materials; (c) the relationship between environmental stress, crack resistence, basic physical and mechanical properties and long-term pipe performance; (d) the influence of artificial aging on the toughness of plastic piping material; and (e) the influence of external loading on piping systems.

Railroad

R–77–40.—Letter of March 7 from Amtrak (National Railroad Passenger Corporation) is in response to the Safety Board's comments of October 20 regarding Amtrak's letter of September 11 (43 FR 46091, October 5, 1979). This recommendation resulted form investigation of the December 15, 1976, passenger train/semitrailer grade crossing collision at Marland, Okla., and asked Amtrak to strengthen and improve its locomotive units' operating compartments so that they effectively resist impact forces and deter entry of flammable liquids into locomotive cabs.

The Safety Board noted that retrofitting the older SDP–40F locomotives has been increased from a planned 26 units in FY 1979 and 1980 to a schedule of 50 units in the same period. The Board said on October 20 that it would continue recommendation R–77–40 in open status until such time as all of the older SDP–40F units are retrofitted to the new nose-sealing specifications or replaced with units having a comparable configuration.

Amtrak's March 7 response advises that due to considerable delay in the delivery of Amtrak Superlines from the Pullman Company, it was necessary to delay the program of conversion of SDP–40F locomotives to F40 configuration. The 1979 revised program will permit converson of 25 SDP–40F locomotives to F40PH locomotives. Locomotives for the 1979 program are now enroute to the Electro-Motive Division, Amtrak reports. Since Amtrak also must operate the steam generator-equipped SDP–40F and E8 locomotives in service for an extended period to provides team for the conventional steam-heated cars, it will not be possible to weld up the nose doors. Amtrak notes that the nose door provides the crew with the only safe access through the trailing units to monitor steam generators as they require constant surveillance. In addition, ground relay, overspeed, low and hot oil trips frequently occur that require a manual reset.

R–78–51.—The Pennsylvania Department of Transportation on February 28 responded to the Safety Board's inquiry of February 12 directed to the Governor of Pennsylvania concerning this recommendation which resulted from investigation of the February 10, 1978, trolley car/bus collision in Pittsburgh, Pa. The recommendation asked the Governor to encourage and assist municipalities that have emergency response facilities to develop emergency procedures in a disaster plan that includes the designation of a controlling, on-scene officer. (See 43 FR 39871, September 7, 1978.)

The Safety Board's files indicate certain remedial activities on the part of the Port Authority of Allegheny County but no response to indicate implementation of the recommendation by the Commonwealth of Pennsylvania. Penn DOT, in answer, states that the Department does not handle general emergency disaster plans; they are handled by the Pennsylvania Emergency Management Agency, and the Safety Board's letter has been forwarded to them. Penn DOT reports that considerable progress has been made, but that the City of Pittsburgh was not yet a full party.

R–78–61.—The Chicago Transit Authority (CTA) on March 2 responded to one of the recommendations resulting from investigation of the collision of two CTA trains in Chicago, Ill., September 1, 1978. The recommendation asked that CTA insure that the protective seal to the automatic train control bypass button is properly affixed before each terminal departure and that the seals are available only to personnel authorized to apply them. (See 43 FR 59558, December 21, 1978.)

CTA's response indicates that the bypass button in the car from the run was being driven when it struck the rear of the other run on September 1, 1978, does *not* have a seal but has a cover glass held by a retainer clip. As a short-range improvement, CTA is replacing the slotted head screws used to hold the clip with screws of a tamper-proof type, to preclude the possibility of their being removed without destroying the glass. On a longer range basis, CTA has programmed replacement of break-glass devices (2000 and 6000 series cars) and break-seal devices (2200-series cars) with the key-operated, three-button panel as used on most CTA cars, such as the 2400 series.

Note.—Single copies of the Safety Board's accident reports are available without charge, as long as limited supplies last. Copies of the Board's recommendations letters and response letters are also available free of charge. All requests for copies must be in writing, identified by report or recommendation number. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of accident reports may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93–633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

Margaret L. Fisher,
Federal Register Liaison Officer.
April 9, 1979.

[N–AR 79–15]
[FR Doc. 79–11391 Filed 4–11–79; 8:45 am]
BILLING CODE 4910–58–M

Railroad Accident; New York City Accident Investigation Hearing

Notice is hereby given that the National Transportation Safety Board will convene an accident investigation hearing at 9:00 a.m. (Local Time) May 10 and 11, 1979, in the auditorium of the United States Mission to the United Nations Building, 799 United Nations Plaza, New York, New York.

The public hearing will be held in connection with the Safety Board's investigation of the derailment of a New York City Subway Train on December 12, 1978 at 59th Street, New York, New York and 3 subsequent derailments all involving broken wheels.

Elmer Garner,
Hearing Officer.
April 9, 1979.

[Docket No. DCA 79–AR–018]
[FR Doc 79–11383 Filed 4–11–79; 8:45 am]
BILLING CODE 4910–58–M

NUCLEAR REGULATORY COMMISSION

Texas Utilities Generating Co., et al.; Receipt of Additional Antitrust Information and Time for Submission of Views on Antitrust Matters

Texas Utilities Generating Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. This information concerns two proposed additional ownership participants, Texas Municipal Power Agency and Brazos Electric Power Cooperative, Inc. for the Comanche Peak Steam Electric Station, Units 1 and 2. The current holders of the construction permits are Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company.

The information was filed in connection with the Texas Utilities Generating Company's application for construction permits and operating licenses for two pressurized water reactors. Construction was authorized on December 19, 1974 at the Comanche Peak site located in Sommervell County, Texas.

The original antitrust portion of the application was docketed on July 20, 1973, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on August 1, 1973 (38 FR 20494). The Notice of Hearing was published in the **Federal Register** on August 2, 1973 (38 FR 20635); and the Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published

in the **Federal Register** on February 5, 1979 (44 FR 6995).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Sommervell County Public Library, On the Square, P.O. Box 417, Glen Rose, Texas 76043.

Persons who wish to have their views on the antitrust matters with respect to Texas Municipal Power Agency and Brazos Electric Power Cooperative presented to the Attorney General for consideration or who desire additional information regarding the matter covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before June 4, 1979.

Dated at Bethesda, Maryland, this 23rd day of March 1979.

For the Nuclear Regulatory Commission.

Robert L. Baer,

Chief, Light Water Reactors, Branch No. 2, Division of Project Management.

[Docket Nos. 50-445A and 50-446A]

[FR Doc. 79-10186 Filed 4-4-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 U.S.C., Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public or 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. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk (*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michaels—377-4217

New Forms

Bureau of the Census
Unit Status Review, 1980 Decennial Census
D-160
Single time
All housing units clasified as "vacant" or "deleted"
10,000,000 responses, 500,000 hours
Office of Federal Statistical Policy and Standard, 673-7974

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245-7488

New Forms

Office of Human Development
ANA Evaluation Instrument
Annually
ANA grantees; native American organizations
200 responses, 1,600 hours
Barbara F. Young, 395-6132

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—John Kalagher—755-5184

New Forms

Policy Development and Research
*Longitudinal Survey Housing Adjustments of Older People AHS-57
Annually
AHS sample households with head or spouse 55-75 years old in Houston SMSA
3,350 responses, 1,340 hours
Arnold Strasser, 395-5080

Policy Development and Research
Agency Information Questionnaire
Single time
Hispanic organizations
600 responses, 1,200 hours
Arnold Strasser, 395-5080

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—376-8283

Extensions

Immigration and Naturalization Service
*Application for Stay of Deportation
I-246
On occasion
Alien applying for stay of deportation
450 responses, 112 hours
C. Louis Kincannon, 395-3772

Immigration and Naturalization Service
*Application for Advance Permission to Enter as Nonimmigrant
I-192
On occasion
Individual seeking advance permission to enter as nonimmigrants
3,500 responses, 875 hours
C. Louis Kincannon, 395-3772

Immigration and Naturalization Service
*Alien Death Report
G-348
On occasion

State's bureau of vital statistics
15,000 responses, 1,250 hours
C. Louis Kincannon, 395–3772

Immigration and Naturalization Service
*Application for Special Certificate of Naturalization to Obtain Recognition as a Citizen of the United States by a Foreign State
N–577
On occasion
Naturalized citizens
2,000 responses, 500 hours
C. Louis Kincannon, 395–3772

Immigration and Naturalization Service
Interrogatories in Depositions of Witnesses (for Aliens)
N–462A
On occasion
Witnesses in naturalization cases
100,000 responses, 50,000 hours
C. Louis Kincannon, 395–3772

Immigration and Naturalization Service
*Application for Permission To Reapply for Admission Into the United States After Deportation or Removal
I–212
On occasion
Applicants seeking readmission into United States
3,600 responses, 1,200 hours
C. Louis Kincannon, 395–3772

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

New Forms

Mine Safety and Health Administration
*Training Plan Regulations—30 CFR 48.23
MSHA–5000–26
Other (see SF–83)
Mine operators
22,000 responses, 2,200 hours
Arnold Strasser, 395–5080

DEPARTMENT OF TRANSPORTATION

Agency Clearance Officer—Bruce H. Allen—426–1887

New Forms

Departmental and Other
Regulation—Non-Discrimination on the Basis of Handicap [1]
Other (see SF–83)
Transportation agencies
Susan B. Geiger, 395–5867

Revisions

Federal Aviation Administration
Notice of Proposal (or Actual) Construction or Alteration
FAA 7460–1, 7460–2
On occasion
Private enterprises
10,000 responses, 10,000 hours
Susan B. Geiger, 395–5867

Federal Highway Administration
Procedural Guide for Speed Monitoring (Annual and Quarterly Reporting Requirements)
On occasion
State highway agencies
260 responses, 5,200 hours
Susan B. Geiger, 395–5867

ENVIRONMENTAL PROTECTION AGENCY

Agency Clearance Officer—John J. Stanton—245–3064

New Forms

*PCB Reporting and Recordkeeping Requirements
Annually
Exporters of PCB wastes
350 responses, 175 hours
Edward H. Clarke, 395–5867

GENERAL SERVICES ADMINISTRATION

Agency Clearance Officer—John F. Gilmore—566–1164

New Forms

Questionnaire: Microfiche Publication of the "Federal Register"
Single time
Organizations who now purchase microfilm editions of the **Federal Register**
200 responses, 17 hours
Marsha D. Traynham, 395–6140

TENNESSEE VALLEY AUTHORITY

Agency Clearance Officer—Eugene E. Mynatt—615–755–2915

Extensions

Comparability Study of Power Plant Operators
Single time
Companies in vicinity engaged in comparable work
47 responses, 38 hours
Charles A. Ellett, 395–5080

Stanley E. Morris,
Deputy Associate Director for Regulatory Policy and Reports Management.

[FR Doc. 79–11404 Filed 4–11–79; 8:45 am]

BILLING CODE 3110–01–M

[1] This recordkeeping requirement has already been approved for use by OMB because of urgent need as described by the requesting agency. Public comments will still be carefully considered, and any changes indicated will be made either immediately or in the next revision of the reporting requirement, as warranted.

FEDERAL PROCUREMENT POLICY OFFICE

Updated and Expanded List of Minority-Owned Media Outlets, Production Companies, Advertising Firms, and Newspaper and Magazine Publishing Companies

Memorandum to OFPP Agency Contact Points

The attached directory is an updated and expanded list of the minority-owned media outlets, production companies, advertising firms, and newspaper and magazine publishing companies.

As was stated in this Office's Policy Letter No. 78–1, increasing the minority business share of media advertising is an important part of the President's directive that purchases from minority firms be tripled.

All departments and agencies shall make every effort to apprise the firms on this list of all contracting and subcontracting opportunities quarterly and report to us the progress made in increasing advertising awards to minority-owned firms.

Lester A. Fettig,
Administrator.

Minority-Owned Broadcast Properties (Commercial)

Radio

Alabama

WEUP–AM, Jordan Lane, N.W., Huntsville, Ala. 35806. Licensee: Leroy Garrett, 2609, President and General Manager, Garrett Broadcasting, Inc.
WBIL–AM, Main Street, Box 666, Tuskegee, Ala. 36083. Licensee: All Channel TV Service, George Clay, General Manager
WENN–AM/FM, P.O. Box 697, Birmingham, Ala. 35201. Licensee: Booker T. Washington Broadcasting Co., President: A. G. Gaston, General Manager: Larry Hayes

Alaska

KCAM (Athabascan), Glennallen, Alaska.

Arizona

KXEW–AM/FM, Tucson, Arizona
KCLS (Navajo), Flagstaff, Arizona
KDJI (Navajo), Holbrook, Arizona
KINO (Navajo and Hopi), Winslow, Arizona
KMDX (FM), Old Tribal Jail Bldg., Parker, Arizona. Licensee: Gilbert Leivas, d/b/a, BINA Broadcasting Company, Parker, Arizona
KXEW, P.O. Box 2284, Tucson, Arizona 85702 (602) 632–6429

California

KJLH–FM (Compton), 384 S. Crenshaw Blvd., Los Angeles, CA. Licensee: John Lamar Hill, Owner and President, Rod McGrew, General Manager
KACE–FM, 1710 East 111th Street, Los Angeles, CA 90059. Bill Shearer, General Manager
KSRT–FM, Stockton, CA
KBRG–FM, San Francisco, CA
KRDU, Dinuba, CA

KLIP, Fowler, CA
Jose Molina, KROQ–XPRS, 6290 Sunset Blvd., Suite 1600, Los Angeles, CA 90028, (213) 461–3905
Golden Star Radio (105.3), Thomas C. Tong, 846 Clay Street, San Francisco, CA 94108, 421–6228

Colorado

KVFC (Navajo and Ute), Cortex, CO
Andres Neidig, KAPI, 2829 Lowell Avenue, Pueblo, Colorado 81003, (303) 545–2883
Ed Romero, KBNO, 1601 West Jewell Avenue, Denver, Colorado 80223, (303) 922–1151

Connecticut

WLVH–FM, Hartford, CN

District of Columbia

WHUR–FM, 2600 Fourth Street, NW., Washington, D.C. 20059, (202) 265–9494. Licensee: Howard University, Robert Taylor, General Manager

Florida

WTMP, P.O. Box 1101, Tampa, FL 33601, (813) 626–4108. Licensee: Robert Gilder, Owner: R. A. McLeod
WOWD–FM, P.O. Box 6065, Tallahassee, FL 32301, (904) 386–5141. Licensee: Amrad Corporation, President: Dr. Claude Anderson, General Manager: Jim Boraddus

Georgia

WAOK, 75 Piedmont Ave., N.E., Atlanta, Georgia 30303, (404) 659–1380. President: Mr. Ragan Henry, Licensee: Broadcast Enterprise Network, Inc., Suite 901, 1211 Chestnut Street, Philadelphia, PA 19107, (215) 563–5678
WRDW–AM, P.O. Box 1405, Augusta, Georgia 30903. Licensee: James Brown, President, JB Broadcasting Company, Al Garner, General Manager
WSOK–AM, P.O. Box 1288, Savannah, Georgia 31402, (912) 232–3322. Licensee: Black Communications Corporation of Georgia, Inc., Benjamin M. Tucker, Chairman and General Manager

Hawaii

KHLO, Hilo, Hawaii
KNDI, Honolulu, Hawaii
KZOO, Honolulu, Hawaii
KKON, Kealalekua, Hawaii

Illinois

WJPC–AM, 820 So. Michigan Ave., Chicago, Illinois 60605. Licensee: Johnson Publishing Company, General Manager: Marvin Dyson
WMPP–AM, 1000 Lincoln Highway, E. Chicago Heights, Ill 60611, (312) 758–1400. Licensee: George Pinckard, Seaway Broadcasting Inc., General Manager, Allen Wheller

Indiana

WTLC–FM, 2128 N. Meridian Street, Indianapolis, Indiana 48604. Licensee: Dr. Frank P. Lloyd, President, Community Media Corp., (317) 934–8861
WCMX–FM, 424 Reed Road, Fort Wayne, Indiana 46815, (219) 422–4646. Licensee: HMH Communications, Corp., Owner: Charles Hatch, P.O. Box 6240, Fort Wayne, Indiana, 46806

Kentucky

WLOU–AM, 2549 S. Third Street, Louisville, Kentucky 40208, (502) 636–3535. Licensee: Summers Broadcasting, Inc., Bill Summers, President and General Manager
WSTM–FM, Oxmoor Shopping Center, P.O. Box 6011, Louisville, Kentucky 40206. Licensee: Summers Broadcasting, Inc., Don Rogan, General Manager

Louisiana

WWIW–AM, New Orleans Superdome, New Orleans, Va. 70153, (504) 587–3000. Licensee: Lonnie Murray, 529 "N" St., S.W., Washington, D.C. 20024, (202) 488–8257

Maryland

WEBB–AM, Clifton & Denison Streets, Baltimore, MD 21216, (301) 947–1245. Licensee: James Brown, President, J. B. Broadcasting, General Manager, James Clark

Massachusetts

WILD–AM, 390 Commonwealth Avenue, Boston, Mass. 02215, (617) 267–1900. Licensee: Sheridan Broadcasting Corp., General Manager, Al Williams

Michigan

WCHB–AM, 32790 Henry Ruff Road, Inkster, Michigan 48141, (313) 278–1440. Licensee: Bell Broadcasting Corp., General Manager, Dr. Wendell Cox
WCHB–FM, 299 W. Grand Blvd., Detroit, Michigan 48202, (313) 871–0590. Licensee: Bell Broadcasting Corp., General Manager: Robert Bass
WGPR–FM, 3146 E. Jefferson St., Detroit, Michigan 48207, (313) 8862. Licensee: William V. Banks, President and General Manager, WGPR, Incorporated, General Manager, James Panagos
WWWS–FM, 4624 Dixie Highway, Saginaw, Michigan 48601, (517) 777–8011. Licensee: Saginaw Broadcasting Company, General Manager, Robert O'Bannon
WJZZ–FM, 2994 E. Grand Boulevard, Detroit, Michigan 48202, (313) 971–0590. Licensee: Bell Broadcasting, General Manager, Robert Bass

Mississippi

WORV–AM, 604 Gussie Avenue, Hattiesburg, Miss., (601) 544–1941. Licensee: Vernon Floyd, President and General Manager, Circuit Broadcasting Company
WBAD–FM, P.O. Box 4426, 7 Oaks Road, Greenville, Miss. 38701. General Manager and President, William D. Jackson
WTNK, Greater Mississippi Life Bldg., Meridian, Miss. 39301, (601) 693–3242/1961. President: Charles L. Young, General Manager: Len Maith

Missouri

KPRS–AM/FM, 2301 Grand Avenue, Kansas City, Missouri 64108. Andrew P. Carter, President, KPRS Broadcasting Company, John E. Carter, General Manager

Nebraska

KOWH–AM/FM, 3910 Harney Street, Omaha, Nebraska 68131, (402) 422–1600. Licensee: Reconciliation, Inc., General Manager: Donald Keith

New Jersey

WNJR, 17 Union Avenue, Union, New Jersey 07083, (201) 688–5000. Station Manager: William Donahue, Owner: Dan Robinson
WUSS–AM, 1500 Absencon Blvd., Atlantic City, N.J. 08401, (609) 344–5861, (609) 347–4200. Licensee: President, Edward Darden, General Manager: John Hickman, Atlantic Business and Community Development, Atlantic City, New Jersey

New Mexico

KABZ, Albuquerque, New Mexico
KRDD, Roswell, New Mexico
KEDE, Santa Fe, New Mexico
KENN (Navajo), Farmington, New Mexico
KWYK (Navajo), Farmington, New Mexico
KGAK (Navajo), Gallup, New Mexico
KKIT (Taos Pueblo), Taos, New Mexico
Ed Gomez, KABQ, P.O. Box 4486, Albuquerque, N.M. 87106

New York

WLIB–AM, WBLS–FM, 801 Second Avenue, New York, N.Y. 10017, (212) 661–3344
WUFO–AM (Amherst/Buffalo), 89 La Salle Avenue, Buffalo, New York 14214, (716) 834–1080. Licensee: President, Paul Sheridan Broadcasting Corp., General Manager, Don Mullins
WDKX–FM, 1337 Main Street East Rochester, N.Y. 14609, (716) 288–5470 Licensee: Monroe Broadcasting, Co., Inc., President, Andrew Langston, General Manager, Bill Curtis
WOKO, 1450 Western Ave., Albany, N.Y. 12203, (518) 449–1460. October Mountain Broadcasting Co., Inc., Anthony B. Mason, President
WEVD, New York, New York

North Carolina

WGIV–AM, New GIV, Inc., P.O. Box 3856, Charlotte, N.C. 28203, (704) 333–0131. Licensee: Tod Branson, Vice President, Broadcast Enterprises Network, Inc., General Manager, Ken Goldbratt
WVOE–AM, P.O. Box 328, (919) 654–3991. Licensee: Lester Moore, President, Ebony Enterprises, Inc., Stacy Newkirk, General Manager
WBMU–FM, 90 Lookout Road, Asheville, N.C. 28804, (704) 253–5381. Licensee: Greater Asheville Ed. Radio Association, General Manager, James Robinson

Ohio

WELX–AM, P.O. Box 456, Xenia, Ohio 45385, (513) 372–7649. General Manager & President of Corporation, Harold Wright, Owner, H & H Broadcasters, Vice-President, Philip Wright
WCIN, 106 Glenwood Ave., Cincinnati, Ohio 45217. H.E. Sonny Burns, Vice President and General Manager
WHBM–FM, P.O. Box 456, Xenia, Ohio 45385, (513) 372–7649. Licensee: H & H Broadcasters, Inc., President, Harold Wright

Oklahoma

KOLS (Cherokee), Pryor, Oklahoma

Pennsylvania

WAMO–AM/FM, 1811 Boulevard of Allies, Pittsburgh, Pa. 15219, (412) 471–2181.

Licensee: Ronald Davenport, Chairman, Sheridan Broadcasting, President, Paul Yates, 943 N. Sheridan Ave., Pittsburgh, Pa. 15219, (412) 281–6747

South Carolina

WOIC–AM, P.O. Box 565, Columbia, S.C. 29202. Licensee: Nuance Corporation, General Manager, Elliott Franks

South Dakota

KCCR (Sioux), Pierre, South Dakota
KYNT (Sioux), Yankton, South Dakota

Tennessee

WJBE–AM, P.O. Box 281, Knoxville, Tennessee 37914, (615) 637–1430. Licensee: James Brown, President, JB Broadcasting, Ltd. General Manager, Jim Clark
WLOK–AM, 363 S. Second Street, Memphis, Tennessee 38103, (901) 527–9565. President, Art Gilliams & General Manager

Texas

KESS, Dallas-Fort Worth, Texas
KLVL, Houston, Texas
KLFB, Lubbock, Texas
KNOK–AM/FM, 3601 Kimbo Street, Fort Worth, Texas 76111. Licensee: EGG Dallas Broadcasting, Inc., General Manager, Waynett Sobers
KOOH–AM, 5011 Almeda, Houston, Texas 77004, (713) 527–7175. Licensee: Call of Houston, Inc., General Manager, Mike Petrizzo
Manuel Davila, Jr., KCCT, P.O. Box 5206, Corpus Christi, Texas 78405, (512) 884–2426.
Manuel Davila, Sr., KEDA, 226½ Dolorosa Street, San Antonio, Texas 78205, (512) 226–5254.
Marcos Rodriguez, KESS, P.O. Box 6195, Fort Worth, Texas 76115, (817) 429–1037.
Ed Gomez, KIRT/KQXX, 608 S. 10th Street, McAllen, Texas 78501, (512) 682–3231.
Marcelo Tafoya, K1FB, P.O. Box 5697, Lubbock, Texas 79417, (806) 765–8114.
Roberto Villanueva, KMXX, 8703 Stillwood Lane, Austin, Texas 78758, (512) 478–5699.
Sonny Martinez, KVEO-TV, P.O. Box 3588, McAllen, Texas 78501.
KTSU–FM, Texas Southern University, Houston, Texas 77004, (713) 527–7175. Licensee: Texas Southern, General Manager, Mike Petrizzo

Utah

KUTA (Navajo), Blanding, Utah.

Virginia

WPCE–AM, WOWI–FM, 1010 Park Avenue, Norfolk, VA 23504, (804) 622–4600. Licensee: L. E. Willis, President, Metro Communications

Washington

KYAC–FM, 427 3rd Avenue, Seattle, Washington 98119. Licensee: Donald T. Dudley, President and General Manager, Dudley Communications, Limited
Daniel Robles, Radio Cadena, 1406 Harvard, Seattle, Washington 98122.

Wisconsin

WNOV–AM, 3801 N. 20th Street, Milwaukee, Wisconsin 53206, (414) 445–1986. Licensee: Jerrel W. Jones, President and General Manager, Courier Communications Corp.

Virgin Islands

WVIS–FM, P.O. Box 1403, St. Crois, Virgin Islands, 00840, (809) 772–0986. General Manager: Julio Rahr

Radio Distribution Network

National Black Network, 1350 Avenue of the Americas, New York, New York 10019.

Television

Michigan

WGPR–TV, Channel 2, 3140 E. Jefferson, Detroit, Michigan 48207. Licensee: WGPR–TV, Inc., General Manager, Dr. William B. Banks

Virgin Islands

WBNB–TV, Channel 10, P.O. Box 1947, Charlotte Amalie, St. Thomas, U.S. Virgin Islands, 00801. Licensee: Island Teleradio Service, Inc., General Manager, Ms. Shirlee, T. Haizlip
WVIS–TV, Channel 8, P.O. Box 487, Christiansted, St. Croix 00820, (809) 772–2257. Licensee: Peoples Broadcasting Corporation, General Manager, Arthur L. Swanson

Minority Advertising Firms

California

Meta 4 Productions, Inc., Terry Carter, 8727 West 3rd Street, Suite 293, Los Angeles, CA 90048
Cunningham, Short, Berryman and Associates, 2120 W. 8th Street, Los Angeles, CA 90057
Polymedia Corporation, Robert W. Dockery, Jr., 5371 Wilshire Blvd., Suite 212, Los Angeles, CA 90036
Williamson and Associates, Alfred Williamson, General Partner, 681 Market Street, Suite 877, San Francisco, CA 94105

District of Columbia

Thomas Buffington Associates, Inc., 1053 31st Street, N.W., Washington, D.C. 20007, (202) 337–1750
Wilson, Baptiste & Associates, Inc., 4500 Connecticut Ave., N.W., Suite 206, Washington, D.C. 20015, (202) 785–2931
Ofield Dukes and Associates, National Press Building, Suite 716, Washington, D.C. 20004
New Wave Communications, 1612 K Street, N.W., Suite 508, Washington, D.C. 20006
Pat Toney Associates, Inc., 1025 15th Street, N.W., Washington, D.C. 20005, (202) 737–0202
Effective Communications Corp., Darryl R. Kemp, President, 4410 29th Street, N.E., Washington, D.C. 20018, (202) 387–1828
Creative Resources International, Joan O. Parrott, 1029 Vermont Ave., N.W., Suite 875, Washington, D.C. 20005, (202) 357–2247
America's Black Forum Productions, Walker Williams, President, 904 National Building, Washington, D.C. 20045, (202) 347–9168
Kendrick & Company, Carrie L. Fair, Esq., Chairman, 1037 Woodward Building, 733 15th Street, N.W., Washington, D.C. 20005, (202) 638–7627
First Georgetown Advertising, Inc., Paul A. Wallace, President, 733 15th Street, N.W., Washington, D.C. 20005, (202) 638–4602
Labero, Inc., Larry Bryant, President, 535 Edgewood Street, N.W., Suite 1, Washington, D.C. 20017
Plus Publications, Roy Betts, Editor, 2626 Pennsylvania Ave., N.W., Washington, D.C. 20237, (202) 333–5444, Ext. 61
Creative Universal Products, Inc., Robert W. Ewell, Vice President, Operations, 800 18th Street, N.W., Washington, D.C. 20006, (202) 347–2535

Georgia

Triangle Associates, Inc., Al Anderson, President, 101 Marietta Tower, Suite 3001, Atlanta, GA 30303
Rutherford Associates, William A. Rutherford, President, 616 Peyton Road, S.W., Atlanta, GA 30301
Rutherford Associates, 2700 Q Street, N.W., Washington, D.C. 20007

Illinois

Burrell Advertising, Thomas J. Burrell, President, 625 N. Michigan Avenue, Chicago, IL 60601, (312) 266–0880
Ralph Kolonay, Barbara Proctor, President, Proctor and Gardner, 111 E. Wacker Drive, Chicago, IL 60601, (312) 644–7950
Tilmon Productions, Inc., James Tilmon, 589 Clavey Court, Highland Park, IL 60035
OMAR, Inc., Dr. Marcelino Miyares, President, 5525 North Broadway, Chicago, IL 60640, (312) 271–1686
Proctor & Gardner Advertising Agency, Barbara Proctor, President, 111 E. Wacker Drive, Suite 326, Chicago, IL 60610, (312) 644–7950
Franklin T. Lett Associates, Franklin T. Lett, President, Suite 2720, 35 East Wacker Drive, Chicago, IL 60601

Louisiana

Kleck, Pourciau and Carvin, Inc., Karry L. Pourciau, President, 912 Louisiana Avenue, New Orleans, LA 70115, (504) 897–1367

Ohio

Asure Blue—12429 Cedar Road, Suite 28, Cleveland Heights, Ohio 44106, (216) 368–1100; One Pennsylvania Plaza Suite 2215, New York, N.Y. 10001, (212) 736–4660
Burns Public Relations, Inc., 666 Euclid Avenue, Cleveland, Ohio 44114
Advertising Design Consultants Studio, George T. Linyear, President, 1266 East Broad Street, Columbus, Ohio 43205, (614) 253–3868
Rogers, Thomas, Cross and Long Advertising, A. R. Thomas, Vice President, Account Services, 1148 Euclid Avenue, Cleveland, Ohio 44115, (216) 241–3998

Massachusetts

Blackside, Ind., Henry Hampton, 501 Shawmut Avenue, Boston, Mass. 02118

Michigan

United Communications, Inc., Oliver Wilson, President, 707 Northland Towers East, Southfield, Michigan 48075

Minnesota

Vanguard Advertising Agency, Inc.—Dr. Thomas Tipton, President, 15 South Ninth Street, Suite 485, Minneapolis, Minn. 55402, (621) 338–5386; 1029 Vermont Avenue, N.W., Washington, D.C. 20005, (202) 737–3110

Missouri

Inez Kaiser and Associates, 906 Grand Avenue, Kansas City, Missouri 64106

Effective Marketing and Advertising Company, Pierre Laclede Center, 7701 Forsyth, Suite 1353, Clayton, Missouri 63105

Effective Marketing and Advertising Company, Marvin D. Mondres, President, 499 S. Capitol Street, S.W., Suite 515, Washington, D.C. 20003

New York

Uniworld Group, Inc., Byron Lewis, President, Shirley Kalunda, 101 Park Avenue, New York, New York

Frank Mingo, Carolyn Jones, and Richard Guilmenot, 285 Lexington Avenue, New York, New York 10017, (212) 697–4515

National Alliance of Chinese-American Media, Inc., Bordon K. D. Yen, Executive Director, 401 Broadway, Suite 1907, New York, N.Y. 10013, (212) 431–3755

Robert Dibue' Associates, Inc., Robert Dibue', President, 245 East 40th Street, New York, N.Y. 10016, (212) 490–0486

J. P. Martin Associates, Inc., Joel P. Martin, President, 200 Madison Avenue, Suite 1904, New York, NY 10016

Inner-Cities Communications, Inc., 507 5th Avenue, New York, NY 10017

Minorities in Media, Inc., 342 Madison Avenue, Suite 567, New York, N.Y. 10017

Rogers, Watkins & Brown, Suite 519, Statler-Hilton, Buffalo, New York 14202, (716) 856–5450

Ong & Associates, Inc., 485 Madison Avenue, New York, N.Y. 10022

Joseph A. Davis Consultants, Inc., 104 East 49th Street, New York, New York 10016

Amclar Tirado Film Production, Amclar Tirado, 100 West 94th Street, Apt. 156, New York, N.Y. 10025

The Link Advertising Corp., Castor A. Fernandez, President, 101 Park Avenue, Room 204, New York, N.Y. 10017, (212) 686–6048

Hispano Americano Advertising, Inc., J. Ralph Infante, President, 230 Park Avenue, New York, N.Y. 10017, (212) 697–6313

Lockhart, Pettus & Hammer, Inc., Keith E. Lockhart, President, 60 East 42nd Street, New York, N.Y. 10017, (212) 682–7898

Pennsylvania

Portfolio Associates, Inc., Dwight L. Pickard, Jr., Project Director, University City Science Center, 3508 Market Street, Suite 202, Philadelphia, PA 19104

Texas

Ed Yardang & Associates, Lionel Sosa, President, One Romana Plaza, San Antonio, Texas 78205, (512) 227–8141

Minority Production Firms

California

Professional International Productions and Public Relations, Ron Townson, President, 6155 South Bedford Avenue, Los Angeles, California 90056, (213) 611–1307

BCTV, Benjamin A. Soria, Vice President, 460 Hegenberger Road, Suite 750, Oakland, California 94621, (415) 632–7474

La Luz Cinema Video Productions, Heather Rae Howell, Executive Vice President, 5380 East Whittier Blvd., Los Angeles, California 90022, (213) 728–6107

Leroy Robinson, Chocolate Chip Productions, 6515 Sunset Blvd., Suite 206, Los Angeles, CA 90028

Frank Clarke, Meta 4 Productions, 8727 W. 3rd Street, Suite 203, Los Angeles, CA 90048

Fuji Telecast & Production Co., Christopher Hirose, 1731 Buchanan Street, San Francisco, CA 94115, 346–7173

Ruiz Productions, Inc., Jose-Luis Ruiz, President, P.O. Box 27788, Los Angeles, California 90027, (213) 851–8110

District of Columbia

Baker F. Morten, Morbak Productions, Washington, D.C.

KIM Productions, Inc., Gordon G. Alexander, 1411 K Street, N.W., Suite 920, Washington, D.C. 20005

Georgia

Image 7, Daniel A. Moore, President, 2964 Peachtree Road, N.W., Suite 790, Atlanta, GA 30305, (404) 237–0777

Illinois

Lakeshore Productions, Nathaniel Grant, President, 360 N. Michigan Avenue, Chicago, Illinois 60601, (312) 236–1890

The Real and Realities, Jarvus Grant, President, 9340 South Lafayette Avenue, Chicago, Illinois 60620

New York

Parrott & People Productions, 132 Madison Avenue, New York, N.Y. 10016

Sigma Sports, Inc., Dick Martin, President, 50 West 96 Street, New York, N.Y. 10025, (212) 245–3560

Toussant Group, 420 East 51st Street, New York, N.Y. 10022

Wm Greaves Productions, 1776 Broadway, New York, N.Y. 10019

James E. Hinton Entertainment, 159 West 53rd Street, New York, N.Y. 10019

Peconic Bay Telecommunications, Antonio De Grassee, P.O. Box 633, Jamesport, N.Y. 11947

Starke-Reid Televideo Corp., 249 W. 29th Street, New York, N.Y. 10001

Hinton Productions, Inc., 159 W. 53rd Street, New York, N.Y. 10019

Masachusetts

Jose M. Quinters, 79 Paulgore Street, Jamaica Plan, MA 02130

Mississippi

Spectrum Productions, Inc., Tom Alexander, President, P.O. Box 3215, Jackson, Mississippi 39207

Pennsylvania

Mr. D. Outlaw, 3627–29 Lancaster Avenue, Philadelphia, PA 19104

Minority Newspapers/Magazines

Alabama

Birmingham World, Marcel Hopson, Publisher, 312 17th Street North, Birmingham, Alabama 35203

Mobile Beacon, Lancie M. Thomas, Editor-Publisher, 2311 Coastside Street, Mobile, Alabama 35203

The Montgomery Times, Al Dixon, Editor, 211 Dexter Avenue, Montgomery, Alabama 36104

Arizona

Arizona Informant, Charles R. Campbell, Co-Publisher, 222 North 9th Street, Phoenix, Arizona 85034

California

Asian American News Service, Charles Leong, Bureau Manager, 622 Washington Street, San Francisco, CA 94111, 986–2336

The Black Panther, Intercommunal News Service, David DuBois, Editor, 8501 East 14th Street, Oakland, CA 94621, 638–0195

El Bohemio Magazine, Fred Rosado, Editor, San Francisco, CA 94110, 647–1924

California Voice, Arthur Jackson, Editor, 814 27th Street, Oakland, CA 94607, 465–8552

Central News Wave, Chester L. Washington, Editor-Publisher, 2621 W. 54th Street, Los Angeles, CA 90043

L. A. Sentinel, Ruth Washington, Publisher, 1112 E. 43rd Street, Los Angeles, CA 90011

California Voice, Carlton B. Goodlett, Editor-Publisher, 814 27th Street, Oakland, California 94607

Sacramento Observer, William H. Lee, Editor-Publisher, P.O. Box 209, Sacramento, CA 95801

S. F. Sun-Reporter, Carlton B. Goodlett, 1366 Turk Street, San Francisco, CA 94115

Precinct-Reporter, Art Townsend, Owner-Publisher, 1673 W. Baseline Street, San Bernadino, CA 92411

Canada

Contrast Publications Limited, Alfred W. Hamilton, Publisher, 28 Lennox Street, Toronto 4, Ontario—Canada

Connecticut

The Hartford Inquirer, William R. Hales, Editor-Publisher, P.O. Box 275, Hartford, Conn. 06101

District of Columbia

Washington Afro-American, Arther M. Carter, Publisher, 2002 11th St., N.W., Washington, D.C. 20001

The Washington Informer, Calvin Rolark, Editor-Publisher, 1343 H St., N.W., Suite 600, Washington, D.C. 20001

Florida

Westside Gazette, Levi Henry, Jr., Editor-Publisher, P.O. Box 9281, Fort Lauderdale, Fla. 33301

Miami Times, Garth C. Reeves, Sr., Editor-Publisher, 6530 N.W. 15th Avenue, Miami, Florida 33147

Orlando Times, Norris D. Woolfork, III, Publisher, 2393 West Church Street, Orlando, Florida 32805
Florida Sun, James W. Macon, Publisher, 4020 W. Columbia, Orlando, Fla. 32805
Florida Sentinel Bulletin, C. Blythe Andrews, Jr., Publisher, P.O. Box 3363, Tampa, Florida 33601
Daytona Times, Charles W. Cherry, Publisher, 429 S. Campbell Street, Daytona Beach, Florida 72014
The Pensacola Voice, Les Humphrey, 263 East Yonge Street, Pensacola, Florida 32503

Georgia

Atlanta Daily World, C. A. Scott, Editor-General Manager, 145 Auburn Avenue, N.E., Atlanta, Georgia 30303
Atlanta Inquirer, John B. Smith, Executive Vice President, 947 Martin Luther King, Jr. Drive, N.E., Atlanta, Georgia 30314
The News Review, Mallory K. Millender, Editor-Publisher, P.O. Box 953, Augusta, Georgia 30901
The Herald of Savannah, Floyd Adams, Sr., Publisher, P.O. Box 41, Savannah, Georgia 31402
Columbus Times, Helmut Gerdes, Managing Editor, 1304 Midway Drive, Columbus, Georgia 31902
The Savannah Tribune, Robert E. James, Publisher, 916 Montgomery Street, Savannah, Georgia 31401
Albany Times, W. L. Russell, Editor-Publisher, 315 Highland Avenue, Albany, Georgia 31701
The Macon Courier, Alex C. Habersham, Publisher, 2661 Montpelier Avenue, Macon, Georgia 31202

Illinois

Jet Magazine, Robert Johnson, Editor-Publisher, 820 South Michigan Avenue, Chicago, Illinois 60605
Chicago Daily Defender, John H. Sengstacke, Editor-Publisher, 2400 S. Michigan Avenue, Chicago, Illinois 60616
Chicago Metro-News, Charles B. Armstrong, Editor-Publisher, 2600 South Michigan Avenue, Chicago, Illinois 60616
Voice of the Black Community, Horace G. Livingston, Jr., Publisher, 3180 N. Woodford, Decatur, Illinois 62521
Citizen Newspapers, Agustus Savage, Editor, 412 E. 87th Street, Chicago, Illinois 60619
Chicago Independent Bulletin, Hurley L. Green, Editor-Publisher, 728 W. 65th Street, Chicago, Ill. 60621
Chicago New Crusader, Dorothy Leavell, Publisher, 6429 South King Drive, Chicago, Ill. 60637
Observer Publications, Ibn Sharrieff, Publisher-General Manager, 1180 E. 63rd Street, Chicago, Ill. 60636
East St. Louis Crusader, Joe Lewis, Editor-Publisher, 2206 Missouri Avenue, East St. Louis, Ill. 62205

Indianapolis

Indianapolis Recorder, Marcus C. Stewart, Editor-Publisher, 2901 N. Tacoma Avenue, Indianapolis, Indiana 46218
Indiana Herald, O. L. Tandy, Editor-Publisher, 2449 Radar Street, Indianapolis, Indiana 46208

Indiana

Gary Info, James T. Harris, Jr., Editor-Publisher, 1953 Broadway/P.O. Box M587, Gary, Indiana 46401
Gary Crusader, Dorothy Leavell, Publisher, 1549 Broadway, Gary, Indiana 46407

Iowa

New Iowa Bystander, Charles McCauley, Editor, 140 4th St. West, Des Moines, Iowa 50265

Kentucky

Louisville Defender, Kenneth T. Stanley, Editor-Publisher, 1720 Dixie Highway, Louisville, Kentucky 40210

Louisiana

Community Ebony Tribune, Alonzo Hodge, Circulation & Advertising Director, P.O. Box 3857, Shreveport, LA 71103
The Alexandria News Weekly, H. Nicholas Stull, Publisher, P.O. Box 608, Alexandria, LA 71301
Louisiana Weekly, C. C. Dejoie, Jr., Editor-Publisher, 640 Rampart Street, New Orleans, LA 70150
Black Data Weekly, Joseph "Scoop" Jones, Editor, P.O. Box 51933, New Orleans, LA 70151
Black DATA Weekly, 2037 Orleans Avenue, P.O. Box 51933, New Orleans, LA 70151

Maryland

Afro-American Newspapers, Raymond H. Boone, Vice President and Editorial Director, 628 N. Eutaw Street, Baltimore, MD 21201
Baltimore News American, E. Lee Lassiter, 301 East Lumbard, Baltimore, MD 21203

Michigan

Michigan Chronicle, Longworth M. Quinn, Editor-Publisher, 479 Ledyard Street, Detroit, Michigan 48201
Ecorse Telegram, J. C. Wall, Editor-Publisher, 4122 10th Street, Ecorse, Michigan 48229

Minnesota

Twin Cities Courier, Mary J. Kyle, Editor-Publisher, 84 S. 6th Street, Suite 501, Minneapolis, Minn. 55402
Minneapolis Spokesman, Oscar H. Newman, Editor, 3744 4th Avenue, Minneapolis, Minn. 55409

Mississippi

Mississippi Memo Digest, Robert E. Williams, Editor-Publisher, 2511 5th Street, Meridian, Miss. 39301
Jackson Advocate, Charles Tisdale, Editor-Publisher, 115 East Hamilton Street, Jackson, Miss. 39202

Missouri

Kansas City Call, J. Reuben Benton, Advertising Director, 1715 E. 18th Street, Kansas City, MO 64141
Editorial Page Editor, St. Louis American, 2618 N. Kings Highway, St. Louis, MO 63113
The Crusader, William P. Russell, Chairman of the Board, 4371 Finney, St. Louis, MO 63113
St. Louis Argus, Eugene Mitchell, Publisher, 4595 Martin Luther King Drive, St. Louis, MO 63113
St. Louis Metro Sentinel, Jane Woods, Editor-Publisher, 3338 Olive, Suite 206, St. Louis, MO 63103

Nebraska

Omaha Star, Mildred Brown, Editor-Publisher, 2216 N. 24th Street, Omaha, Nebraska 68110

Nevada

Las Vegas Voice, Lawrence Albert, Publisher-Owner, P.O. Box 4684, Las Vegas, Nevada 81906

North Carolina

The Carolina Times, Vivian A. Edmonds, Editor-Publisher, 923 Old Fayetteville Street, Durham, N.C. 27702
Carolina Peacemaker, Culey V. Kilimanjaro, Secretary-Treasurer, P.O. Box 20853, Greensboro, N.C. 27420
Carolinian, P. R. Jervay, Editor-Publisher, 518 E. Martin Street, Raleigh, N.C. 27601
Wilmington Journal, T. C. Jervay, Editor-Publisher, 412 S. 7th Street, Wilmington, N.C. 20841
Charlotte Post, Bill Johnson, Editor-Publisher, 9139 Trinity Road, Charlotte, N.C. 28216

New York

N.Y. Daily Challenge, Thomas H. Watkins, Publisher, 1368 Fulton Street, Brooklyn, N.Y. 11207
Commission News, Travis L. Francis, Editor, 297 Park Ave. South, Suite 23, New York, N.Y. 10010
Westchester County Press, Alger L. Adams, Editor-Publisher, 61 Pinecrest Drive, Hastings-On-Hudson, NY 10706
NY Amsterdam News, John L. Procope, Publisher, NY Amsterdam News, 2340 8th Avenue, New York, N.Y. 10027 New York Voice, Jimmy L. Hicks, Editor, 78–36 Parsons Boulevard, Flushing, N.Y. 11366

Ohio

The Akron Reporter, William R. Ellis, Editor-Publisher, P.O. Box 2042, Akron, Ohio 44309
Cleveland Call and Post, William O. Walker, Editor-Publisher, 1949 105th Street, Cleveland, Ohio 44106
Cincinnati Herald, Majorie B. Parham, Editor-Publisher, 863 Lincoln Avenue, Cincinnati, Ohio 45206
The Toledo Journal, Myron Alfred Steward, Publisher, 1816 Bancroft, Toledo, Ohio 43607
Buckeye Review, Margaret Linton, Editor, P.O. Box 1436, Youngstown, Ohio 44501

Oklahoma

Oklahoma Eagle, Robert K. Goodwin, Publisher, 122 N. Greenwood, Tulsa, Oklahoma 74120
Black Dispatch Publishing Co., Russell Perry, Co-Publisher, P.O. Box 1254, Oklahoma City, Okla. 73101

Oregon

The Skanner, Bernard V. Foster, Editor-Publisher, P.O. Box 5455, Portland, Oregon 97228

Pennsylvania

Philadelphia Tribune, Alfred L. Morris, President, 520 16th Street, Philadelphia, PA 19146
New Pittsburgh Courier, James D. Lewis, General Manager, 315 E. Carson Street, Pittsburgh, PA 15219

South Carolina

Black News, Redfern II, Publisher, P.O. Box 11128, Columbia, S.C. 29403
Low Country Star, Donna D. Scott, Editor-Publisher, 1114 S. Ribart Road, Port Royal, S.C. 29935

Tennessee

Tri-State Defender, Robert Sengstacke, General Manager, 124 E. Calhoun Street, Memphis, Tenn. 38103

Texas

Post Tribune, Dickie Foster, Editor, 3428 Sunnyvale, Dallas, Texas 72516
Houston Forward Times, Lenora Carter, Publisher, 4411 Almeda Road, Houston, Texas 77004
Houston Informer, George McElroy, Editor, P.O. Box 3086, Houston, Texas 77001.
The Texarkana Courier, Elridge Robertson, Publisher, 504 W. 3rd Street, Texarkana, Texas 75501
Great Circle News, Tony Davis, 3101 Forest Avenue, Dallas, Texas 75215
Freedom's Journal, Emerson Emory, 2814 S. Beckley, Dallas, Texas 75224

Virgin Islands

Daily News of Virgin Islands, Ariel Melchior, Jr., Publisher, P.O. Box 7638, St. Thomas, U.S., V.I. 00801

Virginia

New Journal and Guide, Milton A. Reid, Publisher-Editor, 1017 Church Street, Norfolk, VA 23501
Richmond Afro-American, 301 E. Clay Street, Richmond, VA 23219

Washington

Seattle Medium, Christopher H. Bennett, Editor-Publisher, 2600 S. Jackson Street, Seattle, Wash. 98122

Wisconsin

Milwaukee Courier, Jerrel Jones, Publisher, 2431 W. Hopkins Street, Milwaukee, Wis. 53206
Black Excellence, Mildred E. Parrish, Editor, P.O. Box 26191, Milwaukee, Wisconsin 53266
Milwaukee Star, Cal Patterson, Publisher, 3811 N. 20th Street, Milwaukee, Wis. 53206
Racine Star, Sharon Schumann, Editor, 2431 W. Hopkins Street, Milwaukee, Wis. 53206
Milwaukee Community Journal, Robert J. Thomas, Co-Publisher/Chairman of the Board, 3764 N. Port Washington Road, Milwaukee, Wis. 53212

[FR Doc. 79-11400 Filed 4-11-79; 8:45 am]

BILLING CODE 3110-01-M

THE PRESIDENT'S COMMISSION ON COAL

Factors Affecting Wildcat Strikes; Seminar

The President's Commission on Coal will conduct a seminar on factors affecting wildcat strikes in the coal industry on April 27, 1979, from 9:30 a.m. until 4:30 p.m. in room 2010 of the New Executive Office Building, 726 Jackson Place N.W., Washington, D.C.

The Commission was created by executive order to conduct a comprehensive review of the state of the coal industry in the United States considering, among other issues, "collective bargaining, grievance procedures, and such other aspects of labor-management relations as the Commission deems appropriate."

After presentations by invited experts and representatives of coal industry labor and management, there will be a round table discussion with Commission members and those who presented papers.

The seminar will not be a formal hearing, but will be open to the public. Interested persons may file written statements with the Commission on the topics under discussion. These statements must be filed no later than May 26, 1979, to be included in the record of the proceedings.

Persons wishing more information, or who wish to submit a statement with the Commission on factors affecting wildcat strikes in the coal industry, should contact Mr. Allen Wampler, The President's Commission on Coal, 600 E Street N.W., Suite 500, Washington, D.C. 20004; telephone 202/376-2001.

Dated: April 6, 1979.

Michael S. Koleda,
Executive Director, The President's Commission on Coal.

[FR Doc. 79-11357 Filed 3-11-79; 8:45 am]

BILLING CODE 4510-23-M

PRESIDENT'S COMMISSION ON THE HOLOCAUST

President's Commission on the Holocaust; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the President's Commission on the Holocaust will be held at 2:00 P.M., on Tuesday, April 24, 1979, in Room 210, Cannon House Office Building, Capitol Hill, Washington, D.C. 20515.

The Commission was established by Executive Order 12093, November 1, 1978, to submit a report to the President and the Secretary of the Interior containing its recommendations with respect to the establishment and maintenance of an appropriate memorial to those who perished in the Holocaust. Also, the Commission's report shall examine the feasibility of obtaining funds for creation and maintenance of the Memorial through contributions by the American people. Furthermore, the Commission meeting shall serve as a forum for the Nation to commemorate the week of April 22-29, 1979, as "Days of Remembrance of the Victims of the Holocaust," which the Congress proclaimed through a Joint Resolution (Pub. L. 95-371, September 18, 1978).

The meeting is open to the public. However, facilities and space for accommodating members of the public are limited. Those wishing to attend on a first-come, first-served basis should notify in writing no later than April 17, 1979, Dr. Michael Berenbaum, Deputy Director, President's Commission on the Holocaust, Suite 7233, 726 Jackson Place, N.W., Washington, D.C. 20503 of their intention to attend. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or who want further information concerning the meeting may contact Dr. Berenbaum at (202) 395-7343. The proceedings will be transcribed and the transcripts will be available for public inspection two weeks after the meeting.

Dated: April 9, 1979.

Michael Berenbaum, Ph.D.,
Deputy Director.

[FR Doc. 79-11393 Filed 4-11-79; 8:45am]

BILLING CODE 4310-70-M

SECURITIES AND EXCHANGE COMMISSION

Current Interest, Inc.; of Exemption

April 4, 1979.

Notice is hereby given that Current Interest, Inc. ("Applicant") 711 Polk Street Houston, Texas 77002, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified management investment company, filed an application on February 26, 1979, and an amendment thereto on April 4, 1979, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Rules 2a-4 and 22c-1

under the Act to the extent necessary to permit Applicant to compute its net asset value per share, for the purpose of effecting sales, redemptions and repurchases of its shares, to the nearest one cent on a share value of one dollar. Applicant represents that in all other respects, its portfolio securities will be valued in accordance with the views of the Commission, set forth in Investment Company Act Release No. 9786 (May 31, 1977) ("IC–9786"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund, designed as an investment vehicle for institutional and individual investors who seek liquidity for their investment. Applicant states that its portfolio is invested primarily in short-term marketable obligations issued or guaranteed as to principal and interest by the U.S. Government (or its agencies or instrumentalities), obligations of U.S. banks and federally insured savings and loan associations, commercial paper, and short-term corporate obligations. Applicant asserts that, since its inception in 1974, and in keeping with its policies, its portfolio has been invested largely in certificates of deposit of domestic banks which are members of the Federal Reserve System and which have capital, surplus, and undivided profits in excess of $100,000,000, commercial paper rated A–1 by Standard & Poor's Corporation or Prime-1 by Moody's Investor Services, Inc., and certificates of deposit of savings and loan associations whose accounts are insured by the Federal Savings and Loan Insurance Corporation and which have total assets in excess of $100,000,000.

Applicant states that it does not presently nor does it intend to invest in instruments having a remaining maturity of greater than one year. Applicant states that presently if values its portfolio at market and asserts that because of the short maturities of its portfolio instruments, its net asset value per share has varied between $9.98 and $10.02 from its inception on June 4, 1974. Applicant states that its Board of Directors has authorized a split-up of Applicant's common stock 10 for 1, through a stock dividend of 9 shares for each share outstanding, so that after the split-up, each new share will have a net asset value of $1.00. Applicant asserts that it expects that as a result of the implementation of its proposal to round its net asset value per share to the nearest $.01 on a $1.00 price, Applicant's price per share for the purpose of sales and redemptions will remain at $1.00.

Applicant states that its Board of Directors believes that this split-up and consequent $1.00 price per share will benefit Applicant and its shareholders. Applicant, designed as an investment vehicle for institutional and individual investors who seek liquidity for their investment, has as its investment objectives maximum current income and preservation of capital. Applicant asserts that its investors prefer that the daily income dividends declared by the Applicant reflect income as earned, and that the sales and redemption price remain fixed. Applicant represents that its Board of Directors has, therefore, concluded that stability of capital and a steady flow of investment income would be of benefit to existing shareholders and a helpful tool in attracting potential investors to Applicant. Applicant asserts that its shareholders would achieve the convenience of being able to determine the value of their holdings simply by knowing the number of shares they own. Also, the task of maintaining an investment record would be made easier for Applicant's shareholders. Applicant also states that the proposed change is expected to eliminate the periodic fluctuation in Applicant's net asset value per share, which has caused Applicant's shareholders to realize unwanted nominal capital gains and losses upon redemption of their shares.

Rule 22c–1 under the Act provides, in part, that no registered investment company issuing any redeemable security shall sell, redeem, or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security. Rule 2a–4 under the Act provides, as here relevant, that "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. In IC–9786 the Commission expressed its view that it is inconsistent with Rule 2a–4 for certain money market funds to "round off" calculations of their net asset value per share to the nearest one cent on a share value of $1.00, because such a calculation might have the effect of masking the impact of changing values of portfolio securities and therfore might not "reflect" its portfolio valuation as required by Rule 2a–4.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant submits that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant asserts that a substantial number of money market funds now offer the public a $1.00 price for their shares. Applicant represents that, to the extent necessary, Applicant's Board of Directors will consider the advisability of temporarily suspending payment of dividends, or making a capital gains or other distribution, to maintain a $1.00 price per share, if the net asset value per share declines to a value below $.997 or rises to a value of above $1.003, repectively. Applicant states that in order to assure the stability of its price per share, it also will adhere to the following conditions:

1. Applicant's Board of Directors, in supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, undertakes—as a particular responsibility within its overall duty of care owed to the shareholders of Applicant—to assure to the extent reasonably practicable, taking into account current market conditions affecting Applicant's investment objectives, that Applicant's price per share as computed for the purpose of sales and redemptions, rounded to the nearest cent, will not deviate from one dollar.

2. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable price per share. Applicant will not purchase a portfolio security with a remaining maturity of greater than one year, nor will it maintain a dollar-weighted average portfolio maturity in excess of 120 days. Applicant states that, in addition, in the future to help maintain a $1.00 net asset value, the Board of Directors has resolved that unless particular

circumstances dictate otherwise, portfolio securities having maturities of 60 days or less when purchased shall be valued at cost adjusted for amortization of premiums and accretion of discounts and that securities originally purchased with maturities in excess of 60 days should be valued beginning on the 60th day prior to maturity using market quotations on the 61st day prior to maturity with unrealized appreciation or depreciation of the 61st day, if any, amortized to maturity.

3. Applicant will limit its portfolio investments to the following:

(a) instruments issued or guaranteed by the U.S. Government or its agencies or instrumentalities;

(b) certificates of deposit and bankers' acceptances of domestic banks having total assets in excess of one billion dollars;

(c) Eurodollar instruments (which are traded on the secondary market) issued by foreign branches of such domestic banks;

(d) certificates and savings accounts of domestic savings and loan associations having total assets in excess of one billion dollars, or capital, surplus and undivided profits of one hundred million dollars, the accounts of which are insured by the Federal Savings and Loan Insurance Corporation;

(e) commercial paper consisting exclusively of direct obligations (i) rated Prime-1 by Moody's Investors Service, Inc. or A–1 by Standard & Poor's Corporation, or (ii) issued by companies having an outstanding debt issue rated Aa or better by Moody's Investors Service, Inc. or AA or better by Standard & Poor's Corporation; and

(f) repurchase agreements pertaining to the foregoing classes of securities provided that such agreements are limited to transactions with financial institutions believed by Applicant's investment adviser to present minimal credit risks.

Notice is further given that any interested person may, not later than April 27, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[812–4443; Rel. 10651]

[FR Doc. 79–11276 Filed 4–11–79; 8:45 am]

BILLING CODE 8010–01–M

Jersey Central Power & Light Co.; Proposed Increase in Short-Term Borrowing Authorization

April 4, 1979.

Notice is Hereby Given that Jersey Central Power & Light Company ("Jersey Central") Madison Avenue at Punch Bowl Road, Morrisown, New Jersey 07960, an electric utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed with this Commission a post-effective amendment to its application previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transaction. All interested persons are referred to the application, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transaction.

By order dated March 22, 1979 (HCAR No. 20966), Jersey Central was authorized to issue and sell (or renew) its short-term notes through December 31, 1979, to various commercial banks, the total borrowings to be in maximum principal amounts outstanding at any one time of the lesser of (1) $105,000,000 or (2) the amount permitted under its charter. The notes have a maturity of nine months or less, bear interest at the lending bank's prime interest rate, are prepayable at any time without premium and are not issued as part of a public offering. The borrowings are made from time to time from among 32 designated banks. The maximum short-term credit made available by these banks is $178,800,000, a figure exceeding by $73,800,000 the authorized short-term borrowings. The purpose of this excess available credit is to provide flexibility with one or more particular banks (but without exceeding the authorized total borrowing limit for all banks) since some banks have indicated that it is not always convenient for them to renew outstanding notes at the time Jersey Central requests them to do so. The lending banks generally require compensating balances at levels of 10% of the line of credit or 20% of the amounts borrowed, whichever is higher. Assuming compensating balances of 20% and a prime rate of 11.75%, the effective cost of borrowing would be 14.69%.

By post-effective amendment Jersey central requests that the maximum aggregate principal amount of such short-term borrowings for the period ending December 31, 1979, be increased to the lesser of (1) $140,000,000 or (2) the amount permitted under its charter.

The proceeds from the short-term borrowings are to be used for short-term working capital requirements, including the repayment of other short-term borrowings, and for construction expenditures.

The additional fees and expenses to be incurred in connection with the proposed transaction will be supplied by further amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is furher given than any interested person may, not later than April 26, 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 application, as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided

in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who requests a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, prusuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[70-6098]

[FR Doc. 79-11279 Filed 4-11-79; 8:45 am]
BILLING CODE 8010-01-M

Metropolitan Edison Co.; Proposed Issuance or Renewal of Unsecured Promissory Notes Evidencing Short-Term Borrowings by a Subsidiary, and a Request for Exemption From Competitive Bidding.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), 2800 Pottsville Pike, Berks County, Pennsylvania 19605, an electic utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utilities Holding Company Act of 1935 ("Act") designating Section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Met-Ed proposed that, for the period commencing with the effectiveness of the authorization herein sought and ending on December 31, 1979, it be permitted from time to time to issue or renew its unsecured promissory notes of maturity of nine months or less evidencing short-term bank borrowings ("Notes"). The Notes will bear interest at a rate not exceeding the prime rate, which may be the floating rate, of the lending bank for commercial borrowing at the date of the issue of the Note (presently 11.75% per annum). The Notes will be prepayable at any time without premium and will not be issued as a part of a public offering.

Met-Ed states that although no commitments or agreements for such borrowings through the issuance of notes have been made, Met-Ed expects that, as to the extent that its cash needs require, such borrowings will be effected from time to time from one or more of the 32 named banks. The lines of credit amount to $149,050,000 and is in excess of the total amount namely $97,000,000, of borrowing to be outstanding at any one time for which authority is herein sought. Met-Ed states that such excess amount is to provide flexibility with one or more particular banks since some banks have indicated from time to time that it is not always convenient for them to renew outstanding notes at the time Met-Ed requests them to do so.

It is contemplated by Met-Ed that the banks, from which borrowings will be made, generally require the maintenance of compensating balances ranging from a minimum of 10% of the average line of credit to a maximum of 10% of the line of credit plus 10% of the loans outstanding, as determined on a daily basis, average assuming compensating balances will equal 20% of the aggregate amounts borrowed, the effective cost of borrowing would be 14.69% assuming a prime rate of 11.75%.

Met-Ed further proposed that it be permitted from time to time, but not later than December 31, 1979, to issue or renew as commercial paper, its unsecured promissory notes in denominations of $100,000 or multiples thereof, which notes will mature not more than 270 days from the date of issue ("commerical paper").

The aggregate principal amount of Commercial Paper together with the aggregate principal amount of Notes outstanding at any one time shall not exceed $97,000,000, the amount permitted by Met-Ed's articles of incorporation. As of December 31, 1978, Met-Ed has outstanding $28,700,000 of notes. Met-Ed does not have any Commercial Paper presently outstanding. Such sales of Commercial Paper will be made to A. G. Becker & Co. ("Becker"), and Becker will reoffer the Commercial Paper thus purchased by it to not more than 200 of its customers, identified and designated in a list prepared in advance by Becker for this purpose. Additions may, from time to time, be made, by Becker to its customer list, but in no event would the number of customers exceed 200. It is expected that Met-Ed's Commercial Paper will be held to maturity by the purchaser from Becker, but if any such purchaser should wish to resell prior thereto, Becker, pursuant to a verbal repurchase agreement, will repurchase the Commercial Paper from its customer and reoffer the same to others in its group of customers.

The Commercial Paper which Met-Ed proposed to issue and sell, will be sold at a discount rate per annum prevailing at the date of issuance for prime Commercial Paper of comparable quality and of the particular maturity sold at the same time by other issuers to commercial paper dealers. The Commercial Paper sold by Met-Ed may be reoffered by Becker at a discount rate of ⅛ of 1% per annum less than the discount rate of Met-Ed. Met-Ed expects that, in general, it will sell its Commercial Paper when the interest costs thereof will not exceed the effective interest costs of bank loans made at the same time pursuant to its informal lines of credit described above.

Met-Ed proposes to utilize the proceeds of the proposed borrowings to provide funds for its short-term working capital requirements, and to provide a temporary source of funds for construction expenditures.

Met-Ed requests that the issuance and sale of its Commercial Paper be exempted from the competitive bidding requirement of Rule 50(a)(5) of the Act.

Any fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

It is stated that no state commission and no federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given than any interested person may, not later than April 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application as amended 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 applicants at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as amended or as it may be further amended, may be granted as provided and in the manner prescribed by Rule 23 of the General Rules and Regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders 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.

[70-6283; Rel. 20990]
[FR Doc. 11280 Filed 4-11-79; 8:45 am]
BILLING CODE 8010-01-M

Pennsylvania Electric Co.; Notice of Filing of Post-Effective Amendment Regarding Issue and Sale of Short-Term Notes to Banks

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed with this Commission, a post-effective amendment to its application previously filed in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act as applicable to the proposed transaction. All interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transaction.

By orders dated April 13, 1977 and December 2, 1977 (HCAR Nos. 19983 and 20292), the Commission authorized Penelec, for the period ending December 31, 1977, and December 31, 1978, respectively, to issue or renew notes of a maturity of nine months or less, evidencing short-term bank borrowings provided that the aggregate principal amount of such notes to be outstanding at any one time shall not exceed $92,000,000 and $87,000,000, respectively, subject to certain reductions.

Penelec now requests authorization for an extension of time through December 31, 1979 to issue or renew the aforesaid notes. It is also requested that the aggregate principal amount of such notes to be outstanding at any one time be revised so that such aggregate amount shall not exceed the lesser of (a) $116,000,000 or (b) the amount permitted by Penelec's Articles of Incorporation provided. All other aspects of the previous orders of this Commission for this transaction shall remain unchanged.

It is stated that the banks generally require compensating balances ranging from a minimum of 10% of the line of credit to a maximum of 10% of the line plus 10% of the loan outstanding. Assuming a 11¾% prime rate and a 20% compensating balance, the effective interest rate to be paid by Penelec would be 14.69%.

Any fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may not later than April 26, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such requests and the issues of fact or law raised by said post-effective amendment to the application 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 applicant 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 such date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted 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 Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[70-5867; Rel. 20989]
[FR Doc. 79-11281 Filed 4-11-79; 8:45 am]
BILLING CODE 8010-01-M

Piedmont Forrest Corp.; Notice of Proposed Issuance and Sale of Notes in Connection With Acquisition of Land

Notice is hereby given that Piedmont-Forrest Corporation ("Property Company"), 270 Peachtree Street, N.W., Atlanta, Georgia 30302, a wholly-owned subsidiary of Georgia Power company ("Georgia"), which, itself, is a wholly-owned electric utility subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), Designating Section 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Property Company is engaged in the acquisition, ownership, maintenance, and disposition of property in connection with and incidental to the utility operations of Georgia. The proposed transactions relate to the acquisition of land for a new office building complex for Georgia in the Bedford-Pine Urban Redevelopment Area ("Area") in downtown Atlanta, Georgia (See File No. 70-6135). Property company proposes to issue three promissory notes in an aggregate principal amount of $4,452,426 ("Notes") and to enter into a Security and Trust Agreement ("Security Agreement") among itself, Park Central Communities, Inc. ("Park Central"), and Trust Company Bank, as trustee ("Trustee"), pursuant to which Property Company will purchase and deposit with the Trustee certificates of deposit in the principal amount of $2,800,000 to secure payment of the Notes.

On May 5, 1978, Park Central entered into an Agreement for disposition of Land ("Agreement") with The Housing Authority of the City of Atlanta ("Agency") pursuant to which Park Central became the "Redeveloper" of the Area and acquired the sole rights to purchase from the Agency certain parcels within the Area, included among which were four parcels which Property Company desired to purchase ("Office Building Parcels") part of which will be the site for Georgia's new office building and part of which will be reserved for future development. To acquire the rights from Park Central to purchase the Office Building Parcels, Property Company, on May 5, 1978, entered into a certain agreement ("Assignment") among Property Company, the Agency, and Park Central, whereby Park Central assigned and sold all of its rights to acquire the Office Building Parcels to Property Company for a purchase price of $4,852,426 ("Purchase Price").

Under the Agreement, it is contemplated that Park Central will use the proceeds from any such sale and assignment of these rights to finance its obligations as Redeveloper of the Area. Park Central insisted as a condition of the Assignment that payment of most of the Purchase Price by Property Company be deferred in order to

maximize the amount of after-tax proceeds available to Park Central to finance such obligations. Therefore, Property Company paid Park Central $400,000 at the time the Assignment was executed, and the Assignment calls for the balance to be paid by the issuance of the proposed Notes.

Property Company intends to pay said balance ($4,452,426) of the Purchase Price under the Assignment by issuing the proposed Notes, with each Note to be in the amount and with installment amounts and maturity dates as follows:

Note No.	Aggregate amount	Amount of each installment	Maturity date of installment
1	$743,532	$500,000	May 5, 1979
		243,532	May 5, 1980
2	1,724,836	900,000	May 5, 1981
		400,000	May 5, 1982
		424,836	May 5, 1983
3	1,984,058	800,000	May 5, 1984
		849,673	May 5, 1985
		334,386	May 5, 1986
Total	$4,452,426		

The principal amount of each installment was computed with an implicit interest rate of 6% per annum from the date the Assignment was executed. Prior to the maturity date of each installment, no additional interest will accrue or be payable with respect to such installment. If an installment is not paid at maturity, interest will accure thereafter at the rate of 7% per annum on the unpaid balance of such installment. The Notes will be non-negotiable and will be made payable, pursuant to the Assignment, to the escrow agent under an escrow arrangement among Park Central, the Agency, and Trust Company Bank, as escrow agent.

Under the Security Agreement, Property Company will deposit with the Trustee certificates of deposit in aggregate amount of $2,800,000 ("Collateral") to be held by the Trustee as security for payment of the Notes, and Property Company will grant to Park Central a security interest in the collateral as security for payment of the Notes. The certificates comprising the Collateral will be issued by selected large banks whose paper of this character has a ready and established market. Upon payment by Property Company of the installmant which matures on May 5, 1982, and upon payment of each subsequent, installment, Property Company will have the right to reduce the aggregate amount of the Collateral by the amount of each such installment. So long as Property Company is not in default under the Notes or Security Agreement, any income or interest earned in respect of the Collateral will be paid to Property Company. Property Company will purchase the Collateral and make payments under the Notes from advances to be made from Georgia to Property Company (See File No. 70-6135).

The fees and expenses to be incurred in connection with the proposed transaction are to be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 1, 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 exemption from such rules as provide 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.

[70-6284; Rel. 20995]
[FR Doc. 79-11278 Filed 4-11-79; 8:45 am]
BILLING CODE 8010-01-M

Self-Regulatory Organizations; Proposed Rule Change, Boston Stock Exchange Clearing Corporation

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 8, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change imposes a 2¢ per share charge on trades made through the Intermarket Trading System ("ITS").

Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change ("Rule Change") is to reimburse the clearing agency for certain additional expenses it incurs due to the participation of the Boston Stock Exchange ("BSE") in the ITS. The Rule Change imposes a fee for the clearance and settlement of trades made through the ITS of 2¢ per share on settled transactions.

The Rule Change relates to the capacity of the Boston Stock Exchange Clearing Corporation ("BSECC") to facilitate the prompt and accurate clearance and settlement of securities transactions by enabling it to carry on its functions in a profitable manner. The clearing agency will incur additional expenses in connection with its clearing of ITS trades due to the need to create interfaces with other clearing agencies. These expenditures are principally for the additional personnel required to report and reconcile ITS trades.

The Rule Change is effective from its filing with the Commission until six months thereafter. However, the BSECC has also filed, contemporaneously with the filing of the Rule Change, an additional proposed rule change, to be considered by the Commission pursuant to Section 19(b)(2) of the Securities Exchange Act of 1934, which would adopt the substance of the Rule Change on a permanent basis.

On August 30, 1978, the BSECC filed a rule change to impose a fee to recover both the personnel and finance expenses associated with the BSE's participation in ITS. In addition to the 2¢ per share fee, the August 30, 1978 rule change imposed a fee equal to the interest rate, charged at the time of any ITS trade by the BSECC's principal lender, times the dollar amount of any such trade. *See* Securities Exchange Act Rel. No. 15120 (September 1, 1978), 42 FR 40968. The Commission summarily abrogated the August 30, 1978 rule change. *See* Securities Exchange Act

Rel. No. 15192 (September 26, 1978), 43 FR 46391.

As indicated, in contrast to the August 30, 1978 rule change, the Rule Change is principally designed to recover personnel expenses, is effective for a limited period of time, and has been submitted to the Commission contemporaneously with a proposed rule change, to be considered pursuant to Section 19(b)(2), which would adopt the substance of the Rule Change on a permanent basis. The Rule Change is an interim measure to allow the BSECC to recover certain costs associated with clearing and settling ITS transactions while the Commission considers, pursuant to Section 19(b)(2), the questions such a fee raises regarding the financing of the costs of implementing and operating national market system facilities.

No comments have been or are to be solicited; however, an organization representing specialists on the floor of the BSE has expressed opposition to the amendment.

No burden on competition is expected.

The foregoing rule change has become effective, pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L. Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before May 2, 1979. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 4, 1979.

George A. Fitzsimmons,
Secretary.

[Rel. 34-15703; File SR-BSECC-79-1]
[FR Doc. 79-11282 Filed 4-11-79; 8:45 am]
BILLING CODE 8010-01-M

The Southern Co. et al.; Notice of Proposal To Allocate Consolidated Federal Income Tax Liability by Method Other Than Specified in Rule 45(b)(6)

In the matter of the Southern Co. and Alabama Power Company, Alabama Property Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Piedmont-Forrest Corporation, Southern Electric Generating Company, Southern Company Services, Inc.

Notice is hereby given that The Southern Company ("Southern") 64 Perimeter Center East P.O. Box 720071 Atlanta, Georgia 30346, a registered holding company, and its subsidiary companies named-above have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the following proposal. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposal.

Southern and its subsidiaries join as a group in the filing of consolidated Federal income tax returns. In accordance with Rule 45(b)(6), consolidated Federal income tax liability is allocated among system members by the method provided under Section 1552(a)(1) of the Internal Revenue Code of 1954, as amended. Under Section 1552(a)(1), consolidated income tax liability is apportioned among members of the consolidated group in accordance with the ratio which that portion of the consolidated taxable income attributable to each member having taxable income bears to the consolidated taxable income.

For 1978, Southern and its subsidiaries estimate that their combined taxable incomes will be approximately $73.9 million and that the consolidated tax, before investment credits, will be approximately $35 million. Each of Southern's operating electric utility subsidiaries, except Alabama Power Company ("Alabama") will have separate taxable income for 1978. Alabama estimates that it will report a taxable loss of approximately $93.6 million.

Because Alabama has a taxable loss, Southern and its subsidiaries state that allocation of the group's consolidated income tax liability for 1978 pursuant to the literal requirements of Rule 45(b)(6), as previously modified by Commission orders dated April 26, 1963, and March 15, 1976 (HCAR Nos. 14860 and 19429) would result in certain distortions and inequities in that the companies in the system other than Alabama will benefit from the savings in consolidated tax liability attributable to Alabama's net operating loss for the year. Under Rule 45(b)(6), Alabama would derive no benefit from the tax savings generated by its net operating loss.

Southern and its subsidiaries propose to allocate the consolidated tax liability for 1978 in a manner other than that specified in Rule 45(b)(6). Under the proposed method of allocation the reduction in the group's 1978 tax liability attributable to Alabama's 1978 net operating loss will be allocated in its entirety to Alabama, resulting in an aggregate benefit to Alabama of an estimated $45.2 million. Each operating utility company in the system will be allowed to offset its liability to Alabama by its full investment credits earned. In years when Alabama has taxable income and therefore may be entitled to tax credits under the operating loss carryback and carryover provisions of the Internal Revenue Code, any tax credits remitted to Alabama as a result of the exception from Rule 45(b)(6) requested herein will be applied to reduce any credits in future years to which Alabama may otherwise be entitled under the separate return limitations of Rule 45(b)(6). The aggregate tax liability allocated any member of the group under the proposed method of allocation will not exceed the amount of tax of such company based upon a separate return computed as if such company had always filed its tax returns on a separate return basis.

Piedmont-Forrest Corporation (the "Property Company"), a new Georgia business corporation and wholly-owned subsidiary of Georgia Power Company ("Georgia"), is engaged in and acting for Georgia in the acquisition, ownership, maintenance and disposition of property in connection with and incidental to the utility operations of Georgia. The Property Company expects to have a tax net operating loss for 1978 estimated at $850,000. The reduction in tax liabilities due to such loss is $408,000. The Property Company projects that it will have tax net operating losses through 1981 during construction of the new Georgia general office complex. The Property Company is acquiring real

property at the site of the complex. Commencing construction thereon and talking additional steps to ensure its successful and timely completion.

In order to equitably allocate the tax reductions arising from the tax net operating losses of the Property Company in the interest of investors and consumers, the applicants' request that the Commission authorize that the reduction in the group's tax liabilities for taxable years 1978–1981 attributable to the Property Company's net operating losses for such taxable years be allocated in their entirety to Georgia. Under the proposed method of allocation, in future years when some of the group's consolidated taxable income is attributable to the Property Company, liability for income tax will be allocable entirely to Georgia subject to the separate return limitation rule as it applies to Property Company. This method of allocation is subject to the limitation that the aggregate tax liability allocated any member of the group will not exceed the amount of tax of such company based upon a separate return computed as is such company had always filed its tax returns on a separate return basis.

The fees, expenses and commissions incurred in connection with this proposal are estimated at $4,500, including legal fees estimated at $1,500. It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposal.

Notice is further given that any interested person may, not later than April 27, 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, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be 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 its rules under the Act as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[70-6265; Rel. 20994]
[FR Doc. 79-11277 Filed 4-11-79; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Brentwood Capital Corp.; Issuance of Small Business Investment Company License

On January 23, 1979, a Notice of Application for a License as a Small Business Investment Company was published in the Federal Register (Vol. 44, No. 16) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1979)), for a license to operate as a small business investment company by Brentwood Capital Corporation, 11661 San Vincente Boulevard, Los Angeles, California 90049.

Interested parties were given until the close of business on February 7, 1979, to submit their comments. 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 and facts with regard thereto, SBA issued License No. 09/09–0239, to Brentwood Capital Corporation on March 19, 1979.

(Catalog of Federal Assistance program, 59.011, Small Business Investment Companies.)

Dated: April 5, 1979.

Peter F. McNeish,
Deputy Associate Administrator for Finance and Investment.

[License No. 09/09–0239]
[FR Doc. 79-11395 Filed 4-11-79; 8:45 am]
BILLING CODE 8025-01-M

Commercial 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 (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1978)), under the name of Commercial Venture Capital Corporation (CVCC), 329 Texas Street, Shreveport, Louisiana 71101, for a license to operate as a small business investment company (SBIC) 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 proposed officers, directors and shareholders are as follows:

William H. Jackson, 4335 Richmand Ave., Shreveport, La. 71106; President, Director General Manger.

Charles W. Holtsclaw, Jr., 3155 Iberville, Shreveport, La. 71109; Vice President, Director.

Benjamin F. Brown, Jr., 922 Empire Circle, Shreveport, La. 71107; Secretary, Treasurer, Director.

Commercial National Bank of Shreveport; 100 percent ownership.

There is to be only one class of stock with 100 shares of no par common stock authorized. The Commercial National Bank of Shreveport will own all the issued and outstanding stock. This bank has approximately 910 shareholders of record. Only one shareholder, Nicholas H. Wheless, Jr., who is chairman of the board of the bank, owns in his own name and beneficially more than 10 percent of the equity securities of the bank. Mr. Wheless, 4058 Richmond Street, Shreveport, Louisiana 71106, owns 14.45 percent thereof.

The Applicant proposes to commence operations with private capital of $1.0 million. Initially, the applicant proposes to conduct its operations within the State of Louisiana. The applicant will establish a diversified investment policy and will, as much as it is practicable, emphasize equity investments.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than April 27, 1979, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper or general circulation in Shreveport, Louisiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: April 5, 1979

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[Proposed License No. 06/06-0215]

[FR Doc. 79-11396 Filed 4-11-79; 8:45 am]

BILLING CODE 8025-01-M

Missouri; Declaration of Disaster Loan Area

The Mansion Mall Shopping Center on Highway 67 North in Poplar Bluff, in Butler County, Missouri, constitutes a disaster area because of damage resulting from a fire which occurred on February 23, 1979. Applications will be processed under provisions of Pub. L. 94-305. Interest rate is 7⅜ percent. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 4, 1979 and for economic injury until close of business on January 4, 1980, at:

Small Business Administration, District Office, 12 Grand Bldg., 5th Floor, 1150 Grand Ave., Kansas City, MO. 64106.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: April 5, 1979

Harald A. Theiste

Acting Administrator.

[Declaration of Disaster Loan Area No. 1608]

[FR Doc. 79-11397 Filed 4-11-79; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

Agency for International Development

Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development; Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a)(2), Pub. L. 92-463, Federal Adivsory Committee Act, notice is hereby given of the meeting of the Joint Committee on Agricultural Development (JCAD) of the Board for International Food and Agricultural Development on May 7 and 8, 1979.

The purpose of the meeting is to : Discuss JCAD action agenda and modus operandi; report on the progress of the questionnaires for the education and training source book; report of the Regional Work Groups (RWGs); report on Country Mission visits in Asia and Latin America and Caribbean Bureaus; and discuss further the need for modification of procedures under collaborative assistance contracting mode.

The meeting on May 7, 1979, will convene in Regional Work Groups (RWGs); Africa RWG at 9:00 a.m. in Room 2941, New State Department Bldg. (Dr. Carl Ferguson, A.I.D. Federal Designee for this meeting can be contacted at (703)-235-8929); Latin America RWG at 10:00 a.m. in Room 2242 New State Department Bldg. (Mr. Vince Cusumano, A.I.D. Federal Designee for this meeting can be contacted at (202-632-8279); Near East RWG at 9:30 a.m. in Room 6484 New State Department Bldg. (Mr. Russell Olson, A.I.D. Federal Designee for this meeting, can be contacted at (202)-632-9256); and the Asia RWG at 9:00 a.m. in Room 216, Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Virginia. (Dr. Frank Madden, A.I.D. Federal Designee for this meeting can be contacted at (703)-235-9085). The meeting on May 8, 1979 will convene from 9:00 a.m. to 5:00 p.m. in the Dynasty Room of the Holiday Inn, 1850 N. Ft. Myer Drive, Arlington, Virginia, 22209. The meeting is open to the public, any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Carl E. Ferguson, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the May 8 meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703)-235-8929.

Dated: April 5, 1979.

Carl E. Ferguson,

A.I.D. Advisory Committee Representative Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.

[FR Doc. 79-11390 Filed 4-11-79; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF STATE

International Security Assistance Programs, Secretarial Determinations

Correction

In FR Doc. 79-9488, appearing at page 18763 in the issue for Thursday, March 29, 1979, the public notice number and the date were inadvertently omitted. The public notice number should be "Public Notice 656" and the date should be "February 24, 1979".

TENNESSEE VALLEY AUTHORITY

Proposed Sale of a 20-Year Easement for a Coal-Processing and Barge Terminal Facility on Chickamauga Reservoir (Tennessee River) Near Dayton, Tennessee; Intent To Prepare an Environmental Impact Statement and Notice of Public Scoping Meeting

The Tennessee Valley Authority (TVA) intends to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act of 1969 (NEPA) on the proposed sale of a 20-year easement for a coal-processing and barge terminal facility to Tenna-Tech, Inc., of Dayton, Tennessee. The tract of land involved (XCR-674IE) is located on the Chickamauga Reservoir (Tennessee River Mile 517.6R) near Dayton. The easement would be sold under provisions of Public Law No. 87-852 (40 U.S.C. §§ 319-319c (1976)).

The proposed action is the granting of easement rights on 19.4 acres for a 20-year period and approving Tenna-Tech's plans under section 26a of the TVA Act (16 U.S.C. § 831y-1 (1976)). This would enable Tenna-Tech to construct a barge coal-loading facility with complete coal preparation capabilities. The facility could process approximately 200 tons of coal per hour and would operate 18 hours per day (including maintenance), five days a week. The barge dock would be approximately 900 feet long, with its mooring face about 130 feet from the right navigation channel limit. Over 13,000 cubic yards of material would be excavated along the shoreline to provide adequate depth for 9-foot draft barges at normal minimum pool elevation 675. This material, along with approximately 2,000 cubic yards of material from a borrow area on the site, will provide the base for the dock and a portion of a dike to be constructed around the periphery of the proposed facility. These activities would take place within the 100-year floodplain and may also affect wetland areas.

Tenna-Tech has already received approval from the Corps of Engineers for its proposal and the State of Tennessee has certified that the construction of the project would comply with applicable water quality standards. The Corps of Engineers' decision was based on its environmental assessment with input from the public and state and local officials.

The first step in the preparation of the EIS will be the determination of the

scope of the document. Several public meetings about the project have been held. From its own preliminary evaluations and information gained at these public meetings, TVA has formulated tentative views on the scope of the document. TVA has identified the following potentially significant issues: (1) Impacts to floodplains and wetlands; (2) potential impacts to terrestrial and aquatic biota from facility construction and operation; (3) potential socioeconomic, recreational, and aesthetic impacts from facility construction and operation; (4) potential discharge of pollutants to the air and water from facility construction and operation; (5) alternative sites and actions; and (6) possible transportation problems created by operation of the facility such as those resulting from truck and barge movements.

After the scoping process and the initial environmental analyses are completed, TVA will prepare a draft EIS. The draft EIS will be made available for public comment and TVA will hold another public meeting to receive comments on the draft EIS. TVA will consider all comments made on the draft in preparing the final EIS. The TVA Board of Directors will use the EIS in determining whether or not the proposed easement should be granted. TVA will also utilize the EIS in processing the section 26a permit request.

TVA invites interested persons and agencies to comment on the above scope of the EIS and requests the comments and questions be sent to Dr. Harry G. Moore, Jr., Acting Director of Environmental Compliance, Office of Management Services, 268 401 Building, Chattanooga, Tennessee 37401, telephone number (615) 755–3161 by May 1, 1979. In addition, TVA will hold a public meeting to discuss the scope of the EIS on Monday, April 23, 1979, in the Rhea County Courthouse, Dayton, Tennessee, beginning at 6:30 p.m. Oral and written comments on the scope of the document will be taken at that time. A transcript of the hearing will be made. All interested persons are invited to attend and provide comments on the scope of the EIS.

Dated: April 6, 1979.

Leon E. Ring,
General Manager.
[FR Doc. 79–11380 Filed 4–11–79; 8:45 am]
BILLING CODE 8120–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Informal Airspace Meeting

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

SUMMARY: This notice announces an informal airspace meeting to be held at James E. Sperry High School, 1799 LeHigh Station Road, Henrietta, New York 14467, on May 2, 1979, at 7:00 P.M. on the proposed Rochester, New York Terminal Control Area (TCA) Docket No. 18605–AEA–1–ROC.

This informal airspace meeting is to give interested persons a chance to submit such written data, views, or arguments as they may desire to discuss the proposed Rochester, N.Y. TCA. The information obtained from this informal airspace meeting will be given consideration during the composition of the Notice of Proposed Rulemaking. All interested individuals and groups are invited to attend, but limited to space available.

FOR FURTHER INFORMATION: Mr. Terence Dunne, Chief, Rochester-Monroe County Airport Traffic Control Tower (ATCT), Federal Aviation Administration, Rochester, N.Y. 14624, Telephone: 716–235–5625. Office hours are 8:00 A.M. to 4:30 P.M. Monday through Friday.

Issued on: March 30, 1979.

Walter H. Mitchell,
Chief, Airspace and Procedures Branch.
[FR Doc. 79–11177 Filed 4–11–79; 8:45 am]
BILLING CODE 4910–13–M

Northwest Regional Office Notice

Notice is hereby given that public informal airspace meetings will be held at two locations in the Northwest Region to solicit public comment on proposals to establish Terminal Control Areas (TCA's) at Portland International Airport, Portland, Oregon, and Spokane International Airport, Spokane, Washington. Further notice is given that a like public informal airspace meeting will be held to solicit comment on a proposal to revise the Seattle-Tacoma Terminal Control Area (TCA), Seattle, Washington.

The aforementioned meetings will be held at the date, time and location as listed below:

(a) Seattle, Washington—Date: May 15, 1979. Time: 7:00 p.m. (PDT). Location: Federal Building, 915 Second Ave., Fourth Floor, North and South Auditoriums, Seattle, Washington.

(b) Spokane, Washington—Date: May 16, 1979. Time: 7:00 p.m. (PDT). Location: Spokane Falls Community College, W3410 Fort George Wright Drive, Building 17, Main Lounge, Spokane, Washington.

(c) Portland, Oregon—Date: May 17, 1979. Time: 7:00 p.m. (PDT). Location: Bonneville Power Administration Building, 1002 N.E. Holladay Ave., Portland, Oregon.

The proposals promulgated which will be presented at these meetings are a result of the Federal Aviation Administration's continuing efforts to enhance air safety in terminal areas. The rationale for these actions is addressed in full in Federal Aviation Administration (FAA) Notice 78–19, published in the **Federal Register** on January 4, 1979, (44FR1322) [Docket No. 18605; Notice No. 78–19]. Any person may obtain a copy of this Notice by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058.

The public is invited to attend these informal airspace meetings to present facts pertinent to the safe and efficient use of navigable airspace as it relates to the proposals presented.

Comments may also be submitted in writing at these meetings or within five days thereafter addressed to the following locations:

(a) Seattle, Washington—Chief, FAA Airport Traffice Control Tower, Room 417, Administration Bldg., Sea-Tac International Airport, Seattle, Washington 98158.

(b) Spokane, Washington—Chief, FAA Radar Approach Control, P.O. Box 1307, Fairchild AFB, Washington 99011.

(c) Portland, Washington—Chief, FAA Airport Traffic Control Tower, 7000 N.E. Airport Way, Portland, Oregon 97218.

Comments made as a result of the informal airspace meetings on Terminal Control Areas do not prevent participants from submitting comments later in response to a Notice of Proposed Rule Making (NPRM) when these actions are formally proposed in the **Federal Register.**

A copy of the Regulatory Economic Evaluation and Environmental Assessment Document will be available for review at these meetings.

Issued in Seattle, Washington, on March 28, 1979.

E. O'Connor,
Acting Director, Northwest Region.
[FR Doc. 79–11213 Filed 4–11–79; 8:45 am]
BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA) Separation Study Review Group; 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 Separation Study Review Group to be held May 15 and 16, 1979, in RTCA Conference Room 261, 1717 H Street, N.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 Fourth Meeting held February 13 and 14, 1979; (3) Status Report on FAA Separation/Navigation Standards program; (4) Review of Selected Data Collected in Cleveland, Albuquerque and Memphis Air Route Traffic Control Centers; and (5) 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 April 2, 1979.

Karl F. Bierach,
Designated Officer.
[FR Doc. 79-11176 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

Terminal Control Areas Airspace Configurations; Public Hearings

The Rocky Mountain Region, of the Federal Aviation Administration, will hold public meetings to receive views of interested persons concerning the following:

a. Establishment of new terminal control area, Salt Lake City, Utah.

b. Revision of existing terminal control area, Denver, Colorado.

The meeting for the Salt Lake City terminal control area will be conducted May 8, 1979 at 7:00 p.m., at the following location:

Utah Air National Guard
Base Theater
765 North 2200 West
Salt Lake City, Utah 84116.

The Denver terminal control area meeting will be held on May 16, 1979 at 10:00 a.m., at the following location:

Federal Aviation Administration
Rocky Mountain Region
Training Conference Room
10455 East 25th Avenue
Aurora, Colorado 80010.

Those persons planning to attend the meeting should notify the Federal Aviation Administration at 10455 East 25th Avenue, Aurora, Colorado 80010, Attention: ARM–537, or call (303) 837–3937.

M. M. Martin,
Director, Rocky Mountain Region.
[FR Doc. 79-11175 Filed 4-11-79; 8:45 am]
BILLING CODE 4910-13-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Applications

March 28, 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 409 (Sub-73TA), filed February 13, 1979. Applicant: SCHROETLIN TANK LINES, INC., P.O. Box 511, Saunders Ave. & Hwy. 6, Sutton, NE 68979. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. *Tallow, in bulk, in tank vehicles,* from the facilities of Iowa Beef Processors, Inc., located at or near Dakota City and West Point, NE; Luverne, MN; and Ft. Dodge, IA to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Glen C. Echelbarger, Iowa Beef Processors, Dakota City, NE 68731. Send protests to: Max Johnston, ICC, 285 Federal Bldg, 100 Centennial Mall North, Lincoln, NE 68508.

MC 25798 (Sub-364TA), filed February 27, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, same address as applicant. *Frozen foods* from Greenville, MI to points in MS for 180 days. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. 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 25798 (Sub-365TA), filed February 27, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, same address as applicant. *Mustard* and *relish,* in bulk, in tank vehicles, from Bentheim, MI to Atlanta, GA. for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Pilgrim Farms, Inc., 1430 Western Ave., Plymouth, IN 46563. 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 25798 (Sub-366TA), filed February 27, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, same address as applicant. *Liquid yeast,* in bulk, in tank vehicles, from the facilities of Anheuser-Busch, Inc. at East Brunswick, NJ to the facilities of Anheuser-Busch, Inc. at Jacksonville, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser-Busch, Inc., 85 Main St., East Brunswick, NJ 08816. 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 25798 (Sub-367TA), filed February 27, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, same address as applicant. *Apple juice,* in bulk, in tank vehicles, from Barker, NY to Front Royal, VA for 180 days. Supporting shipper(s): Cornucopia Farms, 1039 Monroe Ave., Rochester, NY 14620. 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 35519 (Sub-8TA), filed February 16, 1979. Applicant: J. W. Athey, Sr. and J. W. Athey, Jr., a partnership, d/b/a Athey Trucking, Rte 1, Box 364, Stephens City, VA 22655. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. *Malt Beverages and Carbonated Beverages,* from the Washington, DC Commercial Zone and the Baltimore, MD Commercial Zone to Warrenton, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Quarles Beverage Co., Rte 2, Warrenton, VA 22186. Send protests to: Carol Rosen, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 43269 (Sub-71TA), filed February 14, 1979. Applicant: WELLS CARGO, INC., 1775 E. Fourth St., Reno, NV 89512. Representative: David N. Inwood, P.O. Box 1511, Reno, NV 89505. *Pre-cut log buildings, and materials and supplies used in the construction and erection of log buildings,* From points in Lyon County, NV to points in AK, WA, OR, CA, ID, MT, UT, AZ, WY, CO, NM, ND, SK, NE, MN, IA. Supporting shipper(s): Sierra Log Homes, Inc., P.O. Box 2083, Carson City, NV 89701. Send protests to: W. J. Huetig, DS, I.C.C., 203 Federal Building, Carson City, NV 89701.

MC 52709 (Sub-354TA), filed February 6, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., Box 7240, Denver, CO 80207. Representative: Rick Barker, as above. *Bakery products* (except in bulk), from the facilities of Consolidated Biscuit near McComb, OH to points in CA and OR for 180 days. Underlying ETA filed for 90 days authority. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ 07936. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 78039 (Sub-10TA), filed February 27, 1979. Applicant: COSMO BALIO as Administrator of Estate of ANTHONY BALIO, d/b/a B & R TRUCKING COMPANY, 131 E. Broad St., Frankfort, NY 13440. Representative: Roy D. Pinsky, Esq., 345 S. Warren St., Syracuse, NY 13202. *Printing Paper in Rolls,* from Lyons Falls, NY to Grafton, VT, for 180 days. An underlying ETA was granted under R–1 for 30 days only, effective date: December 20, 1979. Also, ETA for 30+2 granted under R–2 with effective date of February 13, 1979. Supporting shipper(s): Georgia-Pacific Corp., P.O. Box 338, Lyons Falls, NY 13368. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St.—Rm. 1259, Syracuse, NY 13260.

MC 82079 (Sub-71TA), filed February 12, 1979. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue, SW., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. *Foodstuffs, frozen,* from Chef Pierre, at or near Traverse City, MI to all points, in IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chef Pierre, Inc., Traverse City, MI 49684. Send protests to: C. R. Flemming, District Supervisor, 225 Federal Building, Lansing, MI 48933.

MC 83539 (Sub-518TA), filed February 15, 1979. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 270535, 9757 Military Parkway, Dallas, TX 75227. Representative: Thomas E. James, Attorney at Law, address same as applicant. *Tractors (except truck tractors),* from the plantsite of Ford Motor Company at Romeo, MI, to points in DE, CT, IA, IL, IN, KY, MA, ME, MD, MN, MO, NH, NJ, NY, OH, PA, RI, VA, VT, WV, WI, for 180 days. Underlying ETA filed. Supporting shipper(s): Ford Motor Co.—Ford Tractor Operations, 2500 E. Maple, Troy, MI 48084. Send protests to: Opal M. Jones, Trans. Ass., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 101219 (Sub-62TA), filed February 7, 1979. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th St., New York, NY 10018. Representative: Norman Weiss, POB 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Wearing apparel, on hangers and in cartons, and materials, supplies and equipment used in the manufacture of wearing apparel when moving in the same vehicle and at the same time with shipments of wearing apparel on hangers,* between Andover, MA, on the one hand, and on the other, Gaffney, SC, and Vidalia, GA. An underlying ETA seeks 90 days authority. Supporting shipper(s): La Strada Sportswear, 15 Stevens Street, Andover, MA 01810. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 105269 (Sub-72TA), filed February 6, 1979. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. *Paper and paper products and the materials and supplies used in the manufacture or distribution of these products,* between plant site and/or warehouse of International Paper Co. at or near Kalamazoo, MI and the Hawthorne Mellody plant in Sharpsville, PA, restricted to traffic originating at or destined to the above named facilities, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, 2315 Miller Road, Kalamazoo, MI. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

MC 106398 (Sub-864TA), filed February 21, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull (same address as applicant). *Plywood, paneling, gypsum board, composition board, molding and particleboard,* from the facilities of Pan American Gyro-Tex at or near Jasper, FL, to points in the United States in and east of MN, IA, NE, KS, OK & TX (except FL), for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Pan American Gyro-Tex Company, P.O. Box 26325, Jacksonville, FL 32218. 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 107839 (Sub-180TA), filed February 22, 1979. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, CO 80216. Representative: Edward L. Gordon (same address as above). *Non-alcoholic carbonated beverages,* from Salt Lake City, UT to CO, WY and Scottsbluff, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shasta Beverages, Inc., 26901 Industrial Boulevard, Haywood, CA 94545. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 108449 (Sub-411TA), filed February 23, 1979. Applicant:

INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Representative: W. A. Myllenbeck (same address as applicant). (1) *Roofing granules, crushed stone, in bulk,* from Wausau, WI to Chicago Heights, IL; and (2) *Roofing granules, granulated slag, in bulk,* from Gary, IN to Shakopee, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CertainTeed Corporation, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Delores A. Poe, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 109449 (Sub-22TA), filed February 21, 1979. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). *Meat, meat products, meat by-products and articles distributed by meat packing houses, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766* from the facilities of Geo. A. Hormel & Co., at Austin, MN to points in IL & MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Delores A. Poe, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 109449 (Sub-23TA), filed February 26, 1979. Applicant: KUJAK TRANSPORT, INC., Junction Avenue, Winona, MN 55987. Representative: Gary Huntbatch (same address as applicant). *Foodstuffs* from the plantsites and storage facilities of Jeno's, Inc. at Duluth, MN and Superior, WI to points in IL, IN, MI, OH and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jeno's, Inc., 525 Lake Avenue South, Duluth, MN 55802. Send protests to: Delores A. Poe, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 112588 (Sub-28TA), filed February 23, 1979. Applicant: RUSSELL TRUCKING LINE, INC., 2011 Cleveland Road, Sandusky, OH 44870. Representative: Peter H. Hanley (same address as applicant). *Iron and steel articles,* from the plantsites of Jones & Laughlin Steel Corporation at Louisville, Cleveland, Warren and Youngstown, OH to points in IN and the Lower Peninsula of MI, for 180 days. Common-carrier-irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones and Laughlin Steel Corp., 3341 Jennings Road, Cleveland, OH 44101. Send protests to: P. J. Crawford, Transportation Consumer Specialist, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 112989 (Sub-84TA), filed February 21, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address). *Waste paper, waste paper products, waste cardboard,* and *waste newsprint (except in bulk)* from points in Salt Lake and Davis Counties, UT to the facilities of Crown Zellerbach at Antioch, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crown Zellerbach Corporation, One Bush Street, San Francisco, CA 94104. Send protest to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 112989 (Sub-85TA), filed February 21, 1979. Applicant: WEST COAST TRUCK LINES, INC., 85647 Highway 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same as above). *Containers, container closures, and container accessories* from the facilities of Glass Container Corp. at Vernon, CA to OR, WA, and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glass Containers Corp., 535 North Gilbert Avenue, Fullerton, CA 92634. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 113509 (Sub-7TA), filed December 27, 1978. Applicant: DANTE GENTILINI TRUCKING, INC., 819 Industrial Drive, P. O. Box 389, West Chicago, IL 60185. Representative: Donald S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Perlite, vermiculite, and plaster, in bags; and glass wool; and polystyrene boards, shapes and forms;* (a) from Dearborn, MI, to points in IL, IN, and WI; (b) from Milwaukee, WI, to points in IL (except Chicago and West Chicago), IN, IA, MI, NM and MO; (c) from Minneapolis, NM, to points in IL, IA, MI, and WI; (D) from St. Louis, MO. to points in IL and WI; (e) from West Chicago, IL, to points in that part of IN south of a line beginning at the Illinois-Indiana State Line, and extending along U.S. Highway 40 to junction Indiana Highway 42 at or near Terre Haute, IN, then along Indiana Highway 42 to junction Indiana Highway 59 at or near Prairie, IN, then along Indiana Highway 59 to junction Indiana Highway 46, then along Indiana Highway 46 to junction U.S. Highway 52, then along U.S. Highway 52 (also Interstate Highway 74) to the Indiana-Ohio State Line; (f) from West Chicago, IL, to points in that part of IA west of U.S. Highway 69; (g) from West Chicago, IL, to points in that part of MI north and east of a line beginning at the western terminus of Michigan Highway 120 near Lake Michigan, then along Michigan Highway 120 to junction U.S. Highway 31, then along U.S. Highway 31 to junction Interstate Highway 96, then along Interstate Highway 96 to junction Michigan Highway 66, then along Michigan Highway 66 to junction U.S. Highway 12, then along U.S. Highway 12 to junction Interstate Highway 69 (also U.S. Highway 27), then along Interstate Highway 69 to the Indiana-Michigan State Line; (h) from West Chicago, IL, to points in MO; and (i) from West Chicago, IL, to points in that part of WI on and north of a line beginning at Port Washington, WI, and extending along Wisconsin Highway 33 to junction Wisconsin Highway 67, then along Wisconsin Highway 67 to junction Wisconsin Highway 60, then along Wisconsin Highway 60 to Wisconsin-Iowa State Line. (2) *plant bed media, in bags;* from Dearborn, MI, to points in IL, IN, and WI; (b) from Milwaukee, WI, to points in IL, IN, IA, MI, MN and MO; (c) from Minneapolis, MN, to points in IL, IA, MI, and WI; (d) from St. Louis, MO, to points in IL and WI; and (e) from West Chicago, IL, to points in IN, IA, MI, MN, MO, and WI. (3) *materials, supplies, and equipment,* except commodities in bulk, used in the manufacture and packaging of perlite, vermiculite, plaster, plant bed media, glass wool, and polystyrene products: (a) from points in IL, IN, IA, MN, MO, and WI, to Dearborn, MI; (b) from points in IL, IN, IA, MI, MN and MO, to Milwaukee, WI; (c) from points in IL, IN, IA, MI, MO and WI, to Minneapolis, MN; (d) from points in IL, IN, IA, MI, MN, and WI, to St. Louis, MO; and (e) from points in IN, IA, MI, MN, MO, and WI, to West Chicago, IL, for 180 days. RESTRICTION: Limited to a transportation service to be performed under a continuing contract, or under continuing contracts, with W. R. Grace & Co. and/or its Construction Products Division or Zonolite Division. An underlying ETA seeks 90 days authority. SUPPORTING SHIPPER(S): W. R. Grace & Co., 62 Whittemore Avenue, Cambridge, MA 02140. SEND PROTESTS TO: Lois M. Stahl, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

MC 114569 (Sub-287TA), filed February 7, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, P.O. Box 418, New Kingstown, PA 17072. Bananas and pineapples from Wilmington, DE to points in MI, OH, IL, IN, PA, WV, VA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Del Monte Banana Co., 1201 Brickell Ave., Miami, FL 33101. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869 Federal Square Station, 228 Walnut Street, Harrisburg, PA 17108.

MC 115669 (Sub-176TA), filed February 1, 1979. Applicant: DAHLSTEN TRUCK LINE, INC., P.O. Box 95, Clay Center, NE, 68933. Representative: Howard N. Dahlsten (same as applicant). *Dry feed ingredients, in bulk,* from the facilities of Wilson Foods Corporation at Des Moines, IA, to points in IL, MO, and NE. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fred Sinkankas, Rates Manager, Wilson Foods Corporation, 4545 Lincoln Boulevard, Oklahoma City, OK 73105. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 117119 (Sub-720TA), filed February 21, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, (same as applicant). *Heating and air conditioning units and related parts and accessories* (except commodities which because of size or weight require the use of special equipment), from the facilities of Rheem Manufacturing Company at Fort Smith, AR, to points in ID, NV, UT and CO, for 180 days, as a common carrier over irregular routes. Supporting shipper(s): Rheem Manufacturing Company, 5600 Old Greenwood Road, Fort Smith, AR 72906. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 117119 (Sub-721TA), filed February 21, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, (same as applicant). *Inedible meats and inedible meat products and by-products* (except hides and skins), from the facilities of Consolidated Pet Foods, Inc., at or near Amarillo, TX to the facilites of Kal Kan Foods, Inc., at or near Vernon, CA, for 180 days, as a common carrier over irregular routes. Supporting shipper(s): Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon, CA 90058. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 117119 (Sub-722TA), filed February 14, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean, (same as applicant). *Frozen boxed meat* from Philadelphia, PA and its commercial zone to the facilities of Campbell Soup Company at Napoleon, OH; Chicago, IL and Omaha, NE, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Campbell Soup Company, Campbell Place, Camden, NJ 08101. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 117399 (Sub-6TA), filed March 2, 1979. Applicant: LEE E. CHAMP, INC., 809 West 10th Street, Junction City, KS 66441. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 Ten Main Center, Kansas City, MO 64141. (1) *Malt Beverages,* and (2) *Empty Containers for Recycling and Such Materials and Supplies as are used in Breweries,* (1) From points in Jefferson County, CO to points in KS, and (2) from points in KS to points in Jefferson Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Bldg., 444 S. E. Quincy, Topeka, KS 66683.

MC 118159 (Sub-305TA), filed December 15, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawon Station, Tulsa, OK 74151. Representative: Warren L. Troupe, 2480 E. Commercial Boulevard, Fort Lauderdale, FL 33308. (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 and east of ND, SD, NE, CO, OK, and TX; and (2) *petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filers, equipment, materials, and supplies* used in the manufacture, sale, and distribution of the commodities named in (1) 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 (1) and (2) 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 Corporation, P.O. Box 989, Oil City, PA 16301. SEND PROTESTS TO: Connie Stanley, Room 240 Old Post Office and Court House Building, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-318TA), filed February 28, 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. *Sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing compounds,* from the facilities of Church & Dwight Company, Inc., at Sweetwater County, WY, to points in IL, KS, MO, OH, TN, NJ, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Church & Dwight Company, Inc., P.O. Box 369, Piscataway, NJ 08854. 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 118989 (Sub-212TA), filed February 20, 1979. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, WI 53221. Representative: Rolland K. Draves (same address as applicant). *Paperboard carriers,* from Fort Atkinson, WI to IN, PA, NY, NJ and NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Phillip Morris Industrial, Inc., 4200 N. Holton, Milwaukee, WI 53201. 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 118989 (Sub-213TA), filed February 27, 1979. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, WI 53221. Representative: Eugene Kraklow, Jr. (same address as applicant). *Paper and paper products,* except for commodities in bulk, from the facilities of Crown Zellerbach Corp, located at or near Carthage and South Glen's Falls, NY to points in IN, OH & MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crown Zellerbach Corp., 8966 Latty Ave., Berkeley, MO 63134. 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 119399 (Sub-93TA), filed February 2, 1979. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, Joplin, MO 64801. Representative: David L. Sitton (same as applicant). *Beverages, carbonated and non-carbonated,* from Lenexa, KS to points in AR, MO, NE, OK, and TX for 180 days. Supporting shipper(s): Mid-American Container Corp., Lenexa, KS 66215. Send protests to: DS John V. Barry, ICC, 600 Federal Bldg., 911 Walnut, Kansas City, MO 64106.

MC 119489 (Sub-57TA), filed February 23, 1979. Applicant: CENTRAL TRANSPORT, Paul Abler d.b.a., Box 249, 2500 North 13th St., Norfolk, NE 67801. Representative: Scott E. Daniel, P.O. Box 82028, Linclon, NE 68501. *Iron and steel articles,* from the facilities of Nucor Corporation, Vulcraft Divison, at or near Norfolk, NE to points in CO, IL, IA, KS, MI, MN, MO, MT, SD, UT, and WI, for 180 days. Restricted to traffic originating at the named origin facility. Supporting shipper(s): R. D. Bisping, Nucor Corporation, Vulcraft Division, P.O. Box 59, Norfolk, NE 68701. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 119789 (Sub-543TA) filed February 1, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). *Meats, meat products, and articles distributed by meat packinghouses as described in Motor Carrier Certificate 61 MCC 209 & 766 except hides and commodities in bulk* From facilities of Swift at Guymon, Ok and Clovis, NM to AL, CT, DE, FL, GA, KY, ME, MA, MD, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, AND WV for 180 days. Underlying ETA has been filed. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicage, IL 60604. Send protest to: Opal M. Jones, Trans. Asst., ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 119789 (Sub-545TA) filed February 1, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75242. Representative: James K. Newbold, Jr. (same address as applicant). Milk or Cream substitutes, dry (other than frozen), from facilities of Borden Foods Division, at or near Rock Hill, SC to AZ, AR, ID, KS, MN, MO, MT, NE, NV, NM, ND, OK, OR, SD, TX, UT, WA, and WY for 180 days. Underlying ETA filed. Supporting shipper(s): Borden Foods Division, Borden, Inc., 180 East Broad St., Columbus, OH 43215. Send protest to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 119789 (Sub-546TA) filed February 1, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). Electrical Capacitors or parts, from Pickens, SC to points in TN, AL, KY, and MS for 180 days. Underlying ETA filed. Supporting shipper(s): Sangamo Electric Company, P.O Box 128, Pickens, SC 29671. Send protest to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 119789 (Sub-577TA) filed February 21, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as applicant). *Wine and Brandy (except in bulk)* from points in CA to points in CT, DE, IL, IN, IA, KS, KY, ME, MA, MI, MN, MO, NE, NH, NJ, NY, OH, PA, RI, TN, VT, and WI for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are seven (7) supporting shippers. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 123069 (Sub-27TA), filed February 20, 1978. Applicant: ALLER & SHARP, INC., 817 W. Fifth Ave., Columbus, Ohio 43212. Representative: David H. Rowe 817 W. Fifth Ave., Columbus, Ohio 43212. *Beer* from Evansville, IN and Newport, KY to Columbus, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ace Beverage Distributing Company, 933–935 E. Gay Street, Columbus, Ohio 43203. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

MC 123329 (Sub-45TA), filed February 21, 1979. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: D. S. Vincent (same as applicant). *Muriatic (Hydrochloric) Acid,* in bulk, from Pierce County, WA to the International boundary line between the U.S. and Canada, restricted to foreign commerce, for 180 days. Supporting Shipper(s): Hooker Chemicals, A Division of Canadian Occidental Petroleum, Ltd., 100 Amherst Avenue, North Vancouver, BC, Canada V7H 1S4. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 125368 (Sub-47TA), filed February 23, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (same address as applicant). *Foodstuffs* from the facilities of the Atlantic and Pacific Tea Co., Inc. Fort Fairfield, ME to Orlando, FL; Atlanta, GA; Chicago, IL; Indianapolis, IN; Louisville, KY; New Orleans, LA; Detroit, MI; Charlotte and Raleigh, NC; and Richmond, VA for 180 days. An underlying ETA seeing 90 days authority has been filed. Supporting shipper(s): The Great Atlantic & Pacific Tea Company, Inc., 2 Paragon Drive, Montvale, NJ 07645. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 126109 (Sub-9TA), filed February 14, 1979. Applicant: TRECHO TRANSPORT, INC., 2756 Short Street, York, NY 14592. Representative: S. Michael Richards/Raymond A. Richards, 44 North Ave., P.O. Box 225, Webster, NY 14580. *Frozen foodstuffs,* from Brockport, NY to Altoona, Carnegie and Pittsburgh, PA, for 180 days. ETA for 30 days only granted under R–7 and effective date was 2/6/79. Underlying ETA seeking up to 90 days has been filed. Supporting shipper(s): Brockport Cold Storage Co., Inc., Mr. Joseph DeMark, Vice-President, 98 Spring St., Box C, Brockport, NY 14420. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Rm. 1259, Syracuse, New York 13260.

MC 133689 (Sub-253TA), filed February 8, 1979. Applicant OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Pet food, canned or dry,* from Jefferson, WI to Mechanicsburg, PA, Chattanooga, TN, Fort Wayne, IN, Rochelle, IL, Elwood, KS and Jacksonville, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carnation Company, 5045 Wilshire Boulevard, Los Angeles, CA 90036. Send protests to: Delores A. Poe, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-254TA), filed February 27, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118.

Pet food, canned or dry, from Jefferson, WI to Chattanooga, TN and Mechanicsburg, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Carnation Company, 5045 Wilshire Boulevard, Los Angeles, CA 90036. Send protests to: Delores A. Poe, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 134439 (Sub-3TA), filed February 28, 1979. Applicant: JAMES G. FERNEYHOUGH, d.b.a. J. G. F. Trucking Company, P.O. Box 2173, Lynchburg, VA 24501. Representative: Calvin F. Major, Attorney, 200 West Grace Street, Richmond, VA 23220. *Contract carrier:* irregular routes: *Corrugated paper sheets, containers, and parts thereof and return shipments of the above commodities and materials, equipment and supplies* (except commodities in bulk, in tank vehicles) used in the manufacture and sale of the above commodities, from Lynchburg, VA to points in DE: NJ and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, One Plymonth Meeting, Plymouth Meeting, PA 19462. Send protests to: Paul D. Collins, DA, ICC, Rm 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 136899 (Sub-31TA), filed February 21, 1979. Applicant: HIGGINS TRANSPORTATION LTD., P.O. Box 192, Richland Center, WI 53581. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Such merchandise as is dealt in or sold by retail department stores and catalog stores* (except commodities in bulk) (a) from Baraboo and West Bend, WI and Hermansville, MI to Kansas City, MO; Grand Ledge and Detroit, MI; Akron and Cincinnati, OH; Des Moines, IA; Denver, CO; Pittsburgh, PA; Dallas and Forth Worth, TX; Oklahoma City, OK; Chicago, IL and Mishawaka, IN and (b) from Plymouth and New Holstein, WI to Kansas City, MO; Grand Ledge and Detroit, MI; Akron and Cincinnati, OH; Des Moines, IA; Denver, CO; Pittsburgh, PA; Dallas and Fort Worth, TX; Oklahoma City, OK and Mishawaka, IN, for 180 days. Restricted to traffic originating at or destined to the facilities of Montgomery Ward. An underlying ETA seeks 90 days authority. Supporting shipper(s). Montgomery Ward, Montgomery Ward Plaza, Chicago, IL 60671. 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 138359 (Sub-11TA), filed February 27, 1979. Applicant: LENNEMAN TRANSPORT, INC., 10 North Michigan Street, Hutchinson, MN 55350. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Contract carrier;* irregular routes: *Malt beverages (except in bulk)* from Milwaukee, WI to Bismarck, ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ed Phillips and Sons Company of North Dakota, Box 998, Bismarck ND 58501. Send protests to: Delores A. Poe, ICC 414 Federal Building & U.S. Court House 110 South 4th Street, Minneapolis, MN 55401.

MC 139349 (Sub-10TA), filed February 7, 1979. Applicant: EZ FREIGHT LINES, Gould & E. 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Contract; irregular routes. Lighting fixtures and lamps, and equipment, materials and supplies used in the manufacture and sale of lighting fixtures and lamps, except commodities in bulk, between East Brunswick and Finderne, NJ and Jessup, MD on the one hand, and on the other points in the US west of the Mississippi River, except AK, HI, LA, MN and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Action Tungsram, Inc., 11 Elkins Road, East Brunswick, NJ 08816. Send Protests to: Robert E. Johnston, D/S, ICC, 9 Clinton St. Rm 618 Newark, NJ 07102.

MC 139349 (Sub-11TA), filed February 20, 1979. Applicant: EZ FREIGHT LINES, Gould Street & E. 46th Street, Bayonne, NJ 07002. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Contract carrier,* irregular routes for 180 days. Water softeners and equipment, and carbon, except in bulk, and materials supplies and equipment used in the manufacture and sales thereof, except in bulk. Between Conshohocken, PA on the one hand, and, on the other, points in the United States except AK and HI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Klenzoid Equipment Company, Inc., P. O. Box 444, Wayne, PA 19087. Send protests to: Robert E. Johnston, DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 142119 (Sub-3TA), filed February 16, 1979. Applicant: COMMERCIAL TRAFFIC SERVICES, INC., 2001 West 12th Street, Erie, PA 16505. Representative: John A. Pillar, Esq., 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222. *Contract carrier:* irregular routes: *Hospital equipment and supplies* (except in bulk) between Erie, PA, Montgomery, AL, and Nashville, TN, under a continuing contract or contracts with American Sterilizer Company of Erie, PA for 180 days. Supporting shipper(s): American Sterilizer Company, 2424 West 23rd Street, Erie, PA 16512. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 142189 (Sub-41TA), filed February 14, 1979. Applicant: C. M. BURNS d.b.a. WESTERN TRUCKING, 521 Lincoln Avenue, Baker, MT 59313. Representative: Michael R. Griffith, P.O. Box 980, Baker, MT 59313. *Agricultural chemicals* (except in bulk, in tank vehicles) from St. Joseph, MO to points in MT (except Billings, Sidney, Conrad, Great Falls, Bozeman, and Ronan, MT) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): ConAgra, Inc., P.O. Box 2548, Great Falls, MT 59403. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 143009 (Sub-1TA), filed February 15, 1979. Applicant: RICHARD E. DURGIN d.b.a. O'CONNORS EXPRESS, A337 Beckwith Road, Pine City, NY 14871. Representative: Richard E. Durgin, A337 Beckwith Road, Pine City, NY 14871. *Contract carrier;* irregular routes: *General commodities*, from Binghamton, NY to Elmira, Big Flats, Horseheads, Corning, Painted Post and Campbell, NY. Between Elmira, NY and Wellsboro, PA. (Restricted to traffic having a prior or subsequent movement by air.) Supporting shipper(s): Federal Express Corp., George A. Baker, City Manager, Broome County Airport, R.D. #1, Johnson City, NY 13790. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Rm. 1259, Syracuse, NY 13260.

MC 143049 (Sub-58TA), filed February 26, 1979. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, Ky. 40232. Representative: John M. Nader, Attorney, 1600 Citizens Plaza, Louisville, Ky. 40202. Authority sought to operate as a common carrier, over irregular routes, transporting Sodium bicarbonate, sodium carbonate, and cleaning, scouring and washing compounds (except commodities in bulk, in tank vehicles), from the facilities of Church & Dwight Co., Inc., at Sweetwater County, WY, to Chicago, IL and its commercial zone; Fostoria, OH, Harrison, NJ, St. Louis and Kansas City, MO, and their respective commercial

zones; Syracuse, NY, and Memphis, Knoxville, Nashville, and Johnson City, TN, restricted to the transportation of traffic originating at such facilities and destined to the named points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John A. Coneys, Manager-Traffic Projects, Church & Dwight Co., Inc., P. O. Box 369, Piscataway, N.J. 08854. Send protests to: Mrs. Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

MC 143739 (Sub-8TA), filed March 1, 1979. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, except hides and commodities in bulk,* (1) from the facilities utilized by Jason Foods, Inc. at Chicago, IL to points in MN, WI, IN, MI; and (2) from the facilities utilized by Jason Foods, Inc. at Sioux City, IA and Omaha, NE to points in IL, WI, MN, IN, MI and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jason Foods, Inc., 3655 Woodhead Drive, Northbook, IL 60062. Send protests to: Delores A. Poe, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145059 (Sub-6TA), filed February 8, 1979. Applicant: SPINELLI BROS. TRUCKING, INC., 55 South Wade Boulevard, Millville, NJ 08332. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. *Drugs, medicines, toilet preparations, health care products, magnesium hydroxide, and alumina calcinage,* in vehicles equipped with mechanical refrigeration, except in bulk, (1) from Philadelphia, PA commercial zone and Lewes, DE to points in AZ, AR, CA, ID, IL, IN, IA, KS, KY, MI, MN, MO, MT, NE, NV, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, CO and WY; and (2) from Reno, NV and San Leandro, CA to Philadelphia, PA commercial zone, for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): (1) Wm. H. Rorer, Incorporated, 500 Virginia Drive, Fort Washington, PA 19034. (2) Richardson-Merrell, Inc., Vicks Health Care Division, P.O. Box 8155, Philadelphia, PA 19101. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Trenton, N.J. 08608.

MC 145339 (Sub-5TA), filed February 13, 1979. Applicant: NEBRASKA BEEF EXPRESS, INC., 5521 S. 91st St., Omaha, NE 68127. Representative: Kenneth P. Weiner, 408 Executive Bldg., Omaha, NE 68102. *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk),* from Omaha, NE and points in its commercial zone and points in IA to all points in MO and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lynn Plambeck, Missouri Valley Foods, Inc., 11414 W. Center Rd, Omaha, NE. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St. Omaha, NE 68102.

MC 145829 (Sub-6TA), filed February 14, 1979. Applicant: ETI CORP., P.O. Box 549, Linden, NJ 07036. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Contract carrier, irregular routes for 180 days. Such merchandise as is dealt in by wholesale, retail, chain, grocery, department stores, and food business houses (except glass containers and commodities in bulk) and in connection therewith, equipment, materials, and supplies used in the conduct of such business (except glass containers and commodities in bulk), between points in CT, DE, MD, MA, NH, NJ, NY, PA, RI, VA, NC, SC, WV, GA, FLA, AL, LA, MS, TN, and DC. Under a continuing contract or contracts with Lever Brothers Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lever Brothers Company, Lever House, 390 Park Avenue, New York, NY 10022. Send protests to: Robert E. Johnston, DS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 145909 (Sub-1TA), filed February 21, 1979. Applicant: FIFTY-TWO AUTO PARTS, INC., P.O. Box 336, Kermit, WV 25674. Representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. *Mobile Homes,* from Holden, WV and points in Wayne, and Mingo Counties, WV to points in the States of FL, KY, NC, NY, OH, SC, TN and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Department of Housing and Urban Development, by Clarence Kennedy, Mobile Home Operations Chief, Box Y, Holden, WV 25625. Send protests to: Ruth F. Stark, Secretary, ICC, Room 3108 Federal Bldg., 500 Quarrier St., Charleston, WV 25301.

MC 145999 (Sub-1TA), filed February 23, 1979. Applicant: WESTERN DRYWALL TRANSPORT, INC., 2001 Broadway, Vallejo, CA 94590. Representative: William D. Taylor, Handler, Baker & Greene, PC, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Gypsum Wallboard and Materials used in the installation of Gypsum Wallboard* between points in CA and in Carson City, Douglas, Storey and Washoe counties, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): UWS Materials & Supply Company, Inc., 2500 Upper Valley Road, Reno, NV 89507. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 146269 (Sub-1TA), filed January 15, 1979. Applicant: WALDORF TRANSPORTATION CO., INC., P.O. Box 353, Waldorf, MD 20601. Representative: Daniel B. Johnson, 4304 East-West Hwy., Washington, DC 20014. *Malt beverages,* from Philadelphia, PA and Baltimore, MD to Gloucester County, Hampton, Newport News, Norfolk, Chesapeake, Virginia Beach, Suffolk and Portsmouth, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tri-Cities Beverage Corp., 612 Industrial Park Rd., Newport News, VA 23607, Chesapeake Beverage Co., Inc., 3433 Inventors Rd., Norfolk, VA 23502. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 146279 (Sub-1TA), filed February 14, 1979. Applicant: RUSTIC MATERIALS CO., INC., 99 Chevalier Avenue, South Amboy, NJ 08879. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Contract carrier, irregular routes for 180 days Ilmenite, in dump trailers, from Tahawus, NY to Sayreville, NJ, under a continuing contract(s) with N L Industries, Inc. An underlying ETA seeks 90 days authority. Supporting shipper(s): N L Industries, Inc., Tahawus, NY 12879. Send protests to: Irwin Rosen, TS, ICC, 9 Clinton Street, Newark, NJ 07102.

MC 146369TA, filed February 1, 1979. Applicant: J. WATZKA TRUCKING, 1224 Kendall St., Green Bay, WI 54301. Representative: Stanley Lontkowski, 1273 E. Mason St., Green Bay, WI 54302. Contract carrier; regular routes: *Large electrical applicances,* between Green Bay, WI and Kingsford, MI along U.S. Hwy. 141, U.S. Hwy. 2 and MI Hwy. 95 and between Green Bay, WI and Skokie, IL along WI hwy. 57, I–43, I–94 to Skokie, IL, for 180 days. Supporting shipper(s): Sears Roebuck & Co., 1555 Green Bay Plaza, Green Bay, WI. 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.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 44]
[FR Doc. 79-11231 Filed 4-10-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

April 3, 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 2368 (Sub-90TA), filed February 22, 1979. Applicant: BRALLEY-WILLETT TANK LINES, INC., P.O. Box 495, 2212 Deepwater Terminal Road, Richmond, Virginia 23204. Representative: William T. Marshburn, same address as applicant. *Chemicals*, in bulk, from Roanoke, VA to points in CO; IL; KY; OH; PA; UT; WY and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): WENDON Corp., P.O. Box 13905, Roanoke, VA 24034. Send protests to: Paul D. Collins, DS, Rm 10-502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 30378 (Sub-62TA), filed February 7, 1979. Applicant: ASSOCIATED TRANSPORTS, INC., 9050 Pershall Road, Hazelwood, MO 63042. Representative: Arnold L. Burke, 180 N. LaSalle St., Chicago, IL 60601. *Automobiles, trucks and chassis*, in driveaway and truckaway service, between Cook County, IL and points in IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK and WI, for 180 days. Restricted to traffic which originates at or destined to facilities of the Ford Motor Company. Supporting shipper(s): Ford Motor Company, P. O. Box 1529-B, Dearborn, MI 48121. Send protests to: Peter E. Binder, DS, ICC, Rm 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 31389 (Sub-274TA), filed February 14, 1979. Applicant: McLEAN TRUCKING COMPANY, 1920 West First Street, Winston-Salem, NC 27104. Representative: David F. Eshelman, PO Box 213, Winston-Salem, NC 27102. *Common* Carrier-*Regular* Routes: *General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)*, serving (see Attachment), for 180 days. An underlying ETA seeks 90 days authority. Applicant proposes to Tack the authority sought here with its lead docket, MC-31389, and proposes to interline with carriers at selected points common to McLean and connecting carriers. Supporting shipper(s): There are approximately 650 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 40978 (Sub-53TA), filed February 16, 1979. Applicant: CHAIR CITY MOTOR EXPRESS CO., 3321 Business 141 South, Sheboygan, WI 53081. Representative: Daniel Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203. *New furniture* (a) from the facilities of the Simmons Co. at Columbus, OH to the facilities of the Simmons Co. at Munster, IN and (b) from the facilities of the Simmons Co. at Columbus, OH to points in IL, IN, UP of MI & WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Simmons Co., 9200 Calumet Ave., Munster, IN. 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 42828 (Sub-15TA), filed February 20, 1979. Applicant: THEODORE ROSSI TRUCKING CO., INC., 9 South Vine Street, Barre, VT 05641. Representative: William L. Rossi (same address as applicant). *Carbon plate*, between Massena, NY and Barre, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Granite Importers, Inc., PO Box 712 Barre, VT 05641. Send protests to: ICC, PO Box 548, Montpelier, VT 05602.

MC 48958 (Sub-169TA), filed February 9, 1979. Applicant: ILLINOIS CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, CO 80216. Representative: Lee E. Lucero (same as above). *Insulation and insulating materials, and materials, equipment and supplies used in the manufacture, installation and distribution of insulation and insulating materials* from the facilities of Pabco Division of Louisiana Pacific Corporation near Fruita, CO to points in AR, AZ, CA, IL, IN, IA, KS, MO, NE, NV, NM, OH, OK and TX, for 180 days. Supporting shipper(s): Pabco Div. of Louisiana Pacific Corp., 1110-16 Road, Fruita, CO 81521. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 48958 (Sub-173TA), filed February 21, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Ave., Denver, CO 80216. Representative: Lee E. Lucero (same as above). (1) Plumbers' goods and bathroom or lavatory fixtures, and related accessories, (2) bathroom vanities and related accessories and (3) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) and (2) above (except commodities in bulk) between Phoenix, AZ and its commercial zone; Redlands, CA; Hondo and Corsicana, TX; Crawfordsville and Rensselaer, IN; Milwaukee, WI and its commercial zone; and Ottumwa, IA on the one hand and on the other points in the states of AR, AZ, CA, CO, IA, IL, IN, KS, MO, NE, NM, NV, OH, OK, TX, UT and WY, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): Universal-Rundle Corporation, 217 N.

Mill St., New Castle, PA 16103. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 49368 (Sub-106TA), filed February 21, 1979. Applicant: COMPLETE AUTO TRANSIT, INC., East 4111 Andover Rd., Bloomfield Hills, MI 48013. Representative: Eugene C. Ewald, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting: *trucks, truck chasis, busses and bus chasis*, in initial movements, in truckaway and driveaway service from the facilities of General Motors Truck & Coach Plant located at Pontiac, MI to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, TN, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. The operations described herein are limited to a transportation service to be performed under a continuing contract, or contracts, with General Motors Corporation. Supporting shipper(s): GM Logistics Operations, General Motors Corporation, 30007 Van Dyke, Warren, MI 48090. Send protests to: Tim Quinn, DS, ICC, 604 Federal Building and U.S. Courthouse 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 85718 (Sub-10TA), filed February 20, 1979. Applicant: SEWARD MOTOR FREIGHT, INC., 1041 Elm Street, Seward, NE, 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE, 68501. *Sugar, in bags*, from Idaho Falls, ID and Garland, UT to Crete, Kearney, and North Platte, NE, an underlying ETA seeks 90 days authority. Supporting shipper(s): U and I, Incorporated, P.O. Box 2010, Salt Lake City, UT 84110. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, Lincoln, NE, 68508.

MC 10478 (Sub-41TA), filed February 23, 1979. Applicant: OLD DOMINION FREIGHT LINE, INC., 1791 Westchester Drive, High Point, NC 27261. Representative: C. T. Harris, 506 Mayo Street, Wilson, NC 27893. *Iron and steel articles* from Carnegie, PA to points in FL, GA, NC, SC, TN, and VA for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper(s): Teledyne Columbia-Summerill, P.O. Box 1557, Pittsburgh, PA 15230. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh NC 27611.

MC 107818 (Sub-96TA), filed February 21, 1979. Applicant: GREENSTEIN TRUCKING COMPANY, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. *Foodstuffs* from the facilities of Sargento Cheese Co., at Plymouth, WI to points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Sargento Cheese Co., P.O. Box 360, Plymouth, WI 53073. 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 109238 (Sub-13TA), filed February 23, 1979. Applicant: DE HART MOTOR LINES, INC., Highway 64–70 West, Conover, NC 28613. Representative: Joe W. Flowers, P.O. Box 368, Conover NC 28613. *New furniture* from the counties of Alexander, Caldwell, Catawba, McDowell and Rutherford, NC to FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Broyhill furniture Industries, Inc., Lenoir, NC. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 110988 (Sub-381TA), filed February 23, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Tallow*, in bulk, in tank vehicles, from the facilities of Iowa Beef Processors, Inc. at Dakota City and West Point, NE; Luverne, MN; and Ft. Dodge and Denison, IA to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, NE 68731. 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 110988 (Sub-382TA), filed February 23, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Crude tall oil* from Nekoosa, WI to Nitro, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Monsanto Co., 800 N. Lindbergh Blvd., St. Louis, MO 63166. 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 110988 (Sub-383TA), filed February 27, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Inedible tallow* from Green Bay, WI to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Co., 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077, and Packerland Packing Co., Inc., P.O. Box 1184, Green Bay, WI 54305. 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 113678 (Sub.-781TA), filed February 22, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). *Meat, meat products and meat by-products*, from Pueblo, CO to CA, for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, Colorado 80202. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 113678 (Sub-782TA), filed February 22, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). *Carpet, carpeting, rugs, and materials and supplies* used in the installation thereof, from Aberdeen, NC to CO, ID, UT, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gulistan Carpet Division of J. P. Stevens & Co., Inc., 10094 W. Maryland Drive, Lakewood, CO 80225. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 113678 (Sub-783TA), filed February 22, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). *Meat, meat products, meat by-products and pork, pork products and pork by-products*, from Brush, CO to CA, OR,

and WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sigman Meat Co., Inc., 800 South Railway, Brush, CO 80723. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 113828 (Sub-266TA), filed February 13, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD. *Urea*, in bulk, in tank vehicles, from Wilmington, NC to Charleston & Chester, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): W. R. Grace & Co., P.O. Box 368, Wilmington, NC 28402. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch St., Room 3258, Phila., PA 19106.

MC 113908 (Sub-466TA), filed February 21, 1979. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Springfield, MO 65804. Representative: B. B. Whitehead, Traffic Mgr., (same as applicant). *Chemicals, in bulk*, from Eighty-four, PA and the commercial zone thereof, to Bayport, TX, and the commercial zone thereof, for 1870 days. Supporting Shipper(s): West Agro-Chemical, Inc., Westwood, KS 66205. Send protests to: District Supervisor John V. Barry, 600 Fed Bldg., 911 Walnut, Kansas City, MO 64106.

MC 116778 (Sub-3TA), filed January 30, 1979. Applicant: FLOYD R. BEARD, P.O. Box 43, Denmark, SC 29042. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. *General commodities having a prior or subsequent movement by rail*, between the facilities of Seaboard Coast Line Railroad at or near Orangeburg, SC, on the one hand, and, on the other, points in Bamberg County, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sunbeam Appliance Company, P.O. Box 387, Denmark, SC 29042; Rockland Banberg Industries, Inc., P.O. 478, Bamberg, SC 29003; Holland Atlantic Hitch Co., P.O. Box 347, Denmark, SC 29042; Denmark Veneer Company, Inc., P.O. Box 266, Denmark, SC 29042. Send protests to: E. E. Strotheid, District Supervisor, ICC, Rm. 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 118089 (Sub-31TA), filed February 27, 1979. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, Lubbock, TX 79408. Representative: Charles M. Williams, 1600 Sherman Street, Denver, CO. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., at or near Amarillo, TX to points in NV, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): John Morrell & Co., 208 S. LaSalle Street, Chicago, IL 60604. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission—Bureau of Operations, Box F–13206 Federal Building, Amarillo, TX 79101.

MC 118159 (Sub-317TA), filed February 28, 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. *Petroleum wax* (except in bulk) from Kilgore, TX and Barnsdall, OK, to points in CT, GA, IL, IA, IN, MA, MD, MI, MN, NJ, NY, OH, PA, TN, and WI, for 180 days. Supporting shipper(s): Petrolite Corporation, Bareco Division, 6910 E. 14th Street, Tulsa, OK 74112. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office & Court House Building, 215 NW 3rd, Oklahoma City, OK 73102.

MC 118838 (Sub-40TA), filed February 21, 1979. Applicant: GABOR TRUCKING, INC., Rural Route 4, Box 124B, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. (1) *Grain storage bins*, knocked down, from Mansfield, OH to points in ND, SD, MN, MT, IA and WI, and (2) *Wrought steel pipe* from Minneapolis, MN to points in ND, SD, MT and WI, restricted in part (1) to traffic originating at the facilities of Martin Steel at Mansfield, OH, and in part (2) to traffic originating at the facilities of Lindsay Bros. Company at Minneapolis, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lindsay Bros. Company, 400 North 1st Street, Minneapolis, MN 55901. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 118838 (Sub-44TA), filed February 23, 1979. Applicant: GABOR TRUCKING, INC., Rural Route 4, 124B, Detroit Lakes, MN 56501. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Insulation and sheetrock* (except in bulk) from ports of entry on the United States-Canada Boundary Line located in WA, ID, MT and ND to points in MT, MN, ND, SD, NE, IA, ID, WI, WY and UT, restricted to traffic originating at the facilities of Winrock Gypsum Supplies at or near Winnipeg, Manitoba, and Calgary, Alberta, Canada, for 180 days. Supporting shipper(s): Western Insulation Distributors, Inc., P.O. Box 06146, Portland, OR 97206. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 119988 (Sub-187TA), filed February 2, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Lufkin, TX 75901. Representative: Mike Cox, Highway 103 East, Lufkin, TX 75901. Common carrier over irregular routes. *Petroleum products* in packages from Texaco Inc. Facilities in Jefferson County, Texas to IN, IL, OH, WI. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco Inc., 1111 Rusk, Houston, TX 77052. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Ave., Houston, TX 77002.

MC 119988 (Sub-187TA), filed February 2, 1979. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, Lufkin, TX 75901. Representative: Mike Cox, Highway 103 East, Lufkin, TX 75901. Common carrier over irregular routes. *Roto tiller and garden tractors* from Plymouth, WI to points in and west of WI, IN, KT, TN, AL. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Auto Supply Co., 2107 Grand Ave., Kansas City, MO 64108. Send protests to: John F. Mensing, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk AVe., Houston, TX 77002.

MC 123048 (Sub-423TA), filed February 14, 1979. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, WI 53406. Representative: John L. Bruemmer, 121 W. Doty St., Madison, WI 53703. *Wrought iron steel or steel articles*, from Chicago, IL to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Regal Tube Co., 7401 S. Lindner Ave., Chicago, IL 60638. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124078 (Sub-946TA), filed February 14, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette (Same address as applicant). *Cement, in*

bulk, from Universal, PA to Gary, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Steel Corporation, 600 Grant St., Pittsburgh, PA 15230. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124078 (Sub-947TA), filed February 20, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette (Same address as applicant). *Limestone and limestone products*, between Sussex County, NJ on the one hand, and on the other, points in CT, DE, MD, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Limestone Products Corp., Penn Virginia Corp., P.O. Box 490, Newton, NJ 07860. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 124078 (Sub-948TA), filed February 27, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette (same address as applicant). *Muriatic acid*, in bulk, in tank vehicles, from Brunswick, GA to points in NC, for 180 days. Supporting shipper(s): Hercules Inc., 3169 Holcomb Bridge Rd., Suite 700, Norcross, GA 30071. Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 125368 (Sub-48TA), filed February 23, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Fletcher (Same address as applicant) *Meats, meat products, and supplies used in the manufacture of meat products* from the facilities of Dinner Bell Foods at or near Archbold, Defiance, and Troy, OH to points in NC and VA and from Wilson, NC to points in OH and VA for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting shipper(s): Dinner Bell Foods, P.O. Box 388, Defiance, OH 43512. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 125368 (Sub-49TA), filed February 23, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: C. W. Flecher (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk) and supplies used in the manufacture of meat products* from the facilities of Dubuque Packing Company, at or near Le Mars, IA, to points in CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MA, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, and WV, for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting Shipper(s): Dubuque Packing Company, P.O. Box 340, Le Mars, IA 51031. Send protests to: Mr. Archie W. Andrews, District Supervisor, Intersate Commerce Commission, P.O. Box 26896, Raleigh, NC 27611.

MC 127478 (Sub-13TA), filed February 21, 1979. Applicant: WILLIAM M. HAYES, d.b.a. HAYES TRUCKING CO., P.O. Box 31, Winterville, GA 30683. Representative: Virgil H. Smith, Suite 12, 15867 Phoenix Blvd., Atlanta, GA 30349. Frozen foodstuff from the facilities of Kitchens of Sara Lee at New Hampton, IA and Deerfield, IL to points in eastern TN (all points on and east of US Hwy. 65), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Kitchens of Sara Lee, Deerfield, IL 60015. Send protests to: Sara K. Davis, Transportation Assistant, ICC, Room 300, 1252 West Peachtree St., N.W., Atlanta, GA 30309.

MC 136318 (Sub-58TA), filed February 7, 1979. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, NC 27360. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202. *Contract Carrier*-Irregular Routes: (1) *Furniture*, from points in the Chicago, IL Commercial zone to points in CA (2) *furniture catalogues and advertising brochures* from Waterloo, WI to points in CA, for 180 days. RESTRICTION: Restricted to traffic moving under a continuing contract(s) with the Wickes Corporation. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wickes Furniture, 351 West Dundee Rd., Wheeling, Il 60090. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 136318 (Sub-59TA) filed February 22, 1979. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 756, Thomasville, NC 27360. Representative: James P. Beck, 717–17th St., Suite 2600, Denver, CO 80202. *Contract* Carrier—Irregular Routes; *New furniture* from points in NC and VA to points in AZ, CA and NV, for 180 days. RESTRICTIONS: (1) Restricted to traffic destined to the facilities of John Breuner Company. (2) Restricted to a transportation service to be performed under a continuing contract or contracts with John Breuner Company. An underlying ETA seeks 90 days authority. Supporting Shipper(s): John Breuner Company, 3201 Fostoria Way, San Ramon, CA 94583. Send protests to: District Supervisor Terrell Price, 800 Brair Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 138308 (Sub-62TA), filed February 12, 1979. Applicant: KLM, INC., Old Hwy. 49 S., P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Tile* from Kankakee, IL to Jackson, MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Armstrong Cork Company, P.O. Box 3001, Lancaster, PA 17604. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 138228 (Sub-80TA), filed February 23, 1979. Applicant: WERNER ENTERPRISES, Clarence L. Werner d.b.a., I–80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Iron and steel articles*, from the facilities of United States Steel Corporation, located at or near Gary, IN and Joliet, South Chicago and Waukegan, IL to points in IA, NE, KS, and CO, for 180 days. Restricted to shipments originating at the named facilities and destined to the named destinations. An underlying ETA seeks 90 days authority. Supporting Shipper(s): J. H. Dodgson, United States Steel Corporation, 1000 E. 80th Place, Merrillville, IN 46410. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 138328 (Sub-84TA), filed February 20, 1979. Applicant: WERNER ENTERPRISES, Clarence L. Werner d.b.a., I–80 and Highway 50, Omaha, NE 68137. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Appliances*, (1) from the facilities of Franklin Manufacturing Co. at or near St. Cloud, MN to Atlantic, Clarinda, Red Oak, Shenandoah, and Sioux City, IA; Auburn, Columbus, Crete, Fairbury, Grand Island, Hastings, Jansen, Kearney, McCook, Nebraska City, Norfolk, North Platte, Ogallala, and Plattsmouth, NE, and to Omaha, NE and

its commercial zone; (2) from the facilities of Gibson Products Corporation at or near Greenville, MI to Atlantic, Clarinda, Red Oak, Shenandoah, and Sioux City, IA; Auburn, Columbus, Crete, Fairbury, Grand Island, Hastings, Jansen, Kearney, McCook, Nebraska City, Norfolk, North Platte, Ogallala, and Plattsmouth, NE, and to Omaha, NE and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Keith B. Edquist, Jr., Husker-Hawkeye Distributing, 1601 Leavenworth, Omaha, NE 68102. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 138438 (Sub-42TA), filed February 8, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Plasterboard joint system,* as described in Item 35240 of NMFC 100, from Milford, VA and its commercial zone to Williamsport, MD and its commercial zone, for 180 days. Supporting Shipper(s): Georgia Pacific Corp., Gypsum Division, 1062 Lancaster Ave., Rosemont, PA 19010. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 138469 (Sub-115TA), filed February 22, 1979. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Frozen pies,* from the facilities of Field's, Inc., at Pauls Valley, OK, to Phoenix and Tucson, AZ, Ft. Smith and Little Rock, AR, Los Angeles and San Francisco, CA, Denver, CO, Wichita, KS, Kansas City, MO, Albuquerque, NM, Raleigh, NC, Amarillo, El Paso and Lubbock, TX, Richmond, VA, and Knoxville, Memphis and Nashville, TN, and points in the Commercial Zones of the named destination cities, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Field's, Inc., P.O. Box 7, Pauls Valley, OK 73075. 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 139458 (Sub-5TA). Applicant: RICHNER, INC., CO Highway 160 South, P.O. Box 1488, Durango, CO 81301. Representative: J. Albert Sebald, 1700 Western Federal Building, Denver, CO 80202. *Common carrier.* Regular route. *Animal feed in bags, blocks and in bulk,* from points in Denver, CO to points in San Juan County, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Ralston Purina Company, 4555 York St., Denver, CO 80216. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 141968 (Sub-2TA), filed February 14, 1979. Applicant: WINN EXPRESS COMPANY, INC., 1780 Nolan Court, Morrow, Georgia 30260. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, Georgia 30345. Such commodities as are dealt in by general merchandise stores, department stores and mail order houses, between Atlanta, GA and points in the commercial zone thereof, on the one hand, and, on the other, Abbeville, Anniston, Birmingham, Blountsville, Blue Mountain, Brewton, Cottonwood, Decatur, Elba, Ensley, Evergreen, Fairfax, Fairfield, Florence, Fort Payne, Gadsden, Glencoe, Heflin, Huntsville, Jasper, Monroeville, Montgomery, Oneonta, Opelika, Oxford, Scottsboro, and Tuscaloosa, AL and Chattanooga and Cleveland, TN, under a continuing contract(s) with J. C. Penney Company, Inc. and Treasure Island Stores, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. C. Penney Company, Inc. and Subsidiaries, Traffic Specialist, New York, NY 10019. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street, NW., Atlanta, Georgia 30309.

MC 142288 (Sub-6TA), filed February 20, 1979. Applicant: HAMILTON TRUCKING COMPANY OF OKLAHOMA, INC., 12612 E. Admiral Place, Tulsa, OK 74115. Representative: J. David Geiger (same address as applicant). *Silica sand and limestone,* in bulk, in dump vehicles, from points in AR, MO and TN, to the facilities of Ford Motor Company Tulsa Glass Plant at Tulsa, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Company, 5555 So. 129th E. Ave., Tulsa, OK 74134. 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 142368 (Sub-17TA), filed February 20, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Automotive bumpers,* from Oklahoma City, OK to Glendora, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Deukmejian Enterprises, Inc., d.b.a. Custom King West, 148 So. Valenica, Glendora, California 91740. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 142368 (Sub-18TA), filed February 23, 1979. Applicant: DANNY HERMAN TRUCKING, INC., 1415 East Ninth Avenue, Pomona, CA 91766. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Steel wire,* (1) From Houston, TX and points in NJ, NY, OH, and PA, to City of Industry, CA and (2) From City of Industry, CA to Elk Grove Village, IL and Houston, TX, and (3) From Los Angeles, CA to points in AR, IN, KS, OH and TX, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Industrial Alloys, Inc., 15343 Proctor Avenue, City of Industry, CA 91745. Industrial Wire Products Corp., 2451 East 23rd Street, Los Angeles, CA 90058. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 142508 (Sub-50TA), filed February 21, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th Street, P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Petroleum products (except in bulk),* from Wood river, IL; Kansas City, MO; and Toledo, OH, to Denver, CO; Des Moines, IA; Kansas City, KS; Kansas City, MO and Grand Island, Omaha and Scottsbluff, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. Conrad Heinson, Allied Oil & Supply, Inc., 2209 South 24th Street, Omaha, NE 68108. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-51TA), filed February 23, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 So. 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Canned goods,* from the facilities of Campbell Soup Company, at Chicago, IL, to points in IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): F. Ross Murdock, Campbell Soup Company, 2550 W. 35th St., Chicago, IL 60603. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-52TA), filed February 23, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 So. 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Foodstuffs (except in bulk),* (1) from the facilities of Grocery Store Products Company at or near West Chester, PA, to Houston, TX, and (2) from the facilities of HVR Company at or near Sparks, NV, to Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. W. Junginger, The Clorox Company, 1221 Broadway, Oakland, CA 94612. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-55TA), filed February 20, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 South 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *(1) Motor vehicle parts and supplies (except commodities in bulk), (2) storage cabinets, and (3) such commodities as are dealt in by wholesale and retail hardware, department, agricultural supply, and motor vehicle parts and supplies stores, and by wholesale, retail and chain grocery and food business houses (except commodities in bulk), when moving on bills of lading of a shippers association,* from Reno, NV, to points in AZ, CA, OR, and WA, restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): L. J. Motter, Washoe County Shippers Association, P.O. Box 12096, Reno, NV 89510. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-56TA), filed February 26, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 So. 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Printed matter,* from the facilities utilized by QuadGraphics, Inc. at or near Pewaukee, WI, to Denver, CO; Des Moines, IA; Detroit and Warren, MI; St. Paul, MN; North Kansas City, MO; Indianapolis, IN; Columbus, OH and Dallas, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): William Dejo, QuadGraphics, Inc., DuPlainville Rd., Pewaukee, WI 53072. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142819 (Sub-1TA), filed February 2, 1979. Applicant: Pryde Carriers, Inc., 12212 Oak Park Avenue, Palos Heights, Illinois 60463. Representative: James R. Madler, 120 West Madison Street, Chicago, Illinois 60602. *Animal and vegetable oils,* from the facilities of Gordon Rendering, Division of Darling & Company, at or near New Brighton, MN to points in the Chicago, IL Commercial Zone and Montgomery, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Darling & Company, 4650 South Racine Avenue, Chicago, IL 60609. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, Illinois 60604.

MC 144438 (Sub-5TA), filed February 2, 1979. Applicant: COUNTY LINE TRUCKING, INC., 224 N. Defiance St., Archbold, OH 43502. Representative: Michael M. Briley, Esq., 300 Madison Ave., 12th Fl., Toledo, OH 43603. *Meats, meat products, meat-byproducts and commodities distributed by meat packinghouses* (except in cans or bottles and except commodities in bulk in tank vehicles), from (1) the facilities of Dinner Bell Foods, Inc. at Archbold, Defiance and Troy, OH to White River Junction, VT; and from (2) the facilities of Dinner Bell Foods, Inc. at Defiance and Troy, OH to Windsor Locks, CT; for *90* days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dinner Bell Foods, Inc., P.O. Box 388, Defiance, OH 43512. Send protests to: I.C.C., 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 145978 (Sub-1TA), filed February 8, 1979. Applicant: R & S TRUCKING, INC., Rural Route L, Box 123, Garretson, SD 57030. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. *Meats, meat products, meat by-products, articles distributed by meat packinghouses, and dairy products,* as described in Sections A, B and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co. at or near Sioux Falls, SD, Estherville and Sioux City, IA and Worthington, MN to points in AL, CA, FL, GA, MS, MO, NC, OK, SC, TN, and TX restricted to the transportation of traffic originating at the facilities of John Morrell & Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 146078 (Sub-4TA), filed February 21, 1979. Applicant: CAL-ARK, INC., P.O. Box 394, Malvern, AR 72104. Representative: Thomas W. Bartholomew (same as applicant). *Such merchandise* as is dealt in by wholesale, retail, chain grocers and food business houses, from Clinton and Davenport, IA to all points in OH, MI and IN, for 180 days, as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 146088 (Sub-1TA), filed February 26, 1979. Applicant: J & J TRANSFER CO., INC., Van Deusenville Road, P.O. Box 603, Great Barrington, MA 01230. Representative: Robert J. Gallagher, Esquire, 1000 Connecticut Avenue, N.W. Suite 1200, Washington, DC 20036. *Used household goods, unaccompanied baggage, and personal effects,* between points in Albany, Schenectady, Rensselear, Columbia, Green, Schoharie, Saratoga, Washington, Montgomery, Fulton, Hamilton and Warren Counties, NY; Berkshire County, MA; and Bennington and Rutland Counties, VT, restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chief, Regulatory Law Office, U.S. Army Legal Services Agency, Department of the Army (JALS-RL), Room 422, Nassif Building, 5611 Columbia Pike, Falls Church, VA 20041. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 146118 (Sub-2TA), filed February 14, 1979. Applicant: JAMES J. VAVALA, 428 Pennsylvania Avenue, West, Warren, PA 16365. Representative: Gregory B. Fraser, Attorney at Law, Johnson, Peterson, Tener & Anderson, Bankers Trust Building, Jamestown, New York 14701. *Flexible couplings and components and parts for flexible couplings,* moving in express service, between the facilities of Rexnord, Inc. at or near Warren, PA on the one hand, and, on the other, points in NY, OH, MI, IL and KY, for 180 days. An underlying ETA seeks 90 days authority. Restriction: No service shall be provided in the transportation of articles weighing

more than 500 pounds and in other than two axle vehicles. Supporting shipper(s): Rexnord, Inc. Coupling Division, P.O. Box 543, Warren, PA 16365. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commere Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 146148 (Sub-2TA), filed January 29, 1979. Applicant: B-RIGHT TRUCKING CO., 492 Old State Rt. 7, Pottery Addition, Steubenville, OH 43952. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Iron and steel articles,* from the facilities of Innovative Industries, Inc., at or near New Cumberland, WV to points in IL, IN, KY, MI, OH, PA and VA for 180 days. An underlying ETA seeks 90-day authority. Supporting shipper(s): Innovative Industries, Inc., P.O. Box 431, New Cumberland, WV 26070. Send protests to: J. A. Niggemyer, DS, 416 Old P.O. Bldg., Wheeling, WV 26003.

MC 146188 (Sub-1TA), filed February 6, 1979. Applicant: J–8 TRUCK LINES, INC., 4727 W. Rosecrans Avenue, Hawthorne, CA 90250. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *(1) Iron and steel articles,* from the plantsite of Inryco, Inc., Los Angeles, CA to points in AZ, NV and OR; and *(2) Building materials (except cement and commodities in bulk),* from points in AZ, NV and OR to the facility of Matspor, Inc., dba California Material Company, Hawthorne, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Inryco, Inc., 6466 Gayhart Street, Los Angeles, CA 90040; Matspor, Inc., d.b.a. California Material Company, 4727 W. Rosecrans Avenue, Hawthorne, CA 90250. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

MC 146208 (Sub-1TA), filed February 8, 1979. Applicant: SHIVES, INC., P.O. Box 100, Armington, IL 61721. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. *Such commodities as are dealt in by agricultural implement dealers,* from the facilities of Deere & Company in Rock Island County, Illinois to points in Iowa, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Deere & Company, John Deere Road, Moline, Illinois 61265. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

MC 146248 (Sub-1TA), filed February 14, 1979. Applicant: QUALITY HAULERS, INC., 606 Hilda St., Jefferson City, MO 65101. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65101. Contract irregular: *Beer,* from Milwaukee, WI and Omaha, NE, to Camdenton and Jefferson City, MO *Styrofoam Coolers,* from Dallas, TX to Jefferson City and Camdenton, MO, under a continuing contract with Quality Wholesalers, Inc., of Jefferson City, MO. *Scrap paper material for recycle,* from Jefferson City, MO to Alton, Quincy, and Mt. Carmel, IL under a continuing contract with Missouri Reclamation Services, of Eugene, MO for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): Quality Wholesalers, Inc., Jefferson City, MO; Missouri Reclamation Services, Eugene, MO. Send protests to: DS John V. Barry, ICC, 600 Fed. Bldg., 911 Walnut, Kansas City, MO 64106.

MC 146249 (Sub-1TA), filed February 12, 1979. Applicant: BILL'S TRANSFER, INC., 4409 North Walrond, Kansas City, Missouri 64117. Representative: William Rutledge, President (same as applicant). Contract carrier: Irregular Routes: *Paper, paper articles,* and *materials, equipment* and *supplies* used in the manufacture of paper and paper articles, between facilities of Packaging Corporation, Kansas City, KS on the one hand, and on the other, points in AR, IL, IA, MO, NE and OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Packaging Corporation of America, 1603 Orrington Avenue, Evanston, Illinois 60204. Send protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 146268 (Sub-1TA), filed February 13, 1979. Applicant: HUBERT HENRY, d/b/a HENRY LEASING CO., 908 Kammerly Terrace, Manchester, MO 63011. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Carpet,* between points in Murray, Whitfield, Gordon, Bartow, Walker and Catoosa Counties, GA and Chattanooga, TN, on the one hand, and, on the other, points in St. Louis and St. Louis County, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Peter E. Binder, DS, ICC, Rm 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 146288 (Sub-1TA), filed February 26, 1979. Applicant: AIR-SERVICE CONSOLIDATORS TRANSPORT, INC., P.O. Box 8714—795 Beahan Road, Rochester, NY 14624. Representative: Michael R. Werner, Esq., P.O. Box 1409—167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier;* irregular routes: (1) *Copy and duplicator machines, and copy and duplicator machine parts, supplies, equipment and materials, moving and twenty and forty foot containers,* between Rochester, NY and its Commercial Zone, on the one hand, and, on the other, New York, NY and its Commercial Zone. (Restricted to traffic having prior or subsequent movement by air or water). (2) *Accessories, parts, materials and supplies used in the manufacture, installation, lease, sale or distribution of copy and duplicating machines, moving in twenty and forty foot containers,* from New York, NY and its Commercial Zone, to Rochester, NY and its Commerical Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Xerox Corporation, Thomas G. Taylor, Manager, Materials Mangement—Transportation Control—Domestic/International, 800 Phillips Road, Building 205 P, Webster, NY 14580. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St. — Rm. 1259, Syracuse, NY 13260.

MC 146298 (Sub-1TA) filed February 15, 1979. Applicant: KESS TRANSPORTATION, INC., Box 5091, Cincinnati, OH 45205. Representative: Eric Meierhoefer, Suite 423, 1511 K St., NW., Washington, DC 20005. *Empty plastic bottles,* between Cincinnati, OH, and points in its commercial zone, on the one hand, and, on the other, Louisville, KY, and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Can Diversified Group, Daniel Sutherland, Traffic Manger, 95 W. Crescentville Rd., Cincinnati, OH 45241. Send protests to: Paul J. Lowry, DS, ICC, 5514–B Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 146338 (Sub-1TA), filed February 2, 1979. Applicant: DAVID McWILLIAMS AND HOWARD WELDON, d/b/a McWILLIAMS AND WELDON TRUCKING CO., Route 1, Gallatin, MO 64640. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. (1) *Furnaces, stoves, pipe, brushes, motors, dampers, and parts, and accessories thereof and;* (2) *dampers, castings, stove pipe, chimneys, air*

filters, controls and supplies and accessories used in the manufacture of furnaces and stoves, (1) from the facilities of Longwood Furnace Corp. at or near Callatin, MO, to points in CT, IA, MA, ME, MI, MN, NH, OH, PA and WI and (2) from points in CT, IL, MA, and OH to the facilities of Longwood Furnace Corp. at or near Callatin, MO for 180 days. Supportinjg shipper(s): Longwood Furnace Corp., Gallatin, MO 64640. Send protests to: DS John V. Barry, ICC, 600 Fed Bldg., 911 Walnut, Kansas City, MO 64106.

MC 145348 (Sub-1TA), filed February 28, 1979. Applicant: M.T.S. SVCS., INC., d/b/a, MURRAY TRANSPORATION SERVICES, 6513 Landay Ave., Baltimore, MD 21237. Representative: James W. Lawson, Esq., 1511 K St., N.W., Suite 843, Washington, DC 20005. *Contract Carrier:* irregular routes; *Bicycle parts and assessories in containers or trailers,* (1) from Baltimore, MD to Emigsville, PA and Commack, NY, and (2) from Emigsville, PA to Commack, NY, and empty containers or trailers and trailer chasses on return, for the account of Cycle Products Co., Div. of ARG, for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cycle Products Co., Div. of ARG, P.O. Box 427, York, PA 17405. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 146368TA, filed January 31, 1979. Applicant: LELAND WAKE, d/b/a, WAKE TRUCKING CO., P.O. Box 162, Station E, St. Joseph, Missouri 64505. Representative: W. R. England, III Hawkins, Brydon & Swearenger P. C., P.O. Box 456, Jefferson City, Missouri 65102. *Contract carrier:* irregular routes: *Liquid plastic resin* in fifty-five (55) gallon drums (except commodities in bulk in tank vehicles), from the facilities of Chemetics Systems, Inc., at or near Monticello, AR, to points in MN, for 180 days. Supporting shipper(s): Chemetics Systems, Inc., P.O. Box 613, Monticello, AR 71655. Send protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64119.

MC 146408TA, filed February 12, 1979. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Georgia 30302. Representative: Steven J. Thatcher, P.O. Box 4313, Atlanta, Georgia 30302. (1) *Coin, currency and securities;* (2) *food stamps* (1) between Charlotte, NC on the one hand, and, on the other points in Allendale, Bamberg, Barnwell, Berkeley, Beaufort, Calhoun, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry, Jasper and Orangeburg Counties, SC; (2) between Charlotte, NC, on the one hand, and, on the other points in SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmers & Merchants Bank of South Carolina, Holly Hill, South Carolina. Send protests to: Sara K. Davis, Transportation Assistant, ICC, Room 300, 1252 West Peachtree Street, NW., Atlanta, Georgia 30309.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 48]
[FR Doc. 79-11232 Filed 4-10-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

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 1117 (Sub-20TA), filed March 7, 1979. Applicant: M.G.M. TRANSPORT CORP., 70 Maltese Drive, Totowa, NJ 07512. Representative: Morton E. Kiel, Suite 6193–5 World Trade Center, New York, NY 10048. *Containers,* from Passaic County, NJ and Philadelphia, PA to Greensboro, NC for 180 days. An underlying ETA seeks up to 90 days authority. Supporting shipper(s): DeSoto, Inc., 1700 South Mount Prospect Road, Des Plaines, IL 60018. Send protest to: Joel Morrows, D/S, ICC, 9 Clinton St. Room 618, Newark, NJ 07102.

MC 2066 (Sub-6TA), filed March 12, 1979. Applicant: R.M. SULLIVAN TRANSPORTATION, INC., 649 Cottage Street, Springfield, MA 01105. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103. *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) from the facilities of General Cable Corporation at Pownal, VT to points in CT, MA, NH and RI and points in Albany, Rensselaer, Columbia, Saratoga, Washington and Schenectady Counties, NY; and (2) from points in MA, NH, RI and Albany, Rensselaer, Columbia, Saratoga, Washington and Schenectady Counties, NY to the facilities of General Cable Corporation at Pownal, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Cable Corporation, 500 West Putnam Avenue, Greenwich, CT 06830. Send protest to: David M. Miller, DS, ICC 436 Dwight Street, Springfield, MA 01103.

MC 2876 (Sub-2TA), filed March 13, 1979. Applicant W.J. BEITLER COMPANY 3379 Stafford Street, Pittsburgh, PA 15204. Representative: William J. Lavelle, Esquire, Wick, Vuono & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. *General Commodities,* except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the facilities of W.J. Beitler Company located in Pittsburgh, PA on the one hand, and, on the other, Anmoore, WV, those points in WV on and north of U.S. Highway 50, and those points in OH on and east of Interstate Highway 77 for 180 days. An underlying ETA seeks 90 days.

Note.—Applicant intends to tack with its existing authority at Pittsburgh, PA. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the

office listed below and Headquarters. Send protest to: John J. England, DS, ICC, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 26396 (Sub-229TA), filed March 7, 1979. Applicant: POPELKA TRUCKING CO. d/b/a THE WAGGONERS, P.O Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Agricultural chemicals* from Luling, LA to the U.S.-Canada International Boundary line, restricted to foreign commerce, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Monsanto Company, 800 N. Lindbergh Blvd., St. Louis, MO 63166. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 16536 (Sub-7TA), filed February 26, 1979. Applicant: STANDARD FORWARDING COMPANY, INC., 2925 Morton Drive, East Moline, IL 61244. Representative: James C. Hardman, 33 North LaSalle, Chicago, IL 60602. *Contract-irregular; Such commodities as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure products manufacturers and dealers* (except commodities in bulk), between Dodge County, WI on the one hand, and on the other IA and IL, for 180 days. Supporting shipper(s): Deere and Company, Moline, IL 61265. Send protest to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 26396 (Sub-230TA), filed March 7, 1979. Applicant: POPELKA TRUCKING CO. d/b/a THE WAGGONERS, P.O. Box 990, Livingston, MT 59047. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Bentonite clay* from Aberdeen, MS to the facilities of American Colloid at or near Lovell, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Colloid Co., P.O. Box 228, Skokie, IL 60077. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 41406 (Sub-123TA), filed March 5, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, 7105 Kennedy Avenue, Hammond, IN 46323. *Iron and Steel Articles* from Kincheloe, MI to Peoria, IL, Indianapolis, Columbus, and Fort Wayne, IN, Canton and Alliance, OH, Rochester, NY, Hagerstown, MD and New Stanton, PA, for 180 days. Supporting shipper(s): American Pressforge, Inc., Building 428, Chippewa County Industrial Park, Kinchelow, MI 49788. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 41406 (Sub-124TA), filed March 6, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, (address same as applicant). *Aluminum Plate, Sheet and Foil* from the plantsite of Aluminum Company of America at Riverdale, IA to NH, MA, CT, NY, NJ, PA, MD, WV, OH, and MI, for 180 days. Supporting shipper(s): Aluminum Company of America, 1501 Alcoa Building, Pittsburgh, PA 15219. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 41406 (Sub-125TA), filed March 6, 1979. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: Wade H. Bourdon, (address same as applicant). *Iron and Steel Articles* from the U.S./Canadian International Boundary to IL, IN, IA, KY, MD, MI, MO, NY, OH, PA, WV and WI, for 180 days. Supporting shipper(s): Algoma Steel Corporation, Sault Ste. Marie, Ontario, Canada. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 45716 (Sub-10TA), filed February 16, 1979. Applicant: WELSH BROS. MOTOR SERVICE, INC., 920 150th Street, Hammond, IN 46320. Representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Iron and steel articles,* from the facilities of Jones & Laughlin Steel Corporation located in East Chicago, IN to points in IL on and north of a line commencing at the IN–IL state line along U.S. Hwy. 36 to Decatur, IL then along U.S. Hwy. 48 to the intersection of U.S. Hwy. 29, then along U.S. Hwy. 29 to the intersection of U.S. Hwy. 36, then along U.S. Hwy. 36 to the IL–IA state line. Supporting shipper(s): Jones and Laughlin Steel Corporation, 3001 Dickey Road, East Chicago, IN 46312. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 51146 (Sub-680TA), filed March 6, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Glass containers* from Lawrenceburg, IN to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thatcher Glass Mfg. Co., P.O. Box 265, Elmira, NY 14902. Send protests to: Gail Daugherty, TA, ICC, U.S. Federal Bldg., 517 East Wisconsin Ave., Rm. 619., Milwaukee, WI 53202.

MC 51146 (Sub-681TA), filed March 12, 1979. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Printed matter* from the facilities of Wisconsin Cuneo Press, Inc. at Milwaukee, WI to points in the U.S. (except AL, AK, CT, FL, GA, LA, MA, MS, NY, NC, SC, TN & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wisconsin Cuneo Press, Inc., 5400 W. Good Hope Rd., Milwaukee, WI 53223. Send protests to: Gail Daugherty, TA, ICC, U.S. Federal Building, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 59367 (Sub-137TA), filed February 22, 1979. Applicant: DECKER TRUCK LINE, INC., P. O. Box 915, Fort Dodge, IA 50501. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Such commodities as are dealt in by manufacturers and processers of paper and paper products (except commodities in bulk) (1) from Appleton, Green Bay, Menasha, Marinette, Neenah, and Oconto Falls, WI, and points in their commercial zones, to points in AZ, CA, CO, IL, IA, KS, MO, NE, OR, SD and WA, and (2) from Auburn and Everett, WA, to points in IL, IA and NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kimberly-Clark Corporation, Neenah, WI 5495. Send protests to: Herbert W. Allen, DS, ICC, 516 Federal Bldg., Des Moines, IA 50309.

MC 69116 (Sub-224TA), filed February 27, 1979. Applicant: SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Joel H. Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Commodities as are dealt in by manufacturers and distributors of lawn and garden equipment and recreational vehicles, and parts, accessories, and attachments therefor,* (except commodities in bulk), from the facilities of John Deere Horicon Works in Dodge County, WI to IN, KY, MI, OH, PA, WV, DE, ME, MD, NH, NY, and VT, for 180 days. Supporting shipper(s): Deere and Company, John Deere Road, Moline, IL 61265. Send protests to Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 69116 (Sub-225TA), filed March 7, 1979. Applicant: SPECTOR INDUSTRIES, INC., d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy.,

Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. Regular routes: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment). (1) Between Chicago, IL, and Des Moines, IA: (a) From Chicago over U.S. Highway 66 to junction IL Highway 7 (formerly Alternate U.S. Highway 66), thence over IL Highway 7 to Joliet, IL, (also from Chicago over IL Highway 171 to Joliet), thence over U.S. Highway 6 to Briarbluff, IL, thence over un-numbered Highway via Colona and Carbon Cliff, IL, to junction IL Highway 92, thence over IL Highway 92 to Moline, IL, and thence over U.S. Highway 6 to Des Moines, and return over the same route. (b) From Chicago over Interstate Highway 55 to junction Interstate Highway 80, thence over Interstate Highway 80 to Des Moines, IA, and return over the same route. (c) From Chicago over U.S. Highway 34 to junction IL Highway 92, thence over IL Highway 92 to Moline, IL, thence over city streets to Rock Island, IL, thence across the Mississippi River to Davenport, IA, thence over U.S. Highway 61 to junction IA Highway 92, thence over Highway 92 to junction U.S. Highway 218, thence over U.S. Highway 218 to Mt. Pleasant, IA, thence over U.S. Highway 34 to Ottumwa, IA, thence over U.S. Highway 63 to Oskaloosa, IA, thence over IA Highway 163 to Des Moines, IA, and return over the same route. (2) Between Chicago, IL, and Ft. Dodge, IA: (a) From Chicago over IL Highway 38 (formerly Alternate U.S. Highway 30) to junction U.S. Highway 30, thence over U.S. Highway 30 to junction IA Highway 131, thence over IA Highway 131 to Belle Plaine, IA, thence over IA Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 169, thence over U.S. Highway 169 to Ft. Dodge, IA, and return over the same route.

(b) From Chicago over IL Highway 38 (formerly Alternate U.S. Highway 30) to Dixon, IL, thence over IL Highway 2 to Moline, IL, thence over U.S. Highway 6 to Iowa City, IA, thence over U.S. Highway 218 to Cedar Rapids, IA, thence over IA Highway 150 to Independence, IA, thence over U.S. Highway 20 to Ft. Dodge, IA, and return over the same route. (3) Service in connection with (1) and (2) above is authorized to and from all intermediate points in IA on the above-specified routes; and to and from points in the Davenport-Rock Island-Moline commercial zone as intermediate and off-route points. (4) Between Des Moines, IA, and Waterloo, IA, serving all intermediate points: (a) From Des Moines over U.S. Highway 69 to Ames, IA, thence over U.S. Highway 30 to junction IA Highway 330, thence over IA Highway 330 to Marshalltown, IA, thence over IA Highway 14 to junction IA Highway 14 to junction IA Highway 57, thence over IA Highway 57 to Waterloo, and return over the same route. (b) From Des Moines over IA Highway 330 to Marshalltown, thence as specified above to Waterloo, and return over the same route. (5) Between Waterloo, IA, and Mason City, IA, serving no intermediate points: From Waterloo over U.S. Highway 218 to junction U.S. Highway 18, thence over U.S. Highway 18 to Mason City, and return over the same route. (6) Between Keokuk, IA, and Mt. Pleasant, IA, serving all intermediate points and the off-route points of Argyle, Birmingham, Bonaparte, Cantril, Denmark, Douds, Fairfield, Farmington, Ft. Madison, Hillsboro, Houghton, Keosauqua, Milton, Pilot Grove, Salem, Stockport, and West Point, IA: From Keokuk over U.S. Highway 61 to junction U.S. Highway 218, thence over U.S. Highway 218 to Mt. Pleasant, and return over the same route. (7) Between Chicago, IL, and Independence, IA, serving no intermediate points: From Chicago over U.S. Highway 20 to Independence, and return over the same route. (8) Between the junction of IA Highway 92 and U.S. Highway 218 (near Washington, IA), and Oskaloosa, IA, serving no intermediate points: From junction IA Highway 92 and U.S. Highway 218, over IA Highway 92 to Oskaloosa, and return over the same route. (9) Between Muscatine, IA, and junction U.S. Highway 6 and IA Highway 38, serving no intermediate points: From Muscatine over IA Highway 38 to junction U.S. Highway 6, and return over the same route. (10) Between Davenport, IA, and Clinton, IA, serving no intermediate points: From Davenport over U.S. Highway 67 to Clinton, and return over the same route. (11) Between Ames, IA, and Webster City, IA, serving no intermediate points: From Ames over U.S. Highway 65 to Webster City, and return over the same route. (12) Between Fairfield, IA, and Iowa City, IA, serving no intermediate points and serving junction IA Highways 1 and 92 for purpose of joinder only: From Fairfield over IA Highway 1 to Iowa City, and return over the same route. (13) Between Prairie City, IA, and Mason City, IA, serving no intermediate points and serving the junctions of IA Highway 117 and U.S. Highway 6; IA Highways 117 and 330 and U.S. Highway 65; junction U.S. Highways 65 and 30; junction U.S. Highways 65 and 20 for purpose of joinder only: From Prairie City over Iowa Highway 117 to junction U.S. Highway 65, thence over U.S. Highway 65 to Mason City, and return over the same route. (14) Between Oskaloosa, IA, and Waterloo, IA, serving no intermediate points and serving the junction of U.S. Highways 63 and 6; and junction U.S. Highways 63 and 30, for joinder only: From Oskaloosa over U.S. Highway 63 to Waterloo, and return over the same route. Serving the commercial zones of all the points sought to be served in routes 1 through 14 above. Supporting Shipper(s): 136 Supporting Shippers. Send Protests to: Annie Booker, TA, ICC, 219 South Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 100666 (Sub-442TA), filed March 2, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Tractors* (except truck tractors) from the plant site of Ford Motor Company at Romeo, MI to points in AR, IL, IN, IA, KS, MN, MO, NE, OK, TX, and WI, for 180 days. Restricted: To the transportation of traffic (a) originating at the named origin point, and (b) destined to points in the named destination states, except that restriction (b) shall not apply to traffic moving in foreign commerce. Applicant has filed an underlying ETA for 90 days. Supporting Shipper(s): Ford Motor Co., Ford Tractor Operations, 2500 East Maple, Troy, MI 48084. Send protests to: Connie A. Guillory, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-443TA), filed March 5, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Paul L. Caplinger (same address as applicant). *Lumber*, from the facilities of Bruce Hardwood Floors at Nashville, TN to points in IL, IN, IO, MN, VA, WI, and WV, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting Shipper(s): E. L. Bruce Hardwood Flooring Co., 5400 Centennial Blvd., Nashville, TN 37209. Send protests to: Connie A. Guillory, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-444TA), filed February 28, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative:

Paul L. Caplinger (same address as applicant). *Ground clay, floor sweeping compounds and absorbents (except in bulk)* from the facilities of Oil-Dri Corporation of America at or near Ripley, MS to points in NE, MN, IA, KS, MO, IL, OK, OH, TX, WI, IN, AR, LA, TN, and KY, for 180 days. Applicant has filed an underlying ETA for 90 days. Supporting Shipper(s): Oil-Dri Corporation of America, 520 N. Michigan Avenue, Chicago, IL 60614. Send protests to: Connie A. Guillory, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 102616 (Sub-975 TA), filed January 25, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister, same address as applicant. *Acrylonitrile, in bulk, in tank vehicles,* from plantsite and storage facilities of Monsanto Co. at Addyston, OH to Mapleton, IL for 180 days. Supporting Shipper(s): Monsanto Company, 800 N. Lindbergh Blvd. St. Louis, MO 63166. Send protests to: Mrs. Mary A. Wehner DS, ICC, 1240 E. Ninth Street, Cleveland, OH 44199.

MC 102616 (Sub-976 TA), filed February 7, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister, same address as applicant. *Petroleum and petroleum products,* in bulk, in tank vehicles, from Robinson, IL, to Lake and Porter Counties, IN, for 180 days. Supporting Shipper(s): Marathon Oil Company, 539 S. Main Street, Findlay, OH 45840. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199

MC 102616 (Sub-977 TA), filed February 12, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister, same address as applicant. *Chemicals,* in bulk, in tank vehicles, from the facilities of Dow Chemical Co., U.S.A., Brazonia County, TX, to points in the United States (except AK and HI) for 180 days. Supporting Shipper(s): Dow Chemical, U.S.A., Freeport, TX 77541. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 102616 (Sub-978 TA), filed February 7, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister, same address as applicant. *Liquefied petroleum gas,* in bulk, in tank vehicles, from the facilities of Texas Eastern Pipeline Corporation, at or near Oakland City, IN, to points in TN, for 180 days. an underlying ETA seeks 90 days authority. Supporting Shipper(s): Northern Propane Gas Company, 2223 Dodge Street, Omaha, NE 68102. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 102616 (Sub-979 TA), filed March 7, 1979. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister, same address as applicant. *Oil, lubricating,* in bulk, in tank vehicles, from Indianapolis, IN, to Fairfield, IA, for 180 days. Supporting Shipper(s): Texaco, Inc., 1111 Rusk, Houston, TX 77052. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 106707 (Sub-15TA), filed February 22, 1979. Applicant: Adams Trucking, Inc., 1711 West Second Street, Webster City, IA 50595. Representative: Ronald D. Adams (same as applicant). *Iron and steel articles* from Chicago, IL and its commercial zone to points in IL on and North of U.S. Highway 136 and points in IA, restricted to shipments originating at the facilities utilized by J & L Steel Co. for 180 days. An underlying ERA seeks 90 days authority. Supporting shipper(s): J & L Steel Company, 3001 Dickey road, East Chicago, IN 46312. Send protests to: Herbert W. Allen, DA, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1192TA), filed February 27, 1979. Applicant: Ruan Transport Corporation, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (Same as applicant). *Flour,* in bulk, in tank vehicles, from Kansas City, MO to Omaha, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Multi-Foods, 1200 International Multi-Foods Bldg., Minneapolis, MN. Send protests to: Herbert W. Allen, DA, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1193TA), filed February 27, 1979. Applicant: Ruan Transport Corporation, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (Same as above). *Liquid chemicals,* in bulk, in tank vehicles, from the plantsite of E. I. du Pont de Nemours & Company at Fort Madison, IA, to points in the United States (except AK, HI & IA) for 180 days. Supporting shipper(s): E. I. du Pont de Nemours & Company, 1007 Market St., Wilmington, DE 19898. Send protests to: Herbert W. Allen, DA, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1194TA), filed February 27, 1979. Applicant: Ruan Transport Corporation, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (Same as applicant). *Tallow,* in bulk, in tank vehicles, from St. Joseph, MO to points in IL, KS, MO, OH, OK, TN and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dugdale Packing Company, P.O. Box 397, St. Joseph, MO 64503. Send protests to: Herbert W. Allen, DA, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 113666 (Sub-157TA), filed February 26, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: D. R. Smetanick, Vice President (Same as applicant). *Ammonium nitrate fertilizer,* in bulk from Atlas, MO to points in the states of OH and PA for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Atlas Powder Co., 12700 Park Central Place, Dallas, TX 75251. Send protests to: John J. England, DC, ICC, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 113666 (Sub-158TA), filed March 7, 1979. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Representative: D. R. Smetanick (same as applicant). *Salt and salt products,* (a) from Fairport and Rittman, OH to points in the states of CT, IN, KY, ME, MD, MA, MI, NH, NJ, NY, NC, PA, RI, SC, VA, and WV; (b) from Silver Springs, NY to points in the states of CT, ME, MD, MA, NH, NJ, NY, NC, PA, RI, SC, VA and WV for 180 days. No ETA has been filed. Supporting shipper(s): Morton Salt, a division of Morton-Norwich Products, Inc., 110 North Wacker Drive, Chicago, IL 60606. Send protests to: John J. England, DS, ICC, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 114457 (Sub-481TA), filed March 9, 1979. Applicant: DART TRANSIT COMPANY, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Wills, (same address as applicant). *Alcoholic beverages and such commodities as are dealt in by wholesale distributors of alcoholic beverages,* from New Hyde Park, New York City, Brooklyn and Farmingdale, NY, Relay and Dundalk, MD, Linden, NJ, Boston, MA, Schenley, PA, and Jacksonville, Fl to St. Paul, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Griggs, Cooper & CO., Inc., 489 North Prior Avenue, St. Paul, MN 55104. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110

South 4th Street, Minneapolis, MN 55401.

MC 115826 (Sub-415TA), filed February 26, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Shampoo, toilet preparations, hair mist and cosmetics,* from facilities of Vidal Sassoon at or near Chatsworth, CA to points in NY, IL, OH, GA, IN, NC, TX, MI, PA, MA, FL, CO, UT, OK (except Dallas, TX, New York, NY, Atlanta, GA, Chicago, IL and Philadelphia, PA), for 180 days. An underlying 90 days ETA has been filed. Supporting shipper(s): Vidal Sassoon, Inc., 9640 Owensmouth Avenue, Chatsworth, CA 91311. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, Colorado 80202.

MC 115826 (Sub-416TA), filed March 6, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meats and meat products,* from facilities of Cudahy Foods Corp., Waterloo, IA to points in NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cudahy Foods Co., P.O. Box 650, Phoenix, AZ 85038. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-417TA), filed March 7, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Foodstuffs and materials, equipment, supplies used by restaurants,* from facilities of CFS Continental, Inc., Chicago, IL to points in WA, NM and MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CFS Continental, Inc., 2550 North Clybourn St., Chicago, IL 60614. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-418TA), filed March 7, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). (1) *Plastic products,* (2) such commodities as are dealt in or used by manufacturers and convertors of paper and paper products, and (3) materials, equipment, and supplies (except commodities in bulk), used in the manufacture and distribution of the commodities named in (1) and (2) above, from the facilities of Continental Bondware, at or near Chicago and Shelbyville, IL to points in ID, MT, and UT. RESTRICTED to the transportation of traffic originating at the named origins and destined to the named destinations. Supporting shipper(s): Continental Bondware, 800 East Northwest Highway, Palatine, IL 60067. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-419TA), filed March 7, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Frozen foods,* from Belvidere, IL to Watsonville, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Green Giant Co., LaSueur, MN, 56058. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-420TA), filed March 14, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Frozen foods,* from facilities of Pillsbury Co. at St. Paul and Minneapolis, MN, to points in CO, TX, NM, AZ, CA, OR, WA, ID, UT and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pillsbury Co., 608 Second Avenue, South, Minneapolis, MN 55402. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-421TA), filed March 14, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Cleaning, washing, buffing or polishing compound, textile softeners, lubricants, hypochlorite solutions, deodorants or disinfectants, paints, stains or varnishes,* except in bulk, from facilities of Economics Laboratory, Inc., Joliet, IL to points in CO, IA and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-422TA), filed March 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meats and meat products,* from Phoenix, AZ to points in MN, TX, OK, TN, GA and FL, for 180 days. An underlying ETA 90 days authority. Supporting shipper(s): Cudahy Foods Company, 100 W. Clarendon, Phoenix, AZ 85038. Send protests to: D/S Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 118457 (Sub-25TA), filed March 8, 1979. Applicant: ROBBINS DISTRIBUTING CO., INC., 11104 W. Becher St., West Allis, WI 53227. Representative: Jack Meyer, 111 E. Wisconsin Ave., Milwaukee, WI 53202. (a) *Meats, meat products, meat by-products and articles distributed by meat packing houses* as described in appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), and (b) *Foodstuffs* (except in bulk), all moving in vehicles equipped with mechanical refrigeration, from the facilities of Jones Dairy Farm at or near Fort Atkinson and Jefferson, WI to points in CT, DC, DE, ME, MD, MA, NH, NJ, NY, PA, RI, TN, VT, VA, & WV, for 180 days. An underling ETA seeks 90 days authority. Supporting shipper(s): Jones Dairy Farm, Jones Ave., Fort Atkinson, WI 53538. Send protests to: Gail Daugherty, TA, ICC, U.S. Federal Building, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 118457 (Sub-26TA), filed March 8, 1979. Applicant: ROBBINS DISTRIBUTING CO., INC., 11104 W. Becher St., West Allis, WI 53227. Representative: Jack Meyer, 111 E. Wisconsin Ave., Milwaukee, WI 53202. *Meats, meat products, meat by-products, and articles distributed by meat packing houses* as described in Sections A and C or Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commidities in bulk and hides) from the commercial zone of Green Bay, WI to points in AL, AR, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, & WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Green Bay Dressed Beef, Inc., 520 Lawrence St., Green Bay, WI 54303. Send protests to: Gail Daugherty, TA, ICC, U.S. Federal Bldg., 517 East Wisconsin Ave., Rm 619, Milwaukee, WI 53202.

MC 118457 (Sub-27TA), filed March 12, 1979. Applicant: ROBBINS DISTRIBUTING CO., INC., 11104 W. Becher St., West Allis, WI 53227. Representative: Jack Meyer, 111 E. Wisconsin Ave., Milwaukee, WI 53202. *Foodstuffs* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from Plymouth, WI to points in CT, DE, DC, IN, MD, MA, LP of MI, NJ, NY, OH, PA, RI, VA & WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sargento Cheese Co., Inc. P.O. Box 360,

Plymouth, WI 53073. Send protests to: Gail Daugherty, TA, ICC, U.S. Federal Bldg., 517 East Wisconsin Avenue, Rm 619, Milwaukee, WI 53202.

MC 119656 (Sub-54TA), filed February 22, 1979. Applicant: NORTH EXPRESS, INC., P.O. Box 247, Winamac, IN 46996. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Meats and packinghouse products,* from the facilities of Wilson Foods Corporation located at Logansport, IN to the Chicago, IL Commercial Zone and the State of Ohio, for 180 days. SUPPORTING SHIPPER: Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. SEND PROTESTS TO: Beverly J. Williams, TA, ICC, 46 E. Ohio Street, Room 429, Indianapolis, IN 46204.

MC 121236 (Sub-5TA), filed March 12, 1979. Applicant: SERVICE TRANSPORTATION LINES, INC., 729 34th Avenue, Rock Island, IL 61201. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *General commodities,* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), serving Bettendorf, IA, as off-route points in connection with carrier's authorized regular route operations at Rock Island, IL. Supporting shipper(s): 14 Supporting Shippers. Send protests to Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 121236 (Sub-6TA), filed March 12, 1979. Applicant: SERVICE TRANSPORTATION LINES, INC., 729 34th Avenue, Rock Island, IL 61201. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. *Iron and steel articles,* from the facilities of Inland Steel Company at East Chicago, IN, to points in IL, Clinton and Scott Counties, IA and St. Louis County, MO. Supporting shipper(s): Inland Steel Company, 30 West Monroe Street, Chicago, IL 60603. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 123407 (Sub-548TA), filed March 5, 1979. Applicant: SAWYER TRANSPORT, INC., Sawyer Center, Route 1, Chesterton, IN 46304. Representative: H. E. Miller, Jr., address same as applicant. *Paneling, composition board and molding* from the facilities of Pan American Gyro-Tex Company at Jasper, FL to points in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Pan American Gyro-Tex Company, P.O. Box 26325, Imeson Airport, Jacksonville, FL 32218. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 125996 (Sub-75TA), filed February 15, 1979. Applicant: ROAD RUNNER TRUCKING, INC., 22 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 Section A of Appendix I to report in descriptions in motor carrier Certificates, 61 MCC 209 and 766 (except commodities in bulk or hides) from Omaha, NE, Worthington, MN, and Huron, SD, to CA and AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 126706 (Sub-7TA), filed March 7, 1979. Applicant: KLEYSEN TRANSPORT LTD., 2100 McGillivray Blvd., Winnipeg, Manitoba, Canada R3T 3N5. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. *Contract carrier:* irregular routes: *Potash,* in bulk, from ports of entry on the International Boundary Line between the U.S. and Canada located in MN and ND to points in MN, ND, and SD, under a continuing contract with International Minerals & Chemical Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Minerals & Chemical Corp., 421 E. Hawley Street, Mundelein, IL 60060. Send protests to: DS, ICC, Room 268, Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 126736 (Sub-113TA), filed March 1, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., P.O. Box 1559, 155 East 21st Street, Jacksonville, FL 32201. Representative: L. H. Blow (same as applicant). *Silica sand, in bulk, in dump vehicles,* from Talbot County, GA, to Jacksonville, FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anchor Hocking Corp., 2121 Huron Street, Jacksonville, FL 32205. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 129026 (Sub-8TA), filed March 5, 1979. Applicant: J.C.D. TRANSPORATION CORP., 5950 Fishers Road, P.O. Box 487, East Syracuse, NY 13059. Representative: Michael R. Werner, Esq., P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. *Contract carrier;* irregular routes: *Such commdities as are dealt in by grocery and food business houses, and materials, supplies and equipment used in the manufacture, sale and distribution of such commodities (except commodities in bulk in tank vehicles),* between the facilities of Seneca Lincoln Foods, Division of Seneca Foods Corp., at or near Dundee, Penn Yan, Geneva and Himrod, NY on the one hand, and on the other, points in IL, WI, MI, IN, AR, OH, MO, PA, KY, WV, NC, MD, NJ, DC and NY. Supporting Shipper(s): Seneca-Lincoln Foods, Division of Seneca Foods Corp., Mr. Bob Walsh, Dir. of Distribution, 74 Seneca St., Dundee, NY 14837. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St.—Rm. 1259, Syracuse, NY 13260.

MC 126736 (Sub-114TA), filed March 2, 1979. Applicant: FLORIDA ROCK & TANK LINES, INC., 155 East 21st Street, P.O. Box 1559, Jacksonville, Florida 32201. Representative: L. H. Blow (same as applicant). *Crushed granite, in bulk, in dump vehicles,* from Martin-Marietta Mine, at or near Camak, GA, to Jacksonville, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Lee Turzillo Contracting Company, P.O. Box 5732, Jacksonville, FL 32207. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 128746 (Sub-47TA), filed February 8, 1979. Applicant: D'AGATA NATIONAL TRUCKING CO., 3240 S. 61st St., Philadelphia, PA 19153. Representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, DC 20036. *Glassware,* from Salem, NJ to Wilmington, DE; Binghamton, Cicero, Elmira, Geneva, Glens Falls, Newburgh, Saratoga, Schenectedy, Syracuse, Utica, NY; Philadelphia, Harrisburg, Bethlehem, PA; Reston, VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Fosterglass, Inc., Front St., Salem, NJ 08079. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 129326 (Sub-32TA), filed March 8, 1979. Applicant: CHEMICAL TANK LINES, INC., P.O. Drawer 437, Mulberry, FL 33860. Representative: Keith Alexander (same address as applicant). *Styrene Monomer,* in bulk, in tank vehicles, from Baton Rouge, Carville, and Donaldsonville, LA to Bartow, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): United States Steel Corporation, 600 Grant Street, Room 525, Pittsburgh, PA 15230. Send protests to: Donna M. Jones, TA, ICC, Monterey Building, Suite 101,

8410 N.W. 53rd Terrace, Miami, FL 33166.

MC 133566 (Sub-131TA), filed February 20, 1979. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, IN 46947. Representative: Thomas J. Beener, Suite 4959, One World Trade Center, New York, NY 10048. (1) *Meat and the usual meat description;* (2) *foodstuffs when moving in mixed loads with articles listed in (1),* from the facilities of Oscar Mayer & Co., Inc. at or near Perry and Des Moines, IW to points in PA, NJ, NY, MD, CN, MA, and VA, for 180 days. Supporting Shipper: Oscar Mayer & Co. Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

MC 134806 (Sub-59TA), filed February 28, 1979. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Brattleboro, VT 05301. Representative: Francis J. Ortman, 7101 Wisconsin Avenue, Suite 605, Washington, D.C. 20014. Contract carrier, irregular routes: *Parts and accessories for aircraft,* from points in CA to points in CT, for 180 days, under a continuing contract or contracts with Hamilton Standard Division, United Technologies Corporation. Supporting shipper(s): Hamilton Standard Division, United Technologies Corporation, Windsor Locks, CT 06096. Send protests to: ICC, PO Box 548, Montpelier, VT 05602.

MC 135827 (Sub-2TA), filed February 22, 1979. Applicant: PANTIER, INC., 1501 Second Street, Perry, IA 50220. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. (1) Castings from Perry, IA, to points in AR, CO, IL, IN, KS, KY, MI, MN, MO, NE, ND, OK, SD, TN, and WI; (2) equipment, materials and supplies used in the manufacture of castings from points in AR, CO, IL, IN, KS, KY, MI, MN, MO, NE, ND, OK, SD, TN and WI, to Perry, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Progressive Foundry, Inc., 1518 First Street, Perry, IA 50220. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136246 (Sub-20TA), filed March 2, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Anhydrous ammonia and liquid fertilizer,* from Aurora and Hoag, NE to points in CO, KS, IA, MN, MO, OK, SD, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): R. L. Stillwell, R., Phillips Petroleum Company, 154 Phillips Bldg. Annex, Bartlesville, OK 74004. Send protests to: Max Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 136246 (Sub-21TA), filed March 2, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Anhydrous ammonia and liquid fertilizer,* from Hoag, Fremont, Omaha, Greenwood, and Lincoln, NE to points in IA, KS, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Robert Reif, Hawkeye Chemical, P.O. Box 899, Clinton, IA 52732. Send protests to: Max Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 136246 (Sub-22TA), filed March 5, 1979. Applicant: GEORGE BROS., INC., P.O. Box 492, Sutton, NE 68979. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Iron and steel articles,* from Midwest Steel, Division of National Steel Corporation, at Portage, IN to points in IA, KS, and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): David J. Rabbitt, Midwest Steel, Division of National Steel Corporation, P.O. Box No. 1, Portage, IN 46368. Send protests to: Max Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 136786 (Sub-150TA), filed February 22, 1979. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Representative: William L. Libby, 7525 Mitchell Road, Eden Prairie, MN 55343. 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), (1) from the facilities of Swift & Co. at or near Omaha, NE; Glenwood, Marshalltown, Des Moines and Sioux City, IA to points in NY, NY, PA, MD, DE, VA, WV, NC, SC, and DC; and (2) from the facilities of Swift & Co. at or near Grand Island, NE to points in NY, NJ, PA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 W. Jackson Blvd., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138076 (Sub-13TA), filed March 7, 1979. Applicant: HEAVY HAULING, INC., 1100 West Grand, Salina, KS 67401. Representative: Clyde N. Christey, Kansas Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612. (1) *Iron and Steel Articles* from the facilities of Armco Steel in Kansas City, MO; Norfolk, NE; Houston, TX; Chicago, IL; St. Louis, MO; Pueblo, CO; Sterling, IL; and Oklahoma City, OK to points in Saline County, KS. (2) *Iron and Steel Articles* from points in Saline County, KS to points in NE, OK and CO. (3) *Pre-Fabricated Steel Articles* From Saline County, KS to points in the Continental United States. (4) *Pre-Stressed Concrete Articles* from points in Saline County, KS to points in MO, CO, NE, OK, IA, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: Mai Steel Service, Inc., P.O. Box 368, Salina, KS 67401. Salina Steel Supply, P.O. Box 368, Salina, KS 67401. Stress-Cast, Inc., P.O. Box 368, Salina, KS 67401. Send protests to: Thomas P. O'Hara, DS, ICC, 256 Federal Bldg., 444 S.E. Quincy, Topeka, KS 66683.

MC 138157 (Sub-120TA), filed March 12, 1979. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant). *Pool, spa and hot tub filtration systems and accessories, and materials, equipment and supplies used in the sale, distribution and maintenance of pools, spas and hot tubs,* from the plantsite and facilities of Purex Corporation, Pool Products Division at City of Industry, CA to points in the US in and east of ND, SD, NE, KS, OK, and TX, for 180 days. Supporting shipper(s): Purex Corp., Pool Products Division, 18400 E. Mohr Ave., City of Industry, CA 91749. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 138256 (Sub-17TA), filed February 13, 1979. Applicant: INTERIOR TRANSPORT, INC., P.O. Box 3347, Spokane, WA 99220. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101. *Contract carrier:* irregular routes: *Materials used in the manufacture of steel and stainless steel tanks and tanks for nuclear facilities,* from Kaiser (Fontana) CA to the facilities of Welk Bros. Metal Products, Inc. at Spokane, WA under contract with Welk Bros. Metal Products, Inc., for 180 days. Supporting shipper(s): Welk Brothers Metal Products, Inc., S. 2504 Hayford Rd., Spokane, WA 99219. Send protests to: Shirley M. Holmes, T/A,

ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 138627 (Sub-60TA), filed February 23, 1979. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Iron and steel articles* from Midwest Steel, Division of National Steel Corporation at Portage, IN to points in MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midwest Steel, Division of National Steel Corporation, P.O. Box 1, Portage, IN 46368. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 139006 (Sub-9TA), filed March 2, 1979. Applicant: RAPIER SMITH, Rural Route 5, Loretto Road, Bardstown, KY 40004. Representative: Robert H. Kinker, Attorney, P.O. Box 464, Frankfort, KY 40602. Such commodities as are dealt in and used by producers and distributors of alcoholic beverages, liquors and wines (except commodities in bulk in tank vehicles) between Peoria, IL and Scobeyville, NJ, on the one hand, and, on the other, points in the United States in and east of IA, KS, MN, MO, OK, and TX. Supporting shipper(s): Dean J. Anderson, General Traffic Manager, Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61651. Send protests to: Mrs. Linda H. Sypher, DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 139006 (Sub-10TA), filed February 27, 1979. Applicant: RAPIER SMITH, Rural Route 5, Loretto Road, Bardstown, KY 40004. Representative: Robert H. Kinker, Attorney, 314 W. Main Street, Frankfort, KY 40601. Wooden Barrels, from Louisville, KY to Ports of Entry on the International Boundary Line between the United States and Canada, in Michigan; restricted to the transportation of traffic destined to Collingwood in the Province of Ontario, Canada. Supporting shipper(s): Thomas Graff, General Traffic Manager, Brown-Forman Distillers Corp., 850 Dixie Highway, Louisville, KY 40201. Send protests to: Mrs. Linda H. Sypher, DS, ICC, 426 Post Office Building, Louisville, KY 40202.

MC 139156 (Sub-8TA), filed February 22, 1979. Applicant: FAITH TRUCK LINES, INC., 14326 South Wood Street, Dixmoor, IL 60426. Representative: Charlie Woodard (address same as applicant). *Caustic Soda* from Burns Harbor, IN to IL, for 180 days. Supporting shipper(s): Resource Economics Corporation, 1724 Sherman Avenue, Evanston, IL 60201. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 139906 (Sub-35TA), filed February 14, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Such merchandise as is dealt in by a retail mail order house* (except those in bulk, commodities which because of their size or weight require special handling or equipment) from the facilities of U.S. Sales Corporation in Pacoima, CA to Secaucus, NJ, Chicago, IL, and Albuquerque, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Sales Corporation, 15910 Ventura Blvd., Encino, CA 91436. Send protests to: L. D. Helfer, DS, ICC, 5309 Federal Bldg., Salt Lake City, UT 84138.

MC 139906 (Sub-36TA), filed February 20, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Chemicals in packages* (except those commodities in bulk or those which because of their size or weight require special handling or equipment) from the plant sites of Stauffer, Morrisville, PA and Skaneateles Falls, NY to the States of AL, AZ, AR, CA, FL, GA, KS, LA, MI, MO, NE, NV, NM, NC, OK, SC, TX, IL, IN, MS, for 180 days. Supporting shipper(s): Stauffer Chemical Company, Westport, CT 06880. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 139906 (Sub-37TA), filed February 20, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *Sulfur in bags* (except commodities in bulk or those which because of their size or weight require special handling or equipment) from the plant site of Stauffer, Freeport, TX to the states of AL, AR, AZ, CO, CT, FL, GA, IA, IL, IN, KS, KY, LA, MA, MI, MN, MO, MS, NC, NE, NM, NY, OH, OK, SC, TN, VA, and WI, for 180 days. Supporting shipper(s): Stauffer Chemical Company, Inc., Westport, CT 06880. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 139906 (Sub-38TA), filed February 21, 1979. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 2156 West 2200 South, P.O. Box 30303, Salt Lake City, UT 84125. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. *General commodities* (except those of unusual value, Classes A & B explosives, commodities in bulk, household goods as defined by the Commission and those requiring special handling or equipment) from the facilities of Knickerbocker Shippers Assn., in Maspeth, NY to Cleveland, OH and Detroit, MI for 180 days. Supporting shipper(s): Knickerbocker Shippers Assn., 1995 Linden Blvd., Elmont, L.I., NY 11003. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt lake City, UT 84138.

MC 141216 (Sub-6TA), filed March 9, 1979. Applicant: DARREL K. OAKLEY, d/b/a OAKLEY ENTERPRISES, P.O. Box 387, Rapid City, SD 57709. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Such merchandise as is dealt in by wholesale, retail, chain grocers and food business houses; material and supplies used in the conduct of such business* from the facilities of Ralston Purina in the Denver, CO commercial zone to Rapid City, SD and points in its commercial zone for 180 days. Supporting shipper(s): Ralston Purina Co., 4555 York St., Denver, CO 80216. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 141396 (Sub-3TA), filed March 8, 1979. Applicant: DELP, INC., Highway 71 South, P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, 529 S. Holcomb Street, P.O. Box 285, Springdale, AR 72764. *Green coffee* from New Orleans, LA; Laredo, TX; and Houston, TX to Minneapolis, MN, for 180 days as a common carrier over irregular routes. Supporting shipper(s): McGarvey Coffee, Inc., 5925 Highway, Minneapolis, MN 55416. Send protests to: William H. Land, Jr., DS, ICC, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 141776 (Sub-36TA), filed March 5, 1979. Applicant: FOODTRAIN, INC, Spring & South Center Sts., Ringtown, PA 17967. Representative: Pauline E. Myers, Suite 407 Walker Bldg., 734 15th St. NW, Washington, DC 20005. *Frozen foods* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Roman Meal Frozen Foods Company in Decatur, IN, to points in CT, DE, MD, NJ, NY, PA, RI and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper: Roman Meal Frozen Foods Company, 2101 S. Tacoma Way,

Tacoma, WA 98411. Send protests to: P. J. Kenworthy, DS, ICC, 314 US Post Office Bldg., Scranton, PA 18503.

MC 141776 (Sub-37TA), filed March 5, 1979. Applicant: FOODTRAIN, INC., Spring & South Center Sts., Ringtown, PA 17967. Representative: Pauline E. Myers, Suite 407 Walker Bldg., 734 15th St. N.W., Washington, D.C. 20005. *Pressure sensitive tapes,* from New Brunswick, NJ to Coldwater and Detroit, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Permacel Tape Company, US Hwy 1, New Brunswick, NJ 08903. Send protests to: P. J. Kenworthy, DS, ICC 314 US Post Office Bldg., Scranton, PA 18503.

MC 142096 (Sub-5TA), filed March 8, 1979. Applicant: MILLER BROS. TRUCKING CO., INC., 4100 W. Mitchell St., Milwaukee, WI 53215. Representative: James A. Spiegel, 6425 Odana Road, Madison, WI 53719. *Paper towels, napkins, facial tissue, and toilet tissue,* from the facilities of American Can Co. at Green Bay and Milwaukee, WI to various points in the Chicago, IL Commercial Zone (as defined by the Commission in 41 F.R. 56652), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., Neenah, WI 54956. Send protests to: Gail Daugherty, TA, ICC, U.S. Federal Building, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 142686 (Sub-12TA), filed March 2, 1979. Applicant: MID-WESTERN TRANSPORT, INC., 10506 South Shoemaker, Santa Fe Springs, CA 90670. Representative: Joseph Fazio (same address as applicant). *Contract:* irregular: *Salad oil, juices, syrups, preserves, mayonnaise, and other food products and supplements,* between the facilities of Hain Pure Foods Company at Los Angeles, CA, on the one hand, and, on the other, points in MN, IA, KS, OK, TX, LA, AR, MO, IL, WI, MI, IN, KY, TN, MS, AL, GA, FL, SC, NC, VA, WV, DE, OH, PA, NY, CT, MA, VT, NH, RI, ME, ND, SD, CO, NE, MD, NJ and DC, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Hain Pure Foods Company, 13660 S. Figueroa, Los Angeles, CA 91775. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 143276 (Sub-11TA), filed February 26, 1979. Applicant: WEAVER TRANSPORTATION COMPANY, 5452 Oakdale Road, Smyrna, GA 30080. Representative: James L. Brazee, Jr., 3355 Lenox Road, Suite 795, Atlanta, GA 30326. *Paving joints, expansion asphalt or asphalt base, paving joint compound, siding, asphalt composition and roofing cement* from the plantsite of W. R. Meadows of Georgia, Inc., located in Atlanta, Fulton County, GA to points in SC, NC, VA, AL, TN, MS and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. R. Meadows of Georgia, Inc., 4765 Frederick Drive, Atlanta, GA 30336. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St. NW., Room 300, Atlanta, GA 30309.

MC 143866 (Sub-1TA), filed December 28, 1978. Applicant: SOONER COACH LINES, INC., 1108 East 8th Street, Sand Springs, OK 74063. Representative: Terrel B. Doremus, 711 Thurston National Building, Tulsa, OK 74103. *Passengers and their baggage* in sleeper bus service between points in OK on and east of I–35 and the area encompassed by Oklahoma City, on the one hand, and, on the other points in CO and NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers: M. D. Hoefer, 5628 So. Zunis, Tulsa, OK 74105; Wooden Nickel, 225 So. Knoblodk, Stillwater, OK 74074; Pottawatomie Ski Club, Rt. 2, Box 177, Tecumseh, OK 74873; The Travel Co., Ltd., 1049 North May, Oklahoma City, OK 73120; The Falls Ski & Sports, 5840 So. Memorial Dr., Tulsa, OK 74145; J. Rich Sports Ltd., Inc., 1726 Utica Square, Tulsa, OK 74114. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office & Court House Bldg., 215 N.W. 3rd., Oklahoma City, OK 73102.

MC 143956 (Sub-6TA), filed March 6, 1979. Applicant: GARDNER TRUCKING CO., INC., Drawer 493, Walterboro, SC 29488. Representative: Theodore Plydoroff, Suite 301, 1301 Dolley Madison Blvd., McLean, VA 22101. *Foodstuffs, in vehicles equipped with temperature control,* from the facilities of Holsum Foods, Albany, GA to points in PA, OH and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Holsum Foods, 500 South Prairie Avenue, Waukesha, WI 53186. Send protests to: E. E. Strotheid, D/S, ICC, Room 302, 1400 Bldg., 1400 Pickens Street, Columbia, SC 29201.

MC 144117 (Sub-31TA), filed March 9, 1979. Applicant TLC LINES, INC., P.O. Box 1090, Fenton, MO 63026. Representative: Bernard J. Kompare, Sullivan & Associates Ltd., 10 S. LaSalle St., Suite 1600, Fenton, MO 63026. *Iron and steel articles (except commodities in bulk),* from the facilities of Keystone Consolidated Industries, Inc., at or near Peoria, IL to points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA and WY, restricted to the transportation of traffic orginating at the above-named origin and destinated to the above-named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Consolidated Industries, Inc., 7000 South Adams, Peoria, IL 61641. Send protests to: P. E. Binder, OC, ICC, Room 1465, 210 N. 12th St, St. Louis, MO 63101.

MC 145406 (Sub-20TA), filed February 20, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Meat, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and skins and commodities in bulk) from the facilities utilized by John Morrell & Co. at or near Sioux Falls, SD, and Estherville, IA to points in MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145406 (Sub-21TA), filed February 20, 1979. Applicant: MIDWEST EXPRESS INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Meats, meat products, meat by-products and articles distributed by meat packinghouses as described in Sections A, B, & C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* (except hides and skins and commodities in bulk), from the facilities utilized by John Morrell & Co. at or near East St. Louis, IL and St. Louis, MO, to points in CA. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145406 (Sub-22TA), filed February 20, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Bacon* (1) between the facilities of Sugar Creek Packing Co., located ar or near Bloomington, IL, Washington Court House and Dayton, OH, and (2) from the facilities of Sugar Creek Packing Co.,

located at or near Bloomington, IL, Washington Court House and Dayton, OH to Seattle, WA; Milwaukee, OR; Albuquerque, NM; Phoenix, AZ and Denver, CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sugar Creek Packing Co., 2101 Kenskill Avenue, Washington Court House, OH 43160. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145406 (Sub-23TA), filed February 26, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Office furniture knocked down* from the facilities by Clipper Products-Division of Standard Ohio Leasing Corp., located at or near Sheboygan, WI to Denver, CO, Anaheim and San Francisco, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clipper Products, Div. of Standard Ohio Leasing Corp., P.O. Box 30388, Cincinnati, OH 45230. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145406 (Sub-24TA), filed February 26, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Madison, WI 53705. Such commodities as are manufactured or distributed or used by manufacturers or distributors of plastic, wooden and health care products, between the plantsite and storage facilities of Bemis Manufacturing Company at or near Sheboygan Falls, WI, on the one hand, and on the other, points in the States of WA, OR, ID, MT, CA, NE, AR, NM, LT and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bemis Manufacturing Company, 300 Mill Street, Sheboygan Falls, WI 53085. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145406 (Sub-25TA), filed March 13, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Meat and meat products* from the facilities of Clinton Packing Co., at or near Clinton, MO to Stockton, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Agmar, Inc., 240 Chester Street, St. Paul, MN 55107. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145406 (Sub-26TA), filed March 15, 1979. Applicant: MIDWEST EXPRESS, INC., 380 East Fourth Street, Dubuque, IA 52001. Representative: Richard A. Westley, Attorney, 4506 Regent Street, Suite 100, Madison, WI 53705. *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Oscar Mayer & Co., Inc. at or near Madison, WI to the State of CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145886 (Sub-1TA), filed March 2, 1979. Applicant: NEWPORT TRUCK SERVICE, INC., 1846 4th Avenue, Newport, MN 55055. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Fresh and frozen meat* from Huron, SD to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 146146 (Sub-4TA), filed February 28, 1979. Applicant: HADDAD TRANSPORTATION, INC., 5000 Wyoming, Dearborn, MI 48126. Representative: James F. Schouman, 21925 Garrison Ave., Dearborn, MI 48124. Authority sought to operate as a contract carrier by motor vehicle, over irregular routes, transporting (1) *pressure vessel plates, pipe, universal mill plates, hot rolled angles, bars, beams, rounds, squares, plate and sheet steel, steel coil, iron & steel articles & supplies stored, processed or used in connection with manufacture, processing & distribution of above commodities, heavy machinery, contractor's equipment, & steel articles fabricated beyond the primary stage,* from Detroit, MI and its commercial zone to points in the 48 contiguous states; (2) *materials, equipment and supplies used in the manufacture and distribution of the above-mentioned commodities,* from points in the 48 contiguous states to Detroit, MI and its commerical zone. Said operations are limited to a transportation service to be performed under a continuing contract, or contracts with Hale Steel Co., Ewald Steel Co., Nance Steel Corp., Chappell Steel Co., American Electrical Steel Corp., Paragon Steel Corp., and Robin Steel Co. Supporting Shipper(s): There are (7) shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Tim Quinn, ICC, 604 Federal Building and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

MC 146187 (Sub-2TA), filed March 16, 1979. Applicant: THE TEN WHEELERS, INC., Route 2, Gregory Road, Greenback, TN 38401. Representative: Edward C. Blank, II, P.O. Box 1004, Columbia, TN 38401. (1) *Dry cleaning and laundry equipment, materials and supplies (except commodities in bulk and those which by reason of their size or weight require the use of special equipment), and* (2) *Parts for the commodities in (1) above (except commodities which by reason of their size or weight require the use of special equipment),* from manufacturing plants of W. M. Cissell Manufacturing Company in Louisville, KY and Cincinnati, OH to points in AZ, CA, FL, GA, NV, NM, OR, TX, UT, and WA, for 180 days. Supporting Shipper(s): W. M. Cissell Manufacturing Company, P. O. Box 32270, Louisville, KY 40232. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 146266 (Sub-1TA), filed March 5, 1979. Applicant: P. & P. TRUCKING, Route 2, Box 477, Fort Smith, Arkansas 72916. Representative: Jim Pate (same as applicant). *Galvanized sheet and coil steel* from the Port of Catoosa near Tulsa, OK to Fort Smith, AR, for 180 days as a contract carrier over irregular routes. Supporting Shipper(s): General Electric Company, 4811 South Zero Street, Fort Smith, AR 72903. Send protests to: William H. Land, Jr., DS, 3108 Federal Office Building, 700 West Capitol, LIttle Rock, AR 72201.

MC 146316 (Sub-1TA), filed March 5, 1979. Applicant: EUGENE F. MAINOR, d.b.a. GENE MAINOR, P. O. Box G. Tifton, GA 31794. Representative: C. E. Walker, P. O. Box 1. (1) *Empty plastic bottles, new,* from Orlando, FL to Tifton, GA; (2) *Soft drinks in metal cans,* from Orlando, FL to Tifton, GA; (3) *Soft drinks in bottles or cans* from Tifton, GA to Live Oak and Tallahassee, FL, truckload for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Royal Crown Bottling Company of Tifton, Inc., 614 West Second Street, Tifton, GA 31794. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 146326 (Sub-2TA), filed March 14, 1979. Applicant: ALGER TRANSPORTATION, John Alger, Sr. d.b.a., 9811 Redman Avenue, Omaha, NE 68134. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. *Commodities generally dealt in by grocery stores, restaurants, and food business houses*, from points in CA, WA, and OR to Ames, IA and Omaha, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Robert Pappenheimer, Midwest Wholesale Grocery Co., 4514 So. 67th St., Omaha, NE 68117. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 146336 (Sub-3TA), filed March 5, 1979. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 902 Avenue N, Grand Prairie, TX 75050. Representative: E. Larry Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. Contract carrier, irregular routes, transport *hospital and medical supplies*, from Arlington and Grand Prairie, TX to points in AZ and CA for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Arbrook, Inc., P.O. Box 130, Arlington, TX 76010. Send protests to: Opal M. Jones, TA, ICC, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 146377 (Sub-1TA), filed March 1, 1979. Applicant: EDWARD McGILL, 1200 North Fifth Avenue, Rome, GA 30161. Representative: Edward McGill (same as applicant). *Perishable bakery products* from Rome, GA to points in GA, AL, FL, TN, SC and NC for 180 days. An underlying ETA for 90 days authority. Supporting shipper(s): ITT Continental Baking Co., Inc., 800 Eden Valley Road, Rome, GA 30161. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Room 300, Atlanta, GA 30309.

MC 146416 (Sub-1TA), filed March 2, 1979. Applicant: HERITAGE TRANSPORTATION COMPANY, 155 North Eucla Avenue, P.O. Box 476, San Dimas, California 91773. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. *Meats, meat products, and meat by-products, and articles distributed by meat packing houses, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except commodities in bulk in tank vehicles)*, (1) from Denver, CO to points in AL, AZ, CA, CT, DE, FL, GA, IL, MD, MA, MI, MN, NV, NH, NJ, NY, OH, OR, PA, SC, TX, UT, WA and WI; and (2) from Sterling, CO to points in CA, CT, IL, MD, MA, MI, NH, NJ, NY, OH, PA and DC, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): There are 6 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 146426 (Sub-2TA), filed February 26, 1979. Applicant: G P TRANSFER, INC., 3440 W. Hospital Avenue, Chamblee, GA 30341. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Contract Carrier;* irregular routes: (1) *New furniture*, from the facilities of S. K. Products Corporation at or near Atlanta, GA to points in FL, GA, AL, NC, SC, TN, KY, VA, WV, OH, MO and (2) *Materials, equipment, and supplies used in the manufacture and distribution of new furniture*, from points in the destination territory identified in (1) above to the facilities of S. K. Products Corporation at or near Atlanta, GA for the account of S. K. Products Corporation of Atlanta, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): S. K. Products Corp., 5355 Bucknell Drive S.W., Atlanta, GA 30336. Send protests to: Sara K. Davis, T/A, ICC, 1252 West Peachtree St., NW., Room 300, Atlanta, GA 30309.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 47]
[FR Doc. 79-11234 Filed 4-11-79; 8:45 am]
BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Illinois Central Gulf Railroad Co.—Abandonment Between Mason City and Ashland, Ill.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 (formerly Section 1a of the Interstate Commerce Act) that by a decision decided March 29, 1978, and the Decision of the Commission, Division 1, served October 31, 1978, as modified, adopted the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.—Abandonment Goshen* ——— I.C.C. ——— decided February 9, 1979, the present and future public convenience and necessity permit abandonment by the Illinois Central Gulf Railroad Company of a line of railroad extending from railroad milepost 173.0 south of Mason City, IL, to milepost 199.5 north of Ashland, IL, a distance of 26.5 miles in Mason, Menard, Cass and Sangamon Counties, IL, embracing the stations of Greenview, Curtis, Petersburg, Hill Top and Tallula, IL.

A certificate of abandonment will not be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment until final determination of the proceeding by the United States Court of Appeals. During the interim, however, the procedures specified in § 10905 (formerly Section 1a (6) and (7) of the Act) will otherwise be followed. Thus, the Commission will be in a position to issue a certificate of abandonment on or before May 14, 1979, unless on or before May 14, 1979, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment), to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect.

However, as previously indicated no such certificate will be issued until the pending court proceeding has been finally resolved. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for

Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. Homme, Jr.,
Secretary.

[Docket No. AB-43 (Sub.-No. 31)]
[FR Doc. 79-11405 Filed 4-11-79; 8:45 am]
BILLING CODE 7035-01-M

Oregon Short Line Railroad Co. and the Union Pacific Railroad Co.—Abandonment—Portion Goshen Branch Between Firth and Ammon, in Bingham and Bonneville Counties, ID; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 (formerly Section 1a of the Interstate Commerce Act) that by a decision decided February 9, 1979, the Commission reopened the proceeding to modify the prior decision, served February 17, 1977, for the limited purpose of imposing employee protective conditions. By decision served February 17, 1977, as modified, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen* ——— I.C.C. ——— decided February 9, 1979, and further that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate authorizing abandonment to permit any State or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Oregon Short Line Railroad Company and abandonment of operations by the Union Pacific Railroad Company of a portion of its line extending from milepost 0.06 near Firth in a northeasterly direction, to milepost 17.53 near Ammon, a distance of 17.59 miles in Bingham and Bonneville Counties, ID. A certificate of abandonment will be issued to the Oregon Short Line Railroad Company and the Union Pacific Railroad Company based on the above-described finding of abandonment, on or before May 14, 1979, unless on or before May 14, 1979, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. Homme, Jr.,
Secretary.

[Docket No. AB-36 (Sub-No. 2)]
[FR Doc. 79-11407 Filed 4-11-79; 8:45 am]
BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Debtor Abandonment Near Faribault to Zumbrota in Rice and Goodhue Counties, MN; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 (formerly Section 1a of the Interstate Commerce Act) that by a decision entered on February 2, 1979, a finding, which is administratively final, was made by the Commission, Administrative Law Judge stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.-Abandonment Goshen* ——— I.C.C. ——— decided February 9, 1979, and further that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate authorizing abandonment to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by Stanley E.G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company of its line of railroad beginning at milepost 88.7 near Faribault in an easterly direction to the end of the line at milepost 53.7 near Zumbrota, a distance of 35.0 miles, in Rice and Goodhue Counties, MN. A certificate of abandonment will be issued to Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul and Pacific Railroad Company based on the above-described finding of abandonment, on or before May 14, 1979, unless on or before May 14, 1979, the Commission further finds that:

(1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) it is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or

acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. Homme, Jr.,
Secretary.

[Docket No. AB-7 (Sub-No. 62F)]
[FR Doc. 79-11406 Filed 4-11-79; 8:45 am]
BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

Antitrust and Competition Factors in Motor Carrier Finance Cases

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Preliminary Conference.

SUMMARY: This notice advises the public of the Commission's intent to analyze the role of antitrust and competition factors in motor carrier finance proceedings instituted under 49 U.S.C. Subtitle IV, Chapter 113. This notice also invites members of the public to participate in a preliminary conference regarding the scope of the proposed analysis.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, Deputy Director, Section of Finance, Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Avenue, N.W., Washington, D.C. 20423, 202-275-7245.

SUPPLEMENTARY INFORMATION: The Commission has decided to initiate an analysis of the role of antitrust and competition factors in motor carrier finance proceedings instituted under 49 U.S.C. Subtitle IV, Chapter 113, and to develop appropriate guidelines in this area.

The purpose of the guidelines will be to identify motor carrier financial transactions which are worthy of detailed regulatory attention. Only those transactions with compelling public interest and competitive consequences will be subjected to complete agency review after guidelines have been adopted.

To assist the staff in the development of this analysis, a preliminary conference regarding the scope of the proposed policy analysis and guidelines is proposed to be held to Tuesday, May 8, 1979, at 9:30 a.m.

Representing the Commission at the conference will be staff members involved in developing the policy analysis.

It is anticipated that comments will be received concerning the scope, content and direction of the proposed analysis and guidelines from interested governmental and non-governmental sources, such as the Department of Justice (DOJ), Federal Trade Commission (FTC), interested regulated carriers, and concerned members of the public.

Persons wishing to attend and participate in this discussion should so advise Mr. Erenberg by writing to him at the above address at least a week prior to the conference. However, the conference will be open to all.

The working title of the policy analysis is "Antitrust and Competition Factors in Motor Carrier Finance Cases." This title should be used in all written communications.

The conference is currently scheduled to be conducted at the ICC headquarters in Washington, DC, in Hearing Room A, on Tuesday, May 8, 1979, at 9:30 a.m.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-11536 Filed 4-11-79; 8:45 am]
BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 72
Thursday, April 12, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Commodity Futures Trading Commission	1
Federal Deposit Insurance Corporation	2, 3
Federal Energy Regulatory Commission	4
Federal Maritime Commission	5
Interstate Commerce Commission	6
National Transportation Safety Board	7
Nuclear Regulatory Commission	8

1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., April 17, 1979.

PLACE: 2033 K Street NW., Washington, D.C. 5th floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters/offers of settlement and civil injunctive action.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S–707–79 Filed 4–10–79; 2:02 pm]

BILLING CODE 6351–01–M

2

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2 p.m. on Monday, April 9, 1979, the Corporation's Board of Directors voted, on motion of Chairman Irvine H. Sprague, seconded by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), to withdraw the following matter from the agenda for consideration at the meeting, on less than seven days' notice to the public:

Memorandum and resolution proposing the publication for comment of a new Part 346 of the Corporation's rules and regulations, to be entitled "Foreign Banks," in implementation of the International Banking Act of 1978.

The Board then determined, by the same majority vote, that Corporation business required the addition of the following matter to the agenda for consideration at the meeting:

Memorandum proposing field examiner specialization in consumer protection and civil rights examinations.

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: April 9, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Acting Executive Secretary.

[S–710–79 Filed 4–10–79; 2:25 pm]

BILLING CODE 6714–01–M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, April 9, 1979, the Corporation's Board of Directors voted, on motion of Chairman Irvine H. Sprague, seconded by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), to withdraw the following matter from the agenda for consideration at the meeting:

Recommendation regarding the liquidation of assets acquired by the Corporation from International City Bank and Trust Company, New Orleans, Louisiana (Case No. 43,849–L (AMENDED)).

The Board of Directors then determined, on motion of Chairman Sprague, seconded by Mr. Selby, that Corporation business required the addition of the following items to the agenda for consideration at the meeting, on less than seven days' notice to the public:

Appeals, pursuant to the Freedom of Information Act, from the Corporation's earlier partial denials of requests for information.

Grievance Officer's report of findings and recommendations in the matter of the formal grievance of a Corporation employee.

The Board then determined, by the same majority vote, that the public interest did not require consideration of the items added to the agenda in a meeting open to public observation and that such matters could be considered in a meeting closed to public observation by authority of subsections (c)(2), (c)(6), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), and (c)(10)).

The Board further determined, by the same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable.

Dated: April 9, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,
Acting Executive Secretary.

[S–711–79 Filed 4–10–79; 2:25 pm]

BILLING CODE 6714–01–M

4

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Apr. 9, 1979. 44 FR 21179.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., April 11, 1979.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

ER–3 ER78–39, ER76–340 and ER78–363, Kansas Power & Light Co.

Kenneth F. Plumb,
Secretary.

[S–705–79 Filed 4–10–79; 8:54 am]

BILLING CODE 6740–02–M

5

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., April 18, 1979.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10267–3: Application for an extension of the Container Carriers Discussion Agreement through March 31, 1980.

2. Policy regarding implementation of General Order 40; the Clean Water Act of 1977 Amendments to the Federal Water Pollution Control Act.

3. North Atlantic Trade Study.
4. Proposed Rule on Standards for Intervention in Commission Docketed Proceedings.
5. Public Law 180 of the Dominican Republic—Implementation of the UNCTAD Code.
6. Docket No. 79–10: Rates of Far Eastern Shipping Company—Petition for Reconsideration of Order of Suspension.
7. Docket No. 78–46: Amendment to Financial Reports by Common Carriers by Water in the Domestic Offshore Trade—Proposed Rulemaking.

Portion closed to the public:

1. Docket No. 76–11: In Re Agreement Nos. 150 DR–7 and 3103 DR–7—Discussion of the Record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523–5725.

[S–709–79 Filed 4–10–79; 2:24 pm]
BILLING CODE 6730–01–M

6

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, April 17, 1979.

PLACE: Hearing Room C, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C. 20423.

STATUS: Open regular conference.

MATTER TO BE CONSIDERED: Potential Energy Emergency—Issues and Options.

CONTACT PERSON FOR MORE INFORMATION: Douglas Baldwin, Director, Office of Communications, Telephone: 202–275–7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S–712–79 Filed 4–10–79; 3:49 pm]
BILLING CODE 7035–01–M

7

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9 a.m., Thursday, April 19, 1979 [NM–79–14].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: The first three items on the agenda will be open to the public; the fourth item will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Aircraft Accident Report*—Pacific Southwest Airways, Inc., Boeing 727–214, N533PS, and Gibbs Flite Center, Inc., Cessna 172, N7711G, San Diego, Calif., September 25, 1978.
2. *Marine Accident Report*—USS L. Y. SPEAR collision with Liberian tankship ZEPHYROS, Lower Mississippi River, February 22, 1978.
3. *Regulation*—Revision of Part 830, aircraft accident notifications and reporting requirements.
4. *Opinion and Order*—Petition of Gutshall, Dkt. SE–1894; disposition of petitioner's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming, 202–472–6022.

April 10, 1979.
[S–708–79 Filed 4–10–79; 2:03 pm]
BILLING CODE 4910–58–M

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of April 9, 1979 (changes).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Monday, April 9, 9:30 a.m.

1. Continuation of Discussion of Incident at Three Mile Island (approximately 1 hour) (closed—exemption 9).

Monday, April 9, 2:30 p.m.

1. Continuation of Discussion of Commission Investigation of Three Mile Island Incident (approximately 1 hour) (closed—exemptions—5, 9, 10).

Wednesday, April 11, 10 a.m.

1. Initial Discussion of Upgrade Rule and Supporting Guidance (approximately 2 hours) (open—portions may be closed—exemption—1).

(Above was postoned from Tuesday, April 10.)

Affirmation session (approximately 10 minutes)—(public meeting). Appointment of ACRS Member.

ADDITIONAL INFORMATION: The briefings on Mark I Containment and Resident Inspector Program are postoned to a date to be announced.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, 202–634–1410.

Walter Magee,
Office of the Secretary.
[S–706–79 Filed 4–10–79; 12:06 pm]
BILLING CODE 7590–01–M

federal register

Thursday
April 12, 1979

Part II

Department of Transportation

Coast Guard

Tank Vessel Operations—Puget Sound

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 161]

Tank Vessel Operations—Puget Sound

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: On March 27, 1978, there was published in the **Federal Register** (43 FR 13240) an advance notice of proposed rulemaking which stated that the Coast Guard was considering issuance of regulations governing the operation of tank vessels in the Puget Sound area of western Washington State. Comments and suggestions were requested concerning possible approaches the Coast Guard could take to arrive at the best solution for protection of the area from environmental harm resulting from tank vessel or structure damage, destruction or loss. The regulations proposed in this notice would amend the Puget Sound Vessel Traffic Service Regulations (33 CFR Part 161) and are based in part upon comments and suggestions received in response to the advance notice. The proposed regulations prescribe additional equipment and operating requirements for tank vessels of 40,000 deadweight tons (DWT) and greater in specified portions of the Puget Sound VTS area. The proposal would also continue the current 125,000 DWT size limit on tank vessel operation in the VTS area. Additionally, the proposed regulations incorporate several changes to the Puget Sound VTS regulations that are directly related to the operation of tank vessels and that affect other vessels.

DATES: 1. Comments must be received on or before June 30, 1979.

2. Public Hearings: The Coast Guard will hold public hearings as follows:

Seattle, Washington: June 11, 1979 beginning at 9:00 am and June 12, 1979 beginning at 1:00 PM and reconvening at 7:00 pm in the north auditorium, 4th floor, Federal Building, 917 Second Avenue, Seattle, Washington.

Mt. Vernon, Washington: June 13, 1979 beginning at 1:00 pm and reconvening at 7:00 pm at the Town and Country Motor Inn, 2009 Riverside Drive, Mt. Vernon, Washington.

Port Angeles, Washington: June 14, 1979 beginning at 1:00 PM and reconvening at 7:00 PM in the conference room, 2nd floor, Administration Building, U.S. Coast Guard Air Station, Port Angeles, Washington.

ADDRESSES: Comments should be sumbitted to Commandant (G–CMC/81), (CGD 78–041), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (GC–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Copies of studies referred to in this document are available for examination at the above address.

FOR FURTHER INFORMATION CONTACT: Captain R. A. Janecek, 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: Interested person are invited to participate in this rulemaking by submitting written data, views or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 78–041), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. Interested persons are invited to attend the public hearings and present oral or written statements on this proposal. It is requested that anyone desiring to make oral comments notify Captain P. J. Danahy, U.S. Coast Guard Marine Safety Council, (C–CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590, 202–426–1477, at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. Comments at the public hearings will normally be heard in the order the request to comment is received. It is urged that a written summary or copy of the oral presentation be included with the request.

Drafting Information

The principal persons involved in drafting this notice are: Captain Robert A. Janecek, Project Manager, Office of Marine Environment and Systems, and LT G. S. Karavitis, Project Attorney, Office of the Chief Counsel, U.S. Coast Guard.

Background

The proposed regulations would amend the Puget Sound Vessel Traffic Service regulations, 33 CFR Part 161. Tank vessels of 40,000 deadweight tons (DWT) or greater operating in the Puget Sound Vessel Traffic Service area would be required to comply with restrictions and conditions specific to tank vessel operations, in addition to general regulations, for enhancement of navigation and vessell safety, and protection of the marine enviornment of the Puget Sound area.

The Federal program for marine transportation safety and environmental protection consists of several interrelate operational programs which provide safety enhancing services to the marine transportation industry and a scheme of regulations which govern the conduct of the industry. In the Puget Sound area, a principal Coast Guard activity implementing this program is the Puget Sound Vessel Traffic Service.

The Coast Guard originally issued regulations for the Puget Sound Vessel Traffic Service (VTS) on July 10, 1974 (39 FR 25430). Minor changes were made on June 9, 1977 (42 FR 29481). The service was established because of congested vessel traffic and hazardous operating conditions.

In 1975, the Washington State Legislature enacted the Washington Tanker Law, with the "intent and purpose to * * * decrease the likelihood of oil spills on Puget Sound and its shorelines * * *" (RCW 88.16.170 (1975)). This statute, among other provisions, prohibited "oil tankers" greater than 125,000 DWT from entering Puget Sound and adjacent waters. On March 2, 1978, the U.S. Supreme Court, in the case of *Ray v. Atlantic Richfield Co., Inc.*, 435 US 151 (1978) declared portions of the Washington Tanker Law invalid based on constitutional grounds involving Federal preemption of State law. While litigation concerning the State law was in progress, tank vessel operators refrained from using vessels exceeding 125,000 DWT in Puget Sound and adjacent waters.

On March 14, 1978 (43 FR 12257, March 23, 1978), the Secretary of Transportation issued an interim navigation rule prohibiting entry of oil tankers in excess of 125,000 DWT into the U.S. waters of Puget Sound east of Discovery Island Light and New Dungeness Light. The rule was issued, pending possible preparation of additional navigation regulations by the Coast Guard, in order to provide a continuing scheme for controlling vessel

operation in Puget Sound and to avert a reduction in environmental protection. The concern that invalidation of the State statute could diminish the effectiveness of the existing scheme for controlling vessel operation (and thus cause a reduction in environmental protection in Puget Sound) necessitated the taking of temporary action to avert this possibility while the Coast Guard examined the necessity for additional regulations.

The Puget Sound VTS regulations were originally issued under the authority of the Ports and Waterways Safety Act of 1972. The Ports and Waterways Safety Act was also cited as the authority for the interim navigation rule. This Act has recently been amended by the Port and Tanker Safety Act of 1978. The amendments provide continuing authority for the Puget Sound VTS regulations, the interim navigation rule, and the regulations proposed by this notice.

Factors Considered by the Coast Guard

It is the purpose of these proposed regulations to provide to the navigable waters of the Puget Sound area and the resources therein a continuing level of protection from environmental harm resulting from vessel or structure damage, destruction or loss. A review of the legislative history of the Washington Tanker Law indicates that the concern underlying passage of that statute was the threat of a massive oil spill which might result from the grounding of a large tank vessel carrying crude oil. It is the scope and degree of the hazards presented by the operation of large tank vessels within this port and waterway configuration that have been the major policy issues considered in proposing these regulations. Due consideration has been given also to the other factors required by statute to be considered in the rule-making deliberative process.

Marine transportation of petroleum in Puget Sound involves both crude oil and petroleum products. There are seven refineries in the area: the Atlantic Richfield Company (ARCO) refinery at Cherry Point with 106,000 barrels per day capacity; the Mobil refinery near Ferndale with a 71,500 barrel per day capacity; the Shell and Texaco refineries at March Point near Anacortes with a capacity of 91,000 and 78,000 barrels per day respectively; the Chevron asphalt refinery at Richmond Beach, with a capacity of 4,500 barrels per day; and the U.S. Oil & Refining Company, Sound Refining Inc. and United Independent Oil Company in Tacoma with capacities of 21,400, 8,500 and 1,000 barrels per day, respectively.

Prior to 1973, the four northern refineries, (ARCO, Mobil, Texaco and Shell) received most of their crude from Canadian supplies via the Trans Mountain Pipe Line. Since that time, Canadian supplies have been reduced gradually, and today all crude is received via tank ship, with the exception of that required by the Chevron refinery. The Chevron refinery operates mainly on residual and distillate feed stocks supplied overland, supplemented by small and infrequent deliveries via tanker. The two southern refineries have always received their crude by tanker.

Historically, fifteen tankers larger than 125,000 deadweight tons (DWT) had entered the Puget Sound area, delivering to the ARCO refinery, before implementation of the State law limiting tank vessel size. The Arco dock, with a water depth of 65 feet at Mean Lower Low Water, has the greatest capacity to accommodate fully loaded vessels of any facility in the region, and can berth vessels of approximately 200,000 DWT. However, prior to the effective date of the Washington Tanker Law, at least two other Puget Sound refiners had under study plans to expand their docks to accommodate tank vessels in excess of 125,000 DWT.

ARCO is also the only refinery in the region capable of using significant quantities of Alaskan North Slope crude stocks. Currently, approximately 18% of the Alaskan oil shipped from Valdez is being delivered to Puget Sound. The U.S. flag vessels that are regularly used to carry crude oil from Valdez to the contiguous 48 States include approximately ten vessels over 125,000 DWT. ARCO has two 189,000 DWT tank ships scheduled for delivery, one in 1979 and the other in 1980. Shell has one 189,000 DWT vessel in service on long-term charter and expects delivery of a second in 1979. The stated intent of both companies in acquiring these vessels was that they be used freely to carry Alaskan oil to United States ports, including Puget Sound.

It would be unrealistic, however, to consider only the United States flag tanker fleet in assessing the potential sizes of vessels that could call at Puget Sound ports. The major Puget Sound refineries, with the exception of ARCO, cannot process significant quantities of Alaskan crude oil, which must by law be carried to U.S. ports in U.S. flag vessels. These refineries were designed and built to use relatively low sulphur crude oil from Canada and California. They are not readily adaptable to the modifications necessary to process the relatively high sulphur content Alaskan crude. Oil from California and Canada is not currently available and the principal supply for these refineries is Indonesia and the Persian Gulf region. Due to economic forces in the world tanker charter market, crude oil feedstocks for these refineries are carried, for the most part, by foreign flag tankers. In 1977, tankers over 125,000 DWT constituted approximately 60% of the total world capacity. Due to economies in operation of the larger vessels versus smaller vessels, it is likely that larger vessels would be employed, within the capacity of the refinery dock facilities to accommodate them.

Additionally, refineries located in the Mid-Western States that could be supplied by a crude oil pipeline from the Puget Sound area would not be able to use Alaskan crude for the same reasons as the Puget Sound refineries. A current proposal for a tanker terminal at Port Angeles includes facilities to accommodate tankers as large as 325,000 DWT. Approval of any proposed pipeline and associated transshipment terminal in the study area has not yet been granted by the several Federal and State agencies from which permits for construction must be obtained.

In developing these proposed regulations, the Coast Guard has considered the risk of environmental harm presented by tank vessels of all sizes. Several studies have been conducted to determine if there exists a direct relationship between tank vessel size and pollution incidents. A study conducted by the Congressional Office of Technology Assessment (OTA) indicated that such a direct relationship exists. This assessment was based on OTA data which indicated that larger tank vessels have a higher casualty rate "per port call" than smaller tank vessels. Analysis of the OTA report by both the Coast Guard and Department of Transportation concludes that the use of port calls as a measure of vessel risk exposure is inappropriate and misleading. Using the data in the OTA report, Coast Guard and Department of Transportation analyses reflect that: (1) For tankers transporting the same amount of oil over the same distance, the number of accidents and spills decreases steadily as tanker size increases (2) comparative overall spill volumes for tankers under 100,000 DWT are about 2½ times greater than for tankers over 100,000 DWT for the same amount of oil transported. However, these conclusions do not take tanker age into consideration. Some studies indicate a strong relationship between spill potential and tanker age. Other studies evaluated by the Coast Guard

and Department of Transportation indicate that the distance traveled in port, number of port transists, and number of cargo transfers, have a much greater correlation to spill risk than does vessel size.

Although the results of available study data are not conclusive, this data does indicate that the use of larger tankers in Puget Sound would result in fewer pollution causing incidents, and the overall spill volume would be equal to or less than the spill volume from smaller tanker operations.

The question of vessel size, however, cannot be adequately considered in isolation from the specific configuration of the waterways and other local conditions prevailing in the Puget Sound region. Although present dock facilities limit the size of tankers to a maximum of about 200,000 DWT, the waterways proper can accommodate virtually the largest vessels existing in the world today. In assessing the scope and degree of the hazards, the Coast Guard sponsored a comprehensive study of the ability of tank vessels to navigate selected passages in the Puget Sound area safely. The study was conducted at the U.S. Maritime Administration's National Maritime Research Center by the Computer Aided Operations Research Facility (CAORF). The study employed off line fast computer time simulation and real time computer simulation using pilots. Safety of navigation of different size tankers was investigated under "worst case" conditions of weather and tidal currents. The ability of tankers to navigate safely under these conditions was examined first with no ship system failure, then with propulsion failure, steering failure, and both propulsion and steering failure simultaneously. The effectiveness of tug assistance to restrain a tanker experiencing failure in manuevering systems and prevent grounding was examined. The report of this study is entitled "An Investigation Into Safety of Passage of Large Tankers in the Puget Sound Area". This report can be obtained from the National Technical Information Service, Springfield, VA; Report No. CG–D–79–78.

Results of the study indicate that tanker size is not a primary factor affecting the ability of tankers to navigate safely the Puget Sound region. Vessels from 40,000 DWT to 400,000 DWT exhibited a nearly equal capability to navigate the selected passages safely without assistance, given full propulsion and steering capability. However, the study indicated that, under the environmental conditions examined, a grounding was almost certain to occur in certain locations should an unassisted tanker experience failure of either propulsion or steering. The study suggested that, under these conditions, assisting tugs could be an effective means of preventing a grounding that would result in a pollution incident.

The CAORF study described above examined primarily the ability of tankers to navigate safely without consideration of the human factor; that is, the effect of human judgment on the ability of a given tanker to navigate safely. A limited amount of "real time" simulation was performed using actual pilots in the CAORF simulator. The results were inconclusive, but seemed to support the findings of a recent Coast Guard analysis of shiphandling and piloting practices in world ports. This analysis focused on ports having extensive experience in accommodating large tankers and suggested that, as tanker sizes increase, there is a point at which it becomes increasingly difficult to determine proper control measures accurately, based solely on visual perception and human judgment. This point varies among individuals but appears to occur in the 100,000 DWT to 200,000 DWT range. Means to enhance and augment visual information available to the person directing the movements of a vessel include such navigational equipment as a pitometer log to measure speed through the water, a Doppler navigation device to depict vessel movement in relation to fixed objects and availability of certain key ship control information (rudder angle, propeller shaft RPM, rate-of-turn, etc.) at all ship control locations.

The total loss of a tanker with the discharge of its entire cargo in the Puget Sound area is extremely remote. However, the grounding of a relatively large tanker would probably result in a discharge of a greater volume of oil than the grounding of a small tanker in the same circumstances. Factors influencing movement of oil spills in the Puget Sound area are extremely complex. However, studies by the National Oceanic and Atmospheric Administration and others indicate that it would be unrealistic to expect that effects of a large spill would be localized.

The value of the Puget Sound area to the general welfare, economic stability and liveability of the western Washington region is extremely high. Commercial and sport fishing, waterfowl hunting, recreational boating and tourism contribute hundreds of millions of dollars annually to the region's economy. Additionally, the shoreline areas of the region are used extensively for other recreational purposes. The marine waters in nearly all the region are classified by the Washington Department of Ecology, pursuant to U.S. Environmental Protection Agency requirements, as "extraordinary," the highest quality classification.

The Puget Sound area is also an important regional petroleum processing and distribution center. The refineries located in the area supply petroleum products to parts of Oregon, Idaho, Montana, Alaska and California in addition to all of Washington State. An evaluation of the economic impact of these regulations was conducted in connection with the Environmental Impact Statement for the regulations. This evaluation indicated that the effects of removing the 125,000 DWT size limit on tankers, including consideration of cost attributable to the proposed regulations, would mean a possible net savings of from $13 to $19 million annually. There is, therefore, a significant national energy transportation and economic interest that must be considered.

The proposed regulatory requirements attempt to address reasonable risk reduction in the operation of tank vessels of all sizes as a responsible balancing of the many competing and conflicting interests. But despite the tendency of studies to indicate that regulated and constrained operation of larger tankers presents the preferred environmental risk, it is considered reasonable to continue the 125,000 deadweight ton size limitation while evaluating operating experience with these proposed regulations and the effectiveness of other regulatory and navigational schemes in reducing risk of tanker spills.

Examination of the issues in connection with this rulemaking has indicated the desirability of several changes to the Puget Sound VTS regulations not directly related to the operation of tank vessels. These changes, which are incorporated in the proposed amendments to 33 CFR Part 161 below, include: expansion of the VTS Area to include all the navigable waters of the United States within Haro Strait; realignment of the Puget Sound Traffic Separation Schemes (TSS) Precautionary Area "SA" to Precautionary Area "T"; a requirement for all ferry vessels to report their movements to the VTC regardless of time of day or visibility conditions; extension of applicability of the Communication Rules to include small passenger carrying vessels, less than 100

gross tons, carrying more than six passengers; and measures to control the damaging effects of vessel wakes.

Discussion of the Proposed Regulations

The advance notice of proposed rulemaking requested comments and suggestions from interested parties concerning the possible approaches the Coast Guard could take in this rulemaking. One-hundred persons submitted written comments for consideration. Additionally, eighty-nine persons submitted comments in response to the interim navigation rule and its extension. A Public hearing was held in Seattle on April 20 and 21, 1978 to receive comments and suggestions. Forty-two persons made statements at the hearing. Full consideration has been given to all comments received, insofar as they relate to matters within the scope of the rulemaking.

By far the greatest number of comments concerned a size limit for tankers entering the Puget Sound area. One-hundred eighty-nine persons supported a maximum size limit, the majority endorsing the 125,000 DWT limit which originated in State law and which has been continued by the Federal interim navigation rule. Thirty-six persons opposed a size limit.

It is apparent that a limitation on tanker size continues to be an exceedingly difficult question to resolve. The sensitivity of the issue is heightened by its complexity, and the complexity is increased by the inability of current studies to establish conclusively whether the risks are reduced by the operation of large or smaller vessels, by the uncertainty in determining if or when large becomes too large, and by the difficulty of reducing acceptable risk to absolute terms in any case. Complexity also relates to efforts to balance local interest against the national interest, energy needs against environmental concerns, and transportation economies against the staggering cleanup costs associated with high volume spills.

It is unlikely that further study of available data can yield more definitive bases for either sustaining or eliminating the tank vessel size limitation. But future events and factors may reduce the complexity of the question to more manageable proportions or tilt the balance to permit a more confident decision. A crude oil pipeline and associated terminal to service mid-western states and local refineries for example, could presumably reduce the need for VLCC operation in Puget Sound. Completion of the current Puget Sound Vessel Traffic Service radar expansion project will enhance its capabilities to contribute to safer vessel operation. Experience will be gained with the requirements and limitations which these regulations contemplate, and time will permit evaluation of the effectiveness of other requirements developed for the safe operation of larger tank vessels. In that regard and in recognition of the significance of human judgment in vessel operations, experience in several world ports suggests the desirability of multiple pilots for the movement of very large vessels. Foreign experience also demonstrates the wisdom of additional ship handling training. Development of emergency ship handling simulator training programs could add another dimension to the safe operation of very large vessels in the Puget Sound. 10

Thirty-nine commenters supported the alternative of requiring tug assistance or escort of large tankers; two commenters opposed such a requirement. The Coast Guard agrees that tug "assistance" and "escort" requirements can be of material value in the Puget Sound area to prevent or mitigate the effects of a tanker grounding. In strict terms, "escort" is considered to mean "accompanying" a tanker, with no connection in the way of lines or hawsers between the two. This concept is adopted in the proposed regulations for the relatively open and less restricted areas in the study region. It is the judgment of the Coast Guard, however, that in the event of loss of propulsion or steering in most passages in the area, insufficient time would be available for lines to be made up between tanker and tug and for the tug to begin to exert a restraining force and be of value in preventing a casualty. For these passages, the proposed regulations adopt the concept of tug "assistance," defined to mean tugs directly connected to the tanker at all times.

Fourteen commenters supported imposing speed limits on large tankers; one commenter opposed speed limits. The tug assistance requirements of the proposed regulations have the effect of limiting the speed of tankers in certain passages. Also, § 161.157 requires that all vessels proceed at a speed consistent with minimizing wake damage.

Twenty-five commenters supported additional pilotage requirements in the Puget Sound area. There were no comments received in opposition to such a requirement. While the Coast Guard agrees that effectiveness of human judgment in directing the movements of tankers may be the single greatest factor in reducing the risk of tanker casualties in the area, additional pilot requirements are considered unnecessary for the size tank vessels addressed by these regulations.

Five comments were received concerning establishment of minimum keel or bottom clearance for large tankers. Of these comments, four were in opposition to such a requirement. One substantive comment in opposition argued that "The depth of the water itself is the restrictive factor for safe vessel transit." While agreeing generally with this assertion, the Coast Guard does not believe that it necessarily follows that bottom clearance standards are without value. Factors that can diminish at-rest bottom clearance under actual operating conditions include such things as water level, water density, squat, trim, list, heel in turns and wave action effects. The three foot minimum "net bottom clearance" requirement of the proposed regulations follows the recommendations for rocky bottom channels of the Permanent International Association of Navigation Congresses (PIANC) in their paper "Big Tankers and their Reception" (1974). Three feet is also the design criterion for bottom clearance adopted by the U.S. Army Corps of Engineers for rocky bottom channels.

Eight commenters suggested establishing restrictions on the movement of tank vessels during time of hazardous conditions. No comments were received in opposition. The "hazardous condition" most frequently specified by commenters was adverse weather conditions, such as limited visibility and high winds. The Coast Guard agrees that movements of large tankers under such adverse circumstances increases the risk of casualties. The CAORF study concludes that, under certain combinations of vessel speed restrictions and high winds from certain directions, loss of directional control of tankers with almost certain probability of grounding is unavoidable in confined waters. Generally, this condition occurs when a fully laden tanker experiences quartering winds in excess of ten times the vessel's speed through the water. Wind speeds even approaching these conditions require such extreme application of rudder and propulsion forces to maintain directional control that the ability of the vessel to maneuver to windward is severely impaired. The proposed regulations adopt limits on the movement of tankers during high wind conditions intended to avert this possibility.

Nine commenters supported the alternative of limiting or controlling the time of entry into, movement within or departure from the Puget Sound area.

Five commenters opposed such requirements. Most commenters supporting the alternative suggested that movements be limited to daylight hours. The Coast Guard does not agree that "daylight hours only" operation will improve navigation safety within the area. There are no historic accident data indicating that nighttime tank vessel operations are more likely to result in vessel casualties.

Three commenters suggested that additional navigation equipment be required for tankers. The Coast Guard agrees that additional equipment can be valuable in assisting the person directing the movement of a tanker to judge his required actions accurately. The proposed regulations adopt requirements for equipment which world-wide experience has shown can be effective for this purpose. Additionally, it should be noted that the Coast Guard announced in the Federal Register for July 24, 1978 (43 FR 32112) a requirement for a second marine radar in addition to the radar required by 33 CFR 164.35(a) for vessels of 10,000 gross tons or more. This requirement is effective June 1, 1979. Concerning collision avoidance systems to augment these two radar systems, the Port and Tanker Safety Act of 1978 requires that all tank vessels of 10,000 gross tons and above which carry oil or hazardous materials in bulk be equipped with electronic relative motion analyzer equipment meeting specifications established by the United States Maritime Administration. This requirement is effective July 1, 1982 or such earlier date as agreed to internationally and accepted by the United States. The Coast Guard is participating in an Intergovernmental Maritime Consultative Organization (IMCO) proceeding which will consider this matter.

Two commenters suggested the Coast Guard consider the requirement for an English speaking or understanding person among the crew of a large tanker. Section 9(a)(7) of Sec. 2 of the recently enacted Port and Tanker Safety Act of 1978 requires that "No vessel, subject to the provisions of Section 4417a of the Revised Statutes as amended, shall operate in the navigable waters of the United States * * * if such vessel, while underway, does not have at least one licensed deck officer on the navigation bridge who is capable of clearly understanding English."

Nine commenters suggested that regulations under consideration be extended to encompass the entire Strait of Juan de Fuca to Cape Flattery. In partial agreement with these suggestions, proposed regulations have been extended beyond the area described in the advance notice to include the entire Vessel Traffic Service Area. In addition, proposed § 161.180 expands the VTS Area to include all navigable waters of the United States in Haro Strait and its southern approaches.

Concerning a related matter, thirty-five commenters suggested extension or improvement of the existing Puget Sound Vessel Traffic Service (VTS). These regulations proposed that the VTS Area be extended to include all the navigable waters of the United States within Haro Strait. Also, the Coast Guard has implemented a program to improve current radar surveillanceand to expand radar surveillance to include the entire Strait of Juan de Fuca, the southern portion of the Strait of Georgia, Rosario Strait, Admiralty Inlet and Puget Sound south to Vashon Island. These improvements are designed to be compatible with United States/Candian plans for future joint control of vessel traffic in the area.

Twenty commenters suggested the Coast Guard require large tankers operating in the Puget Sound area to possess special design and construction features such as double-bottom construction, clean ballast tanks, segregated ballast tanks, twin propellers, twin rudders, etc. Regulation of design, construction or maintenance of tankers is not addressed in this rulemaking proposal. The Coast Guard has consistently taken the position that regulation of vessels design and construction should not be predicated on regional or local conditions, as to do so would impair the existing national scheme of design and construction standards and jeopardize coordination of national standards with those recognized by the international maritime community. It is the Coast Guard's intention to move as expeditiously as possible toward adoption and implementation of the results of the recent International Conference on Tanker Safety and Pollution Prevention (TSPP). Proposed Federal regulations incorporating these design and construction standards developed by the Conference were published on 12 February 1979 (44 FR 8984) under authority of the Port and Tanker Safety Act.

One commenter forwarded a "White Paper" prepared by the Congressional Office of Techonology Assessment (OTA), suggesting that tanker size-pollution casualty rate probabilities developed in the paper be considered by the Coast Guard.

The paper, a continuation of a previous OTA study entitled "An Analysis of Oil Tanker Casualties, 1969–1974", concludes that a direct relationship exists between tanker size and the probability of a pollution causing incident "per port call."

The Coast Guard believes that serious questions must be raised concerning the methodology used for this paper. Several problems occur in the usage of the raw data, such as the inappropriate use of "port calls as a measure of vessel exposure and the failure to differentiate between small and catastrophic spills. The problems caused by such a technique are recognized by OTA in previous studies, but are ignored in the "White Paper". Other problem areas involve misleading headings on graphs and tables, the absence of any modifying data to account for voyage frequency or tanker usage rate by class size, and lack of any data for operational discharges (approximately 80% of total spillage per year worldwide).

For the reasons noted above, analyses perfomed by both the Coast Guard and the Department of Transportation consider the current OTA studies, purporting to show a direct relationship between vessel size and the risk of a pollution caualty incident, inappropriate and misleading.

One commenter suggested that the Coast Guard is obligated in this proposed rulemaking to observe the requirement of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456) that Federal activities affecting the coastal zone of a State be consistent with the goals and policies of that State's coastal zone program. The Coast Guard believes that implementation of the proposed regulations will be supportive rather than conflicting with explicit policies of the State of Washington. Coast Guard activities significantly affecting the coastal zone of states with approved management programs will be fully consistent, to the maximum extent practicable, with such programs unless compliance is prohibited based upon the requirements of existing law applicable to the Coast Guard's operations.

Specific Discussion of Proposed Regulations

Proposed § 161.101(c)(5). This proposal would amend applicability of the Puget Sound VTS regulations to include small passenger vessels inspected under Subchapter "T" of Title 46, Code of Federal Regulations, certificated to carry more than six passengers. There are many small

passenger vessels of less than 100 gross tons operating in the Puget Sound area which carry up to 496 passengers on harbor tours and excursions to nearby points. Compliance with this proposed amendment would require that all small passenger vessels carrying more than six passengers have the radiotelephone equipment necessary to comply with the reporting requirements of §§ 161.128, 161.131 and 161.142. These vessels are presently required to have radiotelephone equipment installed as a condition of certification. Modification of this equipment to include the VTS frequency may in most cases be very simple; in others, additional equipment may be necessary.

Proposed Section 161.101(d). The proposed regulations are applicable to all tank vessels of 40,000 deadweight tons or greater carrying oil or hazardous substances in bulk. "Hazardous Substances" are defined in §161.103(b) as those described by the Environmental Protection Agency in 40 CFR Part 116. It should be noted that, within this general applicability framework, specific applicability of different sections varies. For instance, the Equipment Requirements of proposed § 161.144(b) apply to tank vessels of 100,000 deadweight tons or above.

Proposed § 161.105(f). This proposed amendment would include the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) among the applicable laws or regulations not affected by the Puget Sound VTS regulations. The 72 COLREGS apply in a portion of the Puget Sound VTS Area.

Proposed § 161.107(a). This proposed revision would clarify the authority of the Vessel Traffic Center to control and supervise, under specified conditions, the movements of vessels operating anywhere in the VTS Area.

Proposed § 161.122(b). This proposed amendment would require that tank vessels of 40,000 deadweight tons or greater be equipped with two VHF–FM radiotelephones, one of which must be battery powered. Both radiotelephones must be capable of operating on the designated VTS frequency. One of the radiotelephones may be that which is installed in compliance with the Vessel Bridge-to-Bridge Radiotelephone Regulations (33 CFR Part 26). The battery powered radiotelephone may be the hand-held portable type routinely used by pilots.

Proposed § 161.130. This proposed amendment would require that tank vessels of 40,000 DWT or above report sufficient information to enable the VTC to determine if the vessel is in compliance with the tank vessel rules, contained in proposed §§ 161.143 to 161.146.

Proposed § 161.135(a). This proposed amendment would require that the VTC be promptly notified of any failure, casualty or impairment of ship systems critical to the safe navigation of the ship.

Proposed § 161.136(a). Partial exemption from the reporting requirements of the Puget Sound VTS regulations is granted ferry vessels in present § 161.136(a). The original reason for this partial exemption was that these vessels operate on published schedules, and for the most part, on routes which cross the TSS. It was therefore assumed that repeated transmission of the information required for reporting movements by each ferry would be unnecessary. Experience has shown that, although the ferry schedules are indeed quite reliable deviations from the scheduled movements are frequent enough that information about ferry movements is unacceptably incomplete. At least one near collision involving a ferry vessel and a tank vessel can be attributed in part to the VTC's lack of knowledge about the ferry's movements. In proposed § 161.136(a), continued recognition is given the repetitive nature of ferry movements by requiring an abbreviated reporting procedure.

Proposed § 161.143(a). This amendment would continue the prohibition on tank vessels over 125,000 DWT, now contained in the Puget Sound Interim Navigation Rule.

Proposed § 161.143(b). This amendment would prohibit the movement of tank vessels of 40,000 deadweight tons or above through Rosaio Strait, Haro Strait, Gumes Channel, Bellingham Channel, Admiralty Inlet and Puget Sound when winds exceed or are predicted to exceed 40 knots as reported by the VTC. The CAORF study sponsored by the Coast Guard concludes that vessel maneuverability becomes marginal as wind velocity from certain directions relative to the vessel approaches ten times the vessel's speed through the water. Since vessel speed through these areas will in effect be limited by the tug assistance requirements of proposed § 161.146, it is considered imprudent to permit transit of these areas when winds exceed 40 knots. Available information indicates that this condition exists approximately two percent of the time.

Proposed § 161.143(c). The requirement of this proposed amendment to keep to the center of a one-way channel or right inside quarter of a two-way channel whenever safe and practicable under existing circumstances is intended to provide the greatest safety margin possible for vessels transfer during emergency stopping or maneuvering.

Proposed § 161.143(d). This amendment would require a minimum "net bottom clearance" of three feet at all times. The reason for adopting this standard, sometimes referred to as "keel clearance", is discussed in the above analysis of comments received in response to the advance notice. Compliance with this requirement would mean maintining a clearance between the bottom of a tank vessel and the bottom of a channel of at least three feet at all times, making allowance for such things as water level or state of the tide, water density, squat (the tendency of a vessel to sink lower into the water when in motion and in proximity to the bottom), trim, list, heel of the vessel in a turn and wave action effects.

Proposed § 161.144. This amendment would require several items of navigation safety equipment in addition to that equipment presently required by § 164.35 of the Navigation Safety Regulations. The effective date of this section has been deferred for six months so as to permit reasonable time for compliance. This equipment would be required as a condition of entry into the Puget Sound area for tank vessels. The requirements of § 161.144(a) for a "means of instantaneously determining ship speed through the water", which can be a pitometer log or equivalent instrument, would apply to all vessels of 40,000 DWT or greater. The requirements of § 161.144(b)–§ 161.144(d) would apply to vessels of 100,000 DWT or greater. Rudder angle indicator and propeller shaft RPM indicator are commonly installed items of ship control equipment in most vessels. The rate of turn indicator and Doppler sonar speed log are less common. Information from all these systems must be available to the person directing the movements of the vessel at the main steering station of the vessel, and information from gyrocompass, shaft RPM indicator and rudder angle indicator must be available on the bridge wings.

Proposed § 161.145. This amendment would require that all tank vessels of 40,000 DWT or above operating within certain defined sections of the Puget Sound VTS Area be "assisted" or "escorted" by tugs of a minimum power determined by applying the criteria of the proposed regulations. "Tug assistance" is defined in proposed § 161.103(h) as "* * * tug or tugs * * * physically connected to the vessel in

such a manner as to be capable of applying required forces with minimum time delay." "Tug Escort" is defined in proposed § 161.103(i) as "* * * Tug or tugs * * * accompany the vessel and be immediately available to be connected to the vessel to provide assistance as required." "Tug Assistance" would be required in Rosario Strait, Bellingham Channel, Guemes Channel, Haro Strait, Admiralty Linlet—Puget Sound and connecting waters and Port Angeles. Either "Tug Escort" or "Tug Assistance" would be required in all other specified sections of the VTS Area.

The intent of this proposed section is to ensure that sufficient tug forces be provided to prevent a disabled tank vessel from grounding. The astern static bollard pull force proposed in § 161.145(b) would provide sufficient braking forces to stop vessel movement through the water within limits of safe navigability by applying a backing force in a direction opposite to the vessel's heading and parallel to its centerline. The ahead static bollard pull force proposed in § 161.145(a) would provide tug forces capable of towing a vessel against the maximum currents that may normally be expected within the VTS area.

Normally it is expected that the "tug escort" bollard pull requirements of § 161.145(a) for a given vessel would be met more than adequately by the tug or tugs employed to meet the "assistance" requirements of § 161.145(b) for the intended route of the vessel. It is possible under certain conditions of loading the tug escort requirement will be the governing factor.

Displacement tons is used as the standard of applicability in § 161.145(b) rather than gross tons, net tons or deadweight tons. Use of displacement tons permits a degree of flexibility for vessels transiting the area when not fully loaded. In considering the requirements for tug escort and assistance, the momentum of the vessel and cargo governs the restraining force necessary to prevent grounding. Momentum is the product of mass and velocity. The mass of water displaced by the vessel is the approximate inertial mass of the vessel and its cargo. Compliance with the proposed regulations would, therefore, require that the matter of a tank vessel compute the displacement tonnage prior to the vessel entering or getting underway within the VTS Area. The information necessary to make this computation is required aboard all tank vessels for other purposes and should be readily available.

The formula prescribed in § 161.145(b) for determining required tug assistance bollard pull forces is based on the simple physical relationship that, in order to stop a weight, "D", moving at a velocity, "V", within a given distance of travel, "T", "g" being the acceleration of gravity; a force, "F", is required:

$$F = \frac{DV^2}{2gT}$$

To account for other factors such as the additional dynamically varying forces of friction and the delay time in applying the restraining force, a factor of .75 was selected, based on analysis of CAORF study data. Use of this factor results in a reduction of the force "F" requirement. Given an allowable transfer distance to an obstruction or shoal area, "Tr", the distance traveled was assumed for purposes of simplification to be along a circular arc such that

$$T = \frac{\pi}{2}$$

Finally, the factor "K" incorporates conversion factors to account for the different units (e.g. knots, feet, tons, pounds) used in the equation, and the acceleration of gravity. The final relationship is then:

$$F = KDV^2$$

where "k" is a unique value for each allowable transfer, and:

$$K = \frac{47.433}{Tr}$$

It is recognized that the foregoing formulas, designed to be readily used by the pilot or master, are simplifications of a very complex system of forces acting on a vessel. Since the best mathematical formulation embracing all the inertia, hydrodynamic, and aerodynamic forces acting on a vessel is so complex that it can be solved only as a step function on a large computer, the service of CAORF were engaged to make a large number of simulated runs to determine advance and transfer under various conditions. The foregoing simplied formulas, which are in terms of variables which have physical significance to the ship master and pilot, have been adjusted through the use of the 0.75 factor to reflect safe practice as deduced from detailed analysis of the CAORF data.

Since the displacement tonnage, "D", will be constant for that particular voyage, the maximum assisting tug force, "F", may be caluclated by determining the maximum desired vessel speed through transit areas represented by the largest "K" factor. Once tugs have been assigned, allowable speeds for different transit areas may readily be determined for each value of "K" by mathematical calculation or by reference to graphs 161.143(a) through 161.143(h). Additional information concerning the derivation of these formulas may be obtained from: Commandent (G–WLE), U.S. Coast Guard, 400 Seventh Street, SW., Washington, D.C. 20590.

Under exisitng § 161.109, approval of alternative means of compliance with the tug assistance requirements of proposed § 161.145(b) may be granted. The Coast Guard has conducted experiments using a large tug made up in a pushing/steering configuration against the transom stern of a 120,000 DWT tanker. In these experiments, the tug was able to effectively control the tanker at speeds up to six knots under conditions of simulated loss of propulsion and rudder failure at hard left (30°). At six knots, the tug was able to limit total transfer of the tank ship to approximately 1,500 feet, restoring the ship to its original heading. The tug was also effective in working to turn the vessel as quickly as possible to a course 180° opposite to its original course, with a total transfer at six knots of 2,400 feet and at eight knots of 2,700 feet. The report of these experiments is available from the National Technical Information Service, Springfield, Va. Report No. CC–W–1–79. It should be noted that tugs of unconventional design, capable of exerting greater directional forces than conventional designs, seem to offer great promise in assistance of large vessels. Any proposal of alternative compliance using such tugs will be given full consideration by the Coast Guard.

Proposed § 161.145(d). This amendment requires that sufficient tug assistance forces be available to compensate for minimum vessel speeds considered necessary to maintain adequate maneuverability under prevailing wind conditions. (See comments under "Proposed § 161.143(a)" for further explanation of wind effect.)

Proposed § 161.157. This amendment is proposed to prevent bank erosion, property damage, and water pollution resulting from breaks in cargo transfer lines from vessel surges caused by the wake of a passing vessel. The Coast Guard has received many complaints of wake damage in the areas covered by this section. Incidents of wake damage have usually been experienced during periods when the tide exceeds a stage of 11.0 feet at Seattle, Washington.

Proposed § 161.174(a)(4). The purpose of this revision is to add the equipment required by proposed § 161.144 and other critical ship control information systems to the list of systems and equipment that must be functionally

unimpaired prior to a vessel entering Rosario Strait.

Proposed § 161.174(b). This revision would require that tank vessels of 75,000 deadweight tons and above not enter Rosario Strait unless permission is granted by the VTC. The present standard procedure of the VTC is to permit only one way traffic in Rosario Strait when movements of vessels of 75,000 deadweight tons or above take place. The VTC will exercise discretionary authority to insure that entry of a tank vessel of 75,000 deadweight tons or larger into Rosario Strait will not result in development of a meeting or overtaking situation involving that vessel and another deep draft vessel.

Proposed § 161.180. This amendment would extend the Puget Sound VTS Area to include all of the navigable waters of the United States located within Haro Strait. This extension includes the channel through Haro Strait used by deep draft vessels transiting the area. This amendment would provide additional protection against property damage and environmental harm to the area by extending VTS coverage and compliance with VTS rules. This amendment would eliminate any use of Haro Strait by deep draft tank vessels strictly as a means of avoiding the Puget Sound VTS Tank Vessel Rules.

Proposed Sections 161.183 and 161.187. These proposed amendments are changes to the TSS and Precautionary Areas from Precautionary Area "SA"; relocation on buoy "SB" closer to Marrowstone Point; relocation of buoy "SC" to a position due west of Bush Point; relocation of buoy "SD" to a position northwest of its current location; relocation of buoy "SE" to a position east of its current position; elimination of buoy "SF"; relocation of buoy "SG" further to the north; and relocation of buoy "T" to a position west of Alki Point. The desired results of these changes are to provide additional safety for the heavy traffic flows which intersect in the area of Admiralty Inlet; allow slower commercial vessels to take advantage of current effects in the Marrowstone Island and Double Bluff areas; reduce wake damage from deep draft vessels in the Point No Point area; straighten the lanes south of Point No Point; reduce conflict between sailboat and commercial traffic by providing additional clearance from shore in the Meadow Point area; and relocate Precautionary Area "T" to better accommodate the Washington State Ferries (Bremerton/Seattle).

Environmental Impact Statement

A Draft Environmental Impact Statement (DEIS) concerning this proposal has been prepared. However due to printing delays the DEIS is not expected to be available for distribution until late April 1979.

Comments and suggestions concerning the DEIS are solicited from interested parties and may be submitted in writing or made at the public hearings scheduled on this proposed rulemaking. The Draft statement will be available for review by interested state and local governmental agencies from the State and Areawide Clearinghouses established by Office of Management and Budget Circular No. A–95 (Revised.). Copies of the Draft Statement may otherwise be requested by interested parties from: Commandant (G–WLE/73), (Puget Sound Tank Vessel Operations), U.S. Coast Guard, Washington, D.C. 20590.

Summary of Regulatory Evaluation

This proposed rulemaking has been reviewed for economic effects under Deparetment of Transportation Regulatory Policies and Procedures published February 26, 1979 (44 FR 11034). The Coast Guard estimates that their are approximately sixty-eight U.S. and one-thousand two hundred forty-eight foreign flag tank vessels between 40,000 and 125,000 deadweight tons which could be affected by this proposed rulemaking; and approximately eight U.S. and two hundred thirty-two foreign flag tank vessels between 100,000 and 125,000 deadweight tons that could theoretically be affected by the proposed additional navigation equipment requirements. Of the total number of foreign vessels theoretically affected, it is estimated that less than one-half would actually enter the Puget Sound area.

The most significant economic impact associated with this proposed rulemaking would be the increase in cargo transportation costs resulting from the prohibition of tank vessels larger than 125,000 deadweight tons. Assuming the Puget Sound regional refinery throughput at about 325,000 barrels per day, 365 days per year, the annual transportation cost for crude oil only would be approximately $74.4 million without a tanker size limit and $101 million with a tanker size limit.

The cost per year of these proposed regulations, in aggregate, is estimated at approximately $4.2 million with a size limit and $11.6 million without a size limit. If this cost is added to the cost of crude petroleum transportation the total would be approximately $86 million without a size limit and $105 million with a size limit.

If there were no size limit, the Mobil, Shell and Texaco refineries would probably complete dredging and other facility improvements to accomodate vessel larger than 125,000 DWT. Total cost for these improvements is estimated at approximately $54 million. Assuming a ten percent interest rate for capital funds over a twenty year period, the annualized estimated cost for these improvements would be $6.4 million. Adding facility improvement costs to annual transportation costs would increase costs to approximately $92 million without a size limit.

Annual crude oil transportation costs under a regulatory scheme similar to that presently in effect in the area are estimated at approximately $102 million.

If no special regulations for tanker operations were imposed, annual crude oil transportation costs would be approximately $81 million.

An "Evaluation" of these regulations is filled in the public docket (CGD 78–041). Copies of this Evaluation may be requested from: Commandant (G–WLE–73) U.S. Coast Guard, Washington, D.C. 20590.

In consideration of the foregoing, it is proposed that Part 161 of Title 33 of the Code of Federal Regulations be amended as follows:

1. By adding new §§ 161.101(c)(5) and (d) to read as follows:

§ 161.101 Purpose and applicability.

* * * * *

(c) * * *

(5) Each small passenger carrying vessel certificated in accordance with 46 CFR Part 175 through 185 (Subchapter T) when carrying more than six passengers.

(d) The Tank Vessel Rules in §§ 161.143–161.146 apply to all tank vessels of 40,000 deadweight tons or above carrying oil or other hazardous substances as cargo.

2. By revision § 161.103 to read as follows:

§ 161.103 Definitions.

As used in § 161.101 through § 161.189—

(a) "Displacement ton" means the weight of water displaced by a vessel expressed in tons of 2240 pounds.

(b) "ETA" means estimated time of arrival.

(c) "Hazardous Substances" are those substances, other than oil, designated by the Environmental Protection Agency in 40 CFR Part 116.

(d) "Net bottom clearance" means the minimum distance between any portion

of the hull of the vessel and the ground, at any time.

(e) "Oil" means oil of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil.

(f) "Person" includes an individual, firm, corporation, association, partnership, and governmental entity.

(g) "Precautionary Area" means an area of the TSS at the entrance of one or more traffic lanes where vessel traffic converges from two or more directions.

(h) "Tanker" or "Tank Vessel" means any vessel especially constructed or converted to carry oil or other hazardous substances in bulk in the cargo spaces.

(i) "Tug Assistance" means a tug or tugs are physically connected to a vessel in such a manner as to be capable of applying required forces with minimum time delay.

(j) "Tug Escort" means that a tug or tugs are accompanying a vessel and are immediately available to be connected to the vessel to provide assistance as required.

(k) "Separation Zone" means an area of the TSS that is located between two traffic lanes to keep vessels proceeding in opposite directions a safe distance apart.

(l) "Static bollard pull" means the force in pounds that a vessel is capable of exerting against a stationary object. Astern force means the tug is backing; ahead force means the tug is moving ahead.

(m) "Traffic lane" means an area of the TSS in which all vessels ordinarily proceed in the same direction.

(n) "Traffic Separation Scheme" (TSS) means the network of traffic lanes, separation zones, and precautionary areas in the VTS Area.

(o) "Vessel Traffic Center" (VTC) means the shore based facility that operates the Puget Sound Vessel Traffic Service.

(p) "Vessel Traffic Service Area" (VTS Area) means the area described in § 161.180.

3. By revising § 161.105(f) and adding a new § 161.105(g) to read as follows:

§ 161.105 Laws and regulations not affected.

* * * * *

(f) International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS).

(g) Any other applicable laws or regulations.

4. By revising § 161.107(a) to read as follows:

§ 161.107 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions to control and supervise traffic, and may specify times when vessels may enter, move within or through, or department from ports, harbors, or other waters in the VTS Area.

* * * * *

5. By designating the existing text in § 161.122 as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 161.122 Radiotelephone equipment.

* * * * *

(b) Vessels subject to the Tank Vessel Rules in §§ 161.143–161.146 must be equipped with at least two radiotelephones, each capable of communicating on the designated VTS frequency and with assisting tug boats. One of the required radiotelephones must be capable of battery operation.

6. By revising § 161.128(f) to read as follows:

§ 161.128 Initial Report.

* * * * *

(f) Anticipated vessel speed in knots while in the VTS Area.

* * * * *

7. By adding a new § 161.130 to read as follows:

§ 161.130 Tank vessel reports.

When the report required by § 161.128 is made, the following additional information must be reported to the VTC for each tank vessel of 40,000 deadweight tons or above:

(a) The deadweight tonnage and the displacement tonnage at which the vessel is operating.

(b) The name of each assisting or escorting tug.

(c) The ahead and astern static bollard pull force in pounds of each tug, provided this information has not previously been filed with the VTC. If the information has been previously filed with the VTC, this fact must be reported.

(d) The maximum draft at which the vessel is operating.

8. By revising § 161.135(a) to read as follows:

§ 161.135 Report of impairment to the operation of the vessel.

* * * * *

(a) Any condition on the vessel that may impair its navigation such as fire or defective propulsion machinery, steering equipment, radar, gyrocompass, echo depth sounding device, communications equipment or any defect in the equipment required by § 161.144.

* * * * *

9. By revising § 161.136(a) to read as follows:

§ 161.136 Ferry vessels.

(a) A ferry vessel operating in the VTS Area on a schedule and a route that crosses the TSS, both of which have been previously furnished to the VTC, need not comply with §§ 161.128, 161.131 and 161.142. However, each ferry vessel must report the following information to the VTC within five minutes of each departure from a ferry terminal:

(1) The name of the ferry vessel.

(2) Time and point of departure of the ferry vessel.

(3) Destination of the ferry vessel.

* * * * *

10. By adding new §§ 161.143 thru 161.146 under a center heading to read as follows:

Tank Vessel Rules

§ 161.143 Navigation requirements.

(a) Tank vessels larger than 125,000 deadweight tons bound for a port or place in the United States may not operate in the VTS area described in section 161.180.

(b) Tank vessels of 40,000 deadweight tons or above shall not transit the waters bounded by latitudes 48°24'N and 48°48'N and longitudes 122°26'W and 123°17'W, or the waters of Puget Sound and connecting waters lying south and east of a straight line between Point Partridge and Point Wilson at the entrance to Admiralty Inlet, or the waters of Port Angeles west of a line drawn in the direction of 150° true from Ediz Hook Light (Light List number 2248) to the shore, if the prevailing winds exceed 40 knots, or if winds are predicted by the VTC to exceed 40 knots, during the vessels transit, unless specifically authorized by the VTC.

(c) When transiting the areas described in paragraph (a) of this section, tank vessels shall be navigated as close to the centerline of a one-way traffic channel, or to the right inside quarter of a two-way traffic channel, as is safe and practicable under existing circumstances, unless otherwise directed by the VTC.

(d) All tank vessels must have a minimum net bottom clearance of three feet. Factors to be considered in determining net bottom clearance include the topography over which the vessel is operating, water density, and the effects of sea state, vessel speed and maneuvers.

§ 161.144 Equipment requirements.

(a) The navigating bridge of each tank vessel of 40,000 deadweight tons or above must be equipped with a device capable of determining instantaneously the speed of the vessel through the water.

(b) All tank vessels of 100,000 deadweight tons or above must, in addition to the equipment required by 33 CFR 164.35, be equipped with: a rate of turn indicator graduated in degrees per minute; a propeller shaft RPM indicator; and a Doppler sonic navigation device capable of registering fore, aft, and athwartship vessel movement.

(c) Each of the devices required by paragraph (b) of this section must have readouts capable of being read from the main steering station.

(d) The port and starboard navigating bridge wings of each vessel specified in paragraph (b) of this section must be equipped with repeaters to indicate the vessel's true heading, propeller shaft RPM and rudder angle.

(e) The requirements of this section are effective [six months from effective date].

§ 161.145 Tug escort and tug assistance requirements.

(a) Each tank vessel operating within the VTS area east of a line extending from Discovery Island Light (Light List Number 2246) south to New Dungeness Light (Light List Number 2256), must have tug escort or tug assistance capable of providing a total ahead static bollard pull in pounds equal to not less than one-half of the tank vessel's deadweight tonnage (measured in tons of 2240 pounds).

(b) Each tank vessel operating in the waters described in § 161.143(b) must have tug assistance capable of providing a total astern static bollard pull in pounds sufficient to stop the advance and transfer of the vessel through the water within an area of safe navigation. Tug assistance requirements shall be determined by use of the formula $F=KDV^2$, where:

F = Total static astern bollard pull of the assisting tugs in lbs.
V = Vessel speed through the water in knots.
D = Vessel displacement tonnage, actual.
K = Factor applying to area traversed. (see Table 161.146(a).)

When F is a known constant, ship's speed may be adjusted for the area being transitted by use of the formula $V=\sqrt{\frac{F}{KD}}$ or by reference to Graphs 161.146 (a) through (h).

(c) Tug assistance requirements must be based on a vessel speed through the water equal to or greater than 15% of the prevailing wind speed. Additionally, for prevailing wind speeds of 30 knots and greater, tug assistance requirements must be based on a ship speed through the water of not less than six knots.

11. By adding a new § 161.157 to read as follows:

§ 161.157 Vessel speed and wake control.

Upon receipt of an advisory from the VTC that the tide exceeds a stage of 11.0 feet at Seattle, all vessels operating in the waters of the VTS Area south and east of a line drawn between Point Wilson and Davidson Rocks in the Strait of Juan de Fuca must proceed at a speed that will produce minimum wake consistent with maintaining ability to maneuver safely.

12. By revising § 161.174(a)(4) and (b) to read as follows:

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§ 161.174 Entering Rosario Strait.

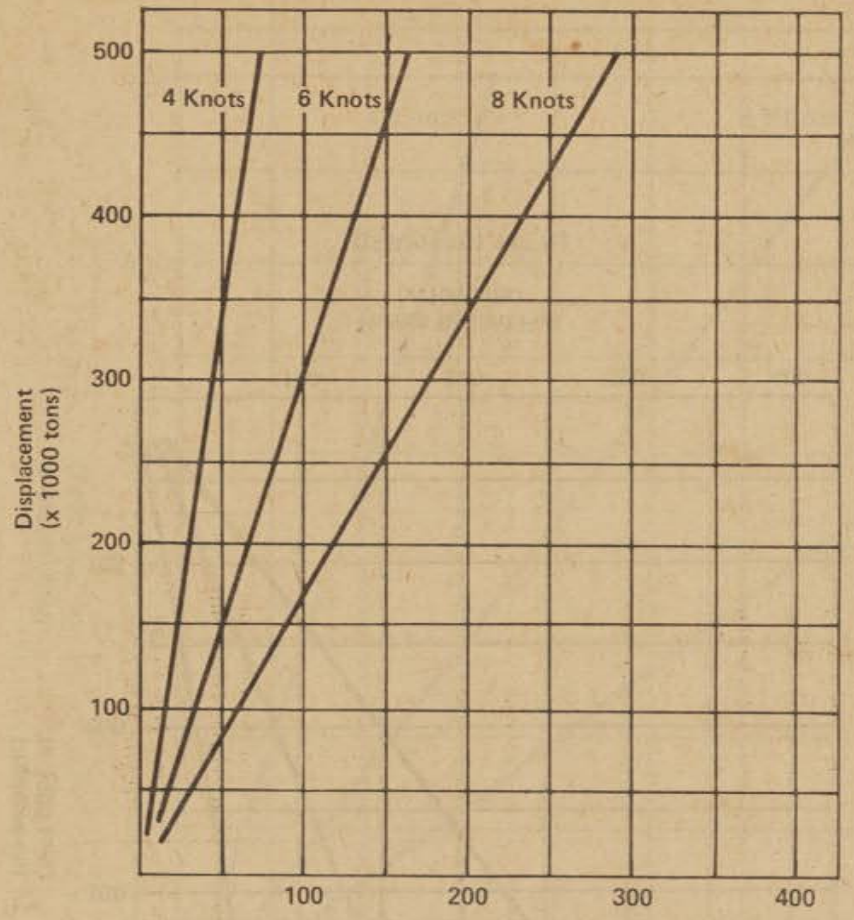
(a) * * *

TABLE 161.146 (a)

Tug Assistance Factors (K)

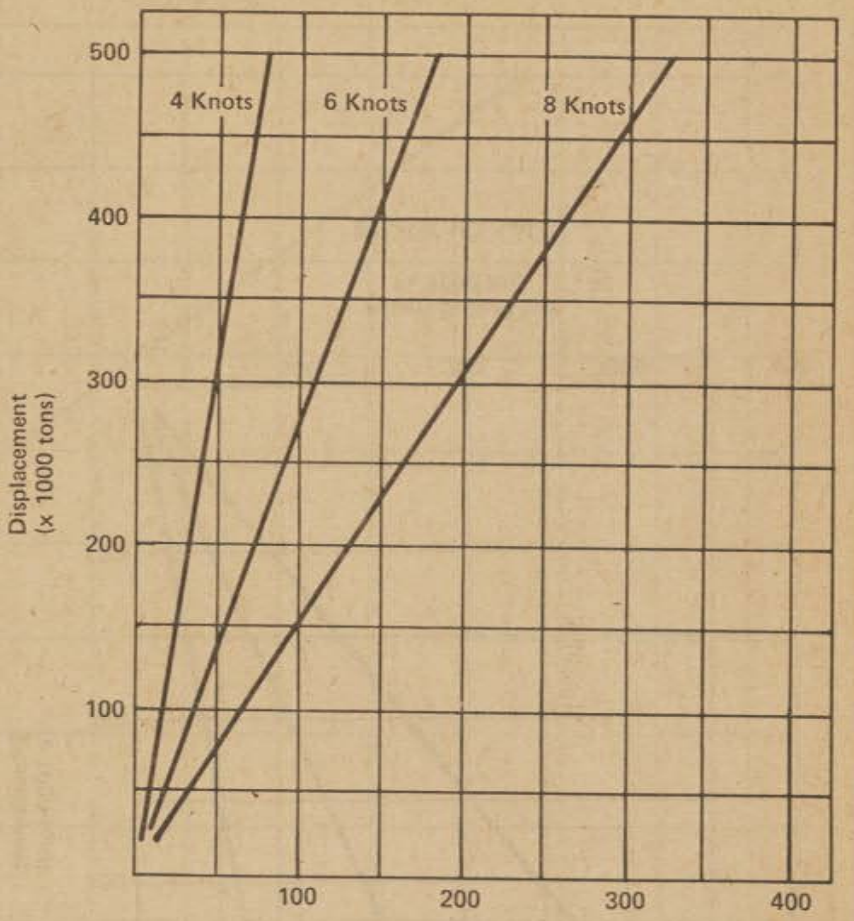
AREA	SEGMENT	TUG ASSISTANCE FACTOR "K"
Rosario Strait	Buoy "RB" to Belle Rock	.01015
	Belle Rock to N. Peapod Rock	.02118
	N. Peapod Rock to Clemente Reef	.01262
Haro Strait	Precautionary Area to Tom Point	.00898
	Tom Point to Turn Point	.01167
	Turn Point to East Point	.00898
	East Point to Patos Island	.01167
Bellingham Channel to Anacortes	"RB" Buoy to Abreast of Guemes Chn.	.01015
	Abreast of Guemes Channel to Indian Village	.06588
	Indian Village to Abreast of Viti Rock and Vendovi I.	.03572
	Vendovi Island to William Point	.01262
	William Point to Anacortes	.06588
Guemes Channel		.15203
Admiralty Inlet to Puget Sound	Precautionary Zone to Three Tree Point	.00898
	Three Tree Pt. to Browns Point	.01262
Port Angeles		.03572

K Factor: .00898



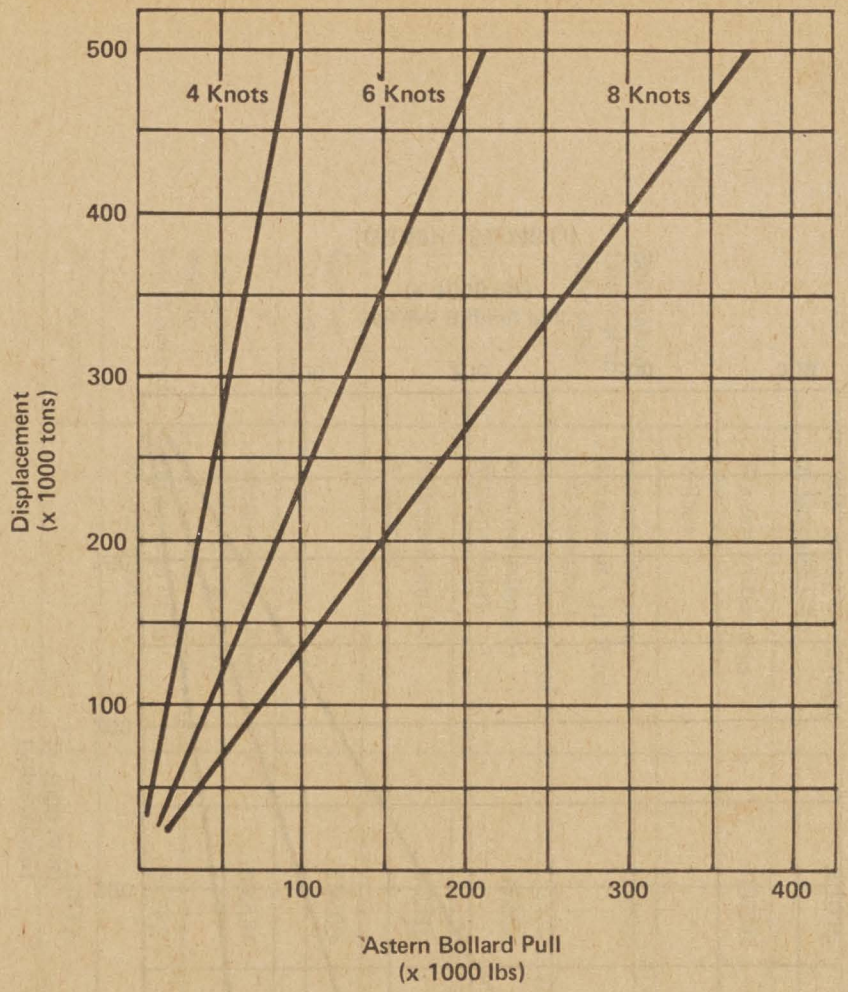
GRAPH 161.146 (a)

K Factor: .01015



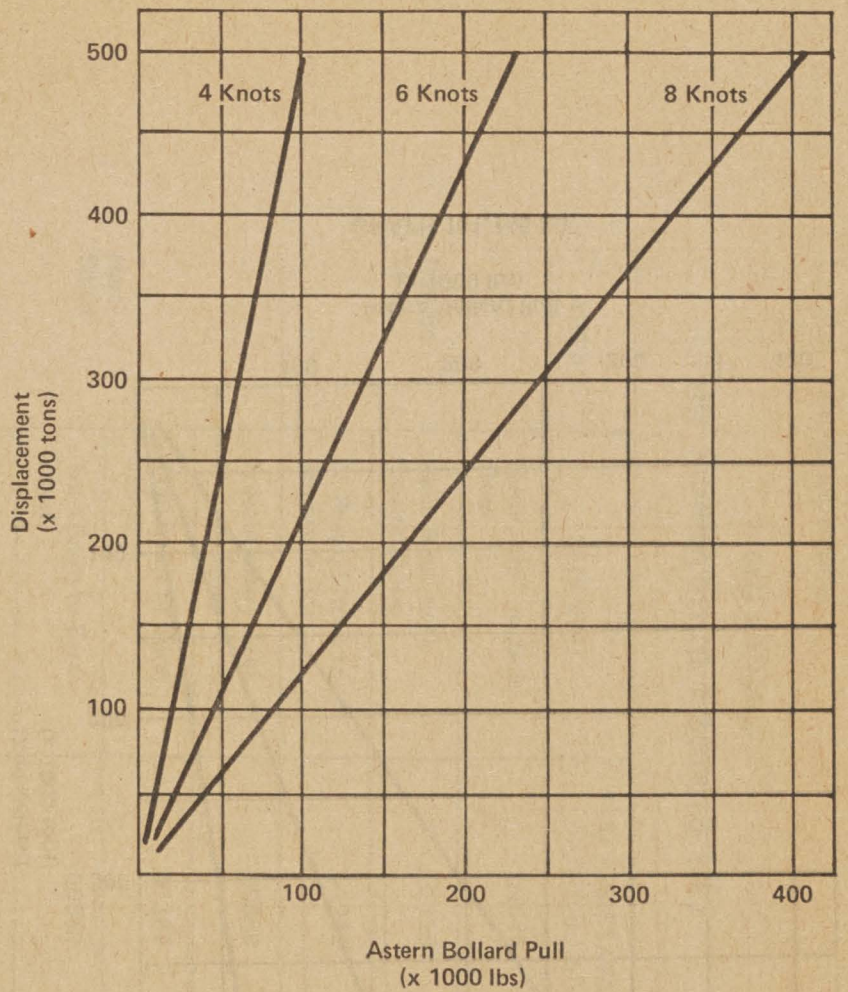
GRAPH 161.146 (b)

K Factor: .01167

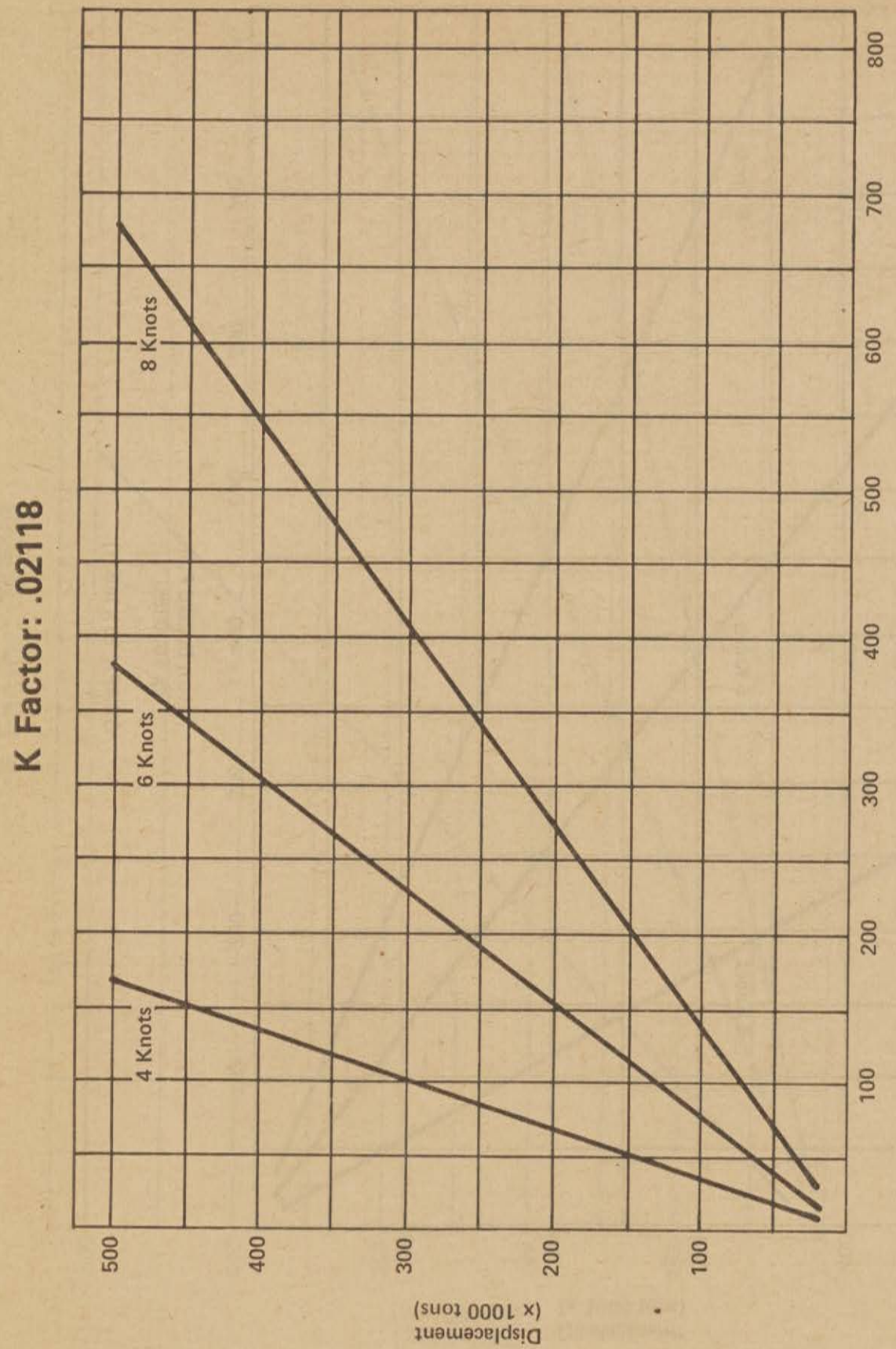


GRAPH 161.146 (c)

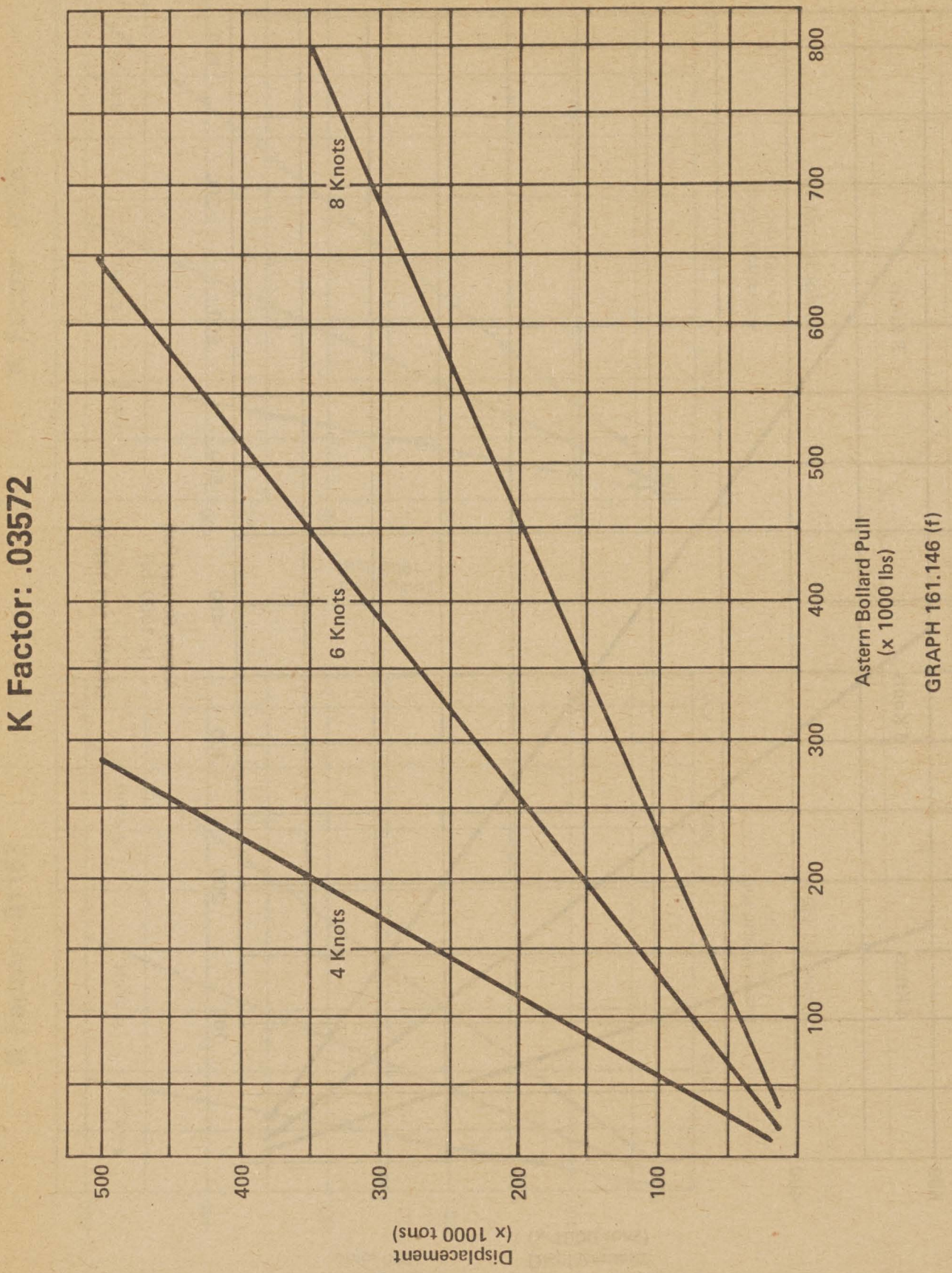
K Factor: .01262



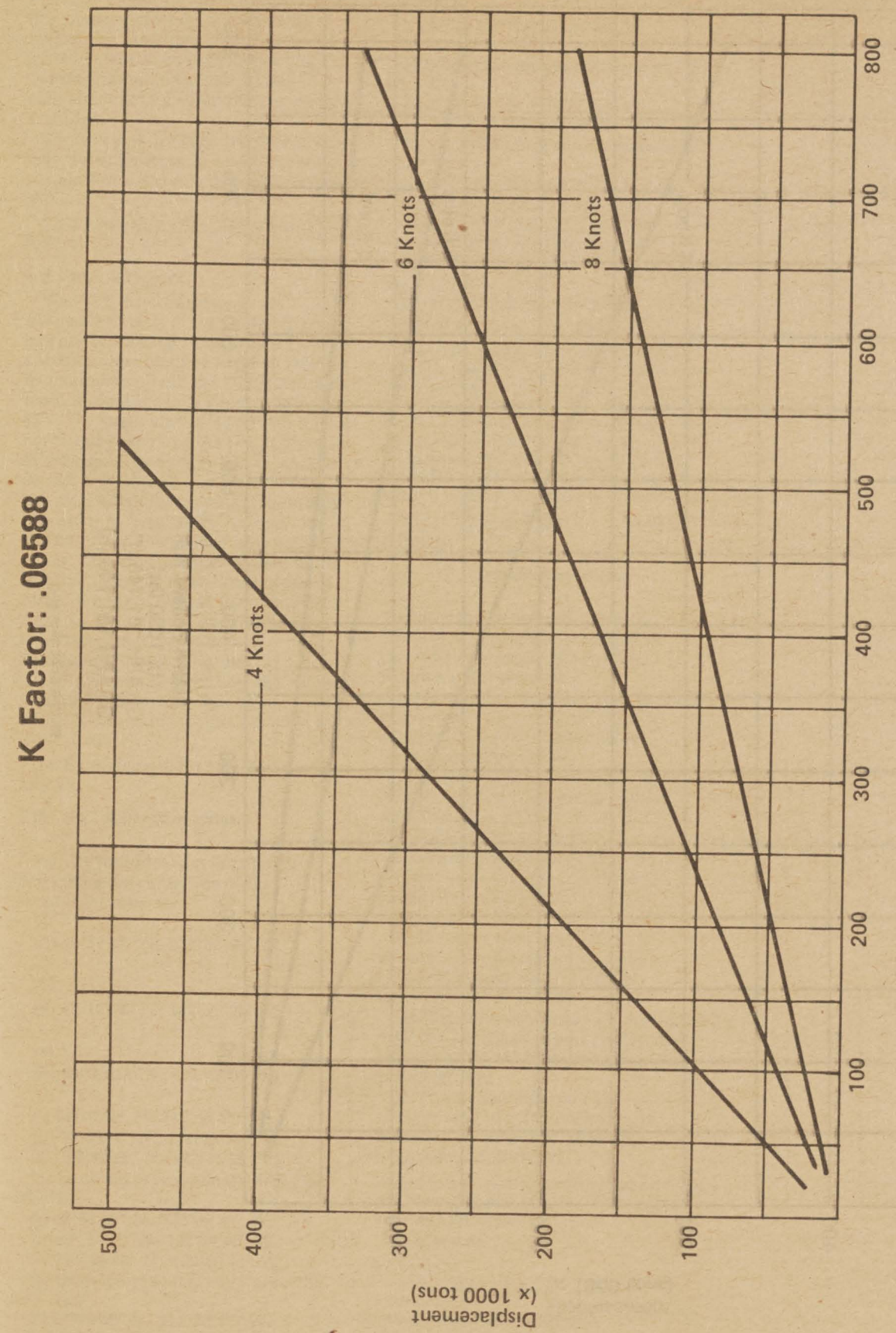
GRAPH 161.146 (d)



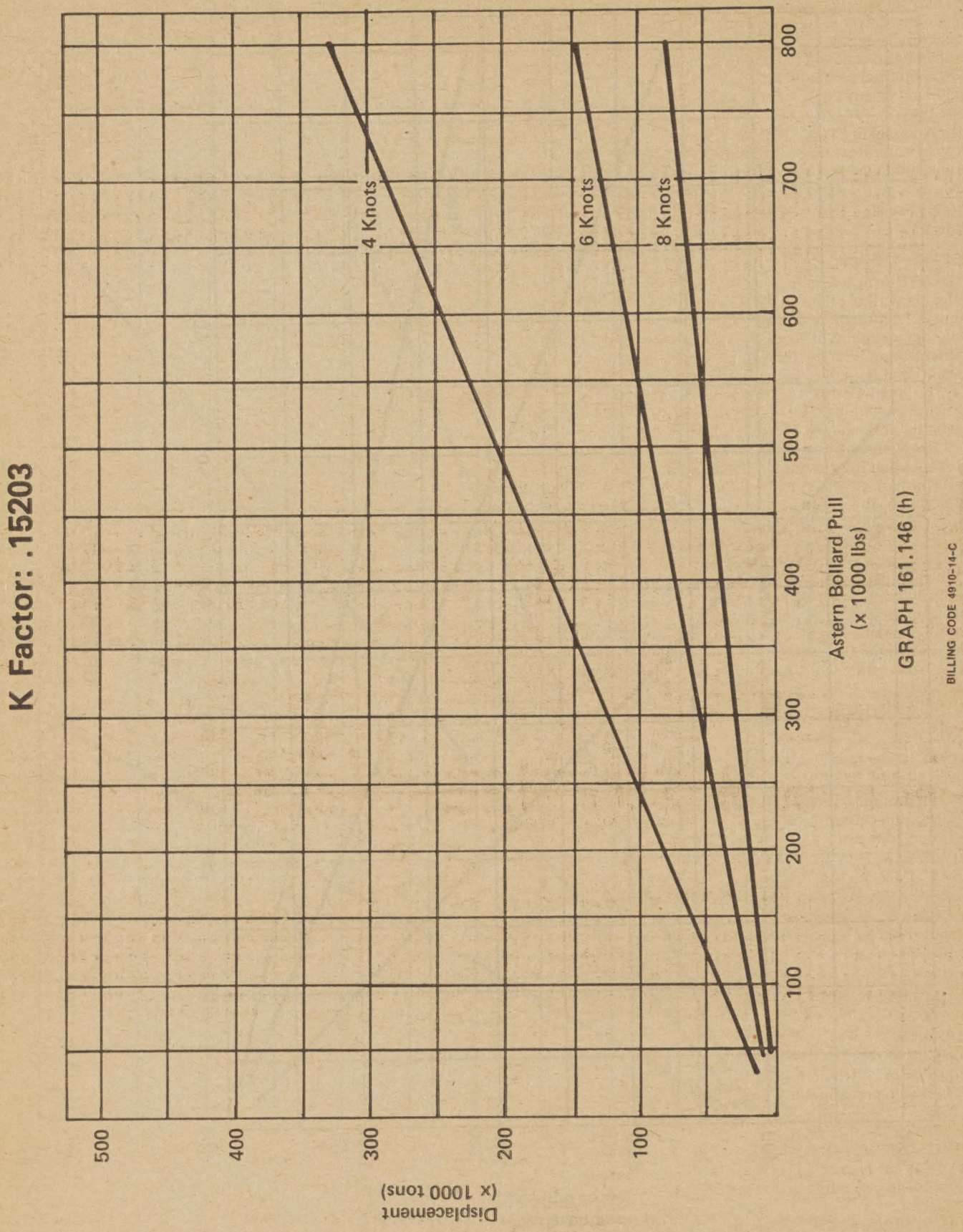
GRAPH 161.146 (e)



GRAPH 161.146 (f)



GRAPH 161.146 (g)



GRAPH 161.146 (h)

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(4) The vessel is free of any conditions that may impair its navigation such as fire, or any defect in its propulsion machinery, steering equipment, radar, gyrocompass, echo depth sounding device, internal communications equipment or any equipment required by § 161.144.

(b) A vessel of 75,000 DWT or above may not enter Rosario Strait unless permission to enter is obtained from the VTC.

13. By revising § 161.180 to read as follows:

§ 161.180 VTS Area.

The VTS Area consists of the navigable waters of the United States inshore of a straight line drawn from the northern most point of Angeles Point to its intersection with the U.S./Canadian International Boundary line at latitude 48°17′ N, longitude 123°14′50″ W, thence north and east along the U.S./Canadian International Boundary line to latitude 48°49′50″ N, thence due north to the U.S./Canadian International Boundary line at latitude 49°00′08″ N, longitude 123°00′30″ W, thence due east to the shore. This area includes waters in the Strait of Georgia, Haro Strait, Rosario Strait, the Strait of Juan de Fuca, Port Angeles, Belingham Bay, Padilla Bay, Admiralty Inlet, Puget Sound, Possession Sound, Elliot Bay, Hood Canal, Commencement Bay, the narrows west of Tacoma, Carr Inlet, Case Inlet and U.S. navigable waters adjacent to these areas.

14. By revising § 161.183(c) to read as follows:

§ 161.183 Separation zones.

* * * * *

(c) The latitudes and longitudes describing the centerline of the separation zone are:

(1) * * *

(ii) 48°11′37″ N., 122°52′40″ W.

* * * * *

(3) * * *

(ii) 48°13′04″ N., 122°51′24″ W.

* * * * *

(5) * * *

(iii) 48°13′22″ N., 122°48′55″ W.

(6) * * *

(i) 48°10′48″ N., 122°46′58″ W.

(ii) 48°06′48″ N., 122°39′36″ W.

(iii) 48°02′28″ N., 122°38′20″ W.

(7) Between precautionary area "SC" and "SE",

(i) 48°01′20″ N., 122°37′37″ W.

(ii) 47°57′53″ N., 122°34′42″ W.

(iii) 47°55′46″ N., 122°30′14″ W.

(8) Between precautionary area "SE" and "SG",

(i) 47°54′49″ N., 122°29′17″ W.

(ii) 47°46′31″ N., 122°26′23″ W.

(9) Between precautionary area "SG" and "SH",

(i) 47°45′19″ N., 122°26′21″ W.

(ii) 47°40′19″ N., 122°27′38″ W.

(10) Between precautionary area "SH" and "T",

(i) 47°39′05″ N., 122°27′42″ W.

(ii) 47°35′12″ N., 122°27′06″ W.

(11) Between precautionary area "T" and "TC",

(i) 47°33′59″ N., 122°26′47″ W.

(ii) 47°26′53″ N., 122°24′12″ W.

(iii) 47°23′07″ N., 122°21′08″ W.

(iv) 47°19′54″ N., 122°26′37″ W.

(12) Between precautionary area "CA" and "C",

(i) 48°44′15″ N., 122°45′39″ W.

(ii) 48°41′39″ N., 122°43′34″ W.

Note: The southbound lane of the traffic separation scheme described by paragraphs (6)(i) and (6)(ii) is widened at its entrance from precautionary area "SA" by a line bearing 120.0°T from a point at the edge of precautionary area "SA" at latitude 48°10′04″ N., longitude 122°47′41″ W. to the point of first intersection with the southbound lane at latitude 48°09′14′ N., longitude 122°45′30″ W.

15. By revising § 161.187 to read as follows:

§ 161.187 Precautionary areas.

* * * * *

(f) Precautionary area "SA". A circular area of 4,000 yards radius centered at latitude 48°11′28″ N., longitude 122°49′43″ W.;

(g) Precautionary area "SC". A circular area of 1,250 yards radius centered at latitude 48°01′52″ N., longitude 122°38′05″ W.;

(h) Precautionary area "SE". A circular area of 1,250 yards radius centered at latitude 47°55′25″ N., longitude 122°29′29″ W.;

(i) Precautionary area "SG". A circular area of 1,250 yards radius centered at latitude 47°45′55″ N., longitude 122°26′11″ W.;

(j) Precautionary area "SH". A circular area of 1,250 yards radius centered at latitude 47°39′42″ N., longitude 122°27′48″ W.;

(k) Precautionary area "T". A circular area of 1,250 yards radius centered at latitude 47°34′34″ N., longitude 122°27′00″ W.;

(l) Precautionary area "TC". A circular area of 1,250 yards radius centered at latitude 47°19′30″ N., longitude 122°27′19″ W.

(Sec. 2 Pub. L. 95–474, Port And Tanker Safety Act of 1978, 92 Stat 1471, (33 U.S.C. 1221 et. seq.); 49 CFR 1.46(n)(4)).

April 9, 1979.

J. B. Hayes,

Commandant, U.S. Coast Guard.

[CG 78–041]

[FR Doc. 79–11352 Filed 4–11–79; 8:45 am]

BILLING CODE 4910–14–M

federal register

Thursday
April 12, 1979

Part III

Department of Agriculture

Farmers Home Administration

Rural Housing; Technical and Supervisory Assistance (TSA) Grants

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[7 CFR Part 1944]

Rural Housing; Technical and Supervisory Assistance (TSA) Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to implement the Technical and Supervisory Assistance (TSA) Grant program to provide funding to nonprofit organizations to facilitate the use of FmHA and other housing programs by low-income families in rural areas with concentrations of substandard housing and low-income families. The program is also intended to provide counseling to present and future FmHA housing loan borrowers to reduce and/or prevent loan delinquency and foreclosure. This program is needed to expand the use of housing loan and grant programs by low-income families and to reduce the delinquency rate on current and future housing loans.

DATES: Comments must be received on or before May 14, 1979.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Mr. John H. Pentecost, 202–447–7207.

SUPPLEMENTARY INFORMATION: FmHA proposes to add a new Subpart K to Part 1944 of Chapter XVIII, Title 7, Code of Federal Regulations. This Subpart will implement Section 525 added to Title V of the Housing Act of 1949 by the Housing and Community Development Act of 1974, Pub. L. 93–383 and reauthorized by Section 501 of Title V of the Housing and Community Development Admendments of 1978, Pub. L. 95–557. The objective of TSA is to aid needy low-income individuals and families in benefiting from Federal, State, and local housing programs in rural areas. There are two basic mechanisms proposed to accomplish this objective:

A. TSA will be used to develop housing delivery systems to contact low-income and minority individuals and families to advise them of the range of benefits available through Federal, State, and local housing programs in rural areas. The delivery system will provide assistance to the contacted families in applying for housing assistance as well as facilitate FmHA's processing of housing loan and/or grant applications. The delivery system will also promote housing development to meet the needs of low-income and minority households.

B. The TSA program will also provide financial and home care counseling to prepare families for ownership responsibilities, and counseling to prevent delinquencies by families currently benefiting from FmHA housing assistance programs.

Areas to be served by the TSA program may include any area where FmHA is authorized to provide housing loan and grant assistance. Priority in selection will be given to those rural areas most in need of the proposed TSA program, generally those areas with the greatest degree of substandard housing and families in poverty.

The program also encourages the cooperation of Federal, State and local government agencies with the grantee to meet the needs of low-income families to increase the supply of standard housing through new construction, repair, or rehabilitation and to provide financial and homeownership counseling.

Finally, FmHA proposes to accept preapplications for up to 45 days after publication of final regulations in the **Federal Register.**

Limitation of the comment period to 30 days is essential to permit applicants to prepare and FmHA to receive preapplications in a timely fashion to make well considered funding decisions before the expiration of authority to obligate appropriated funds. This determination was made by Gordon Cavanaugh, Administrator, FmHA.

As proposed, Subpart K of 7 CFR Part 1944 reads as follows:

PART 1944—RURAL HOUSING

* * * * *

Subpart K—Technical and Supervisory Assistance Grants

Sec.
1944.501 General.
1944.502 Policy.
1944.503 Objectives.
1944.504–1944.505 [Reserved]
1944.506 Definitions.
1944.507–1944.509 [Reserved]
1944.510 Applicant eligibility.
1944.511 [Reserved]
1944.512 Authorized representative of the applicant.
1944.513 [Reserved]
1944.514 Comprehensive TSA Grant Projects.
1944.515 [Reserved]
1944.516 Grant purposes.
1944.517 [Reserved]
1944.518 Term of grant.
1944.519 [Reserved]
1944.520 Ineligible activities.
1944.521 [Reserved]
1944.522 Equal opportunity requirements.
1944.523 A–95 and other administrative requirements.
1944.524 [Reserved]
1944.525 Targeting of TSA funds to States.
1944.526 Preapplication procedure.
1944.527 [Reserved]
1944.528 Preapplication submission deadline.
1944.529 Project selection.
1944.530 [Reserved]
1944.531 Application submission.
1944.532 [Reserved]
1944.533 Grant approval and announcement.
1944.534 [Reserved]
1944.535 Cancellation of an approved grant.
1944.536 Grant closing.
1944.537 [Reserved]
1944.538 Extending and revising grant agreements.
1944.539 [Reserved]
1944.540 Requesting TSA checks.
1944.541 Reporting requirements.
1944.542 [Reserved]
1944.543 Grant monitoring.
1944.544 [Reserved]
1944.545 Additional grants.
1944.546 [Reserved]
1944.547 Management assistance.
1944.548 Counseling consent by FmHA single family housing borrowers.
1944.549 Grant evaluation, closeout, suspension and termination.
1944.550 Personnel guidelines.
Exhibit A—Grant Agreement—Technical and Supervisory Assistance.
Exhibit B—Instructions for FmHA State Offices.
Exhibit C—Instructions for FmHA District Offices.
Exhibit D—Amendment to Technical and Supervisory Assistance Grant Agreement.
Exhibit E—Guide Letter to Delinquent FmHA Single Family Housing Loan Borrowers.

Authority: 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Subpart K—Technical and Supervisory Assistance Grants

§ 1944.501 General.

(a) This subpart sets forth the policies and procedures for making grants under Section 525 (a) of the Housing Act of 1949, 42 U.S.C. 1490e(a), to provide funds to eligible nonprofit and public applicants to conduct programs of technical and supervisory assistance for low-income rural residents to obtain and/or maintain occupancy of adequate housing. This financial assistance may pay part or all of the cost of developing,

conducting, administering, or coordinating effective and comprehensive programs of technical and supervisory assistance which will aid needy low-income individuals and families in benefiting from Federal, State, and local programs in rural areas.

(b) FmHA will provide technical and supervisory grant assistance to applicants without discrimination because of race, color, religion, sex, national origin, age, marital status or physical or mental handicap.

§ 1944.502 Policy.

The policy of the Farmers Home Administration (FmHA) is to provide Technical and Supervisory Assistance (TSA) resources to community-based nonprofit organizations to facilitate the delivery of FmHA's housing programs to serve the most needy low-income families in rural areas of greatest need for housing.

(a) FmHA intends to fund projects which link housing delivery with homeownership and financial counseling to reduce both the level of payment delinquency by present FmHA housing loan borrowers and the potential for delinquency by loan applicants generated by this program.

(b) State Directors are given a strong role in the selection of grantees so this program can complement FmHA's policies of targeting all available FmHA resources to areas of greatest need within their States.

(c) FmHA expects grant recipients to implement a TSA program and not to use TSA funds to develop local housing plans and strategies.

(d) FmHA expects to make no more than one TSA grant in any State in a fiscal year.

§ 1944.503 Objectives.

The objectives of the TSA Grant Program are to assist low-income rural families in obtaining adequate housing to meet their family's needs and/or to provide the necessary guidance to promote their continued occupancy of already adequate housing. These objectives will be accomplished through the establishment or support of housing delivery and counseling projects run by public entities or nonprofit corporations. This program is intended to use any available housing program which provides the low-income rural resident access to adequate rental properties or homeownership.

§§ 1944.504–1944.505 [Reserved]

§ 1944.506 Definitions.

References in this subpart to County, District, State, National and Finance Offices and to County Supervisor, District Director, State Director, and Administrator refer to FmHA offices and officials and should be read as prefaced by FmHA.

Terms used in this subpart have the following meanings:

(a) *Adequate housing.* A housing unit of adequate size and design to meet the low-income families' specific needs and the requirements governing the particular housing program providing the services or financial assistance.

(b) *Applicant or grantee.* Any eligible organization which applies for or receives TSA funds under a grant agreement.

(c) *Grant agreement.* The contract between FmHA and the applicant which sets forth the terms and conditions under which TSA funds will be made available.

(d) *Low-income family.* Any family, including one member families, whose adjusted annual income, computed in accordance with § 1822.3 (o) of this chapter (FmHA Instruction 444.1, paragraph III 0), does not exceed the maximum low-income limits specified in Exhibit C of Subpart A of Part 1822 of this chapter (Exhibit C of FmHA Instruction 444.1).

(e) *Organization.* (1) A State or political subdivision or public nonprofit corporation (including Indian Tribes or tribal corporations) authorized to receive and administer TSA funds; or

(2) A private nonprofit corporation with local representation from the area being served that is owned and controlled by private persons or interests and is organized and operated by private persons or interests for purposes other than making gains or profits for the corporation and is legally precluded from distributing any gains or profits to its members.

(f) *Rural area.* The definition in § 1822.3 (c) of Subpart A of Part 1822 of this chapter (paragraph III C of FmHA Instruction 444.1) applies.

(g) *Supervisory assistance.* Any type of assistance to low-income families which will assist those families in meeting the eligibility requirements for, or the financial and managerial responsibilities of, homeownership or tenancy in an adequate housing unit. Such assistance must include, but is not limited to, the following activities:

(1) Contacting and assisting low-income families in need of adequate housing by:

(i) Implementing an organized outreach program using available media and personal contacts;

(ii) Explaining available housing programs and alternatives to increase the awareness of low-income families and to educate the community as to the benefits which can accrue from improved housing;

(iii) Assisting low-income families locate adequate housing;

(iv) Developing and packaging applications to assist low-income families in applying for appropriate single family housing loans or grants for new construction, rehabilitation, or repair and to assist eligible applicants in developing multiple family housing projects to serve low-income families;

(v) Organizing local public or private nonprofit groups willing to provide adequate housing for low-income families.

(2) Assisting individual FmHA borrowers with financial problems to overcome delinquency and/or prevent foreclosure through counseling and assisting new low-income applicants avoid financial problems through:

(i) Financial and budget counseling including advice on debt levels, credit purchases, consumer and cost awareness, debt adjustment procedures, and availability of other financial counseling services;

(ii) Monitoring payment of taxes and insurance;

(iii) Home maintenance and management; and

(iv) Other counseling based on the needs of the low-income families.

(h) *Technical assistance.* Any specific expertise necessary to carry out housing efforts by or for low-income families to improve the quantity and/or quality of housing available to meet their needs. Such assistance must include, but is not limited to, the following activities:

(1) Market surveys, engineering studies, cost estimates, and feasibility studies related to applications for housing assistance to meet the specific needs of the low-income families assisted under the TSA program.

(2) Construction supervision, training, and guidance to low-income families, not involved in mutual self-help projects, provided supervisory assistance.

(3) Assistance to families in processing housing loan applications generated by the TSA program.

§§ 1944.507–1944.509 [Reserved]

§ 1944.510 Applicant eligibility.

To be eligible to receive a grant, the applicant must:

(a) Be an organization as defined in § 1944.506(e).

(b) Have the financial, legal, administrative, and operational capacity to assume and carry out the

responsibilities imposed by the grant agreement. To meet this requirement of actual capacity, it must either:

(1) Have necessary background and experience with proven ability to perform responsibly in the field of low-income rural housing or other business management or administrative ventures which indicate an ability to provide responsibile technical and supervisory assistance; or

(2) Be sponsored by an organization which has such background experience and ability and which agrees in writing that it will provide, without charge, the assistance the applicant will need to carry out its responsibilities.

(c) Legally obligate itself to administer TSA funds, provide an adequate accounting of the expenditure of such funds, and comply with the grant agreement and FmHA regulations;

(d) Demonstrate an understanding of the needs of low-income rural families;

(e) Have the ability and willingness to work within established guidelines; and

(f) If the applicant is engaged in or plans to become engaged in any other activities, it must be able to provide sufficient evidence and documentation that it has adequate resources, including financial resources, to carry on any other programs or activities to which it is committed without jeopardizing the success and effectiveness of its TSA project.

§ 1944.511 [Reserved]

§ 1944.512 Authorized representative of the applicant.

FmHA will deal only with authorized representatives designated by the applicant. The authorized representatives must have no pecuniary interest in any of the following as they would relate in any way to the TSA grant: the award of any engineering, architectural, or construction contracts; purchase of the furnishings, fixtures or equipment; or purchase and/or development of land.

§ 1944.513 [Reserved]

§ 1944.514 Comprehensive TSA Grant Projects.

(a) The rural area to be covered by the TSA project must be realistically servicable by the applicant in terms of funding resources, manpower, and distances and generally must be limited to one to four counties within the service area of one District Office.

(b) In developing TSA projects, applicants should consider present population distribution, projected population growth or decline, the amount of inadequate housing, economic conditions, and trends of the rural areas concerned, and any other factors affecting the quantity and quality of housing currently available or planned for the area. Consideration must also be given to the needs and desires of the community; the financial and social condition of the individuals within the community; the needs of areas with a concentration of low-income minority families and the needs of FmHA borrowers who are delinquent in their housing loan payments; the availability of supporting services such as water, sewerage, health and educational facilities, transportation, recreational and community facilities, and the types of housing facilities and services presently available or planned to which the low-income families have or will have ready access.

(c) Each TSA applicant should analyze all of the alternatives available to provide needed housing facilities and services for the area. Consideration should be given to the recommendations and services available from local, state, federal governmental entities, and from private agencies and individuals.

(1) In no case should the TSA project deliberately conflict with or duplicate housing studies, plans, projects, or any other housing related activities in a rural area unless documentation shows these activities do not meet the needs of low-income families.

(2) Each TSA project should be coordinated to the extent possible with any comprehensive or special purpose plans and projects affecting low-income housing in the area.

(3) To the fullest extent possible, TSA projects should be coordinated with any housing-related activities currently being carried out in the area.

(d) TSA applicants must coordinate their proposal with the appropriate County and District Offices to be fully familiar with the needs of those offices and of the low-income families currently served by the County Offices.

§ 1944.515 [Reserved]

§ 1944.516 Grant purposes.

Grant funds are to be used for a housing delivery system and counseling program to include a comprehensive program of technical and supervisory assistance as set forth in the grant agreement and any other special conditions as required by FmHA. Uses of grant funds may include, but are not limited to:

(a) The development and implementation of a program of technical and supervisory assistance as defined in § 1944.506 (g) and (h).

(b) Payment of reasonable salaries of professional, technical, and clerical staff actively assisting in the delivery of the TSA project.

(c) Payment of necessary and reasonable office expenses such as office supplies and office rental, office utilities, telephone services, and office equipment rental.

(d) Payment of necessary and reasonable administrative costs such as workers' compensation, liability insurance, audit reports, travel to and attendance at FmHA approved training sessions, and the employer's share of Social Security and health benefits. Payments to private retirement funds are prohibited unless prior written authorization is obtained from the Administrator.

(e) Payment of reasonable fees for necessary training of grantee personnel. This may include the cost of travel and per diem to attend regional training sessions when authorized by the State Director.

(f) Other reasonable travel and miscellaneous expenses necessary to accomplish the objectives of the specific TSA grant which were anticipated in the individual TSA grant proposal and which have been included as eligible expenses at the time of grant approval.

§ 1944.517 [Reserved]

§1944.518 Term of grant.

TSA projects will be funded for two years under one Grant Agreement.

§ 1944.519 [Reserved]

§ 1944.520 Ineligible activities.

(a) Grant funds may not be used for:

(1) Acquisition, construction, repair, or rehabilitation of structures or acquisition of land, vehicles, or equipment.

(2) Replacement of or substitution for any financial support which would be available from any other source.

(3) Duplication of current services in conflict with the requirements of §1944.514(c).

(4) Hiring personnel to perform construction.

(5) Buying property of any kind from families receiving technical or supervisory assistance from the grantee under the terms of the TSA grant.

(6) Paying for or reimbursing the grantee for any expenses or debts incurred before FmHA executes the grant agreement.

(7) Paying any debts, expenses, or costs which should be the responsibility of the individual families receiving technical and supervisory assistance.

(8) Any type of political activities.

(9) Other costs including contributions and donations, entertainment, fines and penalties, interest and other financial costs, legislative expenses and any excess of cost from other grant agreements.

Advice and assistance may be obtained from the National Office where such costs are proposed as part of the TSA project or where a proposed cost appears ineligible.

(b) The grantee may not charge fees or accept compensation or gratuities from TSA recipients for the grantee's assistance under this program.

§ 1944.521 [Reserved]

§ 1944.522 Equal opportunity requirements.

The policies and regulations contained in Subpart E of Part 1901 of this chapter apply to grants made under this Subpart.

§ 1944.523 A-95 and other administrative requirements.

(a) The following policies and regulations apply to grants made under this Subpart:

(1) Subpart H of Part 1901 of this chapter which sets forth procedures to be observed by FmHA in carrying out the provisions of OMB Circular A-95 regarding cooperation with State and local governments in the evaluation, review and coordination of Federal and Federally assisted programs and projects.

(2) Subpart J of Part 1901 of this chapter which sets forth the procedures to be observed by FmHA in carrying out the provisions of Treasury Circular No. 1082, Revised, regarding the notification of States of grant-in-aid information.

(3) The policies and regulation contained in Subpart F of Part 1901 of this chapter regarding historical and archaeological properties.

(4) The policies and regulations contained in Subpart G of Part 1901 of this chapter regarding Environmental Impact Statements.

(b) Pursuant to Subpart H of Part 1901 of this chapter, each applicant, generally except federally recognized Indian tribes, must notify the appropriate designated clearinghouse(s) of its intent to submit an application thirty (30) days before the submission of a preapplication, Form AD-621, "Preapplication for Federal Assistance," to FmHA. Clearinghouse comments are a required part of FmHA's review and selection process and should be submitted to the State Director in order to be considered in that process.

§ 1944.524 [Reserved]

§ 1944.525 Targeting of TSA funds to States.

The Administrator will determine, based on the most current available information (generally that information used to determine the allocation to States of FmHA housing loan funds) those States with the highest degree of substandard housing and persons in poverty in rural areas eligible to receive FmHA housing assistance. The Administrator will distribute a portion of the available funds for TSA to these States, leaving the balance available for national competition.

§ 1944.526 Preapplication procedure.

(a) *Preapplication submission.* (1) All applicants will file an original and two copies of Form AD-621 and supporting information detailed below with the appropriate District Office serving the proposed TSA area. A preapplication packet including Form AD-621 is available in all District and State Offices.

(i) If the TSA area encompasses more than one District Office, the preapplication will be filed at the District Office which serves the area in which the grantee will provide the greatest amount of TSA efforts. Additional informational copies of the preapplication will be sent by the applicant to the other affected District Office(s).

(ii) The applicant will also provide informational copies of the preapplication to the County Supervisor(s) of the area to be served by the TSA project at the time of submittal to the appropriate District Office.

(2) All preapplications shall be accompanied by the following information which will be used to determine the applicant's eligibility to undertake a TSA program and to determine whether the applicant might be funded.

(i) A narrative presentation of the applicant's proposed TSA program, including:

(A) The types of technical and supervisory assistance to be delivered;

(B) The time schedule for implementing the program;

(C) The staffing pattern to execute the program and salary range for each position, existing and proposed;

(D) The estimated number of low-income and low-income minority families the applicant will assist in obtaining affordable adequate housing;

(E) The estimated number of FmHA borrowers who are delinquent or being foreclosed that the applicant will assist in resolving their financial problems relating to their delinquency;

(F) The estimated number of households which will be assisted in obtaining adequate housing in the TSA area through new construction and/or rehabilitation;

(G) Annual estimated budget for each of the two years based on the financial needs to accomplish the objectives outlined in the proposal. The budget should include proposed direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, contracts, and other costs categories, detailing those costs for which the grantee proposes to use the TSA grant separately from non-TSA resources, if any;

(H) The accounting system to be used;

(I) The method of evaluation proposed to be used by the applicant to determine the effectiveness of its program;

(J) The sources and estimated amounts of other financial resources to be obtained and used by the applicant for both TSA activities and housing development and/or supporting facilities; and

(K) Any other information necessary to explain the manner of delivering the TSA assistance proposed.

(ii) Complete information about the applicant's previous experience and capacity to carry out the objectives of the proposed TSA program;

(iii) Evidence of the applicant's legal existence, including, in the case of a private nonprofit organization, a copy of, or an accurate reference to, the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence one year or more; the names and addresses of the applicant's members, directors, and officers and, if another organization is a member of the applicant-organization, its name, address, and principal business.

(iv) For a private nonprofit entity, a current financial statement dated and signed by an authorized officer of the entity showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt(s) owed by the applicant. If the applicant is an organization being sponsored by another private nonprofit organization, the same type of financial statement also should be provided by the applicant's sponsor.

(v) A brief narrative statement which includes information about the area to be served and the need for improved housing (including both percentage and actual number of both low-income and low-income minority families and substandard housing), the need for the type of technical and supervisory assistance being proposed, the method of evaluation to be used by the applicant in determining the effectiveness of its efforts (as related to paragraph (a)(2)(i) of this section), and any other information necessary to specifically address the selection criteria in § 1944.529.

(vi) A list of other activities the applicant is engaged in and expects to continue and a statement as to any other funding and whether it will have sufficient funds to assure continued operation of the other activities for at least the period of the TSA grant agreement.

(3) An applicant should submit written statements from the county, parish, or township governments of the area affected that the project is beneficial and does not duplicate current activities or the applicant should include a summary of its analysis of alternatives required by § 1944.514(c). However, Indian nonprofit organizations applicants should obtain the written concurrence of the Tribal governing body in lieu of the concurrence of the county governments.

(4) An original and one copy of Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

(b) *District Office processing of preapplications.* (1) The District Director with whom the preapplication is filed will review the preapplication, Form AD–621, and any other supporting information from the applicant. The District Director will also:

(i) Complete Form FmHA 440–46, "Enviromental Impact Assessment," and attach it to the preapplication; and

(ii) Prepare a review of the project in accordance with Subpart F of Part 1901 of this chapter and attach it to the preapplication.

(2) All District Directors and County Supervisors receiving informational copies of the preapplication should submit their comments within five working days to the District Director with whom the preapplicaion is filed.

(3) The original and one copy of the preapplication, together with the District Director's written comments and recommendations, reflecting the criteria used in § 1944.529 and Exhibit C of this subpart, will be forwarded to the State Director within ten working days of receipt of the preapplication.

(c) *State Office processing of preapplications.* (1) Upon receipt of a preapplication, the State Office will review and evaluate the preapplication and accompanying documents in accordance with the project selection criteria of § 1944.529 and Exhibit B of this subpart. The State Office will also:

(i) Make a determination on Form FmHA 440–46 in accordance with § 1901.305 of Subpart G of Part 1901 of this Chapter.

(ii) Prepare an historical and archaeological assessment in accordance with § 1901.255 (b) and (c) of Subpart F of Part 1901 of this chapter.

(2) Within 30 days of the closing date for receipt of preapplications as published in the **Federal Register**, the State Director will forward to the National Office the original reapplication and supporting documents of the selected applicant, including A–95 comments received, and the comments and recommendations of the County Office(s), District Office(s), and the State Office.

(3) Concurrently the State Office will send a copy of the selected applicant's Form AD–621 and relevant documents to the Regional Office of the General Counsel (OGC) requesting a legal determination be made of the applicant's legal existence and authority to conduct the proposed program of technicial and supervisory assistance.

(4) The State Office will notify other applicants that their preapplication was not selected and advise them of their appeal rights under Subpart B of Part 1900, "FmHA Appeal Procedures."

(d) *National Office processing of preapplications.* (1) Preapplications for this program from those States targeted under § 1944.525 will be reviewed by the National Office for completeness and compliance with this Subpart. If a grant is recommended, the National Office will return the preapplication with any comments and recommendations to the State Office and advise that office to proceed with the issuance of Form AD–622, "Notice of Preapplication Review Action," and to request the applicant to prepare Form AD–623 "Application for Federal Assistance (Nonconstruction Programs)," for submission to the District Office. If a grant is not recommended, the National Office will advise the State Office of action to take.

(2) Preapplications from States which are not targeted in accordance wih § 1944.525 of this Subpart will be reviewed for completeness and compliance with this Subpart and then evaluated in accordance with the project selection criteria of § 1944.529. Those preapplications which are selected, and for which funds are available, will be returned to the appropriate State Office with any National Office comments and recommendations. The State Office will be advised to proceed with the issuance of Form AD–622 and to request the applicant to prepare Form AD–623 for submission to the District Office as detailed in § 1944.531.

(3) Those preapplications for which funds are not available will be returned to the appropriate State Office which will notify the applicant and advise the applicant of its appeal rights under Subpart B of Part 1900 of this chapter.

(4) State Directors will be advised of the National Office's action on their selected preapplication within 30 days of receipt of all preapplications.

§ 1944.527 [Reserved]

§ 1944.528 Preapplication submission deadline.

Dates governing the review and selection of TSA grant preapplications will be published annually in the **Federal Register.** Preapplications received after that time will not be considered for funding. For use of fiscal year 1979 funds, the deadline for submission of preapplications will be 45 calendar days from date of publication of final regulations.

§ 1944.529 Project selection.

(a) Among the projects proposed by private nonprofit entities, preference will be given to those projects sponsored (including assistance to the applicant in processing the application, implementing the technical and supervisory assistance program, and carrying out the obligations of the grant) by a State, county, municipality, or other governmental entity or public body.

(b) Projects must meet the following criteria:

(1) Provide both technical and supervisory sevices to low-income families.

(2) Serve areas with a concentration of substandard housing and low-income minority households.

(c) In addition to the items listed above in paragraph (a) and (b) of this section, the following criteria will be considered in the selection of grant recipients:

(1) The extent to which the project serves areas with concentrations of FmHA single family housing loan borrowers who are delinquent in their housing loan payments and/or threatened with foreclosure.

(2) The capability and past performance demonstrated by the applicant in administering its programs.

(3) The effectiveness of the current efforts by the applicant to assist low-income families in obtaining adequate housing.

(4) The extent to which the project will provide or increase the delivery of housing resources to low-income and low-income minority families in the area who are not currently occupying adequate housing.

(5) The services the applicant will provide that are not presently available to assist low-income families in obtaining or maintaining occupancy of adequate housing and the extent of duplication of technical and supervisory assistance activities currently provided for low-income families.

(6) The extent of citizen and local government participation and involvement in the development of the preapplication and project.

(7) The extent of planned coordination with other Federal, State, or local technical and/or supervisory assistance programs.

(8) The extent to which the project will make use of other financial and contributions-in-kind resources for both technical and supervisory assistance and housing development and supporting facilities.

(9) The comments and recommendations from the A-95 clearinghouse.

(10) The extent to which the project will be cost effective, including but not limited to the ratio of personnel to be hired by the applicant to the cost of the project, the cost, both direct and indirect, per person benefiting from the project, and the expected benefits to low-income families from the project.

(11) The extent to which the proposed staff and salary ranges, including qualifications, experience, proposed hiring schedule, and availability of any prospective employees, will meet the objectives of the proposed TSA program.

(12) The anticipated capacity of the applicant to implement the proposed time schedule for starting and completing the TSA program and each phase thereof.

(13) The adequacy of the records, and practices, including personnel procedures and practices, that will be established and maintained by the applicant during the term of the agreement.

§ 1944.530 [Reserved]

§ 1944.531 Application submission.

(a) Upon notification that the applicant has been tentatively selected for funding, the State Office will forward to the applicant a signed Form AD-622 and provide Form AD-623 with instructions to the applicant for preparation of an application.

(b) Upon receipt of Form AD-622, the applicant will submit an application in an original and 2 copies on Form AD-623, and provide whatever additional information is requested to the District Office within 30 days.

(c) Upon receipt of an application on Form AD-623 by the District Office, a docket shall be assembled which will include the following:

(1) Form AD-621 and the information submitted in accordance with § 1944.526(a)(2).

(2) Form AD-622.

(3) A-95 Clearinghouse comments.

(4) Form AD-623.

(5) OGC legal determination made pursuant to § 1944.526(c)(3).

(6) Grant Agreement.

(7) Form FmHA 440-1, "Request for Obligation of Funds."

(8) Form FmHA 400-1, "Equal Opportunity Agreement."

(9) Form FmHA 400-4, "Nondiscrimination Agreement."

(10) Form FmHA 449-10.

(11) Form FmHA 440-46.

(12) The historical and archaeological assessment.

(13) The detailed budget for the agreement period based upon the needs outlined in the proposal and the comments and recommendations by FmHA.

§ 1944.532 [Reserved]

§ 1944.533 Grant approval and announcement.

Grant approval and announcement will be accomplished under the following procedure. The Administrator may modify this subsection § 1944.533 if necessary to obligate funds in a timely and efficient manner.

(a) The District Office will review the docket to determine whether the application complies with these regulations and is consistent with the information and supporting documents submitted with the preapplication and any comments and recommendations of the State and National Offices.

(b) If major problems occur during the development of the docket, the District Office will call upon the State Office for assistance.

(c) If a grant is recommended, Form FmHA 440-1 and the Grant Agreement will be prepared by the District Office and forwarded to the applicant for signature as authorized in its authorizing resolution. Exhibit A, Grant Agreement, is a part of these regulations.

(d) When Form FmHA 440-1 and the Grant Agreement are received from the applicant and signed by the applicant, the docket will be forwarded to the State Director.

(e) Form FmHA 071-1, "Project Information Card," will be prepared and sent to the Director of Information in the National Office.

(f) If the State Director approves the project, the following actions will be taken in the order listed:

(1) The State Director, or the State Director's designee, will telephone the Finance Office Check Request Station requesting that grant funds for a particular project be obligated. Immediately after contacting the Finance Office, the requesting official will furnish the requesting office's security identification code. Failure to furnish the security code will result in the rejection of the request for obligation. After the security code is furnished, the required information from Form FmHA 440-1 will be furnished to the Finance Office. Upon receipt of the telephone request for obligation of funds, the Finance Office will record all information necessary to process the request for obligation in addition to the date and time of the request.

(2) The individual making the request will record the date and time of the request and sign Section 37 of Form FmHA 440-1.

(i) The Finance Office will notify the State Office by telephone when funds are reserved and of the date of obligation. If funds cannot be reserved for a project, the Finance Office will notify the State Office that funds are not available. The obligation date will be six working days from the date the request for obligation is processed.

(ii) The Finance Office will terminally process telephone obligation requests. Those requests received prior to 2:30 p.m. Central Time will be processed on the date of the request. Those requests received after 2:30 p.m., to the extent possible, will be processed on the day received; however, there may be instances where the obligation will be processed on the next working day.

(iii) The Finance Office will mail Form FmHA 440-57, "Acknowledgement of Obligated Funds/Check Request," to the State Director, confirming the reservation of funds with the obligation date inserted as required by Item 9 on the Forms Manual Insert (FMI) for Form FmHA 440-57.

(iv) Form FmHA 440-1 will not be mailed to the Finance Office.

(3) The State Director will notify the Director of Information in the National

Office with a recommendation that the project announcement be released.

(4) An executed Form FmHA 440–1 will be sent to the applicant along with an executed copy of the Grant Agreement and scope of work on or before the date funds are obligated.

(i) The actual date of applicant notification will be entered on the original of Form FmHA 440–1 and the original of the form will be included as a permanent part of the file.

(ii) Standard Form 270, "Request for Advance or Reimbursement," will be sent to the applicant for completion and returned to FmHA.

(5) If it is determined that a project will not be funded or if major changes in the scope of the project are made after release of the approval announcement, the State Director will notify the Administrator and the Director of Information by telephone giving the reasons for such action. The Director of Information will inform all parties who were notified by the project announcement if the project will not be funded or of major changes in the project using a procedure similar to the announcement process. Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," will not be submitted to the Finance Office until five working days after notifying the Administrator and the Director of Information.

(6) Upon receipt from the grantee of a properly completed SF–270, Form FmHA 440–57 will be completed and the check request will be called to the Finance Office Check Request Station in accordance with the FMI for Form FmHA 440–57.

§ 1944.534 [Reserved]

§ 1944.535 Cancellation of an approved grant.

An approved grant may be cancelled before closing if the applicant is determined to no longer be eligible, the proposal is no longer feasible, or the applicant requests cancellation. Cancellation will be accomplished as follows:

(a) The District Director will prepare Form FmHA 440–10 in an original and two copies, or three copies if the TSA check has been received in the District Office from the disbursing office. The form will be revised by changing the word "loan" to "grant" wherever the word appears. Form FmHA 440–10 will be sent to the State Director with the reasons for requesting the cancellation.

(b) If the State Director approves the request for cancellation, the original of the form will be forwarded to the Finance Office. After making appropriate record changes, a copy of Form FmHA 440–10 will be returned to the District Office. If the TSA check is received in the District Office, the District Director will return it to the Disbursing Center, United States Treasury Department, P.O. Box 3329, Kansas City, Kansas 66103, with a copy of Form FmHA 440–10.

(c) The District Director will notify the applicant of the cancellation and, unless the applicant requested the cancellation, its right to appeal in accordance with the FmHA Appeal Procedure contained in Subpart B of Part 1900 of this chapter.

§ 1944.536 Grant closing.

Closing is the process by which FmHA determines that applicable administratrive actions have been completed and the Grant Agreement is signed. The Grant Agreements (Exhibit A) will be executed by the State Director at the time the Form 440–1 and Grant Agreement is sent to the Grantee in accordance with § 1944.533 (f)(4). An executed original of the Grant Agreement shall be sent to the District Director and one copy to the grantee.

§ 1944.537 [Reserved]

§ 1944.538 Extending and revising grant agreements.

(a) All requests extending the original grant agreement or revising the TSA program must be in writing. Such requests will be processed through the District Director. Any such request will be processed in accordance with the processing procedure specified in § 1944.526 (b) and (c). The State Office will respond to the applicant within 30 days of receipt of the request in the State Office.

(b) An extension of a grant beyond the two year term may be granted by the State Director when:

(1) There are grant funds remaining and the grantee requests an extension at the end of the grant period,

(2) The grantee has demonstrated its ability to conduct a comprehensive program of technical and supervisory assistance in accordance with the terms of its grant agreement and in a manner satisfactory to FmHA,

(3) The grantee is likely to complete the goals outlined in the initial proposal,

(4) There is an unmet need to continue the delivery of the technical and supervisory assistance being provided by the grantee, and

(5) The District Director recommends continuation of the grant until the grantee has expended all of the remaining grant funds.

(c) Upon approval of the extension, the State Director will authorize the District Director to amend the ending date of the grant agreement and revise the budgets, if necessary, on behalf of the Government.

(d) If the grant agreement must be revised and amended other than by extension, including any changes in the scope and objectives of the TSA program, the grantee will submit a revised budget and TSA program together with any information necessary to justify its requests. Such requests will be submitted to the State Director through the District Director.

(e) The State Office will advise the National Office of all requests to extend or modify the original grant agreement. Prior concurrence of the National Office is not required unless the State Director so desires, in which case the State Director will advise the applicant that the request has been forwarded to the National Office for concurrence. The State Director's recommendation will accompany such requests.

(f) Exhibit D to this subpart shall be executed upon approval of an extension of the grant period, or significant change in either the project budget or the objectives of the approved technical and supervisory activities.

(g) If extension or modification is not approved, the State Office will notify the applicant in writing of the decision and advise the applicant of the appeal procedures under Subpart B of Part 1900 of this chapter.

§ 1944.539 [Reserved]

§ 1944.540 Requesting TSA checks.

(a) The initial TSA check may cover the applicant's needs for the first calendar month. If the first calendar month is a partial month, the check will cover the needs for the partial month and the next whole month.

(b) The initial advance of TSA grant funds may not be requested simultaneously with the request for obligation of TSA grant funds. The initial advance must be requested on Form FmHA 440–57 in accordance with the FMI after it has been received from the Finance Office indicating that funds have been obligated.

(c) All advances will be requested only after receipt of Standard Form 270 from the grantee. The amount requested must be in accordance with the detailed budget, including amendments, as approved by FmHA. Standard Form 270 will not be submitted more frequently than once every 30 days. In no case will additional funds be advanced if the

grantee fails to submit required reports or is in violation of the grant agreement.

§ 1944.541 Reporting requirements.

(a) Standard Form 269, "Financial Status Report," and a project performance report will be required of all grantees on a quarterly basis. All grantees shall submit an original and two copies of these reports to the District Director. The project performance reports will be submitted not later than January 15, April 15, July 15, and October 15 of each year.

(b) As part of the grantee's preapplication submission required by § 1944.526(a)(2)(i), the grantee established the objectives of its TSA program including the estimated number of low-income families to be assisted by the TSA program and established its method of evaluation to determine the effectiveness of its program. The project performance report should relate the activities during the report period to the project's objectives and analyze the effectiveness of the program. Accordingly, the report should include, but need not be limited to the following:

(1) A comparison of actual accomplishments to the objectives established for that period, including:

(i) The number of low-income families assisted in improving their housing conditions or in obtaining affordable adequate housing.

(ii) The number of FmHA borrowers who were delinquent or being foreclosed who were assisted in resolving their financial problems.

(iii) The number of households assisted in obtaining adequate housing by the TSA program through new construction and/or rehabilitation.

(2) Reasons why, if established objectives are not met.

(3) Problems, delays, or adverse conditions which will materially affect attainment of the TSA grant objectives, prevent the meeting of time schedules or objectives, or preclude the attainment of project work elements during established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated and any Federal assistance needed to resolve the situation.

(4) Objectives established for the next reporting period, sufficiently detailed to identify the type of assistance to be provided, the number and type of families to be assisted, etc.

(c) These reports will be reviewed by the District Director to determine satisfactory progress. The District Director will work with grantee to resolve any problems. The District Director will forward the original and one copy of the reports with any comments and recommendations to the State Director within ten working days of receipt.

(d) The State Director will review the reports, comments, and recommendations forwarded by the District Director within five working days or receipt.

(1) If the reports indicate satisfactory progress, the State Director will forward the original to the National Office with any comments or suggestions and return the remaining copy to the grantee through the District Director with a copy of the comments or recommendations.

(2) If the reports indicate unsatisfactory progress, the State Director will recommend appropriate action to resolve the indicated problem(s). The State Director has the discretion to not authorize further advances where the progress of the project is unsatisfactory. The State Director will notify the grantee through the District Director of a decision not to authorize further advances and advise the grantee of its appeal rights under Subpart B of Part 1900 of this Chapter.

(3) A copy of the memorandum returning the unsatisfactory reports will be forwarded to the National Office together with the State Director's decision, comments and recommendations, if appropriate.

(e) The grantee will complete a final Standard Form 269 and a final performance report upon termination or expiration of the grant agreement.

§ 1944.542 [Reserved]

§ 1944.543 Grant monitoring.

Each grant will be monitored by FmHA to ensure that the grantee is complying with the terms of the grant and that the TSA project activity is completed as approved. Ordinarily, this will involve a review of quarterly and final reports by FmHA and review by the appropriate District Director.

§ 1944.544 [Reserved]

§ 1944.545 Additional grants.

An additional grant may be made to an applicant that has previously received a TSA grant and has achieved or nearly achieved the goals established for the previous grant by submitting a new proposal for TSA funds. The additional grant application will be processed as if it were an initial application. Upon approval, a new grant agreement will be required and the grant will be coded as an initial grant on Form FmHA 440–1.

§ 1944.546 [Reserved]

§ 1944.547 Management assistance.

The District Director will see that each TSA grantee receives management assistance to help achieve a successful program.

(a) TSA employees who will be contacting and assisting families will receive training in packaging single family housing and Rural Rental Housing loans when, or very shortly after, they are hired so that they can work effectively.

(b) TSA employees who will provide counseling, outreach, and other technical and supervisory assistance will receive training on FmHA policies, procedures, and requirements appropriate to their positions and the type of assistance the grantee will provide at the outset of the grant.

(c) Training will be provided by FmHA employees and/or outside sources approved by FmHA when the technical and supervisory assistance involves rural housing programs other than FmHA programs. Appropriate training of TSA employees should be anticipated during the planning stages of the grant and the reasonable cost of such training included in the budget.

(d) The District Director, in cooperation with the appropriate County Supervisor(s), should coordinate the management assistance given to the TSA grantee in a manner which is timely and effective. This will require periodic meetings with the grantee to discuss problems being encountered and offer assistance in solving these problems; to discuss the budget, the effectiveness of the grant, and any other unusual circumstances affecting delivery of the proposed TSA services; to keep the grantee aware of procedural and policy changes, availability of funds, etc.; and to discuss any other matters affecting the availability of housing opportunities for low-income families.

(e) The District Director will advise the grantee of the options available to bring the delinquent borrowers' accounts current and advise the grantee that the appropriate County Supervisor retains all approval authority for any resolution of the delinquent accounts and all other authority currently available to remedy delinquent accounts.

§ 1944.548 Counseling consent by FmHA single family housing borrowers.

(a) Subsequent to execution of the TSA grant agreement, the County Supervisor(s) serving the TSA project area will contact in writing the delinquent FmHA single family housing

borrowers who appear to be in need of counseling services as defined in § 1944.505(g)(2). Such correspondence will indicate the availability of the counseling services of the grantee and solicit the borrower's participation in the program. Exhibit E should be used in contacting the borrowers.

(b) Upon receipt of indication of the borrower's willingness to participate in the program, the County Supervisor will make available to the grantee (at no cost) the borrower's FmHA loan history including the following information:

(1) Name, address and telephone number,

(2) Status of the account including the amount of the loan, the repayment schedule, and the amount of the delinquency, and

(3) Other information needed for counseling purposes which may be provided in accordance with FmHA Instruction 2018–F, "Availability of Information."

§ 1944.549 Grant evaluation, closeout, suspension, and termination.

(a) Grant evaluation will be an ongoing activity performed by both the grantee and FmHA. The grantee will perform self-evaluations by preparing periodic project performance reports in accordance with § 1944.541. FmHA will also review all reports prepared and submitted by the grantee in accordance with the grant agreement and this Part.

(b) Within forty-five (45) days after the grant ending date, the grantee will complete closeout procedures as specified in the grant agreement.

(c) The grant can also be terminated before the grant ending date for the causes specified in the grant agreement. No further grant funds will be disbursed when grant suspension or termination procedures have been initiated in accordance with the grant agreement.

§ 1944.550 Personnel guidelines.

The personnel procedures and practices outlined for the Self-Help Technical Assistance Grants, Exhibit B of Subpart I of Part 1933 of this chapter, and the sample personnel forms in Exhibit C of Subpart I of Part 1933 of this chapter are generally applicable to the TSA Program. The grantee is encouraged to follow these guidelines if it does not already have acceptable personnel procedures and practices in the selection and employment of staff members, in the establishment of the official travel, mileage, and per diem policies and in promulgating a code of conduct. These Exhibits are specifically modified as follows for the TSA program:

(a) Where the exhibits refer to the TA Director, substitute "TSA Director."

(b) Paragraph I (B) (1) of Exhibit B of Subpart I of Part 1933 of this chapter. The hiring of the TSA Director is solely within the authority of the grantee. By selection and approval of the grantee, FmHA approves the organization which is expected to allocate the TSA resources over the grant period in such a way as to achieve the objectives of the TSA program.

(c) Paragraph I (C) (1) (a) and (b) of Exhibit B of Subpart I of Part 1933 of this chapter. Salaries for staff performing TSA activities are expected to be reasonable and within the range of comparable salaries for such work in the area. Again, FmHA selection and approval of the TSA program budget provides the basic guidance for amount of resources for personnel to accomplish the objectives of the program.

Exhibit A—Grant Agreement Technical and Supervisory Assistance

This Agreement dated ——— is between ——— (name), ——— (address), (Grantee) and the United States of America acting through the Farmers Home Administration (Grantor or FmHA). The Grantor agrees to grant to Grantee a sum not to exceed $——— subject to the terms and conditions established by the Grantor: *Provided, however,* That the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant. The grantee may appeal this decision in accordance with the FmHA Appeal Procedure contained in Subpart B of Part 1900 of this chapter. In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 525 (a) of the Housing Act of 1949 for the purpose of providing funds to eligible nonprofit applicants (grantees) to pay part or all of the cost of developing, conducting, administering, or coordinating comprehensive programs of technical and supervisory assistance (TSA) which will aid needy low-income individuals and families in benefiting from Federal, State and local housing programs in rural areas, the Grantee will provide such a program in accordance with the terms of this agreement and applicable Farmers Home Administration (FmHA) regulations.

PART A—*Definitions:*

1. "Beginning date" means the date when work under this grant will commence. Such date is set forth in Paragraph 2 of Part B of this Agreement.

2. "Ending date" means the date when all work under this agreement is scheduled to be completed. It is also the latest date grant funds will be provided under this agreement, without an approved extension. Such date is set forth in Paragraph 2 of Part B of this Agreement.

3. "Disallowed costs" are those charges to a grant which the FmHA determines cannot be authorized in accordance with applicable Federal costs principles or other conditions contained in this Agreement.

4. "Grant closeout" is the process by which the grant operation is concluded at the expiration of the grant period or following a decision to terminate the grant.

5. "Termination" of a grant means the cancellation of Federal assistance, in whole or in part, under a grant at any time before the date of completion.

PART B—*Terms of agreement:*

Grantor and grantee agree:

1. This agreement shall be effective when executed by both parties.

2. The TSA activities approved by FmHA shall commence not later than ———, and shall be completed by ———, unless earlier terminated under paragraph B 18 below, or extended.

3. Grantee shall carry out the TSA activities described in the application docket which is made a part of this Agreement. Grantee will be bound by the conditions set forth in the docket and the further conditions set forth in this Agreement. If any of the conditions in the docket are inconsistent with those in the Agreement, the latter will govern. A change of any conditions must be in writing and must be signed by an authorized representative of FmHA.

4. Grantee shall use grant funds only for the purpose and activities specified in FmHA regulations and in the application docket approved by FmHA including the approved budget. Any uses not provided for in the approved budget must be approved in writing by FmHA in advance.

5. If the Grantee is a private nonprofit corporation, expenses charged for travel or per diem will not exceed the rates paid FmHA employes for similar expenses. If the Grantee is a public body, the rates will be those that are allowable under the customary practice in the government of which the grantee is a part; if none are customary, the FmHA rates will be the maximum allowed.

6. Grant funds will not be used for any of the following:

(a) To pay obligations incurred before the effective date of this Agreement.

(b) To pay obligations incurred after the grant termination or ending date.

(c) Entertainment purposes.

(d) To pay for capital assets, the purchase of real estate or vehicles, improvement or renovation of space, or repair or maintenance of privately owned vehicles.

(e) Any other purpose specified in § 1944.520.

7. Grant funds shall not be used to replace any financial support previously provided or assured from any other source.

8. Disbursal of grants will be governed as follows:

(a) In accordance with Treasury Circular 1075, grant funds will be provided by FmHA as cash advances on an as-needed basis not to exceed one advance every 30 days. The advance will be made by direct Treasury check to the Grantee. The financial management system of the recipient organization shall provide for effective

control over and accountability for all Federal funds as stated in OMB Circular A–102 (42 FR 45828, September 12, 1977) for State and local governments and OMB Circular A–110 (41 FR 32016, July 30, 1976) for nonprofit organizations.

(b) Cash advances to the Grantee shall be limited to the minimum amounts needed and shall be timed to be in accord only with the actual, immediate cash requirements of the Grantee in carrying out the purpose of the planned project.

(c) Grant funds should be promptly refunded to the FmHA and redrawn when needed if the funds are erroneously drawn in excess of immediate disbursement needs. The only exceptions to the requirement for prompt refunding are when the funds involved:

(i) Will be disbursed by the recipient organization within seven calendar days from the date of the Treasury check, or

(ii) Are less than $10,000 and will be disbursed within 30 calendar days from the date of the Treasury check.

(d) Grantee shall provide satisfactory evidence to FmHA that all officers of the Grantee organization authorized to receive and/or disburse Federal funds are covered by satisfactory fidelity bonds sufficient to protect the Grantor's interests.

(e) Grant funds will be placed in the Grantee's bank account(s) until disbursed.

9. The Grantee will submit Performance and Financial reports as indicated below to the appropriate FmHA District Office:

(a) As needed, but not more frequently than once every 30 days, an original and 2 copies of Standard Form 270, "Request for Advance or Reimbursement."

(b) Quarterly, (not later than January 15, April 15, July 15, and October 15 of each year) an original and 2 copies of Standard Form 269, "Financial Status Report," and a Project Performance report in accordance with § 1944.541 of this subpart.

(c) Within forty-five (45) days after the termination or expiration of the grant agreement, an original and 2 copies of Standard Form 269, and a final Project Performance report which will include a summary of the project's accomplishments, problems, and planned future activities of the Grantee for TSA. Final reports may serve as the last quarterly report.

(d) FmHA may require performance reports more frequently if it deems necessary.

10. In accordane with FMC 74–4, Attachment B, compensation for employees will be considered reasonable to the extent that such compensation is consistent with that paid for similar work in other activities of the State or local government.

11. If the grant exceeds $100,000, transfers among direct cost budget categories totaling more than 5 percent of the total budget must have prior written approval by the appropriate District Director.

12. Results of the program assisted by grant funds may be published by the grantee without prior review by FmHA: *Provided*, That such publications acknowledge the support provided by funds pursuant to the provisions of Title V of the Housing Act of 1949 and that five copies of each such publication are furnished to the District Director.

13. Grantee certifies that no person or organization has been employed or retained to solicit or secure this grant for a commission, percentage, brokerage, or contingent fee.

14. No person in the United States shall, on the grounds of race, creed, color, sex, marital status, age, national origin, or mental or physical handicap, be excluded from participating in, be denied the proceeds of, or be subject to discrimination in connection with the use of grant funds. Grantee will comply with pertinent nondiscrimination regulations of FmHA.

15. In all hiring or employment made possible by or resulting from this grant, Grantee: (a) Will not discriminate against any employee or applicant for employment because of race, creed, color, sex, marital status, national origin, age, or mental or physical handicap, and (b) will take affirmative action to insure that employees are treated during employment without regard to their race, creed, color, sex, marital status, national origin, age, or mental or physical handicap. This requirement shall apply to, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the event Grantee signs a contract related to this grant which would be covered by any Executive Order, law, or regulation prohibiting discrimination, Grantee shall include in the contract the "Equal Employment Clause" as specified by FmHA.

16. The grantee accepts responsbility for accomplishing the TSA program as submitted and included in the application docket. The Grantee shall also:

(a) Endeavor to coordinate and provide liaison with State and local housing organizations, where they exist.

(b) Provide continuing information to FmHA on the status of Grantee programs, projects, related activities, and problems.

(c) The Grantee shall inform the Grantor as soon as the following types of conditions become known:

(i) Problems, delays, or adverse conditions which materially affect the ability to attain program objectives, prevent the meeting of time schedules or goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken or contemplated, and any Grantor assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

17. Grant closeout and termination procedures will be as follows:

(a) Promptly after the date of completion or a decision to terminate a grant, grant closeout actions are to be taken to allow the orderly discontinuation of Grantee activity.

(i) The Grantee shall immediately refund to FmHA any uncommitted balance of grant funds.

(ii) The Grantee will furnish to FmHA within 45 days after the date of completion of the grant a Standard Form 269 and all financial, performance, and other reports required as a condition of the grant.

(iii) The Grantee shall account for any property acquired with TSA grant funds, or otherwise received from FmHA.

(iv) After the grant closeout, FmHA retains the right to recover any disallowed costs which may be discovered as a result of an audit.

(b) When there is reasonable evidence that the Grantee has failed to comply with the terms of this Agreement, the State Director can, on reasonable notice, terminate the grant pursuant to paragraph (c) below and withhold further payments or prohibit the Grantee from further obligating grant funds. FmHA may allow all necessary and proper costs which the Grantee could not reasonably avoid.

(c) Grant termination will be based on the following:

(i) *Termination for cause.* This grant may be terminated in whole, or in part, at any time before the date of completion, whenever FmHA determines that the Grantee has failed to comply with the terms of the Agreement. The reasons for termination may include, but are not limited to, such problems as:

(A) Failure to make satisfactory progress in attaining grant objectives.

(B) Failure of Grantee to use grant funds only for authorized purposes.

(C) Failure of Grantee to submit adequate and timely reports of its operation.

(D) Violation of any of the provisions of any laws administered by FmHA or any regulation issued thereunder.

(E) Violation of any nondiscrimination or equal opportunity requirement administered by FmHA in connection with any FmHA programs.

(F) Failure to maintain an accounting system acceptable to FmHA.

(ii) *Termination for convenience.* FmHA or the Grantee may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in case of partial termination, the portion to be terminated.

(d) Procedure for termination of grant for cause. FmHA shall notify the Grantee in writing of the determination and the reasons for and the effective date of the whole or partial termination in accordance with 7 CFR 1900.53.

18. Extension and/or revision of this grant agreement may be approved by FmHA provided, in its opinion, the extension and/or revision is justified and there is a likelihood that the Grantee can accomplish the goals set out and approved in the application docket during the period of the extension and/or revision as specified in 7 CFR 1944.538.

PART C *Grantee agrees:*

1. To comply with property management standards for expendable and nonexpendable personal property established by Attachment N of OMB Circular A–102 or Attachment N of OMB Circular A–110 for State and local governments or nonprofit organizations respectively. "Personal property" means property of any kind except real property. It may be tangible—having physical existence—or intangible—having no physical existence, such as patents, inventions, and copyrights. "Nonexpendable personal property" means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A Grantee may use its own definition o nonexpendable personal property provided that such definition would at least include all tangible personal property as defined above. "Expendable personal property" refers to all tangible personal property other than nonexpendable personal property. When nonexpendable tangible personal property is acquired by a Grantee with project funds, title shall not be taken by the Federal Government but shall vest in the Grantee subject to the following conditions:

(a) Right to transfer title. For items of nonexpendable personal property having a unit acquisition cost of $1,000 or more, FmHA may reserve the right to transfer title to the Federal Government or to a third party named by the Federal Government when such third party is otherwise eligible under existing statutes. Such reservation shall be subject to the following standards:

(i) The property shall be appropriately identified in the grant or otherwise made known to the Grantee in writing.

(ii) FmHA shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If FmHA fails to issue disposition instructions within the 120 calendar day period, the Grantee shall apply the standards of paragraph 1(c) below.

(iii) When FmHA exercises its right to take title, the personal property shall be subject to the provisions for federally owned nonexpendable property discussed in paragraph 1(a)(iv) below.

(iv) When title is transferred either to the Federal Government or to a third party and the Grantee is instructed to ship the property elsewhere, the Grantee shall be reimbursed by the benefitting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(b) Use of other tangible nonexpendable property for which the Grantee has title.

(i) The Grantee shall use the property in the project or program for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When it is no longer needed for the original project or program, the Grantee shall use the property in connection with its other Federally sponsored activities, in the following order of priority:

(A) Activities sponsored by FmHA.

(B) Activities sponsored by other Federal agencies.

(ii) Shared use. During the time that nonexpendable personal property is held for use on the project or program for which it was acquired, the Grantee shall make it available for use on other projects or programs is such other use will not interfere with the work on the project or program for which the property was originally acquired. First preference for such other use shall be give to other projects or programs sponsored by FmHA; second preference shall be given to projects or programs sponsored on other Federal agencies. If the property is owned by the Federal Government, use on other activities not sponsored by the Federal Government shall be permissible if authorized by FmHA. User charges should be considered if appropriate.

(c) Disposition of other nonexpendable property. When the Grantee no longer needs the property, the property may be used for other activities in accordance with the following standards:

(i) Nonexpendable property with a unit acquisition cost of less than $1,000. The Grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(ii) Nonexpendable personal property with a unit acquisition cost of $1,000 or more. The Grantee may retain the property for other use provided that compensation is made to FmHA or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the Grantee has no need for the property and the property has further use value, the Grantee shall request disposition instructions from the original Grantor agency. FmHA shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR) to the General Services Administration by FmHA to determine whether a requirement for the property exists in other Federal agencies. FmHA shall issue instructions to the Grantee no later than 120 days after the Grantee request and the following procedures shall govern:

(A) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the property and reimburse FmHA an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal shares $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(B) If the Grantee is instructed to dispose of the property other than as described in paragraph 1(a)(iv) above, the Grantee shall be reimbursed by FmHA for such costs incurred in its disposition.

(C) The Grantee's property management standards for nonexpendable personal property shall include the following procedural requirements:

(*1*) Property records shall be maintained accurately and shall include:

(*a*) A description of the property.

(*b*) Manufacturer's serial number, model number, Federal stock number, national stock number, or other identification number.

(*c*) Sources of the property including grant or other agreement number.

(*d*) Whether title vests in the Grantee or the Federal Government.

(*e*) Acquisition date (or date received, if the property was furnished by the Federal Government) and cost.

(*f*) Percentage (at the end of the budget year) of Federal participation in the cost of the project or program for which the property was acquired. (Not applicable to property furnished by the Federal Government).

(*g*) Location, use, and condition of the property and the date the information was reported.

(*h*) Unit acquisition cost.

(*i*) Ultimate disposition data, including date of disposal and sales price or the method used to determine current fair market value when a Grantee compensates the Federal agency for its share.

(*2*) Property owned by the Federal Government must be marked to indicate Federal ownership.

(*3*) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years. Any difference between quantities determined by the physical inspection and those shown in the accounting records shall be investigated to determine the causes of the difference. The Grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the property.

(*4*) A control system shall be in effect to insure adquate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented; if the property was owned by the Federal Government, the Grantee shall promptly notify FmHA.

(*5*) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(*6*) When the Grantee is authorized or required to sell the property, proper sales procedures shall be established which will provide for competion to the extent practicable and result in the highest possible return.

(*7*) Expendable personal property shall vest in the Grantee upon acquisition. If there is a residual inventory of such property exceeding $1,000 in total aggregate fair market value, upon termination or completion of the grant and if the property is not needed for any other federally sponsored project or program, the Grantee shall retain the property for use on nonfederally sponsored activities, or sell it, but must in either case compensate the Federal Government for its share. The amount of compensation shall be computed

in the same manner as nonexpendable personal property.

2. To provide a financial management system which will include:

(a) Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.

(b) Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantee shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Accounting records supported by source documentation.

3. To retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after the submission of the final Project Performance report pursuant to paragraph B(9)(c) of this agreement except in the following situations:

(a) If any litigation, claim, or audit is commenced before the expiration of the three year period, the records shall be retained until all litigations, claims, or audit findings involving the records have been resolved.

(b) Records for nonexpendable property acquired with Federal funds shall be retained for three years after final disposition.

(c) When records are transferred to or maintained by FmHA, the three year retention requirement is not applicable.

Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts, and transcripts.

4. To provide information as requested by the Grantor concerning the Grantee's actions in soliciting citizen participation in the application process, including published notice of public meeting, actual public meetings held, and content of written comments received.

5. Not to encumber, transfer, or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in Part C 1.

6. To provide Grantor with such periodic reports of Grantee operations as may be required by authorized representatives of the Grantor.

7. To execute Form FmHA 400–1, "Equal Opportunity Agreement," and to execute any other agreements required by Grantor to implement the civil rights requirements.

8. To include in all contracts in excess of $100,000 a provision for compliance with all applicable standards, orders, or regulations issued pursuant to the Federal Clean Air Act as amended. Violations shall be reported to the Grantor and the Regional Office of the Environmental Protection Agency.

9. That, upon any default under its representations or agreements set forth in this instrument, Grantee, at the option and demand of Grantor, will, to the extent legally permissible, repay to the Grantor forthwith the grant funds received with interest at the rate of five per centum per annum from the date of the default. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State Courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

10. That no member of Congress shall be admitted to any share or part of this Grant or any benefit that may arise therefrom; but this provision shall not be construed to bar as a contractor under the Grant a publicly held corporation whose ownership might include a member of Congress.

11. That all nonconfidential information resulting from its activities shall be made available to the general public on an equal basis.

12. That the purpose for which this grant is made may complement, but shall not duplicate programs for which monies have been received, are committed, or are applied for from other sources, public and private.

13. That the Grantee shall relinquish any and all copyrights and/or privileges to the materials developed under this grant, such material being the sole property of the Federal Government. In the event anything developed under this grant is published in whole or in part, the material shall contain notice and be identified by language to the following effect: "The material is the result of tax-supported research and as such is not copyrightable. It may be freely reprinted with the customary crediting of the source."

14. That the Grantee shall abide by the policies promulgated in OMB Circular A–102, Attachment O, or OMB Circular A–110, Attachment O, which provides standards for use by Grantees in establishing procedures for the procurement of supplies, equipment, and other services with Federal grant funds.

15. That it is understood and agreed that any assistance granted under this Agreement will be administered subject to the limitations of Title V of the Housing Act of 1949 as amended, 42 U.S.C. 1471 et seq., and related regulations, and that rights granted to FmHA herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the assistance, and protect FmHA's financial interest.

16. Standard of Conduct. No employee, officer or agent of Grantee shall participate in the selection, award or administration of a contract in which Federal funds are used where, to the knowledge of such employee, officer or agent, the employee, officer or agent or such person's immediate family members, partners or any organization in which such person or such person's immediate family members or partners: (1) Has a financial interest in the selection, award or administration of the contract, or (2) when such person is negotiating or has any arrangement concerning future employment. The recipient's officers, employees or agents shall neither solicit nor accept gratuities, favors of anything of monetary value from landlords or developers of rental or ownership housing projects in which the persons receiving TSA assistance may be placed as a result of such assistance.

PART D *Grantor agrees:*

1. That it may assist Grantee, within available appropriations, with such technical and management assistance as needed in planning the project and coordinating the plan with local officials, comprehensive plans, and any State or area plans for improving housing for low-income facilities in the area in which the project is located.

2. That at its sole discretion, Grantor may at any time give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (a) advisable to further the purposes of the grant or to protect Grantor's financial interests therein, and (b) consistent with the statutory purposes of the grant and the limitations of the statutory authority under which it is made and Grantor's regulations.

This Agreement is subject to current Grantor regulations and any future regulations not inconsistent with the express terms hereof. Grantee on ————, 19—, has caused this Agreement to be executed by its duly authorized ———— and attested and its corporate seal affixed by its duly authorized ————.

Attest:

Grantee

———————————

By ————————————

(Title)

By ————————————

(Title)

Grantor

United States of America
Farmers Home Administration

By ————————————

———————————

(Title)

Exhibit B—Administrative Instructions for State Offices Regarding Their Responsibilities in the Administration of the Technical and Supervisory Assistance Grant Program

A. The State Office will maintain for distribution to potential applicants, upon request, a supply of preapplication packets consisting of:

1. Form FmHA AD–621, "Preapplication for Federal Assistance."

2. Form FmHA 400–1, "Equal Opportunity Agreement."

3. Form FmHA 400–4, "Nondiscrimination Agreement."

4. Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

5. Subpart K of Part 1944 of this Chapter.

B. The State Office should inform all potential applicants, at the time they pick up forms, that:

1. The preapplication must be submitted to the District Office serving the area in which the applicant proposes to operate the Technical and Supervisory Assistance (TSA) program.

2. The applicant, except for Federally recognized Indian Tribes, should send a copy of the completed preapplication or otherwise notify the appropriate A–95 Clearinghouse of its intent to submit a preapplication for a TSA grant.

The State Office will refer all requests for assistance in completing the preapplication to the appropriate District Office.

C. Beyond the responsibilities of the State Office in the selection of grantees and the administration of the program, and as stated in § 1944.502 of this subpart, the TSA program provides an opportunity for the State Director to give priority to applicants serving the rural areas of greatest need as well as use the program cooperatively with other Federal and State agencies in addressing the housing needs of the residents of a proposed TSA service area. Therefore, the State Office should be prepared, before receipt of preapplications, to advise the District Directors, potential applicants and other Federal and State agencies which part(s) of the State had the greatest need for the TSA program. The State Director should identify target areas in a similar manner to the process used by the Administrator pursuant to § 1944.525 of this subpart. Proposals which are clearly inappropriate and do not meet the basic priorities of § 1944.529(b) of this subpart should not be encouraged due to the complexity of the preapplication submission.

D. In addition to the instructions of § 1944.526 of this subpart, the State Office should follow the procedure outlined below:

1. Review preapplication for completeness and adequacy and make assessments required by § 1944.526(c)(i) of this subpart.

2. Request clarifications from the District Office if necessary.

3. Evaluate the proposals in light of § 1944.529 of this subpart and select that proposal which best meets the priorities established under § 1944.529 (a), (b) and (c) of this subpart.

4. The State Office must provide written comments to be attached to the preapplication justifying the selection and addressing the items in § 1944.529 of this subpart.

5. The State Office will forward the original Form AD–621 and accompanying documents as quickly as possible to the National Office, Attention: Special Authorities Division, Multi-Family Housing. In no case should the State Office forward their selected TSA preapplication later than thirty (30) days after the closing date for receipt of preapplications.

6. Preapplications not selected by the State Office will be returned to the applicants through the appropriate District Offices with notice of appeal rights.

7. Only one preapplication per State will be forwarded to the National Office.

E. Sections 1944.531 and 1944.533 of this subpart detail the responsibilities of the State Office after tentative selection or concurrence of the TSA grantees by the National Office. Those preapplicants not selected will be promptly notified and their preapplication returned. Form AD–622, "Notice of Preapplication Review Action," will be mailed from the State Office to the applicants. District Offices will receive a copy from the State Office.

F. After execution of the grant agreements, the State Office will work closely with the District Office and the grantee to obtain additional resources from other Federal and State agencies to meet the needs of the TSA service area. The State Office should closely review the quarterly project performance reports and assist the District Director, as appropriate, in resolving any problems or taking advantage of favorable funding or program opportunities.

Exhibit C—Instructions for District Offices Regarding Their Responsibilities in the Administration of the Technical and Supervisory Assistance Grant Program

A. The District Office will maintain for distribution to potential applicants, upon request, a supply of preapplication packets consisting of:

1. Form AD–621, "Preapplication for Federal Assistance."

2. Form FmHA 400–1, "Equal Opportunity Agreement."

3. Form FmHA 400–4, "Nondiscrimination Agreement."

4. Form FmHA 449–10, "Applicant's Environmental Impact Evaluation."

5. Subpart K of Part 1944 of this Chapter.

B. The District Office should inform all potential applicants, except federally recognized Indian Tribes, at the time they are given or sent forms, that they should send a copy of the completed preapplication or otherwise notify the appropriate A–95 Clearinghouse of their intent to apply for a Technical and Supervisory Assistance (TSA) grant under Section 525 of the Housing Act of 1949. District Directors will provide any necessary assistance in completing preapplication forms.

C. All applicants will submit preapplications to District Offices. Upon receipt of the preapplication the District Director will review it to ensure that the preapplication is complete and make assessments required by § 1944.526(b)(1) of this subpart.

D. The District Director will provide written comments to be attached to the preapplication. These comments will, at a minimum, address the following items:

1. Whether the area to be covered by the project is a "rural area" as defined by FmHA regulations.

2. The District Director's knowledge of the applicant's past history.

3. The need for the proposed activity, and its relationship to the targeting strategies for the District.

4. Appropriateness and applicability of this proposal for FmHA implementation funds.

5. Extent of citizen involvement in development of preapplication, particularly the involvement of minority and/or low-income groups.

6. All other criteria specified in § 1944.529 of this subpart.

7. The comments and recommendations of the County Supervisors for the proposed TSA service area.

E. The District Director will forward the original and one copy of the preapplication and accompanying documents along with the comments and a summary recommendation to the State Director within ten (10) workings days of receipt of the preapplication.

F. Those applicants invited to submit applications will submit their applications to the District Office with two copies. The District Office will retain the original for the docket and forward one copy to the appropriate State Office after making sufficient copies to forward one copy to each of the appropriate County Offices.

G. The District Director, upon receipt of the application, will prepare a docket in accordance with § 1944.531 of this subpart. The procedures for approval and project servicing are detailed in this subpart.

Exhibit D—Amendment to Technical and Supervisory Assistance Grant Agreement

This Amendment to Agreement dated ——— 19 — between ——— herein called "Grantee," organized and operating under (authorizing State Statute) ——— and the United States of America acting through the Farmers Home Administration, Department of Agriculture, herein called "FmHA," amends the Technical and Supervisory Assistance Grant Agreement" between the parties hereto dated ———, 19 —, hereinafter called the "Agreement."

Said Agreement is amended by changing the ending date specified in Paragraph 2 of Part B of the Agreement from ——— to ——— and/or by making the following changes noted in the attachments hereto: (List and identify proposal and any other documents pertinent to the grant which are attached to the Amendment.)

Agreed to this ——— day of ——— 19 —.

(Name of Grantee) ———

By (Signature) ———

(Title) ———

United States of America

By (Signature) ———

(Date) ———

(Title) ———

Farmers Home Administration

Exhibit E—Guide Letter to Delinquent FmHA Single Family Housing Loan Borrowers

Dear ———: (name of borrower)

This is to advise you that ——— (name of TSA grantee) is available to provide independent counseling services to Farmers Home Administration (FmHA) borrowers in need of financial management assistance. These

services may assist you in resolving your present delinquency in your housing loan.

This organization is prepared to provide financial and budget counseling at no charge to you. Their counseling services include advice on debt levels and credit purchases, consumer and cost awareness, debt adjustment procedures, and other financial information and services.

You are urged to take advantage of this program. However, your participation is voluntary and does not relieve you of any of your loan obligations to FmHA or limit the remedies FmHA has to bring your loan current or recover the loan in full. Any plan altering your repayment schedule in any way must be approved by this office. However, it is our intention to work with you and the counseling organization in every way we can to resolve your delinquency.

If you want to participate in this program, please sign the attached copy of this letter and return it to this office. At that time we will advise _____ (name of TSA grantee) that you are interested in their services and provide them with the information they need to contact you. Only information available to the general public will be released.

We are sure you agree that it is in your interest to make every effort to bring your account current. We look forward to your return of the attached copy of this letter.

Sincerely,

County Supervisor, Farmers Home Administration.

Enclosure

(On attached copy only:)

I desire to participate in the counseling program with _____ (name of TSA grantee).

Borrower _____

Date _____

This regulation has been determined significant under the USDA procedure implementing Executive Order 12044. A copy of the Draft Impact Analysis Statement is available from Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, Washington, D.C. 20250.

This document has been reviewed in accordance with FmHA Instruction 1901–G "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: April 6, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79–11368 Filed 4–11–79; 8:45 am]

BILLING CODE 3410–07–M

federal register

Thursday
April 12, 1979

Part IV

Department of Energy

Economic Regulatory Administration

Crude Oil; Production Incentives for Marginal Properties

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

Production Incentives for Marginal Properties

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final Rule, Further Notice of Proposed Rulemaking.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) is adopting amendments to the Mandatory Petroleum Price Regulations designed to provide additional incentives for increased production of domestic crude oil.

One of these amendments will apply to crude oil produced and sold from "marginal properties" and, as of the effective date of the amendment, most of the crude oil produced and sold from these properties will be eligible for upper tier ceiling prices with the remainder of such crude oil to be released to upper tier prices effective January 1, 1980.

Under another of these amendments, producers will be given an opportunity, for each domestic property on a one-time basis to elect to (1) eliminate any existing current cumulative deficiencies, and (2) update the base production control levels (BPCL's), as of the effective date of this amendment. Thereafter, the amendments provide for adjustments to these BPCL's so as to provide each month for a more realistic opportunity to release a portion of the properties' lower tier crude oil production to the upper tier. These amendments will apply to all properties except those qualifying as "marginal," for which special procedures are provided.

Finally, the ERA is continuing this rulemaking proceeding to consider whether to adopt any of the other proposals currently under consideration in this proceeding, including (but not limited to), elimination of the current 21 cent per barrel entitlement penalty on uncontrolled crude oil.

DATES: Effective date of amendments adopted, June 1, 1979; Further comments by June 15, 1979, 4:30 p.m.

ADDRESSES: All comments to: Public Hearing Management, Docket No. ERA-R-78-18, Department of Energy, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

William Webb (Office of Public Information), Economic Regulatory Administration, 2000 M Street, NW., Room B110, Washington, D.C. 20461 (202) 634-2170.

William Carson (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street, NW., Room 2304, Washington, D.C. 20461 (202) 254-7200.

Eugene Glass (Office of Fuels Regulations), Department of Energy, 2000 M Street, NW., Room 6128E, Washington, D.C. 20461 (202) 254-7183.

Lynette Charboneau (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue, NW., Room 1147, Washington, D.C. 20461 (202) 633-8965.

I. *Background*
A. *Third Stage of EPCA Implementing Regulations*
B. *The Energy Conservation and Protection Act*
II. *General Principles Underlying Consideration of the Proposals*
III. *Alternative Amendments Proposed*
A. *Alternative Proposal No. 1: Market Prices for Certain Production from "Marginal" Properties*
B. *Alternative Proposal No. 2: Updating of BPCL for All Properties*
C. *Alternative Proposal No. 3: Release of Some Crude Oil Production from All Wells to Market Prices*
D. *Alternative Proposal No. 4: Increase in Lower Tier Ceiling Price*
E. *Additional Proposal to Eliminate 21 Cent Per Barrel Entitlement Penalty for Uncontrolled Crude Oil*
IV. *Discussion of Comments*
V. *Amendments Adopted*
A. *Upper Tier Ceiling Prices for Crude Oil Produced and Sold from "Marginal" Properties*
B. *Updating of BPCL and Elimination of Existing Current Cumulative Deficiencies for All Properties*
C. *Increase in Lower Tier Ceiling Price*
VI. *Other Matters*

I. Background

A. *Third Stage of EPCA Implementing Regulations.* On May 4, 1976, the Federal Energy Administration (FEA) issued a Notice of Proposed Rulemaking and Public Hearing (41 FR 18873, May 7, 1976) to consider whether additional incentives, beyond the lower tier and upper tier ceiling price levels (including adjustments for inflation and to provide a production incentive) that had been adopted pursuant to the pricing policy of the Energy Policy and Conservation Act (EPCA, Pub. L. 94-163), would be needed to maintain or increase production volumes in any classifications of domestic crude oil. At that time any amendment to provide such incentives by increasing the composite price would have been required to be submitted to Congress pursuant to the review procedures established by Section 551 of the EPCA for composite price adjustments in excess of the adjustments for inflation and as a production incentive, which were then permitted without such review.

The FEA at the time proposed additional incentives with respect to each of the three categories specified in the Emergency Petroleum Allocation Act, as amended (EPAA, Pub. L. 93-159), *i.e.*, the discovery and development of high cost and high risk properties, the application of enhanced recovery techniques, and sustaining production from marginal wells.

Final action on any of the proposals in that proceeding was ultimately deferred because of the increased composite price flexibility afforded by the Energy Conservation and Production Act (ECPA, Pub. L. 94-385), which was enacted on August 14, 1976, during the pendency of the proceeding. The ECPA eliminated the 3 percent limitation on production incentive adjustments, and identified express priorities for treatment under that increased pricing flexibility.

B. *The Energy Conservation and Production Act.* The ECPA amended the EPAA in several significant respects regarding crude oil prices. Specifically, the ECPA removed the 3 percent limitation on adjustments to the composite price to provide a production incentive, so that only the overall limitation of 10 percent on the combined effect of adjustments to reflect inflation and as a production incentive was retained. The ECPA had limited the annual rate of adjustment to the rate of inflation (as measured by the first revision of the GNP deflator) plus not more than 3 percent as a production incentive, with the total rate of adjustment not to exceed 10 percent per year. In contrast, the ECPA permitted increased pricing flexibility of up to a full 10 percent per year, with the result that composite price increases as a production incentive could exceed 3 percent if the rate of inflation were below 7 percent.

This increased pricing flexibility provided a means to encourage domestic production, and the ECPA included as express priorities in this regard the application of *bona fide* tertiary recovery techniques and adjustments to certain gravity price differentials that were associated at that

time with heavy crude oil. (Action has since been taken to accomplish adjustments to gravity price differentials and to provide additional price incentives for *bona fide* tertiary enhanced recovery techniques.)

The ECPA provided that, effective September 1, 1976, crude oil produced and sold from stripper well properties is exempt from first sale price controls. The statutory exemption for crude oil produced and sold from stripper well properties (first in the EPAA and later in the ECPA) was intended by Congress to provide an incentive to maintain domestic crude oil production from marginal producing properties. Under the current ECPA exemption for stripper well properties, Congress set the qualifying limits for the exemption at production of crude oil at levels of 10 barrels or less per well per day during any preceding consecutive 12-month period beginning after December 31, 1972. Although such crude oil is statutorily exempt from first sale price controls, actual volumes of stripper well crude oil have been reported to the DOE, given an imputed price (as determined under Section 121 of the ECPA), and included in the calculations to determine compliance with the actual weighted average first sale price restrictions contained in the EPAA. Effective June 1, 1979, the domestic crude oil first sale price restrictions contained in Section 8 of the EPAA terminate under current law.

II. General Principles Underlying Consideration of the Proposals

We have determined that the examination, begun by the FEA, of additional production incentives for domestic crude oil, should be continued, particularly with respect to domestic crude oil volumes the production of which may be marginally economic at currently controlled price levels. Accordingly, on November 2, 1978, we proposed several amendments (and variations thereof) to the price regulations to provide such production incentives for domestic crude oil. Public hearings on these proposals were held in Austin, Texas on January 9, 1979, and in Los Angeles, California on January 11, 1979. After consideration of all the comments received in connection with this proceeding, and on the basis of data now available to us, we have decided to adopt certain amendments to the price regulations. We will continue our examination of whether additional price incentives should be proposed with respect to first sales of domestic crude oil.

An important element of DOE policy is the promotion of domestic crude oil production, and thus of national energy self-sufficiency, in a manner compatible with the specific policies of the EPAA and overall national policies generally. In this connection, we have considered whether crude oil price levels calculated in accordance with DOE regulations, particularly lower tier crude oil price levels, may be resulting in the premature abandonment of domestic crude oil producing properties that would be self-sustaining in the absence of controls or at higher price levels. Also, we are aware that the present crude oil price control system may be operating to discourage producers from undertaking actions that would increase crude oil production. Allowing production to decline to levels which would qualify for stripper well property treatment might result in more favorable regulatory treatment than if production efforts were maintained or increased.

In order to prevent the crude oil price regulations from operating in a fashion that frustrates the goal of maximizing domestic crude oil production and to address the potential problems discussed above, we have adopted the amendments described below. These amendments will permit an increase in the price of some volumes of crude oil produced and sold from certain properties, to upper tier ceiling price levels.

Our consideration of the proposals set forth in the November 2 Notice has been guided by several factors. We have endeavored to determine whether and to what extent their adoption would be likely to result in increased levels of production above those that would otherwise occur in the absence of their adoption. In addition, we have determined that these amendments result in prices and classifications that are both administratively feasible and consistent with our goal of moving domestic crude oil production toward replacement cost, tempered by concerns for inflationary impacts on the national economy.

III. Alternative Amendments Proposed

A. Alternative Proposal No. 1: Market Prices for Certain Production from "Marginal" Properties

This proposal was designed to maintain marginal domestic crude oil production with price incentives that more closely correspond to costs of production at different well depths. It was our intention to determine whether production costs associated with domestic crude oil significantly increase in proportion to the depth of that production. Accordingly, this alternative proposed to establish a new classification of domestic crude oil produced from "marginal" properties, called "market tier" crude oil, which would immediately be eligible to be sold without regard to the current ceiling prices applicable to first sales of lower tier and upper tier crude oil.

Under this proposal, a "marginal property" would be assigned a "Marginal Base Production Control Level," and any volumes of current production and sale in excess of the Marginal BPCL could be sold at market clearing prices. (All other volumes of current production and sale equal to or less than the Marginal BPCL would be classified as either lower tier or upper tier crude oil, as more fully explained in the November 2 Notice.) Additionally, an imputed decline rate would operate continuously to decrease the property's Marginal BPCL so as to provide an additional incentive to maintain or increase production levels.

We have decided that effective June 1, 1979, the BPCL for a marginal property will be equal to 20 percent of the average monthly production and sale of old crude oil from the property concerned during the last six months of calendar year 1978. Effective January 1, 1980, the BPCL for any marginal property will be reduced to zero. Other than the complete elimination of the BPCL effective January 1, 1980, there will be no BPCL adjustments for marginal properties.

B. Alternative Proposal No. 2: Updating of BPCL for All Properties

Under this alternative we proposed to provide producers with an option, in addition to the existing BPCL options to establish a BPCL for a particular property based on the average monthly volumes of old crude oil produced and sold from the property in 1977. For each property the producer would be permitted to eliminate any current cumulative deficiency existing in the month prior to the month in which this proposal was adopted as a final rule. If the producer selected the 1977 calendar year to establish the property's BPCL, the BPCL could be adjusted in accordance with the formula of 10 CFR 212.76, based upon the property's actual decline in production experienced between 1974 and 1977.

This proposal would permit producers of lower tier crude oil to establish and thereafter adjust a BPCL that is more current than is permitted under the present provisions of the crude oil pricing regulations. We have considered

a similar proposal which would have permitted an adjusted BPCL and decline rate for the property in the manner provided under Alternative Proposal No. 1 for the Marginal BPCL, rather than under § 212.76. We have decided not to adopt this variation.

We have decided instead to (1) eliminate all existing cumulative deficiencies on a one-time basis, and (2) provide producers with the option either to continue the property's existing BPCL and existing adjustments (if any), or adopt as the BPCL the property's average monthly production and sale of old crude oil during the six-month period ending March 31, 1979, and to reduce the updated BPCL each month by a factor of 1½ percent during calendar year 1979. Effective January 1, 1980 (the mid-point of the updated BPCL period), the updated BPCL will be reduced by a factor of 3 percent each month. Where the producer elects to use as a property's BPCL the average monthly production and sale of old crude oil from the property during the six-month period ending March 31, 1979, the first BPCL adjustment will be made effective June 1, 1979, and will effect a BPCL reduction of 9 percent to reflect 1½ percent reductions for each of the months of January through May 1979. These BPCL adjustments do not apply to marginal properties.

C. Alternative Proposal No. 3: Release of Some Crude Oil Production From All Wells to Market Prices

Under this proposal, a certain volume of the daily crude oil production from each well on a property would be eligible for sale at market prices. We specifically solicited comments on the question of how many barrels of crude oil per day per well should be released under this proposal in order to provide an adequate incentive for maintaining domestic production.

We also considered releasing a certain volume of current crude oil production to market prices for those properties that have secondary or tertiary recovery projects to encourage the use of enhanced recovery methods. In that regard, commenters discussed whether it would be necessary and administratively feasible for us to require evidence that the property for which the incentive is sought is subject to a *bona fide* secondary or tertiary recovery project.

D. Alternative Proposal No. 4: Increase in Lower Tier Ceiling Price

This proposal would have increased ceiling prices of lower tier crude oil by an amount to be determined in light of data received in response to the November 2 Notice.

We have decided to continue this proceeding for the purpose of soliciting comments addressed to whether we should escalate lower tier and upper tier ceiling prices at faster than the rate of inflation as measured by the GNP deflator, or otherwise adjust lower tier and upper tier ceiling prices. Although we have not closed the rulemaking on this alternative, we have determined not to take any action on this proposal at this time.

E. Additional Proposal To Eliminate 21 Cent Per Barrel Entitlement Penalty for Uncontrolled Crude Oil

Under the entitlements program, there is currently a 21 cent per barrel fixed advantage for refiners' receipts of lower tier and upper tier domestic crude oils as compared with receipts of imported crude oil. In the November 2 Notice, we proposed that this 21 cent fixed advantage be eliminated based on our tentative conclusion that there are sufficient incentives to refine domestic crude oil, and that the 21 cent penalty may be imposing an inappropriate burden on those refiners that are dependent on imported crude oil. Commenters were divided over this proposal. Generally, refiners favored this proposal and producers opposed it. We are deferring consideration of this proposal and will continue to receive comments in this proceeding as to whether we should adopt this proposal.

IV. Discussion of Comments

We received oral or written comments from more than sixty parties including major integrated refiners, large and small independent refiners, retailers, trade associations, air carriers, and governmental representatives.

Most of the comments strongly agreed that additional incentives are appropriate at this time in order to optimize the production of domestic crude oil, especially with respect to crude oil that is produced from the nation's older, declining properties, but urged that the elimination of all first sale price controls over domestic crude oil would be a better way to optimize domestic production. The following summary addresses the significant aspects of the written and oral comments with respect to each of the major proposals.

A. Alternative Proposal No. 1

Our proposal to create specific price incentives for crude oil produced and sold from marginal properties received general acceptance from commenters and was generally favored over other proposals. It was though to be a positive step to correct what has been regarded as inadequate incentives to encourage the maintenance or development of marginal properties under our current regulations. Commenters generally agreed that production costs for domestic crude oil significantly increase in proportion to the depth of that production, and that in defining a marginal property we should use qualifying thresholds which relate average daily production levels to average completion depths. (Our proposal was based in part on the presumption that operating cost differentials as a result of high water cut were built into the "economic limit" data on depth brackets.)

The comments addressed to this proposal, however, suggested that we should consider simplifying the concept by adopting more workable regulations that would facilitate both industry compliance and DOE enforcement and rovide greater incentives than those offered in the proposal. The most frequent suggestion was to eliminate the "marginal" BPCL entirely (or to establish it at zero) for all marginal properties. In effect, marginal properties would be analogous to stripper well properties and once a property qualified as marginal, all crude oil produced and sold from the property would qualify in first sales for market prices. The major advantage of such a rule would, of course, be simplicity. No "market tier" would be created, and no declining marginal BPCL computations would be required.

B. Alternative Proposal No. 2

Most commenters perceived our proposal to eliminate existing cumulative deficiencies and to update BPCL's generally as a possible vehicle for the ultimate decontrol of first sales of all domestic crude oil. Coments generally suggested that the elimination of current cumulative deficiencies and updating of BPCL's would provide little incentive for increased production if implemented on a one-time-only basis. However, when implemented in conjunction with a declining BPCL, an updated BPCL based on crude oil produced and sold from properties in 1978 rather than in 1977 was viewed as a positive step. Further, comments suggested that monthly downward adjustments of the BPCL would provide the greatest opportunity at the present time for an overall increase in domestic crude oil production levels.

C. Alternative Proposal No. 3

The majority of comments stressed that a one-time release to market prices of a certain amount of current production would do little to provide incentives for increasing domestic crude oil production levels. Our proposal was to release to market prices the same volume of current production—10 barrels per well per day—for each property. The major objection that we received was that such a mechanism would not focus the incentive on marginal properties. Moreover, 10 barrels per well per day was believed to be too little to do much in the way of increasing domestic production.

D. Alternative Proposal No. 4

While the comments generally favored increasing ceiling prices of lower tier crude oil by some fixed increment, they did not indicate that our adoption of this proposal would result in a significant increase in overall domestic production. In fact, comments suggested that an increase of two to four dollars per barrel would be necessary to substantially increase production. The real effect of this proposal, it was suggested, would be to narrow the differential between ceiling prices for lower tier and upper tier crude oil, thus easing the way for all domestic crude oil to be released to market prices.

The comments further noted that the GNP deflator was not an appropriate index by which to measure adjustments to lower tier ceiling prices. Although estimates varied, the cost of materials and operations was generally estimated to be increasing at a yearly rate of almost twice the GNP deflator.

Finally, the comments emphasized that in order to be effective as an incentive for increased domestic crude oil production any increase in lower tier ceiling prices for crude oil should be implemented generally for all properties. They argued that the time and expense of case-by-case determination by the DOE Office of Hearings and Appeals would discourage producers from applying for price relief.

E. Additional Proposal To Eliminate 21 Cent Per Barrel Entitlement Penalty For Uncontrolled Crude Oil

We received over 30 comments on our proposal to eliminate the 21 cent per barrel entitlement penalty for imported crude oil. Generally, refiners favored the proposal while producers opposed it.

Comments in favor of eliminating the penalty expressed the view that the penalty was unnecessary to create an incentive for refiners to purchase and refine domestic crude oil. Many refiners argued, however, that domestic crude oil does not need the 21 cent advantage because of its lower price and more dependable supply. Small and independent refiners which lacked adequate domestic supplies argued that they are especially disadvantaged by the 21 cent penalty. Producers and some refiners with significant domestic production were opossed to eliminating the 21 cent penalty, believing that its elimination would raise the entitlement cost for lower tier and upper tier crude oil and, hence, blunt the impact of any incentives that we might adopt for marginal properties.

F. Request for Additional Comments

In addition to comments on the specific proposals, we requested comments on any additional mechanisms that might be used to optimize domestic crude oil production in general and production from marginal properties in particular. Of the 40 comments that offered alternatives to our specific proposals, almost all urged total decontrol of domestic crude oil as the best incentive to increase production.

Many of the comments expressly suggested that we decontrol all domestic crude oil by October 1, 1981. Under the scenario most frequently outlined in these comments, both lower tier and upper tier ceiling prices would be increased by June 1, 1979, to the maximum levels currently permitted under the first sale composite price restrictions of Section 8 of the EPAA. On June 1, 1979, all upper tier crude oil would be permitted to receive market prices and, through a system of phased decontrol by which monthly volumes would be released to market prices, all lower tier crude oil would be exempt form control by October 1, 1981.

V. Amendments Adopted

A. Upper Tier Ceiling Prices for Crude Oil Produced and Sold From "Marginal" Properties

Comments submitted in response to our request in the November 2 Notice confirm our earlier tentative conclusion that production costs for domestic crude oil increase significantly in proportion to the depth of that production. For example, our data indicate that direct operating costs at a depth of 8,000 feet average approximately 41 percent above those experienced by domestic producers at a depth of 4,000 feet. Moreover, we believe that based on the comments we received, we can provide an incentive to domestic producers that is more adequately tailored to the various production situations by permitting properties to qualify as "marginal" based upon varying production levels at different depths, and to allow a large percentage of the crude oil produced and sold from such properties to be sold at upper tier ceiling prices on June 1 of this year and the remainder at the start of next year. In this way we believe that we can improve our regulations to provide better incentives for maintaining and increasing overall domestic production from this category of properties, such incentives being more nearly commensurate with the differing levels of operating costs likely to be experienced with respect to individual properties.

To illustrate: the stripper well property exemption provides market prices in first sales of crude oil from any property where production of crude oil, excluding condensate recovered in non-associated production, has averaged 10 barrels or less per well per day during any preceding 12-month period beginning after December 31, 1972. This congressionally mandated exemption is designed, through the incentive of exempt prices based on the statutory presumption of threshold economic marginality at 10 barrels of crude oil per well per day for a consecutive 12-month period, to promote the continued operation of economically marginal properties, the production from which might otherwise be lost.

We are aware, however, that some incentive is also appropriate for other properties that do not fall within the definition of a stripper well property, but which are nevertheless economically marginal, or are approaching that limit because of higher operating costs. The marginal property amendment which we are adopting in this proceeding is addressed to those properties. Moreover, we are aware that with respect to properties that are approaching the 10 barrel per well per day limit some producers have foregone, and would continue to forego, efforts to maintain or to increase production from those properties because such efforts are more economically withheld and subsequently undertaken once the property has qualified as a stripper well property. We believe that this amendment will also avoid this unintended consequence of the stripper well property exemption and should result in a significant increase in domestic crude oil production.

Accordingly, we are adopting the following amendments to the crude oil

price regulations, applicable to marginal properties effective June 1, 1979.

1. *Qualification as a "Marginal Property".* Inasmuch as our concept of a marginal property is analogous to a stripper well property, and because the calculations to be used in determining a property's qualification as a marginal property are similar to those used in determining a property's qualification under the stripper well property exemption, *Rulings 1974–28, 1974–29, 1974–30, 1975–12, 1975–15, 1977–6,* and relevant portions of *Rulings 1977–1* and *1977–2* will apply with respect to marginal properties as well as to stripper well properties.

a. *Qualifying Period.* In the November 2 Notice, we proposed a qualifying period beginning on July 1, 1977, and ending on June 30, 1978. Comments addressed to this qualifying period were favorable. A later qualifying period was viewed as being more acceptable, however, and we have decided to adopt a later period (calendar year 1978) which is more consistent with the period selected for updating BPCL's generally. Once a property has qualified as marginal, it will retain that status for the duration of price controls—even if production levels subsequently increase above the qualifying limits—in order to provide the additional incentive to increase production levels. We proposed to use an historical qualifying period—rather than the statutory "rolling" qualifying period as is used for the stripper well property exemption—so as to eliminate any incentive to curtail production in order to qualify a particular property as marginal. Comments addressed to this issue confirmed our belief that in most cases one year appears to be the optimum period to establish marginal status while providing the incentive of higher prices. A one-year period is generally long enough to compensate for short-term production anomalies and establish representative production levels, and it is not an inordinately long period of time for a property to be operated near its economic limit.

b. *Determination of "Average Completion Depth".* In order to determine whether a particular property qualifies as a marginal property, the producer must first calculate the property's "average completion depth" of all wells that produced crude oil on the property during the qualifying period. This calculation involves dividing the sum of the completion depths for all such wells by the number of those wells. Injection wells and other wells that did not produce crude oil during the qualifying period may not be counted for purposes of these calculations.

"Completion depth" is defined as the depth from which crude oil was produced, as reported to the applicable state regulatory authority. For properties located in states where no such reports are required to be made, or where no such regulatory body exists, the producer may use the depth to the base of perforations from which the well produced crude oil. For open hole completions, the producer may use the lesser of the plugged-back depth or the base of the producing reservoir. In either case, the producer must be able to document such depths with affidavits executed by a registered petroleum engineer.

Where a well produced crude oil during the qualifying period from two or more completion depths at the same time, the well may be counted as two or more wells—and the various completion depths averaged—only where the well would qualify as a multiple completion well for purposes of the stripper well property exemption, as interpreted in *Ruling 1975–12, i.e.,* where

(a) The well consists of two (or more) separate tubing strings run inside the casing, each of which carries crude oil from a separate and distinct producing formation, *and*

(b) The production capabilities of each formation are unaffected by any change in the production level of any other formation producing through the same well.

In all other cases, for example, where a single well produces crude oil from two or more different completion depths but does not otherwise meet the criteria in *Ruling 1975–12,* the producer must count the well as one well and may use the deepest completion depth. Where a well produced crude oil during the qualifying period from two or more separate and distinct producing reservoirs, and the producer had properly elected to treat the separate reservoirs as separate properties during the qualifying period, one or more of the separate and distinct reservoirs might qualify as marginal properties depending upon average daily production during the qualifying period. In cases such as this, *i.e.,* where there was discontinuity of property treatment during the qualifying period, the producer may determine marginal property treatment on a reservoir-by-reservoir basis, provided that he is able to provide evidence of actual production volumes from each reservoir during the entire qualifying period. Otherwise, marginal property status must be determined on the basis of the property as it existed at the beginning of the qualifying period.

c. *Determination of "Average Daily Production".* A property's average daily production during the qualifying period must be determined in the same way as is done for stripper well properties, and the provisions of the relevant stripper well property rulings will be applicable with respect to such computations. Accordingly, in calculating a property's average daily production, for example, a producer may not count injection wells, or other wells that did not produce crude oil during the qualifying period. Moreover, adjustments to average daily production must be made to account for any well which was not operated at the maximum feasible rate of production in accordance with recognized conservation practices, or was significantly curtailed by reason of mechanical failure or other disruption in production.

d. *Qualifying Thresholds.* Once the property's average completion depth and average daily production have been determined, the producer will compare those figures with the qualifying limits set forth below:

Average completion depth in feet	Average daily production
2,000 or more but less than 4,000	20 barrels or less
4,000 or more but less than 6,000	25 barrels or less
6,000 or more but less than 8,000	30 barrels or less
8,000 or more	35 barrels or less

For example, assume that a property consisted of four producing wells completed at depths of 3,300 feet, 4,700 feet, 4,500 feet, and 6,600 feet, and that during the qualifying period all four wells were operated at the maximum feasible rate of production in accordance with recognized conservation practices, with no production disruptions or other curtailments. Assumed also that during this period 29,500 barrels of crude oil, excluding condensate recovered in non-associated production, were produced from the property. The property's average completion depth would be computed as follows:

$$ACD = \frac{3{,}300 + 4{,}700 + 4{,}500 + 6{,}600}{4}$$

$$= 4{,}775 \text{ feet}$$

The property's average daily production would be computed as follows:

$$ADP = \frac{29{,}500 \text{ barrels}}{(365 \text{ days})(4 \text{ wells})}$$

$$= 20.21 \text{ barrels per well per day}$$

Accordingly, the property as described in the example would qualify as a marginal property because, with an average completion depth of 4,775 feet (more than 4,000 or less than 6,000 feet), it produced less than 25 barrels of crude

oil per well per day during the qualifying period. Therefore, as of June 1, 1979, the effective date of this rule, the producer may certify the property as a marginal property.

e. *Recordkeeping.* Once a property qualifies as a marginal property, a producer will be required, with respect to the property during the qualifying period, to maintain at its principal place of business, and make available to the DOE upon request, (1) records specifying the number of wells on a property, (2) adequate records, or a certification by a registered petroleum engineer, providing the completion depth of each well, (3) records providing the volumes of crude oil produced at each depth, and (4) records of production, including records of each time production was significantly curtailed by reason of mechanical failure or other disruption in production. Where records of actual measured are unavailable, we will permit estimates verified by a registered petroleum engineer to be maintained.

B. *Updating of BPCL and Elimination of Existing Current Cumulative Deficiencies for All Properties.* Effective February 1, 1976, in connection with the amendments adopted to implement the crude oil pricing policy of the Energy Policy and Conservation Act (41 FR 4931, February 3, 1976), the FEA revised the definition of base production control level (BPCL) to provide producers with the option to continue to use the then-existing BPCL or the average monthly production and sale of old crude oil during calendar year 1975 for the property. At that time the FEA found that

> the production incentives afforded by the prior regulations (adopted initially by the Cost of Living Council in August 1973), which permitted new and released crude oil to be sold without respect to the ceiling price rule, were of decreasing impact or effectiveness because, due to natural rates of decline, production levels (were by February 1976) generally well below 1972 levels for most properties, and (were continuing) to decline. (41 FR at 4932.)

Because many properties with declining production levels were therefore unaffected by the incentives previously afforded under the price regulations, the FEA found it necessary to offer the option of using a more recent BPCL as a production incentive. In order to maximize the effectiveness of this new production incentive, the FEA eliminated all existing current deficiencies that had accumulated for properties under existing regulations.

In April 1976 the FEA amended the price regulations in order to provide an additional production incentive, with respect to those properties for which production levels were nevertheless still below the BPCL and for which production levels continued to decline so as to make the incentive of upper tier ceiling prices unrealistic. That amendment provided for BPCL adjustments based upon the annual rate of decline for the particular property concerned during the period January 1, 1972, through December 31, 1975.

Accordingly under current regulations producers began to adjust BPCL's downward for certain properties. This adjustment has been made every six months (in January and July of each year) subject to the following qualifications. For properties from which no new crude oil was produced and sold from February 1, 1976, through June 30, 1976, the BPCL adjustments began July 1, 1976, and were permitted to be made each six months thereafter. For properties from which new crude oil was produced and sold during that 5-month period, the BPCL adjustments began with the first month immediately following any six month semi-annual period ending after June 30, 1976, during which the total production and sale of crude oil from the property was less than the sum of the property's BPCL's for that six-month period.

Once a property has qualified for the adjustment provisions contained in 10 CFR 212.76, the property's BPCL is adjusted generally as follows: During the first six-month period of adjustments, the BPCL is reduced by 75 percent of the property's annual rate of decline during the January 1972 through December 1975 period; during subsequent six month periods, the BPCL is reduced by 50 percent of that annual rate of decline.

We have determined that the effectiveness of the production incentives offered in February and April of 1976 have significantly decreased to the point that the current price regulations no longerr afford many domestic producers a realistic promise of upper tier prices with respect to most lower tier production. More than three years have elapsed since BPCL's were updated for all properties and existing current cumulative deficiencies were eliminated. By the effective date of this amendment three years will have passed since the FEA's adoption of the BPCL-adjusting regulations. Many lower tier properties are now operating at levels that are considerably below BPCL and, because of decline rates in excess of 1972 through 1975 levels, are afforded no incentive under the BPCL adjustments. Other producers have managed to increase production levels but are faced with large cumulative deficiencies that must be overcome before any crude oil may be sold at upper tier prices.

Accordingly, we have decided to eliminate all existing current cumulative deficiencies, to provide an optional updated BPCL for all properties, and to revise 10 CFR 212.76 to provide a simpler mechanism for adjusting the updated BPCL's if selected. The purpose of this amendment is to provide incentives to maintain or increase crude oil production by allowing producers to receive upper tier prices for production in excess of the property's more recent decline rate, without requiring the producer to "pay back" from such increased production the amount by which prior production had been less than the property's prior BPCL. The one-time elimination of the current cumulative deficiency should insure that there are no disincentives to increased production solely by reason of the fact that such increased production would otherwise be required to be sold at lower tier prices.

Under the amendments, which will become effective June 1, 1979, the BPCL for any property will be equal to the average monthly production and sale of old crude oil from the property concerned during the six-month period ending March 31, 1979. For most properties from which only lower tier crude oil is currently being produced and sold, this action should provide a greater production incentive.

Significantly affected properties will fall generally into two categories: (1) Those for which production levels have fallen below BPCL, either with or without cumulative deficiencies, resulting in all current production being classified as lower tier crude oil under existing regulations; and (2) those for which production levels are above BPCL but for which cumulative deficiencies exist. Properties in the former category will benefit from a more current lower BPCL and elimination of cumulative deficiencies; those in the second category will benefit from elimination of existing cumulative deficiencies, but would not necessarily benefit from a more recent BPCL because the new BPCL might be greater than the existing BPCL. In order to assure maximum incentives, producers will be given a one-time election to use either the existing BPCL for the property or the updated BPCL.

We have decided upon the six-month period ending March 31, 1979, rather than the calendar year that was proposed, in order to provide a more

current reference point for BPCL calculations. This should more accurately take into account the production declines experienced by most domestic properties during a very recent period, and still provide a sufficiently long period of time over which to measure the BPCL so as to average out any production anomalies experienced during that period.

A producer of a unitized property will also be given the option of selecting a unit BPCL based on production and sale from the unitized property during the six-month period ending March 31, 1979. However, the producer's selection of an updated unit BPCL does not constitute "the establishment of a unit BPCL" for any other purpose under the DOE regulations. For example, an updated unit BPCL may allow certain lower tier crude oil to be released to upper tier ceiling prices, but will not affect previously determined volumes of imputed stripper well crude oil, or imputed new crude oil.

Elections must be made not later than August 1, 1979, by the producer for each property by written certification pursuant to the provisions of § 212.131. Regardless of which BPCL is elected, any existing cumulative deficiency will be eliminated effective June 1, 1979.

The provisions of the cumulative deficiency rule will be modified and retained, however, so that once new crude oil is produced and sold from a property after June 1, 1979, and production and sale volumes subsequently fall below BPCL in any month, a deficiency will begin to accrue and must thereafter be overcome before any additional volumes of new crude oil may be sold. This will serve to ensure the fulfillment of the dual policy objectives that have always been contained in the rule: (1) To provide an additional incentive to continued increased production, and (2) to act as a safeguard against possible abuses of the upper tier crude oil price incentive by periodically withholding volumes of current production for sale in later months as new crude oil. *See D. C. Latimer*, Interpretation 1976–16, 42 FR 7937, (February 8, 1977).

Several commenters pointed out, however, that the current cumulative deficiency rule may actually serve to discourage production increases by acting as an impediment to upper tier prices where the provisions of the rule are triggered by anomalous events over which the producer has no control. Such a case might arise, for example, where a sudden surge in production from a single well results in the property exceeding the BPCL by a small amount before such time as production levels are increased from the property as a whole, or where the purchaser makes an extra purchase of crude oil from the property during one month. In such cases, the producer would begin to accumulate a deficiency during a time in which efforts might otherwise be made to increase production levels generally; and when increased production levels were ultimately achieved, the cumulative deficiency would have to be "paid back" before upper tier prices could be realized.

We believe that this aspect of the rule may actually discourage the achievement of the general policies sought to be served under our regulations, and even the dual policy objectives of the rule itself. Accordingly, we are amending the rule in a way that we believe will avoid these unintended results and give the producer an opportunity to avoid the operation of the rule in most cases of production anomalies. The amended rule will provide that a deficiency is not triggered unless the sum of the volumes of crude oil produced and sold in any consecutive two-month period exceeds the sum of the BPCL's for those two months, provided however that crude oil produced and sold in excess of the BPCL in either of those two months is not sold as new crude oil. For example, assume that the BPCL for a property is 500 barrels in July and August, and that in July 525 barrels of crude oil are produced and sold from the property. If the producer certifies 25 barrels as new crude oil, the provisions of the cumulative deficiency rule would be triggered, and for any subsequent month in which production and sale was less than the BPCL, a deficiency would accrue. However, the producer could avoid the operation of the rule by certifying the entire 525 barrels produced and sold in July as old crude oil provided the total production and sale of crude oil during the months of July and August did not exceed 1,000 barrels.

A generally-applicable BPCL reduction factor will provide a more realistic incentive for producers to maintain increased production levels from domestic properties. With respect to properties for which the producer elects to continue using the existing BPCL, that BPCL may be adjusted only in accordance with the current provisions of § 212.76. With respect to properties for which the producer elects to use as the BPCL the average monthly production and sale of crude oil during the six-month period ending March 31, 1979, the property's BPCL may be reduced by a factor of 1½ percent per month during calendar year 1979, with the first adjustment (effective June 1, 1979) calculated as if the adjustments had begun effective January 1, 1979. Accordingly, for such properties, the BPCL will be reduced effective June 1, 1979, by 9 percent, reflecting a 1½ percent reduction for each of the months from January 1979 through June 1979. Effective January 1, 1980, the factor by which a property's BPCL may be reduced is increased from 1½ percent to 3 percent per month. We have concluded that reducing the BPCL by a lower amount in 1979 and a greater amount thereafter is advisable in order to reduce the initial inflationary impact of this proposal and also to reflect the time lag between the effective date of the amendment and the resulting additional production.

However, with respect to properties for which the producer would not exercise the option effective June 1, 1979, because of more favorable treatment under the existing provisions of § 212.76, we have concluded that the producer should not be foreclosed from using the 3 percent reduction factor effective January 1, 1980. Accordingly, for such properties, the producer may elect to use the 3 percent BPCL adjustment factor effective January 1, 1980, regardless of whether the updated BPCL and 1½ percent adjustment factor was elected effective June 1, 1979.

C. *Increase in Lower Tier Ceiling Price.* On March 1, 1979, we issued Crude Oil Price Schedule No. 14 permitting increases in lower tier and upper tier ceiling prices to reflect a rate of inflation of 8.1 percent as measured by the GNP deflator published in February 1979. Pursuant to schedule No. 14, lower tier prices for the months of March, April, and May 1979 are projected to average $5.78, $5.82, and $5.86 per barrel nationally, respectively.

Crude Oil Price Schedule No. 14 represents the final in a series of price increases permitted by the FEA and the DOE to implement part of the crude oil pricing policy as proposed in the National Energy Plan (NEP) issued by the President on April 20, 1977. That policy, which was subsequently reiterated by the FEA and the DOE on several other occasions, was to permit lower tier and upper tier prices to increase at no more than the rate of inflation through May 1979, at which time the President's mandatory authority under the EPAA to control first sale prices of domestic crude oil prices becomes discretionary.

VI. Other Matters

In adopting this rule, we have considered, in accordance with DOE Order 2030, the economic impact of our action and have prepared a regulatory analysis. Copies of the regulatory analysis, as well as the EIS, may be obtained from the ERA, Office Of Public Information, 2000 M Street, NW., Room B–110, Washington, D.C., 20461, (202) 634–2170.

In Accordance with Section 404 of the DOE Act, the Federal Energy Regulatory Commission received a copy of the proposed rulemaking and has notified the ERA that it has not determined that the proposed regulations would significantly affect any function within its jurisdiction under Sections 406(a)(1), (b), and (c)(1) of the DOE Act.

(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. 94–385; Energy Policy and Conservation Act, Pub. L. 94–163, as amended, Pub. L. 94–385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95–91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective June 1, 1979.

Issued in Washington, D.C., April 5, 1979.

David J. Bardin,
Administrator, Economic Regulatory Administration.

1. Section 212.72 is amended to add the definitions of "Average completion depth," "Average daily production," and "Completion depth," and to revise the definitions of "Base production control level," "Current cumulative deficiency," and "New crude oil," to read as follows:

§ 212.72 Definitions.

"Average completion depth" means for each particular marginal property the sum of all completion depths for all wells that produced crude oil from the property concerned during calendar year 1978, divided by the number of such wells during that 12-month period.

"Average daily production" means for each particular marginal property the qualified maximum total production of crude oil (excluding condensate recovered in non-associated production) produced from a property, divided by 365 times the number of wells that produced crude oil (excluding condensate recovered in non-associated production) from that property during calendar year 1978. To qualify as maximum total production, each well on the property must have been maintained at the maximum feasible rate of production throughout that 12-month period and in accordance with recognized conservation practices, and not significantly curtailed by reason of mechanical failure or other disruption in production.

"Base production control level" means: (1) With respect to months ending prior to February 1, 1976:

(A) If crude oil was produced and sold from the property concerned in every month of 1972, the total number of barrels of domestic crude oil produced and sold from that property in the same month of 1972;

(B) If crude oil was not produced and sold from the property concerned in every month of 1972, the total number of barrels of crude oil produced and sold from that property in 1972, divided by 12;

(2) With respect to months commencing after January 31, 1976, except as provided in § 212.76(a), either:

(A) The total number of barrels of old crude oil produced and sold from the property concerned during calendar year 1975, divided by 365, multiplied by the number of days during the month in 1975 which corresponds to the month concerned; or

(B) If the producer elects to certify crude oil sales for 1972 in accordance with § 212.131(a)(2), the total number of barrels of crude oil produced and sold from the property concerned during calendar year 1972, divided by 366, multiplied by the number of days during the month in 1972 which corresponds to the month concerned;

(3) With respect to months commencing after May 31, 1979, except as provided in § 212.76, for properties other than marginal properties, either:

(A) The total number of barrels of old crude oil produced and sold from the property concerned during the six-month period ending March 31, 1979, divided by 182, multiplied by the number of days during the month in 1978 which corresponds to the month concerned; or

(B) If the producer elects to certify crude oil sales for 1975 in accordance with § 212.131(a)(2), the total number of barrels of old crude oil produced and sold from the property concerned during calendar year 1975, divided by 365, multiplied by the number of days during the month in 1975 which corresponds to the month concerned; or

(C) If the producer elects to certify crude oil sales for 1972 in accordance with § 212.131(a)(2), the total number of barrels of crude oil produced and sold from the property concerned during calendar year 1972, divided by 366, multiplied by the number of days during the month in 1972 which corresponds to the month concerned;

(4) With respect to marginal properties, the base production control level equals (A) with respect to months commencing after May 31, 1979, 20 percent of the total number of barrels of crude oil produced and sold from the property concerned during calendar year 1978, divided by 365, multiplied by the number of days during the month in 1978 which corresponds to the month concerned; (B) for the months commencing after December 31, 1979, zero.

"Completion depth" means the depth from which crude oil was produced, as reported to the applicable state regulatory authority. Where such reports are not required to be made, completion depth means the depth in feet measured from ground level, or from the top of the surface casing, along the bore hole to the base of perforations from which a well produces crude oil; with respect to a well which has been completed "open hole," completion depth means the lesser of (1) the depth to the base of the reservoir, or (2) the "plugged-back" depth. Provided that where no official state regulatory depth report has been made, completion depth must be documented with an affidavit executed by a registered petroleum engineer.

"Current cumulative deficiency" means: (1) For months prior to February 1, 1976, the total number of barrels by which production and sale of crude oil was less than the base production control level, for all months in which production and sale of crude oil was less than the base production control level subsequent to the first month in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold in each prior month which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current cumulative deficiency;

(2) For months commencing after January 31, 1976, the total number of barrels by which production and sale of crude oil has been less than the base production control level subsequent to the first month (after February 1, 1976) in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold in each month after February 1, 1976, which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to

reduce the amount of new crude oil in each month by the amount of the current cumulative deficiency;

(3) For months commencing after May 31, 1979, at the option of the producer either (A) the total number of barrels by which production and sale of crude oil has been less than the base production control level subsequent to the first month (after June 1, 1979) in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold in each prior month after June 1, 1979, which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current cumulative deficiency; or

(B) The total number of barrels by which production and sale of crude oil has been less than the base production control level subsequent to any two-month period in which the total production and sale of crude oil from the property concerned exceeds the sum of the property's base production control levels for that two-month period, minus the total number of barrels of domestic crude oil produced and sold in each prior month after June 1, 1979, which was in excess of the base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current cumulative deficiency. A producer may not elect this option (B) for any property from which new crude oil was produced and sold as new crude oil in any month which begins after May 31, 1979.

* * * * *

"Marginal property" means a property whose average daily production of crude oil (excluding condensate recovered in non-associated production) per well during calendar year 1978 did not exceed the number of barrels shown in the following table for the corresponding average completion depth:

Table

Average completion depth in feet	Barrels per day
2,000 or more but less than 4,000	20 or less
4,000 or more but less than 6,000	25 or less
6,000 or more but less than 8,000	30 or less
8,000 or more	35 or less

* * * * *

"New crude oil" means, with respect to a specific property: (1) For months prior to February 1, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less (A) the base production control level for that month, and less (B) the current cumulative deficiency;

(2) For months commencing after January 31, 1976, the total number of barrels of domestic crude oil produced and sold in a specific month, less (A) the property's base production control level for that month and less (B) the current cumulative deficiency since February 1, 1976;

(3) For months commencing after May 31, 1979, the total number of barrels of domestic crude oil produced and sold in a specific month, less (A) the base production control level for that month, and less (B) the current cumulative deficiency since June 1, 1979; and

(4) Shall not in any period include any number of barrels not certified as new crude oil pursuant to the provisions of § 212.131(a)(1) within the consecutive two-month period immediately succeeding the month in which the crude oil is produced and sold, except where such recertification is explicitly required or permitted by DOE order, interpretation or ruling.

* * * * *

2. Section 212.75 is amended in paragraph (b) and (g), and to add a new paragraph (h), to read as follows:

§ 212.75 Crude Oil Produced and Sold from Unitized Properties.

* * * * *

(b) *Definitions.* For purposes of this section—

"Current unit cumulative deficiency" means (1) for months prior to June 1, 1979, the total number of barrels by which production and sale of crude oil from the unitized property was less than the unit base production control level subsequent to the first month (following the establishment of a unit base production control level for that unitized property) in which any crude oil produced and sold from that unit was eligible to be classified as actual new crude oil (without regard to whether the amount of actual new crude oil was exceeded by the amount of imputed new crude oil), minus the total number of barrels of domestic crude oil produced and sold in each prior month from that unitized property (following the establishment of a unit base production control level for that unitized property) which was in excess of the unit base production control level for that month, but which was not eligible to be classified as actual new crude oil because of this requirement to reduce the amount of actual new crude oil in each month by the amount of the current unit cumulative deficiency;

(2) For months commencing after May 31, 1979, at the option of the producer either (i) the total number of barrels by which production and sale of crude oil from the unitized property has been less than the unit base production control level subsequent to the first month (after June 1, 1979) in which new crude oil was produced and sold, minus the total number of barrels of domestic crude oil produced and sold from the unitized property in each prior month after June 1, 1979, which was in excess of the unit base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current unit cumulative deficiency; or

(ii) The total number of barrels by which production and sale of crude oil from the unitized property has been less than the unit base production control level subsequent to any two-month period in which the total production and sale of crude oil from the unitized property concerned exceeds the sum of the property's unit base production control levels for that two-month period, minus the total number of barrels of domestic crude oil produced and sold in each prior month after June 1, 1979, which was in excess of the unit base production control level for that month, but which was not classified as new crude oil because of this requirement to reduce the amount of new crude oil in each month by the amount of the current unit cumulative deficiency. A producer may not elect this option (ii) for any unitized property from which new crude oil was produced and sold as new crude oil in any month which begins after May 31, 1979.

* * * * *

(g) Notwithstanding the provisions of the definition of "Unit base production control level" in paragraph (b) of this section, with respect to any unitized property for which a unit base production control level was established prior to June 1, 1979, a producer may, effective June 1, 1979, select as the unit base production control level, the total number of barrels of old crude oil produced and sold during the six-month period ending March 31, 1979, from all properties that constitute the unitized property, divided by 182, times the number of days during the month in 1978 which corresponds to the month concerned. The selection of a unit base production control level pursuant to this paragraph (g) does not constitute the "establishment of a unit base production

control level" for any purpose under this Part.

(h) The provisions of this section shall apply to each first sale of crude oil from a unitized property.

3. Section 212.76 is amended in paragraph (a) to read as follows:

§ 212.76 Adjustments to Base Production Control Levels.

(a) *Eligibility.* (1) With respect to each property for which a base production control level is not determined pursuant to the provisions of subparagraph (3)(A) of the definition of "base production control level" in § 212.72, and from which no new crude oil is produced in any month in the 5-month period ending June 30, 1976, after June 30, 1976, a producer may adjust the base production control level for the property concerned for each month during that six-month period in accordance with paragraph (b) of this section.

(2) With respect to each property for which a base production control level is not determined pursuant to the provisions of subparagraph (3)(A) of the definition of "base production control level" in § 212.72, and from which new crude oil is produced in any month in the 5-month period ending June 30, 1976, a producer may adjust the base production control levels applicable thereto in accordance with paragraph (b) of this section, commencing with the six-month semi-annual period immediately following a six-month semi-annual period ending subsequent to June 30, 1976, in which the total amount of crude oil produced and sold from the property concerned was less than the sum of the base production control levels for that period.

(3)(i) Effective June 1, 1979, with respect to any property for which the base production control level is determined pursuant to the provisions of subparagraph (3)(A) of the definition of "base production control level" in § 212.72, and with respect to any unitized property for which the unit base production control level is selected pursuant to the provisions of paragraph (g) in § 212.76, a producer may adjust the base production control level for the property concerned in each month only in accordance with the following formula—

ABPCL = [1 − (N)(.015)] (BPCL)
Where:
ABPCL = The adjusted base production control level or the adjusted unit base production control level for the month concerned.
BPCL = The base production control level or the unit base production control level for the month concerned.
N = The number of months, including the month concerned, since December 31, 1978.

(ii) Effective January 1, 1980, with respect to any property a producer may adjust the base production control level or unit base production control level in accordance with the following formula—

ABPCL = [(.82) − (N) (.03)] (BPCL)
Where:
ABPCL = The adjusted base production control level or the adjusted unit base production control level for the month concerned.
BPCL = The base production control level or the unit base production control level for the month concerned.
N = The number of months, including the month concerned, since December 31, 1979.

3. Section 212.128 is amended to add a new paragraph (c) to read as follows:

§ 212.128 Recordkeeping.

* * * * *

(c) *Marginal properties.* Each producer of crude oil from a marginal property shall, with respect to the qualifying period, maintain at its principal place of business, (1) records specifying the number of wells on the property, (2) adequate records or a certification by a registered petroleum engineer, providing the completion depths of each well, and (3) records providing the volumes of crude oil produced at each depth. Where actual volumes are unavailable, estimates verified by a registered petroleum engineer will be required to be maintained. Access to such records, with adequate opportunity for duplication by DOE, will immediately be provided to the DOE upon request of DOE audit personnel.

4. Section 212.131 is amended in subparagraphs (a)(2)(iii) and (a)(3)(iii) to read as follows:

§ 212.131 Certification of Domestic Crude Oil Sales.

* * * * *

(a) * * *

(2) *Non-stripper well properties.* * * *

(iii) The certification required under this paragraph (a)(2) of this section shall be made within the consecutive two-month period immediately following the month of September 1976, or, with respect to any property from which crude oil has not been produced and sold prior to September 30, 1976, the certification required under this paragraph (a)(2) of this section shall be made within the two-month period immediately following the first month in which crude oil is produced and sold. With respect to any property for which a base production control level is determined pursuant to the provisions of subparagraph (3)(A) of the definition of "Base production control level," the certification required under this paragraph (a)(2) of this section shall be made within the two-month period immediately following the month of June 1979.

* * * * *

(3) *Unitized properties.* * * *

(iii) The certification required under this paragraph (a)(3) of this section shall be made within the consecutive two-month period immediately following the month of September 1976, or, with respect to any unitized property for which a unit base production control level has not been established prior to September 30, 1976, the certification required under this paragraph (a)(3) of this section shall be made within the consecutive two-month period immediately following the first month in which such unit base production control level is established. With respect to any unitized property for which a unit base production control level is established pursuant to the provisions of § 212.75(g), the certification required under this paragraph (a)(3) of this section shall be made within the two-month period immediately following the month of June 1979.

[Docket No. ERA-R-78-18]
[FR Doc. 79-11384 Filed 4-9-79; 3:11 pm]
BILLING CODE 6450-01-M

federal register

Thursday
April 12, 1979

Part V

Department of Energy

Economic Regulatory Administration

Responsibilities in Carrying Out Title I of the Public Utility Regulatory Policies Act of 1978; Inquiry

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Notice of Inquiry Regarding Certain Responsibilities of the U.S. Department of Energy in Carrying Out Title I of the Public Utility Regulatory Policies Act of 1978

AGENCY: Economic Regulatory Administration (ERA), Department of Energy (DOE).

ACTION: Notice of Inquiry.

SUMMARY: Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA; Pub. L. 95–617) establishes certain Federal purposes and policy standards for the regulation of electric utilities and imposes certain obligations upon State regulatory authorities, covered nonregulated utilities and DOE with respect to these purposes and standards. This notice is intended to solicit public comment on DOE's authority to prescribe voluntary guidelines respecting the standards, to intervene in State regulatory proceedings and to provide technical assistance to help State regulatory authorities carry out their duties and responsibilities under PURPA.

The notice is organized into four sections. The first section, "Background Information on PURPA," provides a narrative summary of PURPA Title I, and is included to provide the reader with a context for understanding the subsequent sections. The second section, "Scope of DOE Responsibilities," describes in general terms the several types of activities being undertaken by DOE to carry out Title I of PURPA. The third section, "DOE's Policies Concerning the Standards," describes how the standards relate to DOE intervention and guidelines activities under PURPA. The fourth and final section, "Specific Issues Relating to Guidelines, Intervention and Technical Assistance," sets forth the specific questions on which DOE is seeking public comment.

DATES: Comments by June 11, 1979. Requests to speak by May 2, 1979, 4:30 p.m. Hearing dates: Washington, D.C. hearing: May 10, 1979, 9:30 a.m.–12:30 p.m.; Denver, Colorado hearing: May 17, 1979, 9:30 a.m.–12:30 p.m.

ADDRESSES: All comments to: Department of Energy, Docket Control Center, Docket No. ERA–R–79–18, Department of Energy, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461. Requests to speak: Washington, D.C. hearing: Docket Control Center, Department of Energy, Room 2313, 2000 M Street, N.W., Washington, D.C. 20461 (Telephone: 202–254–5201); Denver, Colorado hearing: Department of Energy, Attention: Dale Eriksen, 1075 S. Yukon Street, Post Office Box 26247 Belmar Branch, Lakewood, Colorado 80202 (Telephone: 303–234–2420).

HEARING LOCATIONS: Washington, D.C. hearing: Room 2105, 2000 M Street NW., Washington, D.C. 20461; Denver, Colorado hearing: Room 300–B & C, Auraria Student Center, 9th Street between Lawrence and Larimar, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Jeffrey A. Serfass, Division of Regulatory Assistance, Office of Utility Systems, Department of Energy, 2000 M Street, N.W. (Vanguard 538), Washington, D.C. 20461, telephone: (202) 254–9700. Carl Kaplan, Division of Regulatory Proceedings, Office of Utility Systems, Department of Energy, 2000 M Street, N.W. (Vanguard 538), Washington, D.C. 20461, telephone: (202) 254–8470. Robert C. Gillette, Hearing Procedures, Department of Energy, 2000 M Street, N.W., Room 2214, Washington, D.C. 20461, telephone: (202) 254–5201. William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street, N.W., Room B–110, Washington, D.C. 20461, telephone: (202) 634–2170.

Notice of Inquiry

The U.S. Department of Energy (DOE) is hereby seeking public comment on certain of its duties, responsibilities and authorities under Title I of the Public Utility Regulatory Policies Act of 1978 (PURPA; Pub. L. 95–617), enacted on November 9, 1978. DOE is particularly interested in comments on its authority, under PURPA sections 131 and 132, to prescribe voluntary guidelines for and provide technical assistance to State regulatory authorities and nonregulated utilities respecting the PURPA regulatory policy standards for electric utilities.

I. *Background Information on PURPA.* Title I of PURPA covers electric utilities with annual retail sales in excess of 500 million kilowatt-hours and establishes three Federal "purposes" that supplement otherwise applicable State law. These three purposes are:

(1) Conservation of energy supplied by electric utilities;

(2) The optimization of the efficiency of use of facilities and resources by electric utilities; and

(3) Equitable rates to electric consumers.

Title I also establishes 11 Federal policy "standards" for the covered electric utilities. The first six standards relate to rate design, as such, while the other five relate to a variety of separate regulatory matters. The 11 standards, which are specified in detail by sections 111(d), and 113(b), generally provide that:

(1) Rates to each class of consumers shall be designed to the maximum extent practicable to reflect the costs of providing service to that class;

(2) Declining block energy charges that are not cost-based shall be eliminated;

(3) Time-of-day rates shall be established, if cost-effective where costs vary by time of day;

(4) Seasonal rates shall be established where costs vary by season;

(5) Interruptible rates based on the costs of providing interruptible service shall be offered to commercial and industrial customers;

(6) Load management techniques shall be offered to consumers where practicable, cost-effective, reliable and useful to the utility for energy or capacity management.

(7) Master metering shall be prohibited or restricted for new buildings to the extent necessary to carry out the purposes of Title I;

(8) Automatic adjustment clauses shall not be allowed unless they provide efficiency incentives and are reviewed in a timely manner;

(9) All consumers shall receive a clear and concise explanation of applicable rate schedules;

(10) Service shall not be terminated except pursuant to certain enumerated procedures;

(11) Political or promotional advertising shall not be charged to ratepayers.

Section 115 establishes certain "special rules" for consideration of these standards. Of particular significance to the first five standards, all of which relate to the costs of providing electric service, is section 115(a), which generally requires that cost-of-service determinations take into account the changes in costs associated with (1) daily and seasonal time-of-use and (2) adding more capacity and delivering additional kilowatt-hours. The significance of section 115(a) is further amplified by section 133, which requires covered utilities to gather and report the data needed to take these marginal cost factors into account.

Each State regulatory authority (with ratemaking responsibility for a covered utility) and covered nonregulated utility is required by PURPA to consider

implementation of each Federal standard within a specified period of time and within the context of the otherwise applicable State law, as supplemented by the three purposes of PURPA. The statute requires that consideration of the six rate design standards include public notice and hearing, resulting in a written determination that (a) is based on the evidence presented at the hearing, (b) includes findings and (c) is available to the public. Consideration of the other five regulatory policy standards must include public notice and hearing and, if a determination is made to not adopt a standard, a written statement that explains the reasons for such determination and that is available to the public.

Further, if any covered electric utility does not offer a lifeline rate (as defined in the Act) within 2 years, the State regulatory authority or nonregulated utility must conduct a full evidentiary hearing to determine whether or not such a rate should be implemented. Lifeline rates are not, however, a regulatory policy standard, and are to be considered as an exception to the cost-of-service standard.

With respect to the consideration of any standard for any covered utility (but not for lifeline), proceedings initiated prior to PURPA enactment that substantially conform to the PURPA consideration requirements may be treated as complying with such requirements. A State regulatory authority or nonregulated utility has the prerogative of determining that a prior proceeding substantially conforms to the PURPA consideration requirement. Such a determination is reviewable in State court under otherwise applicable State law, as supplemented by the three purposes of PURPA.

II. *Scope of Doe Responsibilities.* Consideration of the various ratemaking and regulatory standards under PURPA is a process to be undertaken by State and local authorities, subject to review by State courts. The U.S. Department of Energy (DOE) is not authorized by PURPA to render any legal determination on issues relating to the consideration process, substantial conformance, etc. However, DOE is assigned certain specific responsibilities by the Act, some of which are mandatory, and others of which are optional. These DOE responsibilities are of three generic types: intervention, assistance and regulatory.

With respect to DOE's intervention activities, PURPA authorizes the Secretary to intervene, on his own motion, in the proceedings of State regulatory authorities and covered nonregulated utilities. The objective of such interventions would be to initiate and participate in consideration of one or more of the Federal standards, or of other concepts which further the purposes of the Act. DOE may bring action in any appropriate Federal Court to secure this right, and may seek review in State court of any determination resulting from a proceeding in which it participated.

In carrying out its assistance responsibilities under Title I, DOE is authorized to:

1. Award grants to State regulatory authorities and nonregulated electric utilities to help them carry out their PURPA responsibilities, and award additional funds for "innovative projects" that may go beyond the minimum legal requirements of PURPA;

2. Award grants to State Offices, other than State regulatory authorities, to represent the interests of consumers in electric utility regulatory proceedings, including proceedings to consider the PURPA standards;

3. Award grants to a utility regulatory institute (established by the National Association of Regulatory Utility Commissioners) to conduct research on utility regulatory policy issues, to develop information systems for utility ratemaking, and to otherwise help State regulatory authorities carry out their PURPA responsibilities;

4. Provide technical assistance (including information, reports, studies, and such other assistance as may be requested) to State regulatory authorities and nonregulated utilities to help them carry out their responsibilities under PURPA;

5. Publish voluntary guidelines which present DOE policy positions regarding any of the standards, but which may not expand the scope or legal effect of the standards.

Another element of DOE's assistance role is the requirement that it annually publish an advisory list of covered utilities and notify State regulatory authorities of their duty to acknowledge any ratemaking authority over the listed utilities.

DOE's regulatory responsibilities under PURPA, apart from any rulemakings associated with its financial assistance efforts, are limited to two reporting requirements. First, DOE's Federal Energy Regulatory Commission is promulgating rules requiring covered electric utilities to gather and submit certain data on the cost-of-service, including data on customer class load characteristics and marginal costs. Second, DOE must prescribe rules for the annual progress reports to be submitted by State regulatory authorities and covered nonregulated utilities. DOE is required to analyze these State reports and annually report to Congress on DOE and State activities, as well as the need for such additional Federal legislation as may be necessary to carry out the purposes of PURPA.

III. *DOE's Policies Concerning the Standards.* Interested parties should anticipate that DOE has, or will develop, specific policy positions respecting one or more of the PURPA standards. These DOE policies may be expressed through intervention testimony or in voluntary guidelines.

It should be reemphasized that the legal authority to make binding determinations respecting the standards is vested as follows:

1. The State regulatory authority (or nonregulated utility) is to make the initial determination;

2. The State courts have initial appellate jurisdiction;

3. The U.S. Supreme Court has final appellate jurisdiction.

The opinions of DOE respecting the standards, therefore, are not legally binding. DOE, as one of the many potential participants in the consideration process, may choose not to address every PURPA standard as it applies to a particular utility. This potential absence of a DOE position in no way relieves the State regulatory authorities and covered nonregulated utilities of their obligation to consider that PURPA standard for that utility.

In exercising its discretionary authority to promulgate voluntary guidelines respecting the standards, DOE intends to focus on generic policy issues which are deemed essential to national energy interests. Policy issues specific to the utility (or utilities) affected by a particular State regulatory proceeding will normally be addressed through DOE intervention and direct participation, rather than through generic guideline statements.

In the exercise of its discretionary authority to intervene in State regulatory proceedings, and the proceedings of nonregulated utilities, DOE intends to closely monitor those proceedings where PURPA standards are likely to be considered. DOE intends to intervene in State regulatory utility proceedings only as a full, responsible party presenting professional testimony on the policy and technical issues being considered.

IV. *Specific Issues Relating to Guidelines, Intervention and Technical Assistance.* The proposed DOE rule

governing grants for State Offices of Consumer Services was published in the **Federal Register** on March 27, 1979. The proposed rule governing financial assistance to State regulatory authorities and nonregulated electric utilities was published in the **Federal Register** on March 29, 1979. The proposed DOE rule governing the annual reports to be submitted to DOE by State regulatory authorities and nonregulated utilities is to be published in the **Federal Register** on or about April 13, 1979. Public comments have been invited on each of these proposed rules and public hearings will be conducted.

Although rulemaking is not contemplated for DOE's voluntary guidelines, intervention and technical assistance activities under PURPA, DOE has identified a number of fundamental issues concerning its duties and responsibilities in the three aforementioned areas. DOE seeks public comment as to their appropriate resolution. Public comments, whether by mail or at the public hearings, will be taken into account by DOE in resolving the issues. Subsequent to the hearings, DOE will publish another **Federal Register** notice to inform the public of the final disposition of the matter.

The following issues relating to guidelines have been determined by DOE to be sufficiently important to require public notice and hearing:

1. Given the possibility that some jurisdictions might delay carrying out PURPA in anticipation of definitive DOE guidelines, should DOE decline to issue any guidelines whatsoever, and so inform the interested parties?

2. If the essential concept of guidelines is useful, what specific policy areas ought to be addressed in the guidelines?

3. Should there be a single, comprehensive guideline issuance, or should there be separate issuances from time to time addressing separate policy issues?

4. How should the guideline(s) issuances be brought to the attention of interested parties?

5. How should new issues, that might be usefully addressed through the guidelines activity, be brought to the attention of DOE?

6. What factors should DOE take into account in selecting policy issues for guidelines attention?

The following issues relating to intervention have been determined by DOE to be sufficiently serious to require public notice and hearing:

1. What factors should DOE take into account in determining which State proceedings to intervene in?

2. What issues should DOE focus upon in preparing its testimony for a particular proceeding, once selected?

The following issues relating to technical assistance have been determined by DOE to be sufficiently serious to require public notice and hearing:

1. What kinds of information and materials should be provided by DOE to State regulatory authorities and covered nonregulated utilities concerning their duties and responsibilities under PURPA?

2. How should such information and materials be brought to the attention of all interested parties?

3. Should DOE offer to provide on-site, informal consultation to commissions and nonregulated utilities? If so, in what areas?

4. Should DOE sponsor seminars and workshops for the staff of commissions and nonregulated utilities? If so, on what topics, with what frequency, and at which general locations?

5. What services should DOE provide to State regulatory authorities with respect to the cost-of-service information to be reported to the FERC by covered regulated utilities?

6. Should DOE provide technical assistance directly to covered regulated utilities? If so, of what type(s)?

Any suggested additional issues that directly relate to guidelines, intervention or technical assistance, and that merit discussion at the public hearings, should be submitted in writing to the address and by the date indicated in this notice.

Issued in Washington, D.C. on April 6, 1979.

Howard Perry,

Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[Docket No. ENA-R-79-18]

[FR Doc. 79-11409 Filed 4-10-79; 8:51 am]

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Federal Register
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Thursday April 12, 1979

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523–5282	
523–5266	Index
523–5282	
523–3408	Automation
523–4534	Special Projects

FEDERAL REGISTER PAGES AND DATES, APRIL

19181–19364.....2
19365–20053.....3
20055–20393.....4
20395–20624.....5
20625–20998.....6
20999–21240.....9
21241–21606.....10
21607–21756.....11
21757–22024.....12

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL

1 CFR

Ch. I.....19181
51.....19182

3 CFR

Administrative Orders
Presidential Determinations:
April 6, 1979.....21245
Proclamations:
3279 (Amended by Proc. 4655).....21243
4652.....19369
4653.....20999
4654.....21241
4655.....21243
4656.....21757
Executive Orders:
11636 (Amended by EO 12128).....20625
12107 (Amended by EO 12128).....20625
12127.....19367
12128.....20625
12129.....21001

4 CFR

416.....20443

5 CFR

213.....20701, 21247–21251
230.....20701
250.....20701
300.....20701
302.....20701
315.....20701
316.....20701
340.....20698
351.....20701
410.....20701
531.....20701
591.....20701
737.....19974
890.....20698

7 CFR

1.....21251
15a.....21607
226.....21252
227.....20627
905.....21759
907.....20395, 21619, 21760
908.....20395, 21760
910.....20628, 21761
911.....20629
915.....20629
1002.....21003
1004.....21620
1421.....19182, 19371
1472.....21621
1701.....20629
1822.....20396, 20629, 21761
Proposed Rules:
Ch. IX.....20164
271.....21504, 21541
272.....21541
275.....21504
800.....20164
802.....20164
803.....20164
918.....20444
1421.....19411
1423.....19413
1424.....19413
1427.....19416
1434.....19413
1491.....20164
1701.....20709
1822.....19419
1823.....21801
1942.....21801
1933.....19419
1944.....21994

8 CFR

108.....21253
236.....21253
Proposed Rules:
231.....21809

9 CFR

82.....19371, 19372, 21259
92.....19373
Proposed Rules:
92.....19423

10 CFR

140.....20632
212.....22010
420.....20055
450.....19338, 21005
455.....19338, 21005
508.....21230
595.....20398
Proposed Rules:
Ch. I.....21810
Ch. II.....21810
35.....21023
140.....20709
210.....19423
211.....19423, 20444
212.....19423, 21651
436.....19326
456.....21654
500.....19427
501.....19427
502.....19427
503.....19427
504.....19427
505.....19427
506.....19427
507.....19427
600.....20594

11 CFR

Ch. IX.....20336

12 CFR

4 ... 20063
5 ... 20064
8 ... 20065
12 ... 19374
24 ... 19374
207 ... 20066
220 ... 20066
221 ... 20066
307 ... 20633
327 ... 20633
701 ... 21762

Proposed Rules:

204 ... 20716
217 ... 20716, 21023
329 ... 21290
526 ... 21027
701 ... 20447, 21029

13 CFR

113 ... 20067
120 ... 21622
311 ... 20634

Proposed Rules:

107 ... 21292
121 ... 21654
131 ... 21654
302 ... 19427

14 CFR

39 ... 19184, 20402, 21763
71 ... 19185, 20402, 21763–21766
73 ... 21766
97 ... 20403
205 ... 20635
323 ... 20635
296 ... 21767
375 ... 21767
385 ... 20645

Proposed Rules:

Ch. V ... 19206
39 ... 19205, 21811
71 ... 19205, 20448, 21812–21815
323 ... 20717
399 ... 21816

15 CFR

90 ... 20646
275 ... 19383
372 ... 20073
375 ... 19383

16 CFR

1 ... 21005, 21624
13 ... 19384, 20074, 20405
901 ... 21005
1700 ... 21625

Proposed Rules:

13 ... 21033, 21035, 21820

17 CFR

170 ... 20649
200 ... 19186, 21562
202 ... 21562
210 ... 19386
211 ... 20075
230 ... 21562
231 ... 21007, 21562, 21626
239 ... 21562
240 ... 21213
249 ... 21562
249a ... 21213
240 ... 19386
270 ... 19387
271 ... 21007, 21626
275 ... 19386
279 ... 21008
300 ... 21211
301 ... 21211

Proposed Rules:

Ch. II ... 20354
140 ... 21295
230 ... 21656
240 ... 20614
249 ... 20614

18 CFR

3 ... 20077
35 ... 20077
154 ... 19387
157 ... 19387
274 ... 21008
284 ... 20078
287 ... 20078

Proposed Rules:

Ch. II ... 19206
1a ... 21586
1b ... 21586
32 ... 21683
35 ... 21686
141 ... 21596
157 ... 21682
308 ... 20175

19 CFR

101 ... 19389
159 ... 21009, 21260, 21768

20 CFR

404 ... 20652
422 ... 20078
675 ... 19990
676 ... 19990
677 ... 19990
678 ... 19990
679 ... 19990

Proposed Rules:

401 ... 21496
404 ... 20179
416 ... 20179

21 CFR

175 ... 20653
176 ... 20653
182 ... 20655, 20656
184 ... 19389, 20655, 20656
193 ... 19186
201 ... 20657
430 ... 20663
431 ... 20663
436 ... 20659, 20663
442 ... 20663
446 ... 20667
449 ... 20659
460 ... 20663, 20668
510 ... 20670
520 ... 21260
522 ... 20671
540 ... 20672
558 ... 20673, 20676
561 ... 19186
610 ... 20673
680 ... 20673
801 ... 20676

Proposed Rules:

70 ... 20718
182 ... 19430
184 ... 19430
186 ... 19430
310 ... 19434
314 ... 19434
413 ... 19434
500 ... 20718
510 ... 19438
514 ... 20718
571 ... 20718
808 ... 19438, 19443
884 ... 19894–19970

22 CFR

11 ... 19391
15a ... 21011
51 ... 19393

Proposed Rules:

142 ... 21661

24 CFR

200 ... 19394
280 ... 20679
510 ... 21750
570 ... 20994
600 ... 21227
841 ... 20090
882 ... 21629
888 ... 21768
1710 ... 21442
1715 ... 21442
1914 ... 19397, 20093, 21769
1915 ... 19399, 19400, 21630
1917 ... 19400, 20155–20163, 20405–20415, 21631–21643, 21770–21784
3280 ... 20679, 21014

Proposed Rules:

39 ... 21669
600 ... 21738
882 ... 21556
1917 ... 20206–20219, 20449–20460, 21038–21042, 21297–21301, 21669–21680
2205 ... 21216

25 CFR

41 ... 19187
43 ... 19187

26 CFR

1 ... 20078, 20416
5 ... 19190
53 ... 21643

Proposed Rules:

Ch. I ... 19284
31 ... 21824

28 CFR

0 ... 21261
60 ... 21785

29 CFR

1910 ... 20680, 20940
1926 ... 20940
2520 ... 19400

Proposed Rules:

402 ... 21302
403 ... 21301, 21302
2520 ... 21302
2530 ... 21302

31 CFR

8 ... 21302
51 ... 19191
203 ... 20433
226 ... 19406

32 CFR

197 ... 21786
825a ... 20681

Proposed Rules:

294 ... 21304

32A CFR

134 ... 19207

33 CFR

110 ... 21792
117 ... 19192
127 ... 20424
165 ... 20425

Proposed Rules:

Ch. I ... 19207
117 ... 19208
161 ... 21974
343 ... 20350

36 CFR

9 ... 20426

37 CFR

Proposed Rules:

302 ... 20220

39 CFR

111 ... 21015

40 CFR

52 ... 19192, 20079, 20372, 21019, 21644
65 ... 20080–20082
81 ... 21261
86 ... 20084
180 ... 21645
434 ... 19193

Proposed Rules:

52 ... 20221, 20372, 21307–21313, 21828
56 ... 20718
65 ... 19208–19211, 20222, 20223, 20225–20227, 20719, 21042, 21315, 21680
81 ... 19212, 19213, 21043
405 ... 19214
406 ... 19214
407 ... 19214
408 ... 19214, 20461
409 ... 19214
411 ... 19214
412 ... 19214
418 ... 19214
422 ... 19214
424 ... 19214
427 ... 19214
432 ... 19214

41 CFR

Ch. 1 ... 21792
Ch. 4 ... 20427, 20428
1–16 ... 20688
1–18 ... 20688
3–2 ... 21264
3–6 ... 21266
20 ... 19194

101–47.....19406
114–61.....21267
Proposed Rules:
101–20.....19443

42 CFR

2a.....20382
122.....19304
123.....19304
447.....20695
Proposed Rules:
71.....21044
433.....20722
460.....20724

43 CFR

3250.....20390
3830.....20428
Proposed Rules:
3400.....20464
4700.....20724
Public Land Orders:
5660.....19406

45 CFR

205.....20430
220.....20430
222.....20430
228.....20088, 20430
602.....19406
1068.....21020
1160.....21681
Proposed Rules:
Ch. XIII.....19214
206.....21044
1068.....21829
1071.....21829

46 CFR

12.....21020
401.....19360
537.....21646
Proposed Rules:
401.....19362, 21044
402.....19362, 21044

47 CFR

0.....21267, 21793
2.....21021, 21793
15.....21021
73.....20432, 21021
83.....21022
Proposed Rules:
73.....20465, 21044–21048, 21050
81.....21831
95.....20465
97.....20465

48 CFR

Proposed Rules:
15.....19214
17.....19214
24.....19214
32.....21051
42.....21051
44.....19214

49 CFR

172.....21793
173.....20433, 21793
178.....21793
179.....20433
256.....21646
573.....20434
1033.....19202, 19203, 20437–20439, 21647, 21797, 21798
1300.....21647
1303.....21647
1306.....21647
1307.....21647
1308.....21647
1309.....21647
1310.....21647
Proposed Rules:
525.....21051
1710.....20461
1720.....20461
1730.....20461
1740.....20461
1760.....20461
1770.....20461
1780.....20461
1790.....20461

50 CFR

17.....21288
32.....20440, 21799
33...19407, 19408, 20089, 21800
216.....20440, 21800
222.....21288
230.....19408
602.....20441
611.....21022
652.....20441
653.....20442
671.....20698
Proposed Rules:
Ch. VI.....21681
12.....20228
258.....21832
651.....21682
652.....20467
654.....19444

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/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.)**

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 Today

14555 3–13–79 / EPA—Air pollution; Maryland State Implementation Plan; approval actions

15720 3–15–79 / Interior/BLM—Utah; partial revocation of air navigation site withdrawal

14902 3–13–79 / Interior/SMRE—Surface coal mining and reclamation operations; permanent regulatory program [Corrected at 44 FR 15485; 3–14–79]

List of Public Laws

Last Listing April 6, 1979

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the Federal Register but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–375–3030).

H.R. 2439 / Pub. L. 96–7 To rescind certain budget authority contained in the message of the President of January 31, 1979 (H. Doc. 96–46), transmitted pursuant to the Impoundment Control Act of 1974. (Apr. 9, 1979; 93 Stat. 11) Price $.60.

H.R. 2479 / Pub. L. 96–8 "Taiwan Relations Act". (Apr. 10, 1979; 93 Stat. 14) Price $.70.