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Federal Register

Tuesday
May 1, 1979

Highlights

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Area Code 202–523–5240

Highlights

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

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Chapter I

CFR Checklist; 1978/1979 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1978/1979. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $450 domestic, $115 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1979):

Title	*Price*
1	$3.00
14 Parts:	
1200-end	3.50

CFR Unit (Rev. as of Apr. 1, 1978):

17	$8.25
18 Parts:	
0-149	5.00
150-end	5.00
19	6.00
20 Parts:	
1-399	3.50
400-499	5.00
500-end	4.50
21 Parts:	
1-99	4.00
100-199	6.00
200-299	2.75
300-499	5.75
500-599	5.00
600-1299	4.25
1300-end	4.50
22	5.50
23	5.00
24 Parts:	
0-499	8.25
500-end	9.00
25	5.50
26 Parts:	
1 (§§ 1.0-1.169)	5.75
1 (§§ 1.301-1.400)	4.00
1 (§§ 1.401-1.500)	4.75
1 (§§ 1.501-1.640)	4.75
1 (§§ 1.641-1.850)	4.75
1 (§§ 1.851-1.1200)	6.00
1 (§§ 1.1201-end)	6.50
2-29	4.75
30-39	5.50
40-299	5.50
300-499	4.75
600-end	3.00
27	8.75

CFR Unit (Rev. as of July 1, 1978):

28	$4.50
29 Parts:	
0-499	6.25
500-1899	6.25
1900-1919	7.00
1920-end	5.25
30	6.25
31	6.25
32 Parts:	
40-399	8.50
400-589	4.50
590-699	4.50
700-799	6.00
800-999	5.50
1000-1399	3.50
1400-1599	4.50
1600-end	3.00
32A	4.00
33 Parts:	
1-199	6.25
200-end	5.75
35	4.75
36	5.00
37	4.00
38	6.50
39	4.25
40 Parts:	
0-49	4.75
100-399	5.50
41 Chapters:	
1-2	6.50
3-6	5.75
7	2.75
8	2.75
10-17	4.75
19-100	4.50
CFR Index	5.00

CFR Unit (Rev. as of Oct. 1, 1978):

42 Parts:	
1-399	$6.00
400-end	5.50
43 Parts:	
1-999	4.25
1000-end	6.50
45 Parts:	
1-99	4.75
100-149	5.75
150-199	5.25
200-499	3.50
46 Parts:	
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41-69	4.50
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156-165	4.25
166-199	3.00
47 Parts:	
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20-69	5.75
70-79	5.25
49 Parts:	
1-99	3.25
1300-end	4.50
50	5.75

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 213

Entire Executive Civil Service; Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: Schedule A authority for appointment of temporary summer aids who meet economic and educational need standards prescribed by the Office is amended to: (1) Delete maximum age restrictions, in conformance with the Age Discrimination in Employment Act; and (2) delete obsolete pay-setting provisions.

EFFECTIVE DATE(S): April 18, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3120(v) is amended as follows:

§ 213.3102 Entire executive civil service.

* * * * *

(v) Temporary Summer Aid positions whose duties involve work of a routine nature not regularly covered under the General Schedule and requiring no specific knowledge or skills, when filled by youths appointed for summer employment under such economic or educational needs standards as the Office may prescribe. A person may not be appointed unless he/she has reached his/her 16th birthday, or be employed for more than 700 hours under this paragraph. This paragraph shall apply only to the positions whose pay is fixed at the equivalent of the highest minimum wage rate established by the Fair Labor Standards Act of 1938, as amended.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-13431 Filed 4-30-79; 8:45 am]

BILLING CODE 6325-01-M

5 CFR Part 213

National Endowment for the Humanities; Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: One position of Humanist Administrator, Humanities Planning and Assessment Studies Program, Office of Planning and Policy Assessment, National Endowment for the Humanities, is excepted under Schedule B because it is impracticable to hold a competitve examination for it.

EFFECTIVE DATE: April 5, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3282(b)(27) is added as follows:

§ 213.3282 National Foundation for the Arts and the Humanities.

* * * * *

(b) *National Endowment for the Humanities.* * * *

(27) Until September 30, 1980, one Humanist Administrator, Humanities Planning and Assessment Studies, Office of Planning and Policy Assessment.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79–13430 Filed 4–30–79; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 213

Smithsonian Institution; Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: Positions at grades GS–4 through 11 filled in conjunction with projects conducted under the Smithsonian Institution's Research Awards Program are excepted under Schedule B because it is impracticable to hold a competitive examination for them.

EFFECTIVE DATE(S): April 11, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3274 (c)(1) is added as follows:

§ 213.3274 Smithsonian Institution.

* * * * *

(c) *Office of Fellowship and Grants.*

(1) Positions at grades GS–4 through 11 filled in conjunction with projects conducted under the Research Awards Program.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79–13433 Filed 4–30–79; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 213

Temporary Boards and Commissions; Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This authority excepts from the competitive service all positions at grades GS–15 and below on the staff of the President's Commission on the Accident at Three Mile Island with the provision that no one may serve under this authority after April 30, 1980. This exception is granted because it is impracticable to examine for these positions.

EFFECTIVE DATE(S): April 18, 1979.

FOR FURTHER INFORMATION CONTACT: William Bohling, 202–632–4533.

Accordingly, 5 CFR 213.3199 (x)(1) is added as set out below:

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(x) *President's Commission on the Accident at Three Mile Island* * * *

(1) All positions on the staff of the President's Commission on the Accident at Three Mile Island. No one may serve under this authority after April 30, 1980.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954–1958 Comp., p. 218)

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79–13432 Filed 4–30–79; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 334

Temporary Assignment of Employees Between Federal Agencies and State, Local, and Indian Tribal Governments, Institutions of Higher Education, and Other Eligible Organizations

AGENCY: Office of Personnel Management.

ACTION: Final Rulemaking.

SUMMARY: These regulations amend the requirements of Part 334, limiting participation to career-type appointees; extending coverage to additional Federal agencies, the Trust Territory of the Pacific Islands, and certain other organizations; requiring compensatory service from Federal assignees; and clarifying return rights for Federal employees. The amendments are required because of the Civil Service Reform Act (CSRA) of 1978.

DATES: Effective date: May 1, 1979.

ADDRESS: Send written comments to the Office of Personnel Management, Intergovernmental Personnel Programs, Room 2306, 1900 E Street, NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Jo Anner Wilson, Faculty Fellows and Personnel Mobility Division, Office of Intergovernmental Personnel Programs, Room 2306, 1900 E Street, NW., Washington, D.C. 20415, telephone 202–632–5373.

SUPPLEMENTARY INFORMATION: The public comment period on our earlier proposed revisions to Part 334 has been completed. All additional changes in the regulations are merely conforming amendments which reflect CSRA changes which have been in effect since January 11, 1979. Therefore, the Director of the Office of Personnel Management has determined that these are not significant regulations for the purpose of E.O. 12044, "Improving Government Regulations," and that OPM has good cause for issuing these as final regulations under exception (d)(3) of 5 U.S.C. 553.

Accordingly, Part 334 is revised to read as follows:

PART 334—TEMPORARY ASSIGNMENT OF EMPLOYEES BETWEEN FEDERAL AGENCIES AND STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER ELIGIBLE ORGANIZATIONS

Sec.

Authority: 5 U.S.C. 3376; E.O. 11589, 3 CFR 557 (1971–1975).

§ 334.101 Purpose.

The purpose of this part is to carry into effect the objectives of Title IV of the Intergovernmental Personnel Act of 1970 and Title VI of the Civil Service Reform Act which authorize the temporary assignment of employees

between Federal agencies and State, local, and Indian tribal governments, institutions of higher education and other eligible organizations.

§ 334.102 Definitions.

In this part: "Assignment" means a period of service under chapter 33, subchapter VI of Title 5, United States Code;

"Employee" means an individual serving in a Federal agency under a career or career-conditional appointment including career appointees in the Senior Executive Service, individuals under appointments of equivalent tenure in excepted service positions, and presidential management interns; or an individual employed for at least 90 days in a career position with a State, local, or Indian tribal government, institution of higher education, or other eligible organization;

"Federal agency" means an Executive agency, military department, a court of the United States, the Administrative Office of the United States Courts, the Library of Congress, the Botanic Garden, the Government Printing Office, the Congressional Budget Office, the United States Postal Service, the Postal Rate Commission, the Office of the Architect of the Capitol, the Office of Technology Assessment, and such other similar agencies of the legislative and judicial branches as determined appropriate by the Office of Personnel Management;

"Institution of higher education" means a domestic, accredited public or private 4-year college or university, or a technical or junior college;

"Indian tribal government" refers to any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village as defined in the Alaska Native Claims Settlement Act (85 Stat. 668) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians and includes any tribal organization as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, S. 105);

"Local government" means any political subdivision, instrumentality, or authority of a State or States; and any general or special purpose agency of such a political subdivision, instrumentality, or authority;

"Other organization" means a national, regional, Statewide, areawide, or metropolitan organization representing member State or local governments; an association of State or local public officials; or a nonprofit organization which has as one of its principal functions the offering of professional advisory, research, education, or development services, or related services to governments or universities concerned with public management; and

"State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and a territory or possession of the United States; and an instrumentality or authority of a State or States; and a Federal-State authority or instrumentality.

§ 334.103 Length of assignment.

(a) An assignment may be made for up to 2 years and may be extended by the head of a Federal agency for up to 2 more years, given the concurrence of the other parties to the agreement.

(b) A Federal agency may not send or receive on assignment an employee who has served under the mobility authority for 4 continuous years without at least a 12-month return to duty with the level of government or the organization from which originally assigned.

(c) Successive assignments without a break of at least 60 calendar days will be regarded as continuous service under the mobility authority.

(d) A Federal agency may not send on assignment an employee who has served on mobility assignments for more than a total of 6 years during his or her Federal career. The Office of Personnel Management may waive this provision upon the written request of the agency head.

§ 334.104 Obligated service requirement.

A Federal employee assigned under this subchapter must agree as a condition of accepting an assignment to serve with the Federal Government upon the completion of the assignment for a period equal to the length of the assignment.

§ 334.105 Requirement for written agreement.

(a) Before an assignment is made the Federal agency and the State, local or Indian tribal government, institution of higher education, or other eligible organization and the assigned employee shall enter into a written agreement which records the obligations and responsibilities of the parties as specified in 5 U.S. Code 3373–3375 and in Federal Personnel Manual chapter 334.

(b) Where the Federal agency pays more than 50 percent of costs of the mobility assignment involving a Federal employee and the period of assignment exceeds 6 months, the agency must document the rationale for the cost-sharing arrangements in the mobility agreement.

(c) Two copies of the original agreement, as well as any modification must be sent to the Office of Personnel Management within 15 days of the date that the assignment or modification becomes effective.

§ 334.106 Termination of agreement.

(a) An assignment may be terminated at any time at the request of the Federal agency or the State, local, or Indian tribal government, institution of higher education, or other participating organization. Where possible, the party terminating the assignment prior to the agreed upon date should provide 30-days advance notice along with a statement of reasons to the other parties to the agreement.

(b) Federal assignees continue to encumber the positions they occupied prior to assignment, and the position is subject to any personnel actions that might normally occur. At the end of the assignment, the employee must be allowed to resume the duties of his/her position or must be reassigned to another position of like pay and grade.

(c) An assignment is terminated, automatically, when the employer/employee relationship ceases to exist between the assignee and his or her original employer.

§ 334.107 Reports required.

A Federal agency which assigns an employee to or receives an employee from a State, local, or Indian tribal government, institution of higher education or other eligible organization in accordance with this part shall submit to the Office of Personnel Management such reports as the Office of Personnel Management may request.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-13393 Filed 4-30-79; 8:45 am]

BILLING CODE 6325-01-M

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5 CFR Part 890

Federal Employees Health Benefits Program: Effective Dates; Birth or Addition of a Child

AGENCY: Office of Personnel Management.

ACTION: Final Rulemaking.

SUMMARY: The Office of Personnel Management is amending the Federal Employees Health Benefits (FEHB)

regulations to permit individuals who change to a family enrollment due to the birth or addition of a child as a new family member to provide coverage for the child from birth or from the date the child becomes a family member.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Edward G. Borchers, Office of Personnel Management, Compensation, Retirement and Insurance, OPD&TS, Room 4334, Washington, D.C. 20415. (202–632–4684)

SUPPLEMENTARY INFORMATION: On December 29, 1978, there was published in the **Federal Register** (43 FR 60932) proposed rulemaking to amend the FEHB regulations to permit a change to family coverage made in conjunction with the birth of a child, or the addition of a child as a new family member in some other manner, to become effective the first day of the pay period in which the child is born or acquired, or, if not in pay status at that time, the first day of the pay period in which the enrollee returns to pay status. Interested parties were given 60 days to submit comments on the proposed change.

Of the 24 comments received, twenty-one supported the proposal. One of the remaining respondents felt that the proposal, if effected, would result in increased premium costs for an enrollment in the Program. However, few changes to self and family upon birth or addition of a child occur since, in the majority of cases, the enrollee already has a self and family enrollment to cover his or her other family members. Also, since enrollees who change to self and family will be required to be in pay status during the pay period in which the change becomes effective, benefits paid or provided will be offset, in whole or in part, by the increased cost of the self and family enrollment. (In cases where the change is effective retroactive, a retroactive adjustment in withholdings and Government contributions for the self and family enrollment will be required.) The remaining two respondents did not oppose the intent of the proposal, but suggested other methods of providing coverage to newborn or newly acquired children from birth or date they become family members. These methods were considered, but were not adopted.

Accordingly, 5 CFR 890.306 is amended by redesignating the present paragraph (d) as paragraph (e), and adding a new paragraph (d) as set out below:

§ 890.306 Effective dates.

* * * * *

(d) *Birth or Addition of a Child.* The effective date of a change in enrollment under § 890.301(e) made in conjunction with the birth of a child, or the addition of a child as a new family member in some other manner, is the first day of the pay period in which the child is born or becomes an eligible family member. However, if the enrollee is not in a pay or annuity status during that pay period, the enrollment shall not become effective until the first day of the first pay period in which the enrollee returns to pay or annuity status.

(e) *Generally* * * *

* * * * *

(5 U.S.C. 8913)

Office of Personnel Management.

Beverly M. Jones,

Issuance Systems Manager.

[FR Doc. 79–13585 Filed 4–30–79; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 295

Availability of Information and Records to the Public; Changes in Addresses

AGENCY: Food and Nutrition Service.

ACTION: Final rule.

SUMMARY: The purpose of this amendment to the regulations governing the availability of information to the public is to reflect changes of street addresses and office locations in Regional and Washington, D.C., offices.

EFFECTIVE DATE: April 20, 1979.

FOR FURTHER INFORMATION CONTACT: Joseph M. Scordato, Administrative Services Division, Food and Nutrition Service, USDA, Washington, D.C. 20250, (202–447–8278).

SUPPLEMENTARY INFORMATION: It is impractical and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, Part 295 is amended as follows:

* * * * *

1. In § 295.3 the last sentence is revised to read as follows:

§ 295.3 Informational and educational publications.

* * * * *

For more information concerning FNS publications and how to obtain them, write the Director, Office of Legislative Affairs and Public Information, Food and Nutrition Service, USDA, Room 764, Washington, D.C. 20250.

2. In § 295.4 the last sentence is revised as follows:

§ 295.4 Nutrition education and training status reports.

* * * * *

Write the Director, Nutrition and Technical Services Division, Food and Nutrition Service, USDA, 500 12th Street, S.W., Room 556, Washington, D.C. 20250.

3. In § 295.5 the last sentence is revised as follows:

§ 295.5 Program evaluation status reports.

* * * * *

While supplies last, a copy of the current status report on completed studies may be obtained by writing the Director, Office of Policy, Planning, and Evaluation, Food and Nutrition Service, USDA, 500 12th Street, S.W., Room 724, Washington, D.C. 20250.

4. In § 295.6 the last sentence is revised to read as follows:

§ 295.6 Program statistical reports.

* * * * *

Write the Director, Budget Division, Food and Nutrition Service, USDA, 500 12th Street, S.W., Room 594, Washington, D.C. 20250.

5. In § 295.7 the second sentence and subparagraphs (a), (b), and (c) are revised to read as follows:

§ 295.7 Public inspection and copying.

* * * * *

Such materials maintained by FNS may be inspected and copied during regular office hours (currently 8:30 a.m. to 5:00 p.m.). Inquire at the following FNS Washington Offices:

(a) Child Care and Summer Programs materials—Room 644, 500 12th Street, S.W., Washington, D.C.

(b) School Programs materials—Room 4122, Auditors Building, Washington, D.C.

(c) Food Distribution Program materials—Room 610, 500 12th Street, S.W., Washington, D.C.

(d) Food Stamp Program materials—Room 658, 500 12th Street, S.W., Washington, D.C.

6. In § 295.8 subparagraphs (g) and (h) are revised to read as follows:

§ 295.8 Indexes.

* * * * *

(g) Director of Administrative Management, Food and Nutrition Service, USDA, 33 North Ave., Burlington, MA 01803.

(h) Director of Administrative Management, Food and Nutrition Service, USDA, 2420 W. 26th Ave., Room 430 D, Denver, CO 80211.

7. In § 295.9 subparagraphs (a), (b), (c) and (d) are revised to read as follows:

§ 295.9 Requests.

* * * * *

(a) Child Care and Summer Program records—Director, Child Care and Summer Programs, Room 644, Food and Nutrition Service, USDA, Washington, D.C. 20250.

(b) School Program records—Director, School Programs, Room 4122, Auditors Building, Washington, D.C. 20250.

(c) Food Distribution Program records—Director, Food Distribution Program, Room 610, Food and Nutrition Service, USDA, Washington, D.C. 20250.

(d) Food Stamp Program records—Director, Program Development Division, Room 658, Food and Nutrition Service, USDA, Washington, D.C. 20250.

(e) Supplemental Food Program records—Director, Supplemental Food Programs Division, Room 4405, Auditors Building, Food and Nutrition Service, USDA, Washington, D.C. 20250.

* * * * *

(5 U.S.C. 301, 552; 7 CFR 1.1–1.16)

Barbara Coleman,
Associate Administrator.

April 20, 1979.

[FR Doc. 79-13287 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-30-M

Federal Crop Insurance Corporation

7 CFR Part 416

Pea Crop Insurance; Regulations for the 1979 and Succeeding Crop Years

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribes procedures for insuring pea crops effective for the 1979 and succeeding crop years. The rule combines provisions from three previous endorsements for insuring both dry and canning and freezing peas and is issued as a new part in 7 CFR under the authority contained in the Federal Crop Insurance Act, as amended. The rule is intended to make the administration of all pea crop insurance more effective.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, 202–447–3325.

SUPPLEMENTARY INFORMATION: On November 14, 1978, there was published in the **Federal Register**, a notice of propopsed rulemaking setting forth the provisions for insuring dry and canning and freezing peas for the 1979 and succeeding crop years (43 FR 52723).

In the notice, it was proposed that there will be issued a new Part 416 of Chapter IV in Title 7 of the Code of Federal regulations to be known as 7 CFR Part 416 Pea Crop Insurance. The notice also stated that the proposed 7 CFR Part 416 would combine the standard provisions from 7 CFR 401.101–401.111 and three previous endorsements as found in 7 CFR 401.131, The Dry Pea Endorsement (33 FR 8262, June 4, 1968), 7 CFR 401.146, The Canning and Freezing Pea Endorsement (Applicable only in Minnesota and Wisconsin) (39 FR 41167, November 25, 1974), and 7 CFR 401.147, The Canning and Freezing Pea Endorsement (Applicable in all States except Minnesota and Wisconsin) (37 FR 25497, December 1, 1972). This has been determined by the Corporation to be more effective administratively. In combining all previous regulations for insuring dry and canning and freezing peas into a new Part 416 (7 CFR Part 416), the Corporation has made two functional changes from the provisions in the endorsements. These are (1) the actuarial guarantee in Section 6 of the policy has been placed on a harvested basis with a 20 percent reduction for any unharvested acreage instead of using a complicated formula dealing solely with unharvested acreage, and (2) pea crop insurance in Minnesota and Wisconsin will be offered on a price per pound election instead of a contract price per pound, thus affording the grower a price election for the purposes of computing indemnities that more nearly reflects the cost of production.

In the notice of proposed rulemaking, the public was given 20 days in which to submit written comments, data, and views in connection with the proposed regulations, but none were received. No substantive changes have been made from the proposed version of Pea Crop Insurance regulations to the final rule.

Final Rule

Accordingly, §§ 401.131, 401.146, and 401.147 of Chapter IV of Title 7 of the Code of Regulations are deleted and reserved but the provisions contained therein shall remain in effect for FCIC insurance policies issued in prior crop years. Chapter IV of Title 7 of the Code of Federal Regulations is amended by adding a new Part 416—Pea Crop Insurance, to read as follows:

PART 416—PEA CROP INSURANCE

Subpart—Regulations for the 1979 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation hereby issues the provisions of this subpart which shall apply, until amended or superseded, to all pea crop insurance effective with the 1979 and succeeding crop years.

Sec.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

§ 416.1 Availability of Pea Insurance.

Insurance shall be offered under the provisions of this subpart on peas in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation, from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this section the name of the county and the crops on which insurance will be offered.

§ 416.2 Premium rates and amounts of insurance.

The Manager shall establish premium rates and amounts of insurance for the peas. Such premium rates and amounts of insurance shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

§ 416.3 Application for insurance.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the pea crop as landlord, owner-operator, tenant, or sharecropper. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date set forth below preceding the first crop year for which insurance is to be in effect:

Closing Dates

April 15 in Minnesota and Wisconsin, March 15 in Oregon, and April 1 in all other states.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the Corporation is authorized in any crop year to extend the closing date for acceptance of applications in any county by publishing a notice in the **Federal Register** upon his determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) Applications for initial insurance shall be made on the following form:

United States Department of Agriculture
Federal Crop Insurance Corporation
Application for Federal Crop Insurance
for 19— and Succeeding Crop Years

Name and Address _____
Zip Code _____
Contract Number _____
County _____
State _____
Identification Number _____

A. The undersigned applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called the "Corporation"), hereby applies to the Corporation for insurance on his share (for cotton, peanut and tobacco insurance, on his sharecropper or share tenant shares as specified in paragraph B below) in the crops stated below that are insurable crops planted on insurable acreage as shown on the applicable county actuarial table of the Corporation for the above-stated county. The applicant elects each plan of insurance, amount of insurance, or price at which indemnities shall be computed, shown below which in each case shall be an electable plan, amount, or price, as provided on the applicable county actuarial table on file in the Corporation's office for the above county. The premium rates and production guarantees shall be those shown on the applicable county actuarial table for each crop year.

Crops _____.
Elections _____.
(A) _____.
(P) _____.

B. Applicable only to cotton, peanut and tobacco:

If the applicant intends to insure only the shares of his sharecroppers or share tenants who have no insurance on the crop with the Corporation, "(SC-Int.)" shall be entered following the name of the crop. If the applicant intends to insure both his individual share and the shares of his sharecroppers or share tenants, "(Comb. Int.)" shall be entered following the name of the crop. Insurance for sharecroppers and share tenants shall be provided in accordance with the regulations of the Corporation (7 CFR–401, 103(b)).

C. Upon acceptance of this application by the Corporation, the contracts shall be in effect for the first crop year specified above, except on any crop on which the time for the filing of applications has passed at the time this application is filed, and shall continue for each succeeding crop year until cancelled or terminated as provided in the contract. This application, the insurance policy, and the county actuarial tables shall constitute the contract. Any changes in the contract shall be on file in the Corporation's office for the county at least 15 days prior to the applicable cancellation date.

D. This application, when executed by a person as an individual, shall not cover his share in a crop produced by a partnership or other legal entity.

The applicant is a (Type of Entity) _____.

All natural persons in whose behalf this application is made are over 18 years of (Yes or No) _____.

E. PREMIUM NOTE: In consideration hereof, the insured promises to pay to the order of the Corporation each crop year of the contract the annual premiums. It is agreed that any amount due the Corporation by the insured may be deducted from any indemnity payable to the insured and when not prohibited by law, from any loan or payment otherwise due the insured under any program administered by the United States Department of Agriculture.

_____
(Witness to Signature)

_____
(Signature of Applicant)

_____(Date), 19—.

Code _____.

Address of office for county:
_____.

Phone:
_____.

Location of farm(s) or headquarters:
_____.

Phone:
_____.

§ 416.4 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at the county courthouse a listing of the indemnities paid in the county.

§ 416.5 Creditors.

An interest of a person other than the insured in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or any involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in sections 14 and 15 of the policy set forth in § 416.8.

§ 416.6 Good faith reliance on misrepresentation.

Nothwithstanding any other provision of the pea insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured, or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advice, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 416.7 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. The contract shall cover the pea production which is provided in and covered by the policy when insurance is accepted on peas by the Corporation pursuant to a duly submitted application. The contract shall consist of the policy, the actuarial table as defined in the policy, and the application. Any changes made in the

contract shall not affect the continuity from year to year.

§ 416.8 The policy.

The provisions of the Pea Insurance Policy for the 1979 and succeeding crop years are as follows: U.S. Department of Agriculture, Pea Insurance Policy, Federal Crop Insurance Corporation.

Subject to the regulations of the Federal Crop Insurance Corporation (herein called "Corporation") and in accordance with the terms and conditions set forth in this policy, the Corporation upon acceptance of a person's application does insure such person's pea crop against unavoidable loss of production due to causes of loss insured against that are specified in this policy. No term or condition of the contract shall be waived or changed on behalf of the Corporation except in writing by a duly authorized representative of the Corporation.

Terms and Conditions

1. *Meaning of terms.* For the purposes of insurance on peas the terms:

(a) "Acturial table" means the forms and related material approved by the Corporation which are on file for public inspection in the office for the county, and which show the applicable amounts of insurance, premium rates, insurable acreage, and related information regarding pea insurance in the county.

(b) "Contract" means the accepted application, this policy, and the actuarial table.

(c) "County" means the county shown on the application and any additional insurable land located in a local producing area bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period within which peas are normally grown and shall be designated by the calendar year in which the peas are normally harvested.

(e) "Harvest" as to any *green-pea* acreage means the vining or combining and acceptance by the processor of the peas from such acreage. "Vining" or "combining" means separating the peas from the pods. "Harvest" as to any *dry-pea* acreage means combining peas which are or could be marketed as *dry* peas.

(f) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the actuarial table.

(g) "Loss ratio" means the ratio of indemnity(ies) paid to premium(s) earned.

(h) "Office for the county" means the Corporation's office servicing the county shown on the application for insurance or such office as may be designated by the Corporation.

(i) "Peas" means either (1) canning and freezing peas (herein called *green peas*) grown under a contract executed with a processor by the time the acreage to be insured is reported or (2) all spring-planted smooth green and yellow, and wrinkled varieties of dry peas and lentils (herein called *dry peas*).

(j) "Person" or "Insured" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(k) "Share" means the share of the insured as landlord, owner-operator, or tenant in the insured peas at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share at the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(l) "Tenant" means a person who rents land from another person for a share of the pea crop or proceeds therefrom. (m) "Unit" means all insurable acreage of any one of the types of *green peas* or varietal groups of *dry peas* as shown on the actuarial table in the county on the date of planting for the crop year (1) in which the insured has a 100 percent share, (2) which is owned by one person and operated by the insured, or (3) which is owned by the insured and rented to one tenant. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Causes of loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from drought, earthquake, excessive rain, fire, flood, freeze, frost, hail, hurricane, insect infestation, lightning, plant disease, snow, tornado, wildlife, wind, winterkill, and any other unavoidable cause of loss due to adverse weather conditions occurring within the insurance period, subject, however, to any exceptions, exclusions, or limitations with respect to such causes of loss that are set forth on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production due to (1) *green-pea* acreage not being timely harvested unless the Corporation determines that because of unusual weather conditions, a substantial percentage of such acreage in an area was ready for harvest at the same time (the uninsured loss of production resulting from failure to timely harvest will be appraised and counted as production with no adjustment for quality by the Corporation as pounds of peas which were available for timely harvesting), (2) the neglect or malfeasance of the insured, any member of his household, his tenants or employees, (3) failure to follow recognized good farming practices, (4) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (5) any cause not specified as an insured cause in this policy as limited by the applicable actuarial table.

3. *Crop and acreage insured.* (a) Upon acceptance of an application for insurance, the pea crop insured shall be *green* or *dry peas* of a type or variety for which the actuarial table shows a guarantee and premium rate per acre.

(b) The acreage insured for each crop year shall be that acreage in the county planted to peas on insurable acreage, as shown on the actuarial table, and as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall not attach or be considered to have attached as determined by the Corporation to any acreage (1) of *green peas* not shown under a processor contract or excluded from such contract for the crop year pursuant to the terms thereof, (2) which was planted to peas the previous two crop years, (3) where premium rates are established by farming practices on the actuarial table, and the farming practices carried out on any acreage are not among those for which a premium rate has been established, (4) not reported for insurance as provided in section 4 if

such acreage is irrigated and an irrigated practice is not provided for such acreage, (5) which is destroyed and after such destruction, it was practical to replant to peas of the same type of green peas or the same varietal group of dry peas as shown on the actuarial table and such acreage was not replanted, (6) initially planted after the date established by the Corporation and placed on file in the office for the county as being too late to initially plant and expect a normal crop to be produced, (7) of volunteer peas, or (8) planted to a type or variety not established as adapted to the area or shown as noninsurable on the actuarial table.

(c) An instrument in the form of a "lease" under which the insured grower retains control of the acreage on which the insured peas are grown and which provides for delivery of the peas under certain conditions and at a stipulated price(s) shall, for the purpose of this contract, be treated as a processor contract under which the insured has the share in the peas.

4. *Responsibility of insured to report acreage and share.* (a) The insured shall submit to the Corporation at the office for the county, on a form prescribed by the Corporation, a report showing all acreage of peas planted in the county (including a designation of any acreage of peas to which insurance does not attach) in which the insured has a share and the insured's share therein at the time of planting. Such report shall be submitted each year not later than a date established by the Corporation and on file in the office for the county. If the insured does not have a share in any insured acreage in the county for any year, he shall submit a report so indicating. Any acreage report submitted by the insured shall be binding upon the insured and shall not be subject to change by the insured.

(b) If the insured does not submit an acreage report by the date established by the Corporation, the Corporation may elect to determine by insurance units the insured acreage and the share or declare the insured acreage on any insurance unit(s) to be "zero."

5. *Irrigated acreage.* (a) Where the actuarial table provides for insurance on acreage on which an irrigated practice is carried out, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time of planting.

(b) Any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the beginning of planting, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

(c) Insurance shall not attach to peas seeded on any irrigated acreage the first year after a major leveling operation has been carried out, as determined by the Corporation.

6. *Production guarantees and prices for computing indemnities.* (a) For each crop year of the contract, the production guarantees and prices at which indemnities shall be computed are those shown on the actuarial table.

(b) The applicable production guarantee per acre shall be reduced 20 percent for any unharvested acreage.

(c) In counties where the actuarial table shows a guarantee for both *green* and *dry peas* the applicable guarantee for any acreage shall be determined by the type of *green peas* or varietal group of *dry peas* shown on the acreage report, except that if any acreage shown on the acreage report as *green peas* is harvested as *dry peas*, the guarantee for such acreage shall be reduced 40 percent.

(d) At the time application for insurance is made, the applicant shall elect a price from among those shown on the actuarial table at which indemnities shall be computed. If the insured has not elected a price or the price elected is not shown on the actuarial table for the crop year, the applicable price under the contract, and which the insured shall be deemed to have elected, shall be the price provided on the actuarial table for such purposes. The insured may, with the consent of the Corporation, change the price election for any crop year by the closing date for submitting applications for that year.

7. *Annual premium.* (a) The annual premium is earned and payable at the time of planting and shall be determined by multiplying the insured acreage times the applicable premium per acre, times the insured's share at the time of planting, and applying the premium adjustment herein provided.

(b) For premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

ADJUSTMENTS FOR FAVORABLE CONTINUOUS EXPERIENCE:

No. Years Continuous Experience Thru Previous Crop Year	0	1	2	3	4	5	6	7	8 or more
Loss Ratio Thru Previous Crop Year	PERCENTAGE ADJUSTMENT FACTOR FOR CURRENT CROP YEAR								
0 - .49	100	100	95	95	90	85	80	75	70
.50 - .89	100	100	100	100	95	90	85	80	75
.90 - 1.09	100	100	100	100	100	100	100	100	100

ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE:

No. of Years Indemnified Thru Previous Crop Year	1	2	3	4	5	6	7	8	9	10 or more
Loss Ratio Thru Previous Crop Year	PERCENTAGE ADJUSTMENT FACTOR FOR CURRENT CROP YEAR									
1.10 - 1.19	100	100	100	103	104	106	108	110	112	115
1.20 - 1.39	100	100	103	106	109	112	116	120	125	130
1.40 - 1.69	100	102	105	109	113	118	124	130	137	145
1.70 - 1.99	100	103	107	112	118	124	132	140	150	160
2.00 - 2.49	100	104	109	115	122	130	140	150	162	175
2.50 - 3.24	100	105	111	118	127	136	148	160	175	190
3.25 - 3.99	100	106	113	121	131	142	156	170	187	205
4.00 - 4.99	100	107	115	124	136	148	164	180	200	220
5.00 - 5.99	100	108	117	127	140	154	172	190	212	235
6.00 up	100	110	120	130	145	160	180	200	225	250

(d) If there is no break in the continuity of participation, any premium adjustment applicable under subsection (c) of this section shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured in operating only the same farm or farms, if such person had previously actively participated in the farming operation, or (3) the contract of the same insured who stops farming in one county and starts farming in another county.

(e) If there is a break in the continuity of participation, any reduction in the premium earned under subsection (c) of this section shall not thereafter apply; however, any increase in premium shall apply following a break in continuity.

(f) Any unpaid amount of premium due the Corporation by the insured may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

8. *Insurance period.* Insurance on insured acreage shall attach at the time the peas are planted and shall cease in the same calendar year as follows: The earliest of (1) final adjustment of a loss, (2) harvest, or (3) September 15: *Provided, however,* That if any acreage of *green peas* is not timely harvested, insurance shall be deemed to have ceased when the acreage should have been harvested, as determined by the Corporation.

9. *Notice of damage or loss.* Any notice of damage or loss shall be given in writing by the insured to the Corporation at the office for the county.

(a) Notice shall be given promptly if, during the period before harvest, the peas on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it, or wants the consent of the Corporation to put the acreage to another use. No insured acreage shall be put to another use until the Corporation has made an appraisal of the potential production of such acreage and consents in writing to such other use. Such consent shall not be given until it is too late to replant to peas of the same type or varietal group. Notice shall also be given when such acreage has been put to another use.

(b) Notice shall be given not later than 30 days after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire pea crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of the insured prevent compliance with this provision.

(c) In addition to the notices required in paragraphs (a) and (b) of this section, if an indemnity is to be claimed on any unit of *green peas*, notice shall be given (1) no later than 48 hours after harvesting of the peas has been discontinued on a unit, before all the acreage is harvested, or (2) before harvest would normally start if any acreage on a unit is not to be harvested. If such notice is not given, the Corporation shall appraise the pounds of unharvested production with no adjustment for quality and, if there is insufficient evidence upon which to base an appraisal, the appraisal on such acreage shall be the applicable guarantee.

(d) Any insured acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

(e) There shall be no abandonment to the Corporation of any insured peas.

(f) The Corporation shall reject any claim for indemnity if any of the requirements of this section are not met.

10. *Claim for indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of peas on the unit and that any loss of production has been directly caused by one or more of the causes insured against during the insurance period of the crop year for which the indemnity is claimed and (2) furnish any other information regarding the amount of production as may be required by the Corporation.

(c) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by subtracting the dollar amount of production from the dollar amount of insurance and multiplying the remainder by the insured's share. The dollar amount of production is obtained by multiplying the total production to be counted by the price per pound elected. The dollar amount of insurance is obtained by multiplying the pound guarantee per acre times the insured acres times the price per pound elected: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of loss shall be computed on the insured acreage and share and then reduced proportionately.

(d) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production. (1) All harvested *green peas* which are accepted by the processor and *dry peas* which are or could be marketed shall be counted as production. (2) Appraised production shall not be adjusted for quality and shall include (i) the greater of the appraised production or 40 percent of the applicable guarantee for any acreage which, with the consent of the Corporation, is planted in the current crop year to any other crop insurable on such acreage *(excluding small grains normally maturing for harvest in the following calendar year)* before the peas are harvested, or normally would be harvested and (ii) any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without the consent of the Corporation. Appraisals shall not be less than the applicable guarantee for any acreage which is abandoned, put to another use without prior written consent of the Corporation, or damaged solely by an uninsured cause. (3) If the Corporation determines that any acreage of green peas was not timely harvested, and the insured received payment from the processor for such acreage, the pounds of production to count will be determined by dividing the processor payment by the processor price per pound for the applicable tenderometer reading or sieve size shown on the actuarial table.

(e) The pounds of the production to be counted for any harvested peas shall be determined as follows: (1) For *green peas,* the dollar value received from the processor shall be divided by the processor contract price per pound for the tenderometer reading or sieve size shown on the actuarial table. (2) For *dry peas,* any production which does not grade No. 3 or better or lentils which do not grade No. 2 or better (determined in accordance with United States Standards for dry peas and lentils) because of poor quality due to insurable causes occurring within the insurance period shall be reduced by (i) dividing the value per pound of the damaged peas, as determined by the Corporation, by the price per pound for the same variety of peas grading No. 3 (No. 2 for lentils) and (ii) multiplying the result thus obtained by the pounds of such peas. The applicable price of No. 3 peas (No. 2 lentils) shall be the market price for such peas on the earlier of the day

the loss is adjusted or the day the damaged peas were sold.

(f) If consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of peas becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

(g) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

11. *Payment of indemnity.* (a) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. However, in no event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(b) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved after the peas are planted for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

12. *Misrepresentation and fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

13. *Other insurance against fire.* (a) If the insured has other insurance against damage by fire during the insurance period, the Corporation shall be liable for loss due to fire only for the smaller of (1) the amount of indemnity determined pursuant to this contract without regard to any other insurance or (2) the amount as determined by the Corporation by which the loss from fire exceeds the indemnity paid or payable under such other insurance.

(b) For purposes of this section, the amount of loss from fire shall be the difference between the fair market value of the production on the unit involved before and after the fire, as determined by the Corporation from appraisals made by the Corporation of the production and fair market value.

14. *Collateral assignment.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

15. *Transfer of insured share.* If the insured transfers all or any part of the insured share during the crop year, upon approval by the Corporation, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the transferor for the current crop year. Any transfer shall be made on a form prescribed by the Corporation.

16. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment here under is made and shall execute all papers required and take appropriate action to secure such rights.

17. *Records and access to farm.* The insured shall keep or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipments, sale, or other disposition of all peas in the county in which the insured has a share, including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

18. *Forms.* Copies of forms referred to in the contract are available at the office for the county.

19. *Contract changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the applicable cancellation date, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 20.

20. *Life of contract: Cancellation and termination.* (a) The contract shall be in effect for the crop year specified on the application, and may not be canceled for such crop year. Thereafter, either party may cancel insurance for any crop year by giving written notice to the other by the cancellation date shown in subsection (b) of this section.

(b) For each year of the contract, the cancellation date shall be December 31 and the termination dates for indebtedness shall be April 15 in Minnesota and Wisconsin, March 15 in Oregon and April 1 in all other states. These dates are those immediately preceding the beginning of the crop year for which the cancellation or the termination is to become effective.

(c) If the premium for any crop year is not paid by the termination date for indebtedness shown in subsection (b) of this section, the contract shall terminate: *Provided,* That the date of payment for premium (1) deducted from an indemnity claim shall be the date the insured signs such claim or (2) deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(d) The contract shall terminate if no premium is earned for three consecutive years.

(e) If the insured is an individual who dies, or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; however, if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and termiate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

(f) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (b), (c), (d), and (e) of this section, the contract shall continue in force for each succeeding crop year.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

Note.—The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, and OMB Circular No. A–40.

Approved by the Board of Directors on December 20, 1978.

Effective: May 1, 1979.

Dated: December 13, 1978.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: April 24, 1979.

Approved by:
Bob Bergland,
Secretary.
[FR Doc. 79-13425 Filed 4-30-79; 8:45 am]
BILLING CODE 3410-08-M

Agricultural Marketing Service

7 CFR Part 918

Fresh Peaches Grown in Georgia; Industry Committee Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This action (1) requires that peaches shipped to adjacent markets in "closed" containers be inspected and in containers appropriately marked, and (2) revokes requirements that handlers file information relating to shipments of peaches to adjacent markets.

EFFECTIVE DATE: May 1, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This final rule is issued under the marketing agreement, as amended,and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Industry Committee, and upon other available information. This final rule has not been determined significant under the USDA criteria for implementing Executive Order 12044.

The committee met February 27, 1979, and recommended amendment of § 918.130, the rule which pertains to reports and safeguards for peaches shipped to adjacent markets, to require that such peaches not meeting the requirements for nonadjacent markets shipped in "closed" containers be inspected, and that they be in containers marked with handler's name and address, and the words "For Sale in Adjacent Markets Only". Currently, this rule applies to peaches in "new" containers. It reported that this action was necessary to deter the shipment of such peaches destined for adjacent markets from being diverted to nonadjacent markets. Reportedly, last season some peaches were shipped to adjacent markets in a wide assortment of containers, including a few in used "closed" containers, some of which were improperly marked. It further reported that these inspection and marking requirements would make it easier to not only detect these peaches if shipped to nonadjacent markets, but also to identify the handler of such peaches, and to determine the grade and size of the fruit. Notice of proposed rulemaking with respect to these proposals was published April 5, 1979, in the **Federal Register** (44 FR 20444). No comments on the proposal were received during the 18 days provided.

The committee met again on April 18, 1979, and unanimously recommended further amendment of § 918.130, to revoke the provisions which require that handlers file information with the committee relating to shipments of peaches to adjacent markets. It reported that the information obtained under these filing requirements is no longer needed, as the inspection and marking requirements for shipments of peaches to adjacent markets in "closed" containers will provide adequate safeguards. It recommends that this action be taken prior to the 1979 shipping season, so that handlers will not have to file reports that are no longer needed. Therefore, these provisions should be revoked, effective May 1, 1979.

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

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, with respect to the revocation of the reporting requirements in § 918.130, and postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given the opportunity to submit information and views on the provisions in this rule at open committee meetings. It is necessary to effectuate the declared purposes of the act to make this amendment effective as specified, as shipments of peaches grown in Georgia are expected to begin about the first of May, and this amendment should be in effect by that time. This amendment relieves handlers of reporting requirements, and no purpose would be served by delaying its effective date beyond May 1, 1979.

Accordingly, in Supart—Industry Committee Regulations (7 CFR § 918.100-§ 918.131), § 918.130 is amended by revoking paragraph (a), and by revising paragraph (b). As amended, § 918.130 reads as follows:

§ 918.130 Peaches shipped to adjacent markets.

Each handler who ships, in closed containers, adjacent market peaches which do not meet the current regulations for nonadjacent markets issued pursuant to § 918.60(b) shall stamp or print on the ends or sides of such containers in letters not less than one-half inch in height "For Sale In Adjacent Markets Only", along with the handler's name and address; and have such fruit so shipped inspected as provided in § 918.64.

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

Dated: April 27, 1979, to become effective May 1, 1979.

D. S. Kuryloski,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.
[FR Doc. 79-13701 Filed 4-30-79; 11:25 am]
BILLING CODE 3410-02-M

Agricultural Stabilization and Conservation Service

7 CFR Part 729

Acreage Allotments, Marketing Quotas, and Poundage Quotas for 1978 and Subsequent Crops of Peanuts

AGENCY: Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

ACTION: Final rule.

SUMMARY: This regulation sets forth the rules for assessment of marketing quota penalties, identification of marketings, processing violations, registration of peanut handlers and their responsibilities to maintain records and reports. This regulation further excludes from the definition of peanuts any peanuts which are not dug and clarifies the definition of quota peanuts. The most significant provisions of this regulation are the marketing quota penalties and the identification of producer marketings. This regulation is necessary in order to announce the penalty rate to be assessed against producers marketing in excess of their peanut allotments and farm poundage quotas as provided by section 359(a) of the Agricultural Adjustment Act of 1938, as amended.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Paul P. Kume, Production Adjustment Division, Agricultural Stabilization and Conservation Service, (202) 447–4695, USDA, P.O. Box 2415, Washington, D.C. 20013.

SUPPLEMENTARY INFORMATION:

Inasmuch as the marketing of the 1978-crop peanuts is now substantially completed and the fact that it is urgent to publish the penalty rates for the 1978 crop, I have determined that compliance with the notice of proposed rulemaking and public participation procedure of 5 U.S.C. 553 and the requirements of Executive Order 12044 are impracticable and contrary to public interest. Therefore, this regulation is issued without compliance with such procedures and requirements.

Final Rule

Accordingly 7 CFR Part 729 is revised as follows:

(1) Paragraphs (ee) and (ii) of § 729.3 are revised to read as follows:

§ 729.3 Definitions.

* * * * *

(ee) *Peanuts.* All peanuts produced, excluding any peanuts which were not dug or were not picked or threshed before or after marketing from the farm, as established by the producer or otherwise in accordance with this subpart, and excluding any peanuts marketed by the producer before drying or removal of moisture from such peanuts by natural or artificial means for consumption exclusively as boiled peanuts (referred to as "green peanuts"). If a lot of farmers stock peanuts has been inspected by the Federal State Inspection Service at the time of marketing, the quantity in the lot shall be the gross weight thereof less foreign material and excess moisture (moisture in excess of 7 percent in the Southeastern and Southwestern areas and 8 percent in the Virginia-Carolina area). If the lot of peanuts is not inspected by the Federal-State Inspection Service the quantity in the lot shall be the gross weight thereof. If shelled peanuts are marketed by a producer, the quantity in the lot (farmers stock basis) shall be determined by multiplying the poundage of shelled peanuts by 1.5.

* * * * *

(ii) *Quota peanuts.* Peanuts (except green peanuts) which are marketed or considered marketed from a farm for domestic edible use. This includes all peanuts (except green peanuts) which are dug on a farm except peanuts (1) which are placed under loan at the additional support rate as provided in Part 1446 of this title and not redeemed by the producer; or (2) which are marketed under contract between a handler and a producer as provided in Part 1446 of this title for export and/or crushing.

* * * * *

(2) Sections 729.46–729.72 are revised to read as follows:

Marketing Quota Penalties

Sec.

Producer Identification and Designation of Peanuts Marketed

Producer Records and Reports

Handler's Registration, Responsibilities and Records

Authority: Secs. 301, 358, 358a, 359, 361–368, 372, 373, 375, 377, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 81 Stat. 658, 55 Stat. 90, as amended, 52 Stat. 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended, 70 Stat. 206, as amended (7 U.S.C. 1301, 1358, 1358a, 1359, 1361–1368, 1372, 1373, 1375, 1377) and Secs. 801, 802, 803, 804, 805, 806, 91 Stat. 944 (7 U.S.C. 1358, 1358a, 1359, 1373, 1377).

Marketing Quota Penalties

§ 729.46 Penalty rate.

(a) *Basic penalty rate.* The basic penalty rate is 120 percent of the basic support price for quota peanuts for the marketing year, as provided in section 359(a) of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1359(a)).

(b) *1978–79 Marketing year.* The basic support price for quota peanuts for the 1978–79 marketing year is $420 per ton. Therefore, the basic penalty rate for the 1978 crop of peanuts is $504 per ton or 25.2 cents per pound.

§ 729.47 Peanuts on which penalty is due.

(a) Penalty is due at the basic penalty rate on:

(1) The quantity of peanuts which are marketed or considered marketed from a farm for domestic edible use in excess of the farm poundage quota for that farm;

(2) All peanuts produced on excess acreage: *Provided,* That such penalty shall be paid on each lot of peanuts marketed from the farm based on the converted basic penalty rate. The converted basic penalty rate shall be determined by:

(i) Dividing the excess acreage by the final acreage to determine the percent of excess; and

(ii) Multiplying the percent of excess by the basic penalty rate per pound.

(3) All peanuts produced on a farm for which the producer:

(i) Failed to timely file a report of peanut acreage as provided in Part 718 of this chapter, or

(ii) Refused to permit entry on the farm for purpose of determining the acreage of peanuts on the farm.

(4) The quantity of peanuts marketed without identification by a valid marketing card.

(5) The quantity of peanuts marketed in excess of the farm marketing quota (falsely identified peanuts) as determined by the county committee with State committee concurrence, even though the farm has no excess acreage: *Provided,* That this provision shall be applicable only when the farm on which the falsely identified peanuts were produced cannot be ascertained.

(6) All peanuts, the disposition of which the producer has failed to account for to the satisfaction of the county committee. The quantity of peanuts subject to penalty under this provision shall be:

(i) The amount of peanuts determined by the county committee to have been marketed or considered marketed from the farm for domestic edible use in excess of the effective farm poundage quota for that farm; plus

(ii) The amount of the farm yield times the excess acreage, if the farm has excess acreage.

§ 729.48 Peanuts grown for experimental purposes.

No penalty shall be collected on the marketings of any peanuts which are grown only for experimental purposes on land owned or leased by a publicly-owned agricultural experimental station and produced at public expense by employees of the experiment station, or peanuts produced by farmers for experimental purposes pursuant to an agreement with a publicly-owned experiment station: *Provided,* That the director of the publicly-owned agricultural experiment station furnishes the State Executive Director a list by counties showing the following information for farms in the State on which peanuts are grown for experimental purposes only:

(1) Name and address of the publicly-owned experiment station,

(2) Name of the owner, and name of the operator if different from the owner, of each farm in the State on which peanuts are grown for experimental purposes only,

(3) The acreage of peanuts grown on each farm for experimental purposes only, and

(4) A signed statement that such acreage of peanuts was grown on each farm for experimental purposes only, was necessary for carrying out experimentation, and the peanuts were produced under the direction of representatives of the publicly-owned experiment station.

§ 729.49 Persons to pay penalty.

(a) *Marketings to handlers.* The handler is liable for the penalty due on peanuts which the handler buys or otherwise acquires from a producer. The handler may deduct the penalty from the price paid to the producer. If a handler fails to collect the penalty due on any marketing of peanuts from a farm, the handler and each of the producers on the farm shall be held jointly and severally liable for the amount of the penalty. If the peanuts on which penalty is due were inspected by the Federal State Inspection Service, the handler's liability for penalty is limited to the value of the lot of peanuts.

(b) *Other marketings.* The producer is liable for the penalty due on any peanuts marketed to persons who are not peanut handlers.

(c) *Penalty for error on marketing card.* The producer and the handler are jointly and severally liable for penalty which results ultimately from an error or omission in recording the balance of quota or contract on the marketing card after a marketing of peanuts. If the peanuts on which the penalty was due were inspected by the Federal State Inspection Service, the handler's liability for penalty is limited to the value of the lot of peanuts unless the error increased the balance of quota or contract pounds recorded on the marketing card.

§ 729.50 Payment of penalty.

A draft, money order, or check drawn payable to the "Agricultural Stabilization and Conservation Service, USDA", may be used to pay any penalty, other indebtedness, or interest thereon. A draft or check shall be received subject to collection and payment at par. The penalty becomes due on the date of marketing, or in the case of false indentification or failure to account for the disposition of peanuts, the date of the false identification or failure to account, as applicable.

The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of 6 percent per annum. Interest accrues from the date penalty was due if the penalty is not remitted by Monday of the third calendar week following the week in which the peanuts were marketed. If a farm is found to have excess peanuts after peanuts are marketed, and for cases of false identification or failure to account if the penalty is not paid within 15 days after written notice to the producer, interest shall accrue from the date of the written notice to the producer.

§ 729.51 Lien for penalty.

A lien on the crop of peanuts on which penalty is incurred, and on any subsequent crops of peanuts subject to marketing quotas in which the person liable for payment of the penalty has an interest, shall be in effect in favor of the United States until the penalty is paid. The lien on a subsequent crop takes precedence as of the time the debt secured is entered on a county claim record in the county ASCS office, for the county in which the subsequent crop is grown. Each county ASCS office shall maintain a list of peanut marketing penalty liens on subsequent crops which have been entered on the county claim record. The list shall be available for examination upon written request by an interested person.

§ 729.52 Refund of penalties.

After the marketing of peanuts from a farm has been completed and the disposition of all peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under this subpart. Such request shall be filed with the county ASCS office within 2 years after the payment of the penalty.

Producer Identification and Designation of Peanuts Marketed

§ 729.58 Identification of producer marketings.

The producer must identify each lot of peanuts offered for marketing through a handler by furnishing to the handler the farm operator identification card (MQ–76P) and the peanut marketing card (MQ–76) which was issued for the farm on which the peanuts were produced.

§ 729.59 Designation of peanuts.

Peanuts which are not inspected by the Federal-State Inspection Service prior to marketing must be marketed as quota peanuts. If a lot of peanuts is inspected by the Federal-State Inspection Service, the producer shall

designate to the handler whether the lot of peanuts is to be marketed as quota, loan additional, or contract additional. The designation must be made within the time allowed by the handler but not later than the close of inspection on the first workday (excluding Saturday, Sunday, or legal holiday) after the peanuts are inspected. In the absence of a designation, any segregational peanuts shall be marketed in the following order of priority:

(a) As quota peanuts to extent of the unused poundage quota on the peanut marketing card which is used to identify the peanuts for marketing.

(b) As contract additional to the extent of the unused contract poundage balanced on the peanut marketing card which is used to identify the peanuts for marketing if the peanuts are being marketed through the contracting handler, or

(c) As loan additional peanuts.

Producer Records and Reports

§ 729.60 Report of marketing green peanuts.

(a) The operator of each farm from which green peanuts are marketed shall report the marketing of green peanuts. The operator shall make the report by filing Form MQ–98–1 at the county ASCS office of the county in which the farm is administratively located. The report shall show for the farm:

(1) The number of acres on the farm planted to peanuts;

(2) The acreage on the farm from which peanuts were marketed as green peanuts;

(3) The name and address of the buyer to or through whom each lot of green peanuts was marketed, the type and quantity in each lot marketed and the date marketed: *Provided,* That where green peanuts are marketed by the producer in small lots direct to consumers, such as in the case of local street sales, the report may be made as either a daily or weekly summary of the quantity so marketed and the name and address of each buyer need not be shown but in lieu thereof the place of marketing shall be shown.

(b) Failure to file any report of the marketing of green peanuts as required by this section, or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts produced on the farm.

§ 729.61 Report of acquisition of seed peanut.

If peanuts are planted on a farm in the current year and the seed peanuts were acquired by purchase or gift, the farm operator shall file a report with the county ASCS office of the acquisitions of the seed peanuts. The report must be filed by the farm operator at the time a report of planted acreage of peanuts is made. Part 718 of this title. The report shall include:

(a) The name and address of the handler or person from whom peanuts were purchased or obtained as a gift for the purpose of planting the peanut acreage on the farm in the current year.

(b) The pounds of peanuts acquired for seed.

(c) The basis (farmer's stock or shelled) of determining the quantity acquired.

(d) The type of peanuts acquired.

(e) The date of acquisition.

§ 729.62 Peanuts marketed to persons who are not registered handlers.

(a) If peanuts are marketed to persons other than registered peanut handlers, the operator of the farm on which the peanuts were produced shall file a report of the marketings by executing Form MQ–98–1, Report of Acreage and Marketing of Peanuts to Nonestablished Buyers. The MQ–98–1 must be mailed or delivered to the county executive director of the county in which the farm is administratively located within 15 days after the marketing of peanuts from the farm has been completed. If peanuts are marketed by the producer in small lots directly to consumers, such as in the case of local street sales, a daily or weekly summary of the quantity marketed and the place of marketing may be reported in lieu of the name and address of each buyer.

(b) Failure to file an MQ–98–1 as required or the filing of a report which the county committee finds to be incomplete or inaccurate shall constitute failure to account for the disposition of the peanuts on the farm and may result in:

(1) A reduction of the peanut allotment and farm poundage quota for the farm, and

(2) Assessment of marketing penalties, as provided in this Part 729.

(c) All peanuts marketed to persons other than registered handlers shall be considered marketed as quota peanuts.

§ 729.63 Report on marketing card.

The farm operator shall return each peanut marketing card to the issuing county ASCS office as soon as marketings from the farm are completed or at such earlier time as the county executive director may request. At the time of returning the last marketing card for a farm, the farm operator shall execute the certification on the marketing card as to the pounds of peanuts retained for seed or other uses. Failure to return a marketing card or failure to execute the certification of the quantity of peanuts retained for seed or other uses shall constitute failure to account for disposition of peanuts marketed from the farm unless a satisfactory report of disposition is furnished to the county committee.

§ 729.64 Report of production and disposition.

(a) In addition to any other reports which may be required under this subpart, the farm operator or any producer on the farm (even though the farm has no excess acreage), upon written request by certified mail from the State Executive Director, shall furnish a report of production and disposition to the State committee. The report must be filed on MQ–98, Report of Production and Disposition within 15 days after the request is mailed. The report shall show:

(1) The final acreage of peanuts on the farm;

(2) The total production of peanuts on the farm; and

(3) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds in each lot, and the date marketed: *Provided,* That where peanuts are marketed in small lots to persons who are not established buyers the report may be made as either a daily or weekly summary of the number of pounds marketed and the name and address of the buyer(s) need not be shown but in lieu thereof the place of marketing shall be shown; and

(4) The quantity and disposition of peanuts not marketed.

(b) Failure to file the MQ–98 as requested or the filing of an MQ–98 which is found by the State committee to be incomplete or incorrect, shall constitute failure of the producer to account for production and disposition of peanuts produced on the farm.

§ 729.65 Reduction of farm allotment and poundage quota for violation.

(a) *False identification.* If peanuts are falsely identified the acreage allotments and poundage quotas next established for each farm involved in the false identification shall be reduced as provided in this section, except that such reduction for any such farm shall not be made if it is established to the satisfaction of the county and State committees that (1) no person on such farm intentionally participated in such marketing or could have reasonably been expected to have prevented such

marketing, or (2) no person connected with such farm for the current year caused, aided, or acquiesced in such marketing.

(b) *Failure to account for production and disposition.* If complete and accurate proof of the production and disposition of all peanuts produced on the farm is not furnished in the manner and within the time prescribed under this Part 729, the acreage allotment and poundage quota next established for the farm shall be reduced as provided in this section except that the reduction for a farm shall not be made if it is established to the satisfaction of the county and State committees that (1) the failure to furnish such proof of disposition was unintentional and no producer on such farm could reasonably have been expected to furnish such proof of disposition or (2) no person connected with such farm for the current year caused, aided, or acquiesced in the failure to furnish such proof.

(c) *Quantity of peanuts involved in the violation.* The quantity of peanuts determined by the county committee to have been falsely identified or for which satisfactory proof of production and disposition has not been furnished shall be considered the quantity of peanuts involved in the violation. If the actual production of peanuts on the farm is not known, the county committee shall estimate the actual production, taking into consideration the condition of the peanut crop during the growing and harvesting season, if known, and the actual yield per acre of peanuts on other farms in the locality on which the soil and other physical factors affecting the production of peanuts are similar. The estimated actual production shall be considered as the actual production for purposes of determining the quantity of peanuts involved in the violation. The quantity of peanuts involved in the violation shall be the actual production of peanuts on the farm less the amount of peanuts for which satisfactory proof of production and disposition has been shown.

(d) *Amount of reduction.* The amount of reduction shall be that percentage which the quantity of peanuts involved in the violation is of the respective farm marketing quota for the farm for the marketing year in which the violation occurred. Where the quantity of peanuts involved in the violation equals or exceeds the farm marketing quota, the amount of reduction shall be 100 percent.

(e) *County administrative hearing.* The farm operator involved shall be notified in writing by the county executive director of the time and place for any hearing with the county committee concerning a violation and the nature of the violation. The farm operator shall be requested to bring any relevant supporting documents to the hearing. The hearing shall be held before the allotment and poundage quota is reduced for the farm except in the case of failure to return the marketing card.

(f) *Time for making reduction for a violation in a prior year.* A reduction in the farm acreage allotment and farm poundage quota for a farm for a violation in a prior year shall be made in the current year, provided it can be made on or before the applicable date as follows:

February 25—Alabama, Arizona, Arkansas, California, Florida, Georgia, Louisiana, Mississippi, Missouri, New Mexico, South Carolina, Tennessee, and the following counties in Texas:
Atascosa, Austin, Bee, Bexar, Colorado, DeWitt, Demmit, Duval, Fort Bend, Frio, Gonzales, Guadalupe, Harris, Jim Wells, Karnes, La Salle, Lavaca, Live Oak, Medina, Victoria, Waller, Webb, Wilson, and Zavala.
March 31—North Carolina, Oklahoma, Texas (except counties listed for February 25), and Virginia.

If the reduction cannot be made in the current crop year by the applicable date above, the reduction shall be made in a subsequent crop year.

(g) *Allotment reductions for combined farms.* If the farm involved in the violation is combined with another farm prior to the reduction, the reduction shall be computed on the portion of the allotment derived from the farm involved in the violation.

(h) *Allotment reduction for divided farms.* If the farm involved in the violation has been divided prior to the reduction, the percentage of reduction for the allotments for the divided farms shall be the same as though no division had been made.

(i) *Quota reduction.* If an acreage allotment reduction is made under this section, the farm poundage quota shall be reduced to reflect such reduction.

(j) *Effect of reduction on subsequent crops.* Any reduction in the allotment and farm poundage quota for a farm made under this section shall not operate to reduce the allotment and farm poundage quota for such farm for any subsequent year.

Handler's Registration, Responsibilities and Records

§ 729.66 Registration of handlers.

Each person who plans to acquire peanuts for processing or resale shall register as a handler according to the provision of this section and prior to acquiring peanuts.

(a) *Persons acquiring noninspected peanuts.* A person who has not registered under the provisions of paragraph (b) of this section and who plans to buy or otherwise acquire peanuts for processing or resale prior to the peanuts being inspected by a duly authorized inspector of the Federal-State Inspection Service must register with the State ASCS office of the State in which the person will operate as a handler, or if operating in more than one State, the State of residence or principal business location. One may register by completing an MQ-96, Application for Peanut Handler Card, and submitting it to the State ASCS office serving the State in which the handler is registered.

(b) *Persons acquiring inspected peanuts.* A person who plans to acquire peanuts that have been inspected by a duly authorized inspector of the Federal-State Inspection Service must register as a handler by completing an MQ-96, Application for Peanut Handler Card and submitting it to the Virginia, Georgia or Texas State ASCS Office in the area in which the handler is located.

(c) *Peanut buyer card and buying point card.* The office through which a handler registers will obtain and issue an embossed peanut buyer card on which will be entered the handler's registration number, name and address. The buyer card will be used by the handler for identification when the handler buys or sells peanuts. A buying point card(s) will be obtained and issued to a handler who operates a buying point at which peanuts are inspected. The buying point card will be embossed with a number and used to identify the physical location of the buying point at which the peanuts are inspected.

§ 729.67 Records and reports required of handlers.

Each handler shall keep records and make reports as required by this section.

(a) *Marketing records.* The handler shall maintain the following records with respect to each lot of farmer's stock peanuts which the handler acquires for his own account.

(1) Farm number (including State and county code) of the farm on which peanuts were produced (obtained from producer's identification card or marketing card) or if purchased from a handler, the handler's number.

(2) Name of seller.

(3) Date of marketing.

(4) Pounds marketed as:

(i) Quota.

(ii) Additional loan.

(iii) Contract additional.

(5) Type of peanuts.

(6) Amount of penalty due and amount collected from the producer.

(b) *Resales.* Each handler who resells farmer's stock peanuts shall keep records of:

(1) The name and address of the buyer.

(2) The handler number of the buyer, if the peanuts are sold to a handler.

(3) The date of the sale.

(4) The type of peanuts sold, and

(5) The pounds (net weight) of peanuts sold.

(c) *Inspected peanuts.* If a lot of peanuts was inspected by the Federal-State Inspection Service, the handler shall complete MQ–94, Inspection Certificate and Sales Memorandum to include the:

(1) Name and address of the farm operator and the State and county code and farm number of the farm on which the peanuts were produced if the peanuts are marketed by the producer, or the handler number if the peanuts are marketed by a handler.

(2) Buying point number assigned to identify the physical location of the buying point at which the peanuts were marketed.

(3) Name, address, and handler number of the handler, or the association number, name, and address if the peanuts are accepted for loan through the association.

(4) Net weight of the peanuts.

(5) Quantity of peanuts marketed as either loan quota, loan additional, commercial quota, or contract additional.

(6) Date of purchase.

(7) Amount of penalty collected.

(d) *Noninspected peanuts.* A handler who purchases farmer's stock peanuts which have not been inspected by the Federal-State Inspection Service shall complete MQ–95, Report of Purchase of Noninspected Peanuts, for each lot of farmer's stock peanuts purchased. The handler shall complete the MQ–95 to show:

(1) The name and address of the seller.

(2) The State and county code, and farm number if the peanuts are purchased from the producer of the peanuts or if the peanuts are purchased from a handler, the MQ–95 shall show the handler's name, address, and registration number,

(3) The type of peanuts purchased,

(4) The date of purchase,

(5) Quantity purchased, and

(6) Method of determining the weight.

After the required information has been recorded, the seller shall sign and date the MQ–95. The handler shall use MQ–95P, Handler's Report of Purchases of Noninspected Peanuts, to transmit the MQ–95's to the State ASC committee in the State in which the handler's business is located. The MQ–95's shall be transmitted weekly.

(e) *Marketing Card Entries.* Immediately after each lot of peanuts is marketed, the handler shall record from the MQ–94 or MQ–95 to the marketing card the following entries:

(1) The MQ–94 serial number which identifies the lot of peanuts or the date of marketing, if the peanuts were not inspected,

(2) The net pounds marketed,

(3) The unused poundage quota balance remaining after the marketing,

(4) The unused contract poundage balance remaining after the marketing,

(5) The handler's number or, for loan peanuts, the association number,

(6) For inspected peanuts, the buying point number,

(7) Type of peanuts marketed, and

(8) Any penalties or claims collected.

(f) *Transmittal of penalties.* Form MQ–80 Peanuts, "Buyer's Transmittal of Claims and/or Marketing Penalty", shall be used by a handler to transmit a collection of a penalty or a claim. Each collection shall be sent to the county ASCS office which issued the marketing card. The transmittal shall be made within two weeks after the end of the week in which the collection is made.

(g) *Peanuts shelled for a producer.* The handler shall maintain records of peanuts shelled for a producer as follows:

(1) Date of shelling.

(2) Name and address of the producer for whom the peanuts were shelled.

(3) State and county code and farm number of the farm on which the peanuts were produced.

(4) Quantity of peanuts (farmer's stock basis) shelled.

(5) Quantity of shelled peanuts retained by the sheller.

(6) Quantity returned to the producer.

(h) *Peanuts dried for a producer.* The handler shall maintain records of peanuts dried for a producer as follows:

(1) State and county code and farm number of the farm on which the peanuts were produced.

(2) Name and address of the producer for whom peanuts were dried.

(3) Quantity dried (weight after drying, farmer's stock basis) and date drying is completed.

§ 729.68 Persons engaged in more than one business.

Any person who is required under this subpart to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records for each business.

§ 729.69 Penalty for failure to keep records and make reports.

Any person, who dries farmer's stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agency marketing peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, any farmer engaged in the production of peanuts, who fails to make any report or keep any record as required under this subpart or who makes any false report or record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500 as provided by section 373(a) of the Act.

§ 729.70 Examination of records and reports.

The Deputy Administrator, the Director, Production Adjustment Division, the State Executive Director, or any person authorized by any one of such persons, and any auditor or agent of the Office of Investigation is authorized to examine any records pertinent to the peanut allotment and marketing quota program. Upon request from any such person any person who dries farmer's stock peanuts by artificial means for a producer, any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut-picking or peanut-threshing machine shall make available for examination such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as are under his control which any person hereby authorized to examine records has reason to believe are relevant to any matter under

investigation in connection with enforcement of the Act and this subpart.

§ 729.71 Length of time records and reports are to be kept.

Records required to be kept and copies of the reports required to be made by any person under this subpart shall be on a marketing year basis and shall be retained for 3 years after the end of the marketing year. Records shall be kept for such longer periods of time as may be requested in writing by the State Executive Director, or the Director, Production Adjustment Division. The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance withe the Federal Reports Act of 1942.

§ 729.72 Information confidential.

All data reported to or acquired by the Secretary pursuant to the provisions of this subpart shall be kept confidential by all officers and employees of the U.S. Department of Agriculture, and by all members of county and community committees, and all county office employees and only such data so reported or acquired, as the Deputy Administrator deems relevant shall be disclosed by them, and then only in a suit or administrative hearing under Title III of the Act.

(Secs. 301, 358, 358a, 359, 361–368, 372, 373, 375, 377, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 81 Stat. 658, 55 Stat. 90, as amended, 52 Stat. 62, as amended, 63, as amended, 64, 65, as amended, 66, as amended, 70 Stat. 206, as amended (7 U.S.C. 1301, 1358, 1358a, 1359, 1361–1368, 1372, 1373, 1375, 1377) and secs. 801, 802, 803, 804, 805, 806, 91 Stat. 944 (7 U.S.C. 1358, 1358a, 1359, 1373, 1377).

Note.—This regulation has been determined not significant under the USDA criteria implementing Executive Order 12044. The final Impact Analysis is available from Thomas VonGarlen (ASCS) 202–447–7954.

Signed at Washington, D.C. on April 24, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 79-13293 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 913

Grapefruit Grown in the Interior District in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule.

SUMMARY: This action provides a uniform rule governing the conduct of nomination meetings for committee members and alternates, as mandated by this marketing order.

EFFECTIVE DATE: May 10, 1979.

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

SUPPLEMENTARY INFORMATION: *Findings.* This final rule is issued under the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913; 44 FR 8863), regulating the handling of grapefruit grown in the Interior District in Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This action is based upon the recommendations and information submitted by the Interior Grapefruit Marketing Committee, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act. A recent amendment of this marketing order provides for the selection of a separate committee for this order, and it mandates the issuance of a uniform rule governing the conduct of nomination meetings held to elect committee members and alternates, as provided in § 913.17 *Nominations.* This final rule has not been determined significant under the USDA criteria for implementing Executive Order 12044.

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 final rule is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given the opportunity to submit information and views on the provisions in this rule at an open meeting. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified, as the committee plans to conduct a nomination meeting on May 10, 1979, and these provisions need be in effect by that date.

Accordingly, Subpart—Rules and Regulations (§§ 913.100–199) of 7 CFR Part 913; 44 FR 8863, is amended by adding a new § 913.120, reading as follows:

§ 913.120 Nomination procedure.

Meetings shall be called by the committee in accordance with the provisions of § 913.17, for the purpose of making nominations for members and alternate members of the Interior Grapefruit Marketing Committee. The manner of nominating members and alternate members of said committee shall be as follows:

(a) At each such meeting the committee's representative shall announce the requirements as to eligibility for voting for nominees and the procedure for voting, and shall explain the duties of the committee.

(b) A Chairman and a Secretary of each meeting shall be selected.

(c) At each meeting there shall be presented for nomination and there shall be nominated not less than the number of nominees required under the provisions of § 913.15, all of whom shall have the qualifications as specified in § 913.17.

(d) At the meetings of handlers, any person authorized to represent a handler may cast a ballot for such handler.

(e) At each meeting each eligible person may cast one vote for each of the persons to be nominated to represent the district or group, as the case may be.

(f) Voting may be by written ballot. If written ballots are used all ballots shall be delivered by the Chairman or the Secretary of the meeting to the agent of the Secretary. If ballots are not used, the committee's representative shall deliver to the Secretary's agent a listing of each person nominated and a count of the number of votes cast for each nominee for grower member and alternate. Said representative shall also provide the agent the register of eligible voters present at each meeting, a listing of each person nominated, the number of votes cast, and the weight by volume of shipments voted for each nominee for shipper member and alternate.

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

Dated, April 26, 1979, to become effective May 10, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-13530 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR PART 1701

REA Bulletins; Telephone Cables

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final Rule.

SUMMARY: The Rural Electrification Administration hereby amends

Appendix A—REA Bulletins to provide for the issuance of addenda to REA Bulletins 345–13, REA Specification for Aerial and Underground Telephone Cable (PE–22), REA Bulletin 345–14, REA Specification for Direct Burial Telephone Cable—Air Core (PE–23) and REA Bulletin 345–67, REA Sepcification for Filled Telephone Cables (PE–39). The crosstalk requirement in paragraphs 18.4 in PE–22 and PE–23, and paragraph 19.4 in PE–39 has been changed to cover only cable sizes 12–pair or greater.

REA does not recommend the installation of Pulse Code Modulated (PCM) carrier on unit sizes less than 12-pair. To eliminate any misunderstanding on this point, the crosstalk requirement in the three specifications has been changed to cover only sizes 12-pair or greater. Since this revision was only a clarification of an existing rule to insure accurate interpretation of the requirement, notice and public procedure thereon was determined to be impracticable and unnecessary.

EFFECTIVE DATE: April 25, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Hutson, chief, Outside Plant branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3827.

SUPPLEMENTARY INFORMATION: In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, suggestions, data, or arguments to the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, Attention: Telephone Operations and Standards Division. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, the addenda to REA Bulletins 345–13, 345–14 and 345–67 shall remain in effect, thus permitting the public business to proceed more expeditiously.

An impact analysis for this revision has been prepared and is available for public inspection.

Dated: April 25, 1979.

John H. Arnesen,

Acting Assistant Administrator—Telephone.

[FR Doc.79-13486 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-15-M

Animal and Plant Health Inspection Service

9 CFR Part 73

Scabies in Cattle; Area Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule

SUMMARY: The purpose of this amendment is to release a portion of Custer County in Idaho from the areas quarantined because of cattle scabies. Surveillance activity indicates that cattle scabies no longer exists in the area quarantined. No areas remain under quarantine in the State of Idaho.

EFFECTIVE DATE: April 24, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. Glen O. Schubert, Chief Staff Veterinarian, Sheep, Goat, Equine, and Ectoparasites Staff, USDA, APHIS, VS, Federal Building, Room 737, 6505 Belcrest Road, Hyattsville, MD 20782, 302–436–8322.

SUPPLEMENTARY INFORMATION: This amendment releases a portion of Custer County in Idaho from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the released area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the released area.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies, is hereby amended in the following respect:

§ 73.1 [Amended]

In § 73.1a, paragraph (e) relating to the State of Idaho is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies from certain areas which have been determined to be free of cattle scabies. This amendment should be made effective immediately in order to permit affected persons to move cattle interstate from such area without unnecessary restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 73. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 24th day of April 1979.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-13359 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 82

Exotic Newcastle Disease and Psittacosis or Ornithosis in Poultry; Area Quarantined

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to quarantine a portion of San Bernardino County in California, and a portion of Harrison County in Texas, because of the existence of exotic Newcastle disease. Exotic Newcastle disease was confirmed in San Bernardino County on April 16, 1979, and in Harrison County on April 13, 1979. Therefore, in order to prevent the dissemination of exotic Newcastle disease it is necessary to quarantine a portion of San Bernardino County in California, and a portion of Harrison County in Texas.

EFFECTIVE DATE: April 24, 1979

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Mixson, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, Maryland 20782, 301–436–8073.

SUPPLEMENTARY INFORMATION: This amendment quarantines a portion of San Bernardino County in California, and a

portion of Harrison County in Texas, because of the existence of exotic Newcastle disease in such areas. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined areas.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended].

1. In § 82.3(a)(1), relating to the State of California, a new paragraph (iii) relating to San Bernardino County is added to read:

1. *California.*

* * * * *

(iii) The premises of Robert W. Peterson, 9063 Elm Street, Fontana, San Bernardino County.

* * * * *

2. In § 82.3, the introductory portion of paragraph (a) is amended by adding thereto the name of the State of Texas and a new paragraph (a)(8) relating to the State of Texas is added to read:

(a)* * *

(8) *Texas.* The premises of T. O. Bullock Aviary, consisting of a twenty-acre tract near Longview, Texas, in Harrison County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–112, 115, 117, 120, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, and, therefore, must be made effective immediately to accomplish its purpose in the public interest.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that Part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 24th day of April 1979.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc.79-13380 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 113

Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors; Standard Requirements; Revision of Viricidal Activity Test

AGENCY: Animal and Plant Health Inspection Service (USDA).

ACTION: Final rule.

SUMMARY: This amendment revises the standard test procedure that is used to assure that certain liquid biological products that are used as diluents for dessicated live virus vaccines are free of viricidal activity. It also simplifies that test procedure by reducing the number of virus titrations required and allows for greater flexibility by providing for the general use of single-fraction vaccines and for alternate methods of titration in the test without affecting the validity of the results.

EFFECTIVE DATE: This amendment becomes effective May 31, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: The present standard test procedure for the detection of viricidal activity found in § 113.35 of the standards requires that titration of vaccine rehydrated with the liquid product being tested and vaccine rehydrated with sterile purified water (which is used for comparison purposes as a control) be conducted at 0 hour and 2 hours after rehydration. Experience with this test since it became effective (5 years) indicates that titrations conducted at 0 hour are not necessary for interpretation of results. This amendment simplifies the test by deleting these titrations, thus reducing the total number by 50 percent.

Presently § 113.35 provides that in testing vaccines containing more than one dessicated fraction, each such fraction must be tested (the other fraction or fractions being neutralized or diluted).

However, licensees are presently permitted to use representative single-fraction vaccines in this test provided they are licensed to produce such vaccines. This amendment provides greater flexibility in this regard by also permitting the preparation of unlicensed single-fraction vaccines for use in the test if authorized by the Deputy Administrator.

The present test procedure specifies that titrations shall be conducted using 1.0 $\log_{10}$ dilutions and a minimum of 10 substrate units per dilution. This amendment deletes that requirement and permits the use of titration methods described in a filed Outline of Production or in an applicable standard requirement. This adds flexibility to the testing procedures by permitting the use of other satisfactory methods of titration.

On October 24, 1978, a notice of the proposed amendment to Part 113 was published in the **Federal Register** at 43 FR 49542.

Comments on this proposal were solicited and nine responses were received. One response was favorable to the proposal as written. One response objected to the proposal and requested that the present test procedure be retained.

This response objected to the deletion of the 0-hour titrations in the test on the premise that they provide the controls necessary to determine if the differences in titers that are seen are due to viricidal activity or to other factors. Although supported in theory, this suggestion was rejected, since experience with the present test over a 5-year period has shown that factors other than viricidal activity have not had an effect upon test results and that such controls are, therefore, not necessary or justified.

Seven responses supported the proposal but included a suggestion for change that was considered appropriate and constructive. This suggestion has been incorporated in this final rule and is explained in the discussion of changes below.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendment of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice, is

hereby adopted with the following exceptions:

The criteria used to judge the results of the test have been modified in § 113.35(d) by changing "0.7 $\log_{10}$ or more" to "more than 0.7 $\log_{10}$." This change will permit the results of the test to be judged "satisfactory" rather than "unsatisfactory" if the difference in the titer of the vaccine rehydrated with product and the vaccine rehydrated with sterile purified water is 0.7 $\log_{10}$. This change makes the results easier to interpret and provides a slight increase in the difference in titer that is permitted for a satisfactory test result. This increase is justified to provide some additional compensation for the vial-to-vial variation in titer that can exist in a serial of vaccine.

Section 113.35 is revised to read as follows:

§ 113.35 Detection of viricidal activity.

The test for detection of viricidal activity provided in this section shall be conducted when such a test is prescribed in an applicable standard requirement or in the filed Outline of Production for each inactivated liquid biological product used as diluent for a dessicated live virus vaccine in a combination package.

(a) Bulk or final container samples of completed product from each serial shall be tested.

(b) The product shall be tested with each virus fraction for which it is to be used as a diluent. If the vaccine to be rehydrated contains more than one virus fraction, the test shall be conducted with each fraction after neutralization of the other fraction(s), and/or dilution of the vaccine beyond the titer range of the other fraction(s), or the test shall be conducted using representative single-fraction dessicated vaccines which are prepared by the licensee and which are licensed.

Provided, that the Deputy Administrator may authorize licensees to prepare and use unlicensed single-fraction vaccines for this purpose.

(c) Test procedure: (1) Rehydrate at least two vials of the vaccine with the liquid product under test according to label recommendations and pool the contents.

(2) Rehydrate at least two vials of the vaccine with the same volume of sterile purified water and pool the contents.

(3) Neutralize to remove other fractions, if necessary.

(4) Hold the two pools of vaccine at room temperature (20° to 25° C) for 2 hours. The holding period shall begin when rehydration is completed.

(5) Titrate the virus(es) in each pool of vaccine as provided in the filed Outline of Production or an applicable standard requirement.

(6) Compare respective titers.

(d) If the titer of the vaccine virus(es) rehydrated with the product under test is more than 0.7 $\log_{10}$ below the titer of the vaccine virus(es) rehydrated with sterile purified water, the product is unsatisfactory for use as diluent.

(e) If the product is unsatisfactory in the first test, one retest to rule out faulty techniques may be conducted using four vials of the vaccine for each pool and the acceptability of the product judged by the results of the second test.

(f) Liquid products found to be unsatisfactory for use as diluent by this test are not prohibited from release as separate licensed products if labeled as prescribed in § 112.7(h).

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

Done at Washington, D.C., this 23rd day of April 1979.

This rule has been reviewed under the USDA criteria established to implement E.O. 12044, "Improving Government Regulations." Under those criteria, this action has been designated for Agency oversight. A Final Impact Analysis Statement has been prepared and is available from USDA, APHIS, VS, Room 827, Federal Building, Hyattsville, MD 20782.

M. T. Goff,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-13216 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 205 and 210

Administrative Procedures and Sanctions, Subpoenas, Special Report Orders and Investigations

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Corrections to Notice of Final Rule.

SUMMARY: The Economic Regulatory Administration hereby makes technical corrections in the Notice of Final Rule concerning subpoenas, special report orders and investigations issued on April 13, 1979 (FR Doc. 79-12238, 44 FR 23199, April 19, 1979).

DATES: Effective Date, April 19, 1979.

FOR FURTHER INFORMATION CONTACT: Alan Hechtkopf, Attorney Advisor, Special Investigations Division, Office of General Counsel, 2000 M Street, N.W., Washington, D.C. 20461, Telephone (202) 632-5072.

CORRECTIONS: On page 23201, in column 1, the last paragraph, containing the words of issuance, is corrected to read as follows:

In consideration of the foregoing, Part 205 and Part 210 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective April 19, 1979.

Issued in Washington, D.C., April 25, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

[Docket No. ERA-R-79-2]

[FR Doc. 79-13528 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 308

Rules of Practice and Procedures

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final rule.

SUMMARY: The new rule revises the Federal Deposit Insurance Corporation's regulations governing procedures used by the FDIC in proceedings brought under section 8 of the Federal Deposit Insurance Act, 12 U.S.C. 1818, and under certain other statutes. The FDIC has had to revise 12 CFR Part 308 because recent congressional enactments (the Financial Institutions Regulatory and Interest Rate Control Act of 1978, the International Banking Act of 1978, and the Securities Acts Amendments of 1975) changed the FDIC's enforcement powers. The new rule enables the FDIC to enforce the provisions of new and preexisting law against those persons and companies whom Congress recently brought within the FDIC's enforcement authority. The new rule also implements the FDIC's new power to collect fines for some violations of law, to disapprove changes in control of banks under the supervisory authority of the FDIC, and to impose sanctions upon municipal securities dealers and transfer agents under its authority. In addition, the new rule reorganizes Part 308 in certain respects and corrects minor and technical errors.

EFFECTIVE DATE: May 31, 1979.

FOR FURTHER INFORMATION CONTACT: Werner Goldman, Acting Assistant General Counsel, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429. (202) 389-4616.

SUPPLEMENTARY INFORMATION: On February 27, 1979, the FDIC published in the **Federal Register** (44 FR 11073) a notice of proposed rulemaking which would revise the FDIC's rules of practice and procedures in order to adjust them to changes made by recent Acts of Congress to the FDIC's enforcement powers. Interested persons were given the opportunity to submit, not later than March 29, 1979, data, views, or arguments regarding the proposed revision. The FDIC received one set of comments on the proposed revision.

The commentator suggested three changes to Subpart G, which deals with the procedures and standards to be followed in connection with suspension, prohibition, and removal of directors and officers who are charged with or convicted of certain types of criminal violations. The chief suggestions of the commentator were: (1) That the contents of a notice of suspension, prohibition, or removal issued under proposed § 308.57 be required to include a statement of reasons why the Board of Directors has determined that continued service to or participation in the conduct of the affairs of the bank by the official may pose a threat to the interest of the bank's depositors or threaten to impair public confidence in the bank; (2) that the burden of proof be placed on the FDIC staff in hearings held after suspensions, prohibitions, and removal orders; and (3) that a suspended or removed official be permitted periodically to demand a hearing for a fresh determination by the Board of Directors as to whether grounds for the suspension or removal still exist.

1. The commentator's first recommendation suggests that unfairness to the suspended or removed official may result, if the notice of his suspension or removal does not contain a list of reasons why the Board of Directors has determined that a threat exists from the fact of his having been accused of a crime. This view misconceives the rationale behind section 8(g). Congress has authorized suspension and removal pursuant to its realization that the pendency of criminal proceedings against a bank officer or director, let alone the criminal conviction of such an official, may lead by itself to a loss of public confidence in the bank and resulting harm to the depositors and the community the bank serves. The reasons why accusation of a bank official may lead to a loss of community confidence in the bank are self-evident. No useful purpose would be served by requiring every notice of suspension, prohibition, or removal to expound upon what Congress had in mind when it enacted section 8(g). The Board of Directors has determined that a suspended or prohibited person will not be left uninformed of the reason for the suspension, prohibition, or removal if the connection between the accusation and the threat to the bank is not explained in the notice.

2. The commentator has recommended that proposed Subpart G be changed to place the burden of proof upon the FDIC staff in a hearing pursuant to section 8(g) of the Federal Deposit Insurance Act. The commentator also suggests that the burden be to establish a threat to the bank's depositors or to public confidence in the bank by clear and convincing evidence. The Board of Directors, however, believes that Congress has set the burden of proof differently. Section 8(g)(3) grants the suspended or removed official an opportunity to appear and show that his continued service or participation in bank affairs does not and is not likely to pose a threat to the depositors or to public confidence in the bank. The showing that his service to the bank will not jeopardize the bank or its depositors must thus be made by the official. Proper effectuation of the purposes of Congress in enacting section 8(g) requires that the burden of proof in a section 8(g) hearing be on the official.

3. Section 308.64 as proposed allows the Board of Directors the discretion to deny an official's application for a hearing to reconsider a suspension or removal order. The commentator recommends that proposed § 308.64 be revised so as to afford an official a mandatory hearing, upon request, after twelve months have passed since the last Board of Directors' determination on the suspension or removal. The Board has decided to adopt § 308.64 as proposed. The official is not entitled to reconsideration as a matter of right, and the Board believes that the reconsideration provisions of § 308.64 are both adequate and reasonable. The suggested change would permit unmerited and even frivolous petitions for reconsideration to be filed on a regular basis, resulting in the need for regular hearings and unnecessary administrative burdens. In adopting § 308.64 as proposed, however, the Board of Directors in no way implies that its policy is to deny petitions for reconsideration in those instances where it believes reconsideration may be merited.

After careful review of the comments offered, the Board of Directors has decided to adopt Subpart G as originally proposed, with certain minor changes for purposes of clarity.

Since publishing its notice of proposed rulemaking, the FDIC has modified some of the sections of proposed Part 308 Subpart F, which deals with procedures to be followed in connection with examinations and investigations.

Section 308.47 has been reorganized to include a definitional subsection as well as a scope subsection. The definitional subsection defines the term "bank" for purposes of Subpart F to mean those institutions that are subject to FDIC examination or investigative authority: insured banks, their affiliates, institutions applying to become insured banks, and branches of foreign banks. The definitional subsection also defines the term "proceedings pursuant to section 10(c)." The new definition is similar to the definition in the scope section of proposed Subpart F. The new definition also clarifies the point that the exercise of the powers specified in section 8(n) of the Federal Deposit Insurance Act constitutes "proceedings pursuant to section 10(c)" and is within the scope of Subpart F. The Scope subsection of § 308.47 in its final form, by using the terms defined in the definitional subsection, is more readable and easier to understand than before.

Sections 308.49, 308.50, 308.52, and 308.53 have been simplified through the use of previously defined terms ("bank" and "Corporation").

Another change has moved the subsection defining "Corporation" from § 308.2 ("Rule of construction") to § 308.1 ("Definitions"). This has been done because the subsection is technically a definition.

Accordingly, 12 CFR Part 308 is amended as set forth below.

By order of the Board of Directors April 23, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Acting Executive Secretary.

PART 308—RULES OF PRACTICE AND PROCEDURES

Subpart A—Definitions and Rule of Construction

Sec.

Subpart B—Rules of Practice Applicable to All Hearings

Authority: Sec. 2(9), Pub. L. No. 797, 64 Stat. 881 (12 U.S.C. 1819); sec. 18, Pub. L. No. 94–29, 89 Stat. 155 (15 U.S.C. 78w); sec. 801, Pub. L. No. 95–630, 92 Stat. 3641 (12 U.S.C. 1972).

Subpart A—Definitions and Rule of Construction

§ 308.1 Definitions.

(a) For purposes of this part, except where explicitly stated to the contrary,

(1) The term "insured nonmember bank" means any bank, whose deposits are insured by the Federal Deposit Insurance Corporation, and which is neither a national bank, a District bank, nor a member of the Federal Reserve System. The term "insured nonmember bank" includes a foreign bank having an insured branch;

(2) The term "offical" means any director, officer, employee or agent of a bank to which reference is being made, or any other person participating in the conduct of the affairs of such a bank;

(3) The term "foreign bank" means any company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa, or the Virgin Islands, engaging in the business of banking, or any subsidiary or affiliate, organized under such laws, of any such company. "Foreign bank" includes, without limitations, foreign commercial banks, foreign merchant banks and other institutions that engage in banking activities usual in connection with the business of banking in the countries where such foreign institutions are organized or operating;

(4) The term "insured branch" means a branch of a foreign bank any deposits in which are insured by the Corporation; and

(5) The term "Corporation" means the Federal Deposit Insurance Corporation.

(b) For the purposes of enforcing any law, rule, regulation, or cease-and-desist order in connection with an interlocking relationship, the term "officer" as used in Subpart E means an employee or officer with management functions, and the term "director" includes an advisory or honorary director, a trustee of a bank under the control of trustees, or any person who has a representative or nominee serving in any such capacity. For other purposes, the terms "officer" and "director" as used in this part are defined according to common usage in the banking industry.

(c) For purposes of Subpart J (except § 308.88 thereof), the term "person" means an individual or a corporation, partnership, trust, association, joint venture, pool, syndicate, sole proprietorship, or any other form of entity.

§ 308.2 Rule of construction.

As used in this part, and unless the context otherwise requires, words in the singular number include the plural, and in the plural include the singular.

Subpart B—Rules of Practice Applicable to All Hearings

§ 308.3 Scope.

(a) This subpart prescribes rules of practice and procedure followed by the Federal Deposit Insurance Corporation in hearings held pursuant to the provisions of the Federal Deposit Insurance Act pertaining to:

(1) Involuntary termination of the insured status of any bank or any insured branch of a foreign bank;

(2) The issuance of cease-and-desist orders against any insured nonmember bank or any official of such a bank;

(3) The assessment of civil penalties against (a) an insured nonmember bank or an official of such a bank, for the violation of a cease-and-desist order which has become final, or (b) an insured State nonmember bank (other than a District bank) or an official of such a bank, for the violation of (i) the provisions of section 22(h) or 23A of the Federal Reserve Act, as made applicable by section 18(j) of the Federal Deposit Insurance Act, or (ii) the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended;

(4) The issuance of orders removing or suspending from office or prohibiting from further participation in the conduct of the affairs of the bank, any director or officer of an insured non-member bank or any other person participating in the conduct of the affairs of such a bank, except where the removal suspension, or prohibition of such person is within the scope of Subpart G as set forth in § 308.55;

(5) The disapproval of a proposed acquisition of control of an insured State nonmember bank; and

(6) The imposition of sanctions upon any municipal securities dealer for which the Corporation is the appropriate regulatory agency, or upon any person associated or seeking to become associated with such a municipal securities dealer, or upon any transfer agent for which the Corporation is the appropriate regulatory agency (except for hearings on postponement of registration by such transfer agents, pending registration denial proceedings, and for hearings on suspension of registration by such transfer agents, pending registration revocation proceedings).

(b) In connection with any proceeding under Subpart D or E of this part, the Corporation will provide the appropriate State supervisory authority with timely notice of its intent to institute such a proceeding and the grounds therefor. Unless within such time as the Corporation deems appropriate in the light of the circumstances of the case (which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Corporation will proceed as provided in Subparts D and E of this part.

§ 308.4 Appearance and practice before the Corporation.

(a) *Power of attorney and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, may represent others before the Corporation upon filing with the Executive Secretary a written declaration of current qualification to practice as provided by this paragraph, and is authorized to represent the particular party on whose behalf such person acts. Any other person desiring to appear before, or transact business with, the Corporation in a representative capacity may be required to file with the Executive Secretary of the Corporation a power of attorney showing authority to act in such capacity, and may be required to demonstrate to the satisfaction of the Board of Directors possession of the requisite qualifications. Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Executive Secretary or with the administrative law judge.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Board of Directors or at a hearing before an administrative law judge shall be ground for exclusion therefrom and suspension for the duration of the argument or hearing.

§ 308.5 Notice of hearing.

(a) Whenever a hearing within the scope of this subpart is ordered by the Board of Directors, a notice of hearing shall be given by the Executive Secretary of the Corporation or other designated officer acting for the Board of Directors to the party afforded the hearing and to any appropriate supervisory authority. Such notice shall state the time, place, and nature of the hearing, the administrative law judge, and the legal authority and jurisdiction under which the hearing is to be held, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing, and shall be delivered by personal service, by registered or certified mail to the last known address, or by other appropriate means, sufficiently in advance of the date set for hearing to comply with the provisions of the Federal Deposit Insurance Act.

(b) For purposes of this and succeeding sections of this subpart, and unless the context otherwise suggests, the term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party; but a person or agency may be admitted for a limited purpose.

§ 308.6 Answer or exceptions.

(a) *When required.* In any notice of hearing issued by the Board of Directors under this part, the Board of Directors may direct the party afforded the hearing to file an answer to such allegations as are contained in the notice, or, if the Board has issued a notice of hearing pertaining to the disapproval of a proposed acquisition of control of an insured bank, the Board may direct the party who had requested the hearing to file exceptions to the statement of the basis for disapproval; and any party to any proceeding may file an answer or exceptions or a party who elects to file an answer or exceptions, as the case may be. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Board of Directors, a party directed to file an answer or exceptions, shall file the same with the Executive Secretary of the Corporation within 20 days after service upon the party of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, so much of it as is true shall be specified and the remainder only shall be denied.

(c) *Admitted allegations.* If a party filing an answer under this section elects not to contest any of the allegations of fact set forth in the notice of hearing, such answer shall consist of a statement that all of the allegations are admitted to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the administrative law judge shall file with the Executive Secretary of the Corporation a recommended decision containing findings of fact, conclusions of law and proposed order. Any such party may, however, upon service of the recommended decision, findings, conclusions and proposed order of the administrative law judge, file exceptions thereto within the time provided in § 308.12(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of the right to appear and contest the allegations of the notice of hearing and to authorize the administrative law judge, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Executive Secretary of the Corporation a recommended decision containing such findings and appropriate conclusions. The Board of Directors or the administrative law judge may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Requirements of exceptions.* Exceptions to a statement of the basis for disapproval, filed under this section, shall specifically designate which portions of the statement the party intends to challenge. Portions not so designated will not be challengeable by that party at the hearing.

(f) *Effect of failure to except.* Failure of a party to file exceptions required under this section within the time provided shall be deemed to constitute a waiver of the party's right to appear and contest the disapproval of the proposed acquisition of control, and to authorize the administrative law judge to proceed with the hearing without further notice to that party. If every party has waived its right of appearance, the administrative law judge is authorized to recommend to the Board that it dispense with further proceedings. The Board of Directors or the administrative law judge may, for cause shown, permit the filing of delayed exceptions after the time for the filing of exceptions has expired.

(g) *Opportunity for informal settlement.* Any interested party may at any time submit to the Executive Secretary of the Corporation, for consideration by the Board of Directors, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counter-offer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer or exceptions as provided in this section, or by submission of the case to the administrative law judge on a stipulation of facts and an agreed order.

§ 308.7 Conduct of hearings.

(a) *Selection of administrative law judge.* Any hearing within the scope of this subpart shall be held before an administrative law judge selected by the Office of Personnel Management and, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided.

(b) *Authority of administrative law judge.* All hearings governed by this subpart shall be conducted in accordance with the provisions of the Administrative Procedure Act (5 U.S.C. 554–557). The administrative law judge selected by the Office of Personnel Management to preside at any such hearing shall have complete charge of the hearing, and shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. The administrative law judge shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas ad subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take depositions or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and, as justice may require, rule upon all procedural and other motions appropriate in an adversary proceeding, except that an administrative law judge shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the administrative law judge shall, subject to the provisions of this part, have all the authority provided in section 556(c) of title 5 of the United States Code.

(c) *Ex parte communications prohibited.* (1) For purposes of this subsection, "ex parte communication" means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but does not include requests for status reports. The following prohibitions against ex parte communications apply from the time a proceeding is noticed for hearing unless the person responsible for the communication has knowledge that it will be noticed, in which case the prohibitions apply from the time of acquisition of such knowledge.

(2) No interested person outside the Corporation shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to anyone who is or may reasonably be expected to be involved in the decisional process.

(3) No person who is or may reasonably be expected to be involved in the decisional process shall make or knowingly cause to be made an ex parte communication relevant to the merits of the proceeding to any interested person outside the Corporation.

(4) If an ex parte communication is made, or is knowingly caused to be made, the following will be placed on the public record—

(i) All such written communications;

(ii) Memoranda stating the substance of all such oral communications; and

(iii) All written responses and memoranda stating the substance of all oral responses to the materials

described in paragraphs (c)(4) (i) and (ii) of this section.

(5) Upon receipt of a communication knowingly made or caused to be made in violation of paragraph (c)(2) of this section the responsible party may be required to show cause why such party's claim or interest should not be dismissed, denied, or otherwise adversely affected. To the extent consistent with the interests of justice and the policy of the Federal Deposit Insurance Act, a knowing violation of paragraph (c)(2) of this section may be grounds for a decision adverse to the responsible party.

(6) Except as authorized by law, the administrative law judge shall not consult any person or party within the Corporation on any fact in issue unless upon notice and opportunity for all parties to participate, and the administrative law judge shall not be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. Except as authorized by law, no officer, employee or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the administrative law judge except as a witness or counsel in the proceedings.

(d) *Prehearing conference.* (1) Upon the inititative of the administrative law judge, or at the request of any party, counsel for all parties may be directed to meet at a specified time and place prior to the hearing, or to submit suggestions in writing, for the purpose of considering any or all of the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact and of contents and authenticity of documents;

(iii) Matters of which official notice will be taken; and

(iv) Other matters which may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

(2) The conference shall, at the request of any party, be recorded and, at its conclusion, the administrative law judge shall enter in the record an order which recites the results of the conference. This order shall include the administrative law judge's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any. The order shall control the subsequent course of the proceedings, unless modified to prevent manifest injustice.

(e) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representative of the Board of Directors, or on the Board's own motion, the Board, in its discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public.

(f) *Transcript of testimony.* Hearings shall be recorded and transcripts shall be made available to any party upon payment of the cost thereof and, in the event the hearing is public, shall be furnished on similar payment to other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceeding, shall be filed with the Executive Secretary of the Corporation, who shall transmit the same to the administrative law judge. The Executive Secretary shall promptly serve notice upon each of the parties of such filing and transmittal. The administrative law judge shall have authority to rule upon motions to correct the record.

(g) *Order of procedure.* The counsel for the Corporation shall open and close.

(h) *Continuances and changes or extensions of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Board of Directors may by notice of hearing or subsequent order provide time limits different from those specified in this subpart, and the Board of Directors may, on its own initiative or for good cause shown, change or extend any time limit prescribed by these rules or the notice of hearing, or change the time and place for beginning any hearing hereunder. The administrative law judge may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the administrative law judge for good cause shown.

(i) *Call for further evidence, oral argument, briefs, reopening of hearing.* The administrative law judge may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification by the administrative law judge of a recommended decision to the Executive Secretary of the Corporation. The Board of Directors shall render its decision within 90 days after the Executive Secretary of the Corporation has notified the parties, pursuant to § 308.15, that the case has been submitted to the Board of Directors for final decision, unless within such 90-day period the Board of Directors shall order that such notice be set aside and the case reopened for further proceedings.

§ 308.8 Subpenas.

(a) *Issuance.* The administrative law judge, or the Board of Directors in the event the administrative law judge is unavailable, shall issue subpenas at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the administrative law judge or the Board of Directors that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show the general relevance and reasonable scope of the testimony or other evidence sought. In the event the administrative law judge or the Board of Directors, after consideration of all the circumstances, determines that the subpena or any of the terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, there may be a determination to refuse to issue the subpena, or to issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance but in no event more than five days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the administrative law judge, or to the Board of Directors if the administrative law judge is unavailable, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for 1 day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the instance of the Board of Directors fees

and mileage need not be tendered at the time of service of the subpena. If service is made by a U.S. marshal, or a deputy U.S. marshal, or an employee of the Corporation, such service shall be evidenced by the required return thereupon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned without delay to the administrative law judge.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in Subpart C, D, E, H, I, or K of this part, may be required from any place in any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding within the scope of this subpart shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

(e) *Depositions.* The Board of Directors or administrative law judge by subpena or subpena duces tecum, may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the administrative law judge or before any person designated by the Board of Directors or the administrative law judge and having power to administer oaths. Unless notice is waived, no deposition shall be taken except after at least 5 days' notice to the parties to the proceeding.

(f) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing within the scope of this subpart, shall make application in writing to the administrative law judge, or to the Board of Directors in the event the administrative law judge is unavailable, setting forth the reasons why such deposition should be taken, the name and post office address of the witness, the matters concerning which the witness is expected to testify, the relevancy of these matters, the time and place for taking the deposition, and the name and post office address of the person before whom it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon a showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness or infirmity, or will otherwise be unavailable at the hearing, and (2) the testimony will be material, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, then the administrative law judge or the Board of Directors, in its discretion, by subpena duces tecum, may order the oral deposition be taken. Such subpena will name the witness whose deposition is to be taken and specify the time and place for taking the deposition, and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than five days, in advance of the time fixed for the taking of the deposition.

(g) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon; but the person taking the deposition shall not have power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the person taking the deposition, or under such person's direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waived the signing, or the witness is ill or cannot be found or has refused to sign, and shall be certified as a true and complete transcript thereof by the person taking the deposition. If the deposition is not subscribed to by the witness, such person shall state on the record this fact and the reason therefor. Such person shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Executive Secretary of the Corporation unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person taking the deposition for copies of the testimony and the exhibits.

(h) *Introduction as evidence.* Subject to appropriate rulings on such objections to questions of evidence as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying (except objections waived under the third sentence of paragraph (g) of this section), the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence at a hearing shall constitute a part of the record in such proceeding upon which a decision may be based.

(i) *Payment of fees.* Witnesses whose oral depositions are taken shall be entitled to the same fees as are paid for like services in the courts of the United States. Fees of persons taking such depositions and the fees of the reporter shall be paid by the person upon whose application the deposition was taken.

§ 308.9 Rules of evidence.

(a) *Evidence.* All parties shall have the right to present their case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds of objections relied upon, and the transcript shall not include argument thereon except as ordered, allowed, or requested by the administrative law judge. Rulings on such objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the administrative law judge shall appear on the record.

§ 308.10 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this subpart shall be made by motion. After an administrative law judge has been designated to preside at a hearing and before the filing with the Executive Secretary of the Corporation of the administrative law judge's recommended decision, pursuant to § 308.11, such applications or requests shall be addressed to and filed with the

administrative law judge. At all other times motions shall be addressed to the Board of Directors and filed with the Executive Secretary of the Corporation. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the administrative law judge directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period of time as may be fixed by the administrative law judge or the Board of Directors, any party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the administrative law judge or the Board of Directors. As a matter of discretion, the administrative law judge or the Board of Directors may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the administrative law judge or the Board of Directors. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the administrative law judge shall rule upon all motions properly submitted and upon such other motions as the Board of Directors may direct, except that if the administrative law judge finds that a prompt decision by the Board of Directors on a motion is essential to the proper conduct of the proceeding, then such motion may be referred to the Board of Directors for decision. The Board of Directors shall rule upon all motions properly submitted to it for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become part of the record. Rulings of an administrative law judge on any motion may not be appealed to the Board of Directors prior to its consideration of the administrative law judge's recommended decision, findings and conclusions except by special permission of the Board of Directors; but they shall be considered by the Board of Directors in reviewing the record. Requests to the Board of Directors for special permission to appeal from such rulings of the administrative law judge shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the administrative law judge or the Board of Directors, the hearing shall continue pending the determination of any motion by the Board of Directors.

§ 308.11 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days after service of notice by the Executive Secretary of the Corporation that the record has been filed and transmitted, as provided in paragraph (f) of § 308.7, or such further time as the administrative law judge for good cause shall determine, to file with the administrative law judge proposed findings of fact, conclusions of law and order, which may be accompanied by a brief or memorandum in support thereof. Such proposals shall be supported by citation of such statutes, decisions and other authorities, and by page references to such portions of the record, as may be relevant. All such proposals, briefs and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The administrative law judge shall, within 30 days after the expiration of the time allowed for the filing of proposed findings, conclusions, and order, or within such further time as the Board of Directors for good cause shall determine, file with the Executive Secretary of the Corporation and certify to the Board of Directors for decision the entire record of the hearing, which shall include a recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits (including on request of any of the parties exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing, the Executive Secretary of the Corporation shall serve upon each party to the proceeding a copy of the administrative law judge's recommended decision, findings, conclusions, and proposed order. The provisions of this paragraph and § 308.12 shall not apply, however, in any case where the hearing was held before the Board of Directors.

§ 308.12 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the administrative law judge, or such further time as the Board of Directors for good cause shall determine, any party (other than a party who has not filed an answer or exceptions in accordance with paragraphs (a) and (d) or (f) of § 308.6, unless no such filing was required of such party by the Board of Directors) may file with the Executive Secretary of the Corporation exceptions thereto or to any part thereof, or to the failure of the administrative law judge to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or other ruling of the administrative law judge, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision, findings, conclusions, and proposed order of the administrative law judge or any portion thereof, or to the administrative law judge's failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or other ruling of the administrative law judge, within the time prescribed in paragraph (a) of this section, shall be deemed to be a waiver of objection thereto.

§ 308.13 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page reference to such portions of the record or recommended decision of the administrative law judge as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the Executive Secretary of the Corporation within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Additional briefs may be filed only with the permission of the Board of Directors.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Board of Directors.

§ 308.14 Oral argument before the Board of Directors.

Upon its own initiative, or upon the written request of any party (made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any) for oral argument on the findings, conclusions, and

recommended decision of the administrative law judge, the Board of Directors, if it considers justice will best be served thereby may order the matter be set down for oral argument before the Board of Directors or one or more members thereof. Oral arguments before the Board of Directors shall be recorded unless otherwise ordered by the Board of Directors.

§ 308.15 Notice of submission to the Board of Directors.

Upon the filing of the record with the Executive Secretary of the Corporation, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any additional briefs permitted by the Board of Directors and upon the hearing of oral argument by the Board of Directors, the Executive Secretary shall notify the parties that the case has been submitted to the Board of Directors for final decision.

§ 308.16 Decision of Board of Directors.

Appropriate members of the staff, who are not participating in the performance of investigative or prosecutorial functions in the case, or in a factually related case, may advise and assist the Board of Directors in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Board of Directors shall be furnished by the Executive Secretary of the Corporation to the parties to the proceedings, to the bank involved and, in the case of a State bank or a State branch of a foreign bank, to the appropriate State supervisory authority. Where the proceedings involve the involuntary termination of the insured status of a bank or of a branch of a foreign bank, copies of the decision and order shall also be furnished to the Board of Governors of the Federal Reserve System in the case of a State member bank, or to the Comptroller of the Currency in the case of a national bank, a District bank, or a Federal branch of a foreign bank.

§ 308.17 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Board of Directors or the Executive Secretary in any proceedings shall be filed with the Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429. Any such papers may be sent to the Executive Secretary by mail or express, but must be received in the office of the Corporation in Washington, D.C., or postmarked, within the time limit for such filing.

§ 308.18 Service.

(a) *By the Board of Directors.* All documents or papers required to be served by the Board of Directors upon any party afforded a hearing shall be served by the Executive Secretary of the Corporation unless some other person shall be designated for such purpose by the Board of Directors. Such service, except for service on counsel for the Board of Directors, shall be made by personal service or by registered or certified mail, addressed to the last known address as shown on the records of the Board of Directors, on the attorney or representative of record of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Board of Directors. Such service may also be made in such other manner reasonably calculated to give actual notice as the Board of Directors may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this part, all documents or papers filed in a proceeding under this subpart shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered, certified, or regular first class mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Board of Directors or the administrative law judge for filing, show that such service has been made.

§ 308.19 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Executive Secretary of the Corporation under this subpart, except the transcript of testimony and exhibits, shall be furnished to the Executive Secretary of the Corporation.

§ 308.20 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday, or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day that is neither a Saturday, Sunday, nor such legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation, unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays, and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act, within a period of time prescribed in this part, after the service upon such person of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served is deposited in the United States mail.

§ 308.21 Documents in proceedings confidential.

Unless otherwise ordered by the Board of Directors, the notice of hearing, the transcript, the recommended decision of the administrative law judge, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Board of Directors and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Board of Directors, the administrative law judge, or other person conducting the hearing, and appropriate supervising authorities.

§ 308.22 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by a bank shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the bank of other party, and in all such cases shall contain the signer's address. Counsel for the Corporation shall sign the original of all papers filed on behalf of the Corporation.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Corporation, the name of the party, and the subject of the particular papers.

Subpart C—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 308.23 Scope.

Under the authority of section 8 of the Federal Deposit Insurance Act, the Board of Directors of the Corporation may terminate the insured status of an insured bank or an insured branch of a foreign bank upon the grounds set forth therein and enumerated in § 308.24, § 308.26, and § 308.31. The procedure for terminating the insured status of a bank or a branch as therein prescribed will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart B of this part.

§ 308.24 Grounds for termination of insurance.

Whenever the Board of Directors finds that an insured bank (including a foreign bank having an insured branch) or its directors or trustees have engaged or are engaging in unsafe or unsound practices in conducting the business of such bank, or that such bank is in an unsafe or unsound condition to continue operations as an insured bank, or that such bank or its directors or trustees have violated an applicable law, rule, regulation or order, or any condition imposed in writing by the Corporation in connection with the granting of any application or other request by the bank, or any written agreement entered into with the Corporation, the Board of Directors will first give to the Comptroller of the Currency in the case of a national bank, a District bank, or an insured Federal branch of a foreign bank, to the authority having supervision of the bank in the case of a State bank or an insured State branch of a foreign bank, and to the Board of Governors of the Federal Reserve System in the case of a State member bank, a statement with respect to such practices or violations for the purpose of securing the correction thereof and will forward a copy thereof to the bank.

§ 308.25 Extraterritorial acts of foreign banks or their directors or trustees.

Except as provided in the following section, an act or practice committed outside of the United States by a foreign bank or its directors or trustees, which act or practice would otherwise be a ground for termination of the insured status of a branch of the foreign bank under this subpart, shall be a ground for such termination only if the Board of Directors finds either (a) that the act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of an act or practice committed within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the Corporation, or (b) that the act or practice committed outside of the United States is one which, if proven, would adversely affect the insurance risk assumed by the Corporation.

§ 308.26 Failure of a foreign bank to secure removal of personnel.

If any person associated with a foreign bank fails to appear promptly as a party to a proceeding brought under § 308.41 or § 308.42 for his removal or suspension and to comply with any effective order or judgment issued in such a proceeding, any failure by the foreign bank to secure his removal from office and from any further participation in the bank's affairs shall, in and of itself, be grounds for termination of the insurance of the deposits in any branch of the bank.

§ 308.27 Notice of intention to terminate insured status.

Unless correction of the practices, condition or violations set forth in the statement prescribed in § 308.24 is made within 120 days, or such shorter period not less than 20 days fixed by the Corporation in any case where the Board of Directors in its discretion has determined that the insurance risk of the Corporation is unduly jeopardized, or fixed by the Comptroller of the Currency in the case of a national bank, a District bank, or an insured Federal branch of a foreign bank, or the State authority in the case of a State bank or an insured State branch of a foreign bank, or the Board of Governors of the Federal Reserve System in the case of a State member bank, as the case may be, the Board of Directors, if it determines to proceed further, will give to the bank not less than 30 days' written notice of its intention to terminate the status of the bank as an insured bank, or of the branch as an insured branch, and will fix a time and place for a hearing before an administrative law judge selected by the Office of Personnel Management, at which hearing evidence may be produced; and upon such evidence the Board of Directors will make written findings which shall be conclusive.

§ 308.28 Order terminating insured status.

If the Board of Directors finds that any unsafe or unsound practice or condition of violation specified in such statement has been established and has not been corrected within the time prescribed under § 308.27, in which to make such corrections, the Board of Directors may order that the insured status of the bank or the branch be terminated on a date subsequent to such finding and to the expiration of the time specified in the notice of intention issued under § 308.27.

§ 308.29 Consent to termination of insured status.

Unless the bank appears at the hearing designated in the notice of hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured bank or the status of the branch as an insured branch. In the event the bank fails to appear at such hearing, the administrative law judge shall forthwith report the matter to the Board of Directors and the Board may thereupon issue an order terminating the insured status of the bank or the branch.

§ 308.30 Notice of termination of insured status.

Prior to the effective date of the termination of the insured status of a bank or a branch under section 8(a) of the Federal Deposit Insurance Act and at such time as the Board of Directors shall specify, the bank shall mail to each depositor at his last address of record on the books of the bank or branch and publish in not less than two issues of a local newspaper of general circulation and shall furnish the Corporation with proof of publication of notice of such termination of insured status. The notice shall be as follows:

Notice

(Date)————————.

1. The status of the ————————, as an (insured bank) (insured branch) under the provisions of the Federal Deposit Insurance Act, will terminate as of the close of business on the — day of ————————, 19—;

2. Any deposits made by you after that date, either new deposits or additions to existing deposits, will not be insured by the Federal Deposit Insurance Corporation;

3. Insured deposits in the (bank) (branch) on the — day of ————————, 19— will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the — day of ————————, 19—: *Provided, however,* That any withdrawals after the close of business on the — day of ————————, 19—, will reduce the insurance coverage by the amount of such withdrawals.

————————————————

(Name of banking institution)

————————————————

(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

§ 308.31 Termination of insured status of banking institution not engaged in the business of receiving deposits other than trust funds.

Whenever the Board of Directors shall have evidence indicating that an insured banking institution is not engaged in the business of receiving deposits, other than trust funds, it will give notice in writing to the banking institution of such fact, and will direct the banking institution to show cause why the insured status of the banking institution should not be terminated under the provisions of section 8(p) of the Federal Deposit Insurance Act. The banking institution shall have 30 days, or such greater period of time as the Board of Directors shall prescribe, after receipt of such notice to submit affidavits or other written proof that it is engaged in the business of receiving deposits, other than trust funds. The Board of Directors may, in its discretion, upon written request of the banking institution, authorize a hearing before an administrative law judge selected by the Office of Personnel Management. If, upon consideration of the evidence, the Board of Directors finds that the banking institution is not engaged in the business of receiving deposits, other than trust funds, such finding shall be conclusive and the Corporation will notify the banking institution that its insured status will terminate at the expiration of the first full semi-annual assessment period following such notice. Prior to the date of the termination of the insured status of a banking institution under section 8(p) of the Federal Deposit Insurance Act, and within the time specified by the Board of Directors, the banking institution shall mail to each depositor at the last address of record on its books and shall publish in not less than two issues of a local newspaper of general circulation, a notice of such termination in form substantially as follows:

Notice

(Date)————.

The status of the ———— (Name of banking institution), ———— (City or town), ———— (State), as an (insured bank) (insured branch) under the Federal Deposit Insurance Act, will terminate on the — day of ————, 19—, and its deposits will thereupon cease to be insured.

————————————

(Name of banking institution)

————————————

(Address)

There may be included in such notice any additional information or advice the banking institution may deem desirable.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 308.32 Scope.

(a) The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors with a view to ordering an insured nonmember bank or an official of such a bank to cease and desist from practices and violations described in section 8 of the Federal Deposit Insurance Act and enumerated in § 308.33. The procedures for issuing such orders prescribed in section 8 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart B of this part.

(b) The rules and procedures of this subpart also apply to proceedings by the Board of Directors with a view to ordering a municipal securities dealer, or a person associated with a municipal securities dealer, to cease and desist from any violation of law specified in section 15B(c)(5) of the Securities Exchange Act of 1934, as amended, where the municipal securities dealer is an insured State nonmember bank (other than a District bank) or a subsidiary or department or division thereof. For purposes of such a proceeding, the terms "insured nonmember bank" and "bank" as used in this subpart and in § 308.3(a)(2) shall include any municipal securities dealer for which the Corporation is the appropriate regulatory agency, any limitation in § 308.1 notwithstanding; and the term "depositors" as used in § 308.38 shall include the customers of any municipal securities dealer in connection with which the proceeding is being conducted.

(c) The rules and procedures of this subpart also apply to proceedings by the Board of Directors with a view to ordering a clearing agency or transfer agent to cease and desist from failure to comply with the applicable provisions of sections 17, 17A, and 19 of the Securities Exchange Act of 1934, as amended, and the applicable rules and regulations thereunder, where the clearing agency or transfer agent is an insured State nonmember bank (other than a District bank) or a subsidiary thereof. For purposes of such a proceeding, the terms "insured nonmember bank" and "bank" as used in this subpart and in § 308.3(a)(2) shall include any clearing agency or transfer agent for which the Corporation is the appropriate regulatory agency, any limitation in § 308.1 notwithstanding; and the term "depositors" as used in § 308.38 shall include the participants in any such clearing agency and the persons doing business with any such transfer agent.

§ 308.33 Grounds for cease-and-desist orders.

If, in the opinion of the Board of Directors, any insured nonmember bank or official of such a bank is engaging or has engaged, or the Board of Directors has reasonable cause to believe that the bank or the official is about to engage, in an unsafe or unsound practice or has violated, or the Board of Directors has reasonable cause to believe that the bank or the official is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Board of Directors in connection with the granting of an application or other request by the bank, or any written agreement entered into with the Corporation, the Board of Directors may issue and serve upon the bank or the official a notice of charges in respect thereof.

§ 308.34 Extraterritorial acts of foreign banks or their officials.

An act or practice committed outside of the United States by a foreign bank or an official of a foreign bank, which act or practice would otherwise be a ground for issuing a cease-and-desist order under § 308.36, or a temporary cease-and-desist order under § 308.38, shall be a ground for such an order only if the Board of Directors finds either (a) that the act or practice has been, is, or is likely to be a cause of, or carried on in connection with or in furtherance of an act or practice committed within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the Corporation, or (b) that the act or practice is one which, if proven, would adversely affect the insurance risk assumed by the Corporation.

§ 308.35 Notice of charges and hearing.

The notice referred to in § 308.33 will contain a statement of the facts constituting the alleged violation or violations or the unsafe or unsound practices, and fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the bank or the official. The hearing will be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice, unless

an earlier or later date is set by the Board of Directors at the request of any party so served. Unless the party so served appears at the hearing personally or by a duly authorized representative, such party will be deemed to have consented to the issuance of the cease-and-desist order.

§ 308.36 Issuance of order.

In the event of such consent as referred to in § 308.35, or if upon the record made at any such hearing as referred to in § 308.35, the Board of Directors finds that any violation or unsafe or unsound practice specified in the notice of charges has been established, the Board of Directors may issue and serve upon the bank or its officials, an order to cease and desist from any such violation or practice. Such order may, by provisions which may be mandatory or otherwise, require the bank or its officials to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such violation or practice.

§ 308.37 Effective date.

A cease-and-desist order will become effective at the expiration of 30 days after the service of such order upon the bank or its official (except in the case of a cease-and-desist order issued upon consent, which will become effective at the time specified therein), and will remain effective and enforceable as provided therein, except to the extent that it is stayed, modified, terminated, or set aside by action of the Board of Directors or a reviewing court.

§ 308.38 Temporary cease-and-desist orders.

Whenever the Board of Directors determines that the violation or threatened violation or the unsafe or unsound practice, specified in the notice of charges referred to in § 308.33, or the continuation thereof, is likely to cause insolvency or substantial dissipation of assets or earnings of the bank, or is likely seriously to weaken the condition of the bank or otherwise seriously to prejudice the interests of its depositors prior to the completion of the proceedings conducted pursuant to section 8(b)(1) of the Federal Deposit Insurance Act and § 308.33, the Board of Directors may issue a temporary order requiring the bank or its officials to cease and desist from any such violation or practice and to take affirmative action to prevent such insolvency, dissipation, condition, or prejudice pending completion of such proceedings.

§ 308.39 Effective date of temporary order.

A temporary order issued under § 308.38 will become effective upon service upon the bank or its officials and, unless set aside, limited or suspended by a court in proceedings authorized under the Federal Deposit Insurance Act, will remain effective and enforceable pending the completion of the administrative proceedings held pursuant to the notice of charges and until such time as the Board of Directors dismisses the charges specified in such notice, or if a cease-and-desist order is issued against the bank or its officials pursuant to § 308.33, until the effective date of any such order.

Subpart E—Rules and Procedures Applicable to Proceedings Relating to Removal and Suspension Orders

§ 308.40 Scope.

The rules and procedures set forth in this subpart and Subpart B are applicable to proceedings by the Board of Directors to remove or suspend directors or officers of an insured nonmember bank or any other person participating in the conduct of the affairs of such a bank, or to prohibit such director, officer or other person from fruther participation in the conduct of the affairs of such a bank, upon the grounds set forth in section 8(e) of the Federal Deposit Insurance Act and enumerated in this subpart. The rules and procedures set forth in this subpart and Subpart B are not applicable to suspension, removal, or prohibition proceedings brought upon the grounds set forth in section 8(g) of the Federal Deposit Insurance Act and enumerated in Subpart G.

§ 308.41 Grounds for removal order.

(a) Whenever, in the opinion of the Board of Directors, any director or officer of an insured nonmember bank has committed any violation of law, rule, or regulation or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the bank, or has committed or engaged in any act, omission, or practice which constitutes a breach of fiduciary duty as a director or officer, and the Board of Directors determines that the bank has suffered or will probably suffer substantial financial loss or other damage, or that the interests of its depositors could be seriously prejudiced by reason of such violation or practice or breach of fiduciary duty, or that the director or officer has received financial gain by reason of such violation or practice or breach of fiduciary duty, and that such violation or practice or breach of fiduciary duty is one involving personal dishonesty on the part of such director or officer, or one which demonstrates a willful or continuing disregard for the safety or soundness of the bank, the Board of Directors may serve upon such director or officer a written notice of its intention to remove such individual from office.

(b) Whenever, in the opinion of the Board of Directors, any director or officer of an insured nonmember bank, by conduct or practice with respect to another insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for its safety and soundness, and, in addition, has evidence unfitness to continue as a director or officer and, whenever, in the opinion of the Board of Directors, any other person participating in the conduct of the affairs of an insured nonmember bank, by conduct or practice with respect to such bank or other insured bank or other business institution which resulted in substantial financial loss or other damage, has evidenced either personal dishonesty or a willful or continuing disregard for the safety and soundness of such insured bank and, in addition, has evidenced unfitness to participate in the conduct of the affairs of such insured bank, the Board of Directors may serve upon such director, officer, or other person a written notice of its intention to remove such individual from office or to prohibit such individual's further participation in any manner in the conduct of the affairs of the bank.

§ 308.42 Grounds for suspension order.

In respect to any director or officer of an insured nonmember bank or any other person referred to in § 308.41(a) or (b) the Board of Directors may, if it deems it necessary for the protection of the bank or the interests of its depositors, by written notice to that effect served upon such director, officer, or other person, suspend such individual from office or prohibit such individual's further participation in any manner in the conduct of the affairs of the bank.

§ 308.43 Effective date of suspension order.

Any suspension or prohibition which is pursuant to the notice prescribed in § 308.42, shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by the Federal Deposit Insurance Act, shall

remain in effect pending the completion of the administrative proceedings held pursuant to the notice served under § 308.41(a) or (b) and until such time as the Board of Directors shall dismiss the charges specified in such notice, or, if an order of removal or prohibition is issued against a director or officer or other person, until the effective date of any such order. Copies of any such notice will also be served upon the bank of which such individual is a director or officer or in the conduct of whose affairs such individual has participated.

§ 308.44 Extraterritorial acts of officials of foreign banks.

An act or practice committed outside of the United States by a director or officer of a foreign bank, or by any other person participating in the conduct of the affairs of a foreign bank, which act or practice would otherwise be a ground for suspension, removal, or prohibition proceedings under this subpart, shall be a ground for such proceedings only if the Board of Directors finds either (a) that the act or practice has been, is, or is likely to be a cause of or carried on in connection with or in furtherance of an act or practice within any State of the United States or the District of Columbia which act or practice in and of itself would be an appropriate basis for action by the Corporation, or (b) that the act or practice is one which, if proven, would adversely affect the insurance risk assumed by the Corporation.

§ 308.45 Notice of intention to remove and hearing.

A notice of intention to remove a director, officer, or other person from office or to prohibit such individual's participation in the conduct of the affairs of an insured nonmember bank, will contain a statement of the facts constituting grounds therefor and will fix a time and place at which a hearing will be held thereon. Such hearing will be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Board of Directors at the request of (a) such director or officer or other person, and for good cause shown, or (b) the Attorney General of the United States. Unless such director, officer, or other person appears at the hearing in person or by a duly authorized representative, such individual shall be deemed to have consented to the issuance of an order of such removal or prohibition.

§ 308.46 Issuance of removal order and effective date.

In the event of such consent as referred to in § 308.45, or if upon the record made at any such hearing as referred to in § 308.45, the Board of Directors finds that any of the grounds specified in the notice have been established, the Board of Directors may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the bank, as it may deem appropriate. Any such order shall become effective at the expiration of 30 days after service upon such bank and the director, officer, or other person concerned (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to the extent that it is stayed, modified, terminated, or set aside by action of the Board of Directors or a reviewing court.

Subpart F—Procedures Applicable to Proceedings Pursuant to Section 10(c) of the Federal Deposit Insurance Act

§ 308.47 Definitions and scope.

(a) *Definitions.* For purposes of this subpart,

(1) The term "bank" (except where used in § 308.54) means an insured bank, an affiliate thereof, an institution making application to become an insured bank, or a branch of a foreign bank; and

(2) The term "proceedings pursuant to section 10(c)" means the exercise of any power specified in section 10(c) or 8(n) of the Federal Deposit Insurance Act, or any proceedings conducted pursuant to the exercise of such powers.

(b) *Scope.* The procedures in this subpart shall be followed in connection with proceedings pursuant to section 10(c). Proceedings pursuant to section 10(c) may be conducted by the Corporation or its designated representative in connection with examinations or investigations of banks. Proceedings pursuant to section 10(c) include the power to administer oaths and affirmations and to take and preserve testimony under oath as to any bank, and to issue subpenas and subpenas duces tecum, and, for their enforcement, to apply to the United States district court for the judicial district or the United States court in any territory in which the main office of the bank is located, or in which the witness resides or carries on business.

§ 308.48 Confidential proceedings.

Unless otherwise provided by § 308.50(c) of this part, all proceedings pursuant to section 10(c) shall be confidential. Information or documents obtained by the Corporation in the course of such proceedings shall be disclosed only in accordance with the provisions for disclosure of such information established by Part 309.

§ 308.49 Orders to conduct proceedings.

A proceeding pursuant to section 10(c) shall be conducted only after the issuance of an order authorizing such proceeding. The order shall designate the persons duly authorized to conduct the proceeding. Such persons are authorized, among other things, to issue subpenas and subpenas duces tecum, and to administer oaths and receive affirmations as to any matter under examination or investigation by the Corporation. Such order may be issued by the Board of Directors, the General Counsel or a designee thereof, the Director of the Division of Bank Supervision or a designee thereof, or each Regional Director, provided that powers relating to the issuance of subpenas and subpenas duces tecum and the enforcement thereof shall not be exercised by Regional Directors without prior approval of the Director of the Division of Bank Supervision and the concurrence of the General Counsel. Upon application and for good cause shown, the Board of Directors, or the person issuing such order, may limit, quash, modify, or withdraw such order.

§ 308.50 Rights of witnesses.

(a) Any person who is compelled or requested to furnish testimony, documentary evidence, or other information with respect to any matter under examination or investigation in a proceeding pursuant to section 10(c) shall upon request be shown the order initiating such a proceeding.

(b) Any person who, in a proceeding pursuant to section 10(c), is compelled to appear and testify or who appears and testifies by request or permission of the Corporation may be accompanied, represented, and advised by counsel. The right to be accompanied, represented, and advised by counsel shall mean the right of a person testifying to have an attorney present at all times while testifying and to have said attorney (1) advise such person before, during and after the conclusion of testimony given by such person, (2) question such person briefly at the conclusion of this testimony to clarify any of the answers such person has given, and (3) make summary notes during such testimony solely for the use of such person.

(c) All persons giving testimony in a proceeding pursuant to section 10(c) shall be sequestered. Unless permitted, within the discretion of the designated

representative conducting the proceeding, a person or the counsel accompanying a person shall not be present at the testimony of any other person.

(d) If the record developed by the Corporation in the course of such proceeding contains allegations of wrongdoing by any person with respect to the affairs of, or ownership of, any bank, such person shall be advised of the nature of the alleged wrongdoing and shall be afforded a reasonable opportunity, consistent with administrative efficiency and with the avoidance of undue delay, to produce evidence in rebuttal. Such evidence may be in documentary form, including depositions and statements under oath, or it may consist of testimony given before the designated representative conducting such a proceeding. All such evidence shall be made on the record developed in the course of the proceeding pursuant to section 10(c).

(e) The designated representative conducting the proceeding pursuant to section 10(c) shall report to the Board of Directors of the Corporation any instances where any person has been guilty of dilatory, obstructionist, or contumacious conduct during the course of the proceeding, or any other instance involving a violation of these rules. The Board of Directors will thereupon take such further action as the circumstances may warrant, including exclusion of the offending individual from further participation in the particular proceedings.

§ 308.51 Transcripts.

Transcripts of testimony, if any, shall be recorded solely by the official reporter, or by any other person or means chosen by the person conducting the proceeding pursuant to section 10(c). A person submitting documentary evidence or testimony shall be entitled to obtain a copy of such documentary evidence or a copy of the transcript, if any, of such testimony.

§ 308.52 Service of subpena.

Service of a subpena upon the person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for one day's attendance and for mileage as specified by § 308.53 of this subpart. When the subpena is issued at the instance of a duly designated representative of the Corporation, fees and mileage need not be tendered at the time of service. Delivery of a copy of a subpena and tender of the fees to a natural person may be made by handing them to the person; or by leaving them at such person's office with someone in charge thereof or, if there is no one in charge, by leaving them in a conspicuous place therein; or by leaving them at such person's dwelling place or usual place of abode with someone of suitable age or discretion and who resides therein; or by mailing them by registered or certified mail to the last known address of such person; or by any method whereby actual notice is given to such person and the fees are made available prior to the return date. When the person to be served is not a natural person, delivery of a copy of the subpena and tender of the fees may be effected by handing them to a registered agent for service or to an officer, director, or agent in charge of any office of such person, or by mailing them by registered or certified mail to such representative at such person's last known address; or by any method whereby actual notice is given to such representative and the fees are made available prior to the return date.

§ 308.53 Witness fees and mileage.

Witnesses summoned before the Corporation shall be paid the same fees and mileage paid to witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose request the witness appears.

§ 308.54 Special examinations and examinations of closed banks.

When proceedings pursuant to section 10(c) are instituted in connection with the special examination of any State member bank, any national or District bank, or any insured Federal branch of a foreign bank, or the examination of any closed insured bank or branch, or in connection with the examination of an affiliate of any of the foregoing, procedures in this subpart shall be followed.

Subpart G—Procedures and Standards Applicable to Suspensions and Prohibitions Where Felony Charged

§ 308.55 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors (a) to suspend any director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such a bank, or to prohibit such director, officer or other person from further participation in the conduct of the affairs of such a bank, where such person is charged in any State, Federal or territorial information or indictment, or charged in any complaint authorized by a United States attorney, with the commission of, or participation in, a crime involving dishonesty or breach of trust which crime is punishable by imprisonment for a term exceeding one year under State or Federal law; and (b) to remove from office any such director, officer, or other person, or to prohibit such director, officer, or other person from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board of Directors, where a judgment of conviction has been entered against such person for the commission of, or participation in, a crime involving dishonesty or breach of trust which crime is punishable by imprisonment for a term exceeding one year under State or Federal law, and where such judgment of conviction is not subject to further appellate review.

§ 308.56 Rules of practice.

Except as otherwise specifically provided in this subpart, the provisions of § 308.4 ("Appearance and practice before the Corporation"), § 308.5(a) ("Notice of hearing"), § 308.20(a) ("Computing time: General rule"), and § 308.21 ("Documents in proceedings confidential") of Subpart B shall apply to proceedings conducted under this subpart.

§ 308.57 Notice of suspension or prohibition.

Whenever a director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank, is charged in any State, Federal or territorial information or indictment, or charged in any complaint authorized by a United States attorney, with the commission of or participation in a crime involving dishonesty or breach of trust which crime is punishable by imprisonment for a term exceeding one year under State or Federal law, the Board of Directors, upon preliminary determinations that the offense alleged in the information, indictment or complaint involved dishonesty or breach of trust, and that continued service or participation by the director, officer, or other person may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank, may, by written notice served upon such director, officer, or other person, suspend such individual from office, or prohibit such individual from further participation in any manner in the affairs of the bank, or both. A copy of the notice of suspension or prohibition shall also be served upon the bank. Such suspension or prohibition shall remain in effect until such information,

indictment, or complaint is finally disposed of, or until such suspension or prohibition is terminated by the Board of Directors.

§ 308.58 Removal or permanent prohibition.

In the event that a judgment of conviction with respect to a crime referred to in § 308.57 is entered against a director or officer of an insured nonmember bank or any other person participating in the conduct of the affairs of such bank, and at such time as such judgment is not subject to further appellate review, the Board of Directors may, if continued service or participation by the director, officer, or other person may pose a threat to the interests of the bank's depositors or may threaten to impair public confidence in the bank, issue and serve upon such individual an order removing such individual from office or prohibiting such individual from further participation in any manner in the conduct of the affairs of the bank except with the consent of the Board of Directors. A copy of such order will also be served upon such bank, whereupon such director or officer shall cease to be a director or officer of such bank. A finding of not guilty or other disposition of the charge will not preclude the Board of Directors from thereafter instituting proceedings to remove such director, officer or other person from office or to prohibit further participation in bank affairs, pursuant to the provisions of Section 8(e) of the Federal Deposit Insurance Act and Subpart E.

§ 308.59 Effectiveness of suspension or removal until completion of hearing.

Any notice of suspension issued under § 308.57, and any order of removal issued under § 308.58, will remain effective and outstanding until the completion of any hearing or appeal authorized under Section 8(g) of the Federal Deposit Insurance Act and this subpart, unless such notice of suspension or order of removal is terminated by the Board of Directors.

§ 308.60 Notice of opportunity for hearing.

(a) Any notice of suspension or prohibition issued pursuant to § 308.57, and any order of removal or prohibition issued pursuant to § 308.58, shall be accompanied by a further notice to the individual that the individual may request in writing a hearing to present evidence and argument that continued service to the bank or participation in the conduct of the affairs of the bank does not, and is not likely to, pose a threat to the interests of the bank's depositors or threaten to impair public confidence in the bank. Any notice of the opportunity for a hearing shall be accompanied by a description of the hearing procedure and the criteria to be considered.

(b) A request for a hearing filed pursuant to paragraph (a) above shall state with particularity the relief desired and the grounds therefor, and shall include, when available, supporting evidence. Such petition and supporting evidence shall be filed in writing with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429.

§ 308.61 Hearing.

(a) After the receipt of a request for a hearing complying with § 308.60, the Executive Secretary will order a hearing to commence within the next succeeding 30 days in Washington, D.C., or at such other place as is designated by the Executive Secretary, before a person designated by the Board of Directors of the Corporation to conduct such hearings. At the request of the director, officer, or other person, the Board of Directors may order the hearing to commence at a time more than thirty days after the receipt of the request for such hearing.

(b) The director, officer, or other person may appear at the hearing personally, through counsel, or personally with counsel. The director, officer, or other person shall have the right to introduce relevant and material written materials (or, at the discretion of the agency, to introduce oral testimony) and to present an oral argument before the presiding officer. A member of the staff of the Office of the General Counsel of the Corporation may attend the hearing and may participate as a party. Neither the formal rules of evidence nor the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. §§ 554–557) shall apply to the hearing. The proceedings shall be recorded and a transcript shall be furnished to the director, officer, or other person upon request and after the payment of the cost thereof. The Board of Directors shall have the discretion to permit the presentation of witnesses, within specified time limits, so long as a list of such witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn, unless specifically requested by a party or the presiding officer. The presiding officer may ask questions of any witness and each party shall have the opportunity to cross-examine any witness presented by an opposing party. Upon the request of either the director, officer, or other person or the representative of the Office of the General Counsel, the record shall remain open for a period of 5 business days following the hearing, during which time the parties may make any additional submissions to the record. Thereafter, the record shall be closed.

(c) In the course of or in connection with any proceeding under this subpart, the Board of Directors or the presiding officer will have the power to administer oaths and affirmations, to take or cause to be taken depositions, and to issue, revoke; quash, or modify subpenas and subpenas duces tecum. The Board of Directors or, if the Board of Directors has decided to permit the presentation of witnesses, the presiding officer, may require the attendance of witnesses from any place in any State or in any territory or other place subject to the jurisdiction of the United States at any designated place where such proceeding is being conducted. Witnesses subpenaed shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States. The Board of Directors or the presiding officer may require the production of documents from any place in any such State, territory, or other place.

(d) The presiding officer will make his recommendations to the Board of Directors, where possible, within 10 days following the close of the record.

§ 308.62 Waiver of hearing.

A director, officer, or other person may, in writing, waive an oral hearing and instead elect to have the matter determined by the Board of Directors solely on the basis of written submissions.

§ 308.63 Decision of Board of Directors.

Within 60 days following the hearing, or receipt of the director's, officer's, or other person's written submissions where hearing has been waived pursuant to § 308.62, the Board of Directors shall notify the director, officer, or other person whether the suspension or prohibition will be continued, terminated, or otherwise modified, or whether the order of removal or prohibition will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the decision of the Board of Directors, if that decision is adverse to the director, officer, or other person. In the case of a decision favorable to such individual, the Board of Directors shall take prompt action to rescind or otherwise modify the order of removal or prohibition.

§ 308.64 Reconsideration by the Board of Directors.

(a) The director, officer, or other person shall have 10 days following receipt of the decision of the Board of Directors in which to petition the Board for initial reconsideration.

(b) The director, officer, or other person shall also be entitled to petition the Board of Directors for reconsideration of its decision any time after the expiration of a twelve-month period from the date of the Board of Directors' decision, but no petition for reconsideration may be made within 12 months of a previous petition.

(c) Any petition shall state with particularity the basis for reconsideration, the relief sought, and any exceptions the person has to the Board's findings. A petition may be accompanied by a memorandum of points and authorities in support of it and by any supporting documentation the director, officer, or other person may wish to have considered.

(d) No hearing need be granted on such petition for reconsideration. Promptly following receipt of the petition, the Board of Directors shall render its decision whether to grant a hearing.

§ 308.65 Relevant considerations.

(a) In deciding the question of suspension, prohibition, or removal under this subpart the Board of Directors will consider the following:

(1) Whether the alleged offense is a crime: (i) which is punishable by imprisonment for a term exceeding one year under State or Federal law, and (ii) which involves dishonesty or breach of trust;

(2) Whether the continued presence of the director, officer, or other person in a position with an insured bank may pose a threat to the interests of the bank's depositors because of: (i) the nature and extent of the individual's participation in the affairs of the insured bank or (ii) the nature of the offense with which the individual has been charged, or (iii) both paragraphs (a)(2)(i) and (ii) of this section;

(3) Whether there is cause to believe that there may be an erosion of public confidence in the integrity, safety, or soundness of a particular bank or the banking system (either in the general locality or in the particular locality in which the bank is situated) if the director, officer, or other person is permitted to remain with the insured bank; and

(4) Whether the director, officer or other person is covered by the bank's fidelity bond and, if so, whether the bonding company is likely to revoke the bond, or whether coverage under the bond will be affected adversely as a result of the information, indictment, complaint, or judgment of conviction.

(b) The Board of Directors may consider any other factors which, in the specific case, appear relevant to its decision to continue in effect, rescind, terminate, or modify a suspension, prohibition, or removal order, except that it shall not consider the ultimate question of the guilt or innocence of the director, officer or other person, with regard to the crime with which such individual has been charged.

Subpart H—Rules and Procedures Applicable to Proceedings Relating to Assessment and Collection of Civil Penalties for the Violation of Cease-and-Desist Orders or Certain Federal Statutes

§ 308.66 Scope.

The rules and procedures set forth in this subpart and Subpart B are applicable to proceedings by the Board of Directors to assess and collect civil penalties from (a) any insured nonmember bank or official of such bank where such bank or official has violated the terms of any cease-and-desist order which has become final, or (b) any insured State nonmember bank (other than a District bank) or any official of such a bank where such bank or official has violated the provisions of section 22(h) or 23A of the Federal Reserve Act, as made applicable by section 18(j) of the Federal Deposit Insurance Act, or the provisions of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended.

§ 308.67 Violation of order as ground for assessment.

If, in the opinion of the Board of Directors, any insured nonmember bank or any official of such bank has violated the terms of any order which has become final and which has been issued pursuant to section 8(b) or 8(c) of the Federal Deposit Insurance Act and Subpart D, the Board of Directors may assess upon such bank or official a civil penalty of not more than $1,000 per day for each day during which such violation has continued or continues.

§ 308.68 Violation of laws limiting insider and affiliate dealings as ground for assessment.

If, in the opinion of the Board of Directors, any insured State nonmember bank or any official of such a bank has violated any provision of sections 22(h) or 23A of the Federal Reserve Act, as amended, as applicable to such bank or official by reason of section 18(j) of the Federal Deposit Insurance Act, or has violated any lawful regulation issued pursuant to these sections, the Board of Directors may assess upon such bank or official a civil penalty of not more than $1,000 per day for each day during which the violation continues.

§ 308.69 Violation of laws governing correspondent accounts as ground for assessment.

If, in the opinion of the Board of Directors, any insured State nonmember bank or any official of such bank has violated any provision of section 106(b)(2) of the Bank Holding Company Act Amendments of 1970, as amended, the Board of Directors may assess upon such bank or such official a civil penalty of not more than $1,000 per day for each day during which such violation continues.

§ 308.70 Rule of construction.

As used in § 308.67, § 308.68, and § 308.69, the term "has violated" includes, but is not limited to, any action (alone or with another) for or towards causing, bringing about, participating in, counseling, or aiding or abetting a violation.

§ 308.71 Relevant considerations.

In determining the amount of the penalty assessed pursuant to § 308.67, § 308.68, or § 308.69, the Board of Directors will take into account the appropriateness of the penalty with respect to the financial resources and good faith of the insured nonmember bank or official, the gravity of the violation, the history of previous violations, and such other matters as justice may require.

§ 308.72 Notice of assessment of civil penalty.

Civil penalties assessed by the Board of Directors pursuant to § 308.67, § 308.68, or § 308.69 will be by written notice served upon the party assessed. Such notice will state the legal authority under which the civil penalty is assessed, and will contain a statement of the matters of fact or law constituting the grounds for the civil penalty. Such notice will be delivered by personal service, by registered or certified mail to the last known address of the party being assessed, or by other appropriate means.

§ 308.73 Period within which civil penalty is payable.

The notice of assessment of civil penalty, made pursuant to § 308.72, will state the amount of the civil penalty,

and will provide that such amount is payable, and is to be collected, within 90 days of such notice. If the Board of Directors finds that in a specific case, the purposes of the penalty will be better served if the period is shortened or eliminated, the Board may shorten the period or make the civil penalty payable immediately upon a party's receipt of notice thereof, as the case may be. In such case, the notice of assessment will indicate when the civil penalty will be payable.
Notwithstanding any other provision of this or any other section of this subpart, if a party has requested a hearing pursuant to § 308.75 to challenge a penalty or a finding antecedent to such a penalty, the party will not be required to make actual payment of the penalty until the Board of Directors issues a final order following such hearing.

§ 308.74 Notice of opportunity for hearing.

The notice of assessment of civil penalty, made pursuant to § 308.72, will be accompanied by a further notice to the party to the effect that if, within ten days after issuance of the notice of assessment, the party in writing requests a hearing, such hearing will be afforded. This notice of opportunity for hearing will be accompanied by a description of the hearing procedure.

§ 308.75 Request for hearing.

A request for a hearing shall be filed in writing with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429. If a party does not request a hearing in writing within ten days after issuance of the notice of assessment of civil penalty, the party will be deemed to have waived the opportunity of hearing, and the notice of assessment will constitute a final and unappealable order.

§ 308.76 Hearing and order.

After the receipt of a request for a hearing pursuant to § 308.75, the Executive Secretary will order a hearing to commence within the next 30 days. The procedures of the Administrative Procedure Act (5 U.S.C. 554–557) and Subpart B will apply to the hearing. If, on the record made at such hearing, the Board of Directors finds that the grounds for having assessed the civil penalty have been established, the Board will issue and cause to be served upon the party, its final order. Such final order will require the civil penalty to be paid as specified in the notice of assessment. In issuing its order the Board may, in its discretion, reduce the amount of the penalty specified in the notice.

Subpart I—Rules and Procedures Applicable to Proceedings Relating to Disapproval of Acquisition of Control

§ 308.77 Scope.

The rules and procedures set forth in this subpart and Subpart B are applicable to proceedings by the Board of Directors in connection with the disapproval by the Board of Directors of a proposed acquisition of control of an insured State nonmember bank (other than a District bank).

§ 308.78 Notice of disapproval.

Within three days of its decision to disapprove a proposed acquisition of control of an insured State nonmember bank (other than a District bank), the Board of Directors will serve written notice of its disapproval upon the party seeking to acquire control of the bank. Such notice will state the legal authority under which the disapproval is made, and will contain a statement of the basis for the disapproval, including a copy of any views and recommendations submitted by the appropriate State bank supervisory agency. Such notice will be delivered by personal service, by registered or certified mail to the last known address of the party being afforded the notice, or by other appropriate means.

§ 308.79 Notice of opportunity for hearing.

The notice of disapproval made pursuant to § 308.78 will be accompanied by a further notice to the party to the effect that if, within 10 days of receiving the notice of disapproval, the party in writing requests a hearing, such hearing will be afforded. This notice of opportunity for hearing will be accompanied by a description of the hearing procedure.

§ 308.80 Request for hearing.

A request in writing for a hearing shall be filed with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429. If a party does not, within 10 days of its receipt of the notice of disapproval, request in writing a hearing, the party will be deemed to have waived the opportunity of hearing, and the notice of disapproval will constitute a final and unappealable order.

§ 308.81 Hearing and order.

After the receipt of a request for a hearing pursuant to § 308.80, the Executive Secretary will order a hearing to commence within the next 60 days, or within such longer time as shall be necessary to provide each party with sufficient time to prepare for the hearing. If the appropriate State bank supervisory agency has submitted views and recommendations as to the proposed acquisition, it shall be entitled to appear as a party as of right. The procedures of the Administrative Procedure Act (5 U.S.C. 554–557) and Subpart B will apply to the hearing. If, on the record made at such hearing, and after giving due consideration to any views or recommendations previously submitted by an appropriate State bank supervisory agency, the Board of Directors finds that there are adequate grounds for disapproving the acqusition, the Board shall issue and cause to be served its final order disapproving the acquisition upon the party seeking control of the bank. If the Board finds there are not adequate grounds for disapproval, it shall by order approve the proposed acquisition.

§ 308.82 Grounds for disapproval.

The following are grounds for disapproval under § 308.81:

(a) The proposed acqusition of control would result in a monopoly or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States;

(b) The effect of the proposed acquisition of control in any part of the United States would be to substantially lessen competition or tend to create a monopoly, or the proposed acquisition of control would in any other manner be in restraint of trade, and the anticompetitive effects of the proposed acquisiton of control are not clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served;

(c) The financial condition of any acquiring person is such as might jeopardize the financial stability of the bank or prejudice the interests of the depositors of the bank;

(d) The competence, experience, or integrity of any acquiring person or of any of the proposed management personnel indicates that it would not be in the interest of the depositors of the bank, or in the interest of the public to permit such person to control the bank; or

(e) Any acquiring person neglects, fails, or refuses to furnish to the appropriate Federal banking agency all the information required by such agency.

Subpart J—Rules and Procedures Applicable to Proceedings Relating to Assessment of Civil Penalties for Willful Violation of the Change in Bank Control Act

§ 308.83 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Board of Directors to assess civil penalties against any person for the willful violation of any provision of the Change in Bank Control Act of 1978, 12 U.S.C. § 1817(j), or any regulation or order issued pursuant thereto, where the violation is in connection with the affairs of an insured nonmember bank.

§ 308.84 Rules of practice.

Except as otherwise specifically provided in this subpart, the provisions of § 308.4 ("Appearance and practice before the Corporation"), § 308.5(a) ("Notice of hearing"), § 308.20(a) ("Computing time: General rule"), and § 308.21 ("Documents in proceedings confidential") of Subpart B shall apply to proceedings conducted under this subpart.

§ 308.85 Notice of intention to assess civil penalty.

If, in the opinion of the Board of Directors, any person has willfully violated any of the provisions of the Change in Bank Control Act of 1978, 12 U.S.C. 1817(j), or any regulation or order issued pursuant thereto, in connection with the affairs of an insured nonmember bank, the Board may cause notice to be served upon such person of its intention to assess a civil penalty of not more than $10,000 per day for each day the violation has continued or continues. Such notice will state the legal authority under which the civil penalty is to be assessed and the amount of the intended penalty and will contain a statement of the grounds for assessing the penalty. Such notice will be delivered by personal service, by registered or certified mail to the last known address of the party being afforded the notice, or by other appropriate means.

§ 308.86 Notice of opportunity for hearing.

The notice of intention to assess a civil penalty, made pursuant to § 308.84, will be accompanied by a further notice to the party to the effect that if, within 10 days after issuance of the notice of intention, the party in writing requests a hearing, such hearing will be afforded. At such hearing, the party may present evidence and argument as to why no civil penalty should be assessed, or why the penalty should be reduced from the amount stated in the notice. This notice of opportunity for a hearing will be accompanied by a description of the hearing procedure.

§ 308.87 Request for hearing.

A request for a hearing shall be filed in writing with the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429. The request for a hearing shall state with particularity the relief desired and the grounds therefor. If a party does not, within 10 days after issuance of the notice of intention, in writing request a hearing, the party will be deemed to have waived the opportunity of hearing. The Board of Directors may, for good cause shown, extend the period for the filing of a request for a hearing.

§ 308.88 Hearing.

After the receipt of a request for a hearing pursuant to § 308.87, the Executive Secretary will order a hearing to commence within 30 days in Washington, D.C., or at such other place as is designated by the Executive Secretary, before a person designated by the Board of Directors to conduct such hearings. The provisions of § 308.61(b) will apply to the hearing.

§ 308.89 Waiver of hearing.

The party may, in writing, waive a hearing and instead have the propriety of the penalty determined by the Board of Directors solely on the basis of written submissions.

§ 308.90 Assessment.

If, after considering the data, views, and arguments presented at the hearing conducted pursuant to § 308.88, any written submissions made pursuant to § 308.89, and the gravity of the violation and the financial resources and good faith of the party, the Board of Directors concludes that a civil penalty is warranted, it shall assess against the party a penalty of not more than $10,000 per day for each day during which the violation has continued or continues and cause to be served upon the party a final order of assessment. Based upon the same considerations, the Board may, in its discretion, reduce the amount of the penalty from the amount stated in the notice of intention.

§ 308.91 Collection.

The Corporation may collect the civil penalty assessed pursuant to § 308.90 by agreement with the party, or the Corporation may bring an action against the party to recover the amount of the penalty in the appropriate United States district court.

Subpart K—Rules and Procedures Applicable to Sanctions Imposed Upon Municipal Securities Dealers or Persons Associated With Them, and Upon Transfer Agents

§ 308.92 Scope.

The rules and procedures set forth in this subpart and Subpart B are applicable to proceedings by the Board of Directors (a) to censure, limit the activities of, suspend, or revoke the registration of, any municipal securities dealer for which the Corporation is the appropriate regulatory agency; (b) to censure, or to suspend or bar from being associated with such a municipal securities dealer, any person associated with such a municipal securities dealer; and (c) to deny registration to, censure, limit the activities of, suspend, or revoke the registration of, any transfer agent for which the Corporation is the appropriate regulatory agency. Neither this subpart nor Subpart B shall apply to proceedings to postpone or suspend registration of a transfer agent pending final determination of denial or revocation of such registration.

§ 308.93 Notice of intention to impose sanctions.

(a) Whenever, in the opinion of the Board of Directors, any municipal securities dealer for which the Corporation is the appropriate regulatory agency has committed or omitted any act or omission enumerated in subparagraph (A), (D), or (E) of section 15(b)(4) of the Securities Exchange Act of 1934, as amended, or has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of the commencement of the proceedings under this section, or is enjoined from any action, conduct, or practice specified in section 15(b)(4)(C) of that Act, and the Board of Directors determines that it is in the public interest to censure, place limitations on the activities or functions or operations of, suspend, or revoke the registration of, the municipal securities dealer, the Board of Directors may serve upon the municipal securities dealer a written notice of its intention to impose such a censure, limitation, suspension, or revocation.

(b) Whenever, in the opinion of the Board of Directors, any person associated or seeking to become associated with a municipal securities dealer for which the Corporation is the appropriate regulatory agency, has committed or omitted any act or omission enumerated in subparagraph (A), (D), or (E) of section 15(b)(4) of the

Securities Exchange Act of 1934, as amended, or has been convicted of any offense specified in section 15(b)(4)(B) of that Act within 10 years of the commencement of the proceedings under this section, or is enjoined from any action, conduct, or practice specified in section 15(b)(4)(C) of that Act, and the Board of Directors determines that it is in the public interest to censure the person or to suspend or bar the person from being associated with a municipal securities dealer, the Board of Directors may serve upon such person a written notice of its intention to impose such a censure, suspension, or bar.

(c) Whenever, in the opinion of the Board of Directors, any transfer agent for which the Corporation is the appropriate regulatory agency has willfully violated, or is unable to comply with, any applicable provision of section 17 or 17A of the Securities Exchange Act of 1934, as amended, or any applicable rule or regulation issued under section 17 or 17A of that Act, and the Board of Directors determines that it is in the public interest to deny registration to, censure, place limitations on the activities or functions or operations of, suspend, or revoke the registration of, the transfer agent, the Board of Directors may serve upon the transfer agent a written notice of its intention to impose such a denial, censure, limitation, suspension, or revocation.

§ 308.94 Contents of notice.

A notice served pursuant to § 308.93 shall contain a statement of the sanction proposed and of the facts constituting grounds for imposition of the sanction, and shall fix a time and place for a hearing to be held thereon.

§ 308.95 Hearing.

The hearing will be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of the notice, unless an earlier or a later date is set by the Board of Directors at the request of the person and for good cause shown. The procedures of Subpart B will apply to the hearing. Unless the person appears at the hearing either in person or by a duly authorized representative, the person shall be deemed to have consented to the issuance of the order by the Board of Directors.

§ 308.96 Issuance of order and effective date.

In the event of consent to the issuance of an order, or if upon the record made at the hearing conducted under this subpart the Board of Directors finds that the grounds specified in the notice have been established, the Board may issue an order containing such sanctions as have been specified in the notice. Such order shall become effective upon the expiration of 30 days after service has been made upon the person (except in the case of an order of censure or of denial or revocation of registration, which shall be effective upon service, and except in the case of an order issued upon consent, which shall become effective at the time specified therein). The order will remain effective and enforceable except to the extent that it is stayed, modified, terminated, or set aside by action of the Board of Directors or a reviewing court, except that no order of suspension may continue in effect for a period exceeding twelve months.

§ 308.97 Notice and consultation with the Securities and Exchange Commission.

Before initiating any proceedings under § 308.93(a) or (b), the Board of Directors shall (a) give notice to the Securities and Exchange Commission of the identity of the municipal securities dealer or associated person against whom proceedings are to be initiated, and the nature of and basis for the proposed action, and (b) consult with the Securities and Exchange Commission concerning the effect of the proposed action on the protection of investors and the feasibility and desirability of coordinating the action with any proceeding or proposed proceeding by the Commission against the municipal securities dealer or associated person.

Subpart L—Rules and Procedures Relating to Exemption Proceedings Under Sections 12 (h) and (i) of the Securities Exchange Act of 1934

§ 308.98 Scope.

The rules and procedures of this subpart are applicable to proceedings by the Board of Directors to exempt, in whole or in part, an issuer of securities from the provisions of section 12(g), 13, 14(a), 14(c), 14(d), or 14(f) of the Securities Exchange Act of 1934, as amended, or to exempt an officer, director, or beneficial owner of securities of such an issuer from the provisions of section 16 of that Act.

§ 308.99 Application for exemption.

Any interested person may apply for an exemption under this subpart by filing with the Executive Secretary an application for an exemption. The application shall be in writing and shall be addressed to the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429. The application shall specify the type of exemption sought and the reasons therefor, and shall include an explanation of why granting the exemption would not be inconsistent with the public interest or with the protection of investors.

§ 308.100 Newspaper notice.

If the Board of Directors decides to consider the application further, it shall serve upon the applicant instructions to publish one notice in a newspaper of general circulation in the community where the main office of the issuer is located. The notice shall state (a) the name and address of the issuer and the name and title of the applicant, (b) the type of exemption sought, (c) the fact that a hearing will be held, and (d) a statement that interested persons may, within 30 days of publication of the newspaper notice, submit to the Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, D.C. 20429, written comments concerning the application for exemption and a written request for an opportunity to be heard. The applicant shall submit a copy of the newspaper notice to the Executive Secretary.

§ 308.101 Notice of hearing.

Within 10 days after the period for receipt of comments has expired, the Executive Secretary shall serve upon the applicant, and upon any person who has requested an opportunity to be heard, a notice that a hearing will be held. The notice shall indicate the place and time of the hearing, which shall be no more than 30 days after service of the notice of hearing, and the name and address of the presiding officer, and shall contain a statement of the matters to be considered at the hearing.

§ 308.102 Hearing.

Parties to the hearing may appear personally, or through counsel, or personally with counsel. Parties shall have the right to introduce relevant and material written documents and to make an oral statement. Neither the formal rules of evidence, nor the adjudicative procedures of the Administrative Procedure Act (5 U.S.C. §§ 554–557), nor Subpart B shall apply to the hearing. The Board of Directors or the presiding officer shall have the discretion to permit the presentation of witnesses, within specified time limits, so long as a list of such witnesses is furnished to the presiding officer prior to the hearing. Witnesses shall not be sworn. The presiding officer may ask questions of any witness and each party shall have

the opportunity to cross-examine any witness presented by an opposing party.

§ 308.103 Decision.

If, following the submission of the transcript of the hearing to the Board of Directors, the Board finds that, by reason of the number of public investors, the amount of trading interest in the securities, the nature and extent of the activities of the issuer, the income or assets of the issuer, or otherwise, such exemption is not inconsistent with the public interest or with the protection of investors, the Board may grant the exemption. Any exemption so granted shall be by order, which shall specify the type of exemption granted, the person granted the exemption, the terms and exceptions of the exemption and the period for which the exemption is granted. A copy of the order shall be served upon each party to the proceeding.

[FR Doc. 79-13288 Filed 4-30-79; 8:45 am]

BILLING CODE 6714-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 17

Reports by Futures Commission Merchants and Foreign Brokers; Carrying and Reporting the Total Open Long and Short Positions in Omnibus Accounts

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commission is adding §§ 1.37(b), 17.00(c) and 17.04 to its regulations with regard to recordkeeping and reporting requirements for futures commission merchants (FCM's) and foreign brokers in order to improve the accuracy, as well as the timeliness, of market surveillance data available to the Commission concerning omnibus accounts. The new regulations will also provide the Commission with a useful check on compliance with existing reporting requirements. Section 1.37(b) will require FCM's who carry accounts on an omnibus basis to maintain a daily record of the total open long positions and the total open short positions in each future of a commodity for each omnibus account. The Commission is also adding §§ 17.00(c) and 17.04 to Part 17 of the regulations. These new sections generally will require the FCM carrying an omnibus account to report both the total open long and the total open short contracts to the Commission when these open contracts represent reportable positions and also will require foreign brokers and FCM's who originate omnibus accounts to report on a daily basis to the FCM who carries the omnibus account, the total open long positions and total open short positions in each future in the omnibus account maintained by the carrying FCM.

DATE: Effective on August 1, 1979.

FOR FURTHER INFORMATION CONTACT: Lamont L. Reese, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, telephone 202-254-7446.

SUPPLEMENTARY INFORMATION: On December 9, 1977, the Commission published in the **Federal Register** proposed changes to Parts 1 and 17 of its regulations concerning the recordkeeping and reporting requirements related to omnibus accounts.[1] In essence, the proposed rules would have required each FCM who carries an omnibus account to carry and report both the aggregate gross long and gross short open futures positions of all individual accounts traded through the omnibus account. In proposing these new rules, the Commission sought to insure the availability of accurate open interest data on a timely and expeditious basis for market surveillance purposes. It became apparent, however, that certain persons commenting on the proposal had misinterpreted the Commission's proposal to mean that an FCM would be required to carry omnibus accounts on a fully disclosed basis. Subsequently, the Commission clarified the proposal and published it in the May 24, 1978 **Federal Register** for further public comment.[2] After reviewing the comments received, the Commission is adopting the proposed rules with certain modifications and additions which the Commission has determined are appropriate and responsive to certain of the comments received from the public.

The Commission's Reporting System and Omnibus Accounts

Under § 17.00 of the Commission's regulations, FCM's and certain foreign brokers are required to submit to the Commission a report for each business day in which the FCM or foreign broker carriers a Special Account. A Special Account is an account in which positions equal or exceed a specified level of open contracts in a particular commodity futures contract, referred to as reportable positions.[3] These reports provide the Commission, on a daily basis, with essential market surveillance information concerning the level and concentration of open contracts in a particular commodity futures contract. The Commission's regulations, in essence, define the term "open contracts" as any futures contract which has not been fulfilled by delivery or offset by a transaction in the same commodity for the same delivery month.[4] The reports received by the Commission under § 17.00 therefore evidence the number of traders with significant open positions who may potentially make or take delivery of the commodity underlying the futures contract. Accordingly, if the Commission is to safeguard futures markets from manipulations, congestions or other market disorders, the Commission must receive accurate reports under § 17.00 as expeditiously as possible.

The Commission has experienced some difficulty in obtaining reports quickly from FCM's and foreign brokers under § 17.00 when the FCM's or foreign brokers are not located in the same city in which the Commission maintains an office. Moreover, even those reports which are received on a timely basis in positions on omnibus accounts generally do not contain a complete statement of the total open contracts, both long and short, in any future in the account. The Commission is adding §§ 1.37(b), 17.00(c) and 17.04 to its regulations in order to ensure that the Commission receives expeditiously more accurate position data regarding omnibus accounts.

In general, an omnibus account is carried by an FCM ("the carrying FCM"), who is a clearing member of a contract market, for and in the name of another FCM, exchange member, or foreign broker ("the originating FCM"). This account consists of trading positions of two or more customers of the originating FCM, and may also include so-called house positions of the originating FCM. Since the account is maintained on the records of the carrying FCM in the name of the originating FCM, the carrying FCM typically is unaware of the positions or

[1] 42 FR 62147 (December 9, 1977).

[2] 43 FR 22220 (May 24, 1978).

[3] The Commission's regulations define "Special Account" to be "any commodity futures account in which there is a reportable position." 17 CFR 15.00(c) (1978). The term "reportable position" is defined in § 15.00(b) of the Commission's regulations. 17 CFR 15.00(b) (1978). Generally, reportable positions are any open contract positions in any future which at the close of the trading day equals or exceeds the quantity fixed in § 15.03(a) of the Commission's regulations. 17 CFR 15.03(a) (1978).

[4] Section 1.3(t) of the Commission's regulations, 17 CFR 1.3(t) (1978).

the identity of the traders in the omnibus account.[5] Of course, the originating FCM maintains this information.[6] Since the carrying FCM does not know the identity or positions of the individual traders in the omnibus account, the carrying FCM is generally unaware when those traders establish reportable positions. The originating FCM is therefore the person who provides the Commission with reports for traders participating in an omnibus account.

When the FCM originating an omnibus account is not located in a city in which the Commission maintains an office, compliance with the reporting requirements will not normally provide the Commission with this important surveillance data in sufficient time to permit the Commission to adjust its surveillance efforts to a fluid and fast-changing market situation. Under § 17.02 of the Commission's regulations, the reports to be filed by FCM's pursuant to § 17.00 must be filed with the Commission at the Commission office in the city where the contract market involved in the reported transactions is located.[7] Section 17.02(a)(2) of the Commission's regulations specifies that these reports must be filed with the Commission on the business day following the day when the reportable positions were established and not later than 30 minutes before the official opening of the contract market involved in the reported transactions.[8] Section 17.02(a)(2) exempts from this requirement reports to be filed by FCM's who do not maintain an office in the city in which the appropriate Commission office is located.[9] These FCM's may mail their reports to the Commission if the report is postmarked no later than midnight of the day covered by the report.[10] Foreign brokers are also exempt from the requirement of § 17.00(a)(2); they are required to prepare these reports for each business day and must transmit them to the appropriate Commission office at least once a week.[11]

Under the present reporting structure the Commission first learns of the extent of open interest in a particular future or the identity of traders having reportable positions carried in the omnibus accounts when the Commission receives the reports mailed to it by the originating FCM's or foreign brokers. Depending upon the speed of the postal service, this information is generally received by the Commission three to four days after the trading day for which the reports are to be filed.

Since FCM's who carry omnibus accounts are normally exchange clearing members and maintain an office in the city where the appropriate Commission office is located, the Commission could expeditiously receive reports from these FCM's on total positions in an omnibus account. Currently, however, the reports filed by carrying FCM's are, as a practical matter, incomplete insofar as they purport to state the open contracts in the omnibus account. This situation occurs because in many instances the carrying FCM carries the open contracts in the omnibus account on a net basis.

For example, if the omnibus account contains 1000 open long positions in the May Wheat futures contract and 1000 open short positions in the same contract, the carrying FCM nets out the open positions and records that there are no open positions in the account. The long positions in the account may be those of one trader, while the short positions may have been established by another trader, both of whom trade through an omnibus account carried in the name of the originating FCM. Thus, the carrying FCM's records for the omnibus account will not reflect the actual and substantial open interest in the particular future. Of course, the records of the originating FCM should contain an accurate statement of this open interest. But, as explained above, the reports to the Commission from originating FCM's generally are not received until three or four days after the trading day in which the reportable open positions were established or maintained.

Thus, for a period of days the Commission is often unaware of the extent of open interest in a particular contract carried in omnibus accounts. And, the Commission has experienced situations where high levels of open interest were held by persons with positions in omnibus accounts without the Commission's being aware of this situation for a considerable period of time.

Most contract markets are similarly unaware of the extent of open interest in contracts traded on the contract market insofar as positions in those contracts are carried in omnibus accounts.[12] In a market situation where prices appear to be fluctuating abnormally or the deliverable supply of a commodity is somewhat scarce, it is essential both for the Commission and the contract markets to have accurate information concerning the open interest in a contract in order for each to be able to take prompt, effective remedial action. The significance of this data is heightened during the final days of trading in a contract when the Commission and contract markets are particularly alert to the possibility of manipulative practices, defaults or other market disturbances.

To remedy this situation, the Commission has detemined to adopt §§ 1.37(b) and 17.00(c) of its regulations requiring all FCM's who effect transactions on an omnibus basis for another FCM or foreign broker to record and report (when the account is reportable) both the total open long and the total open short positions in the omnibus account.

The Commission also notes that adoption of these rules will provide those exchanges clearing on a net basis with information not previously available concerning positions held by FCM's and foreign brokers who are not members of the exchange.[13] This should result in the publication of more accurate, total open interest figures on each futures contract by such exchanges. In addition, the information required to be maintained by the proposed rules should aid exchanges in determining the adequacy of their margining policies and in carrying out their delivery procedures with respect to non-member firms trading on their markets. Finally, adoption of these rules will provide the Commission with a useful check on compliance by FCM's, foreign brokers and foreign traders with Commission regulations requiring the reporting of large open positions under Parts 17 and 18.

Public Comments on the Proposed Requirement

Two commodity exchanges and three FCM's submitted written comments on

[5] In recognition of this situation, § 1.33(b) of the Commission's regulations, 44 FR 1918 (January 8, 1979), exempts FCM's carrying omnibus accounts for another FCM, from the requirement contained in that Section that FCM's furnish to their customers, on a monthly basis, a statement concerning the open positions held by the customer.

[6] 17 CFR 1.37 (1978).

[7] 17 CFR 17.02(a)(1) (1978).

[8] 17 CFR 17.02(a)(2) (1978).

[9] *Id.*

[10] *Id.*

[11] 17 CFR 17.02(b) (1978).

[12] At the present time, only the New York Mercantile Exchange (NYME) and the Chicago Mercantile Exchange (CME) require an FCM carrying an omnibus account to maintain records of the total long and short open interest in each future in the omnibus account.

[13] Specifically, the information will be available to the exchange from records of the exchange's clearing members who are generally the carrying FCM's.

the May 24 proposal. The commentators raised three principal concerns. First, the proposed rules imposed the responsibility on the carrying FCM rather than the originating FCM for obtaining accurate and timely information concerning open positions in the omnibus account. Secondly, the proposal would not provide the type of specific information which would be useful for Commission or exchange market surveillance. Finally, the rules would unnecessarily increase the cost to FCM's of carrying omnibus accounts. The commentators suggested certain modifications to the proposal and recommended that the Commission give further consideration to whether the increased costs to the FCM's could be justified by the surveillance information which would be provided under the proposed rules.

One commentator objected to the Commission's proposal since the carrying FCM could only assure that its reports were fully accurate by contacting each day the originating FCM of the omnibus account to determine which positions in the account were closed out or off-set and consequently should not be reflected in the total open positions in the account. This commentator also pointed out that inaccuracies in the data would also occur if the originating FCM did not inform the carrying FCM of the correct total of long and short open positions in the omnibus account. Similarly, another commentator expressed concern that the carrying FCM would be held responsible for errors or misstatements made by the originating FCM in communicating the total open interest information to the carrying FCM.

The Commission recognizes the merit of these comments and has revised the proposed rules by adopting § 17.04 which imposes an obligation on the originating FCM to report the required information to the carrying FCM on a daily basis. The originating FCM or foreign broker must transmit the information to the carrying FCM at a time no later than is necessary for the carrying FCM to include the information in the reports required by the Commission or the exchanges. This should permit the carrying FCM to comply fully with the recordkeeping and reporting requirements of §§ 1.37(b) and 17.00(c), as adopted. The Commission is not specifying a mechanism by which the originating FCM must communicate the required information to the carrying FCM. Instead, both parties will be free to adopt the best possible method of insuring their ability to comply with their obligations under the Commission's regulations. The Commission suggests, however, that the originating and carrying FCM's establish a mechanism whereby a record will be maintained of this daily communication in order to avoid any possible question as to what was reported in a particular circumstance.

Some commentators also questioned the utility of the information which the carrying FCMs would be required to maintain and report under the new rules because of the incomplete nature of the data as well as its marginal value for determining positions held by large traders. One commentator explained that since the positions in an omnibus account may reflect a trader's hedge positions and since these hedge positions may be carried in the account as open on both the long and short side of the market, the information the originating FCM will provide the carrying FCM concerning the total open positions in the omnibus account may be inaccurate in certain circumstances. For example, one individual account within the omnibus account may contain the positions of a trader which is a firm with two subsidiaries. The trader may establish a hedge position for Subsidiary A which is long 1,000 contracts of May Wheat and a hedge position for Subsidiary B which is short 1,000 contracts of May Wheat. The Commission understands that certain commodity exchanges do not consider hedge positions of the same trader which are long and short the same future of a commodity as open even though they are not offset on the records of the originating FCM. Other exchanges, specifically the Chicago Mercantile Exchange and the New York Mercantile Exchange, would require FCM's to report open positions to the contract market on a gross basis thus reflecting the total open long and short interest in any future in the omnibus account.[14]

The Commission has modified its proposed rules in response to this comment. In order to ensure reliable and consistent information which will be of benefit to the Commission and contract markets in assessing trading activity, the Commission is requiring the originating FCM to maintain hedge positions in omnibus accounts in accordance with the applicable contract market's requirements. If the originating FCM caused futures contracts to be made, for example, on the Chicago Mercantile Exchange or the New York Mercantile Exchange on behalf of a trader through an omnibus account, the originating FCM would maintain these hedge positions on a gross basis—without subtracting the open long and short positions of an individual trader within the omnibus account—and report them to the carrying FCM on a gross basis. On the other hand, with respect to transactions effected on contract markets which do not require gross basis reporting, the originating FCM would maintain, for purposes of determining open long and open short positions in the omnibus account, the hedge positions of a trader on a net basis. The Commission points out that under either reporting method, the originating FCM is required to disclose only the open position data for the omnibus account as a whole and is not required to disclose to the carrying FCM the identity of persons trading through the account.

For example, assume an originating FCM has three customers A, B and C. These customers have established the following positions in the same future of a commodity. Trader B is a hedger. The originating FCM has also established an omnibus account for effecting transactions for these customers through another FCM.

Customers	Customer positions (in contracts)	
	Long	Short
A	400	
B	250	600
C		50

Under § 17.04, as adopted, if these positions are on an exchange which requires net basis reporting, the originating FCM would net the hedge positions of Trader B and then add all long contracts and short contracts held by the customers in the omnibus account. Thus, he would report 400 open long contracts and 400 open short contracts in the omnibus account to the carrying FCM. We also note that prior to the adoption of § 1.37(b), the records of the carrying FCM would not have reflected any open positions in this omnibus account. Accordingly, under Part 17 of the Commission's regulations the carrying FCM would not have been required to report in connection with this account and the Commission would

[14] Rule 934E of the Chicago Mercantile Exchange specifically requires that "a person responsible for an omnibus account shall at all times disclose to the clearing member or subbroker carrying that account the gross long and short positions held by that omnibus account in each commodity."

Rule 811 of the Chicago Mercantile Exchange and Rule 41.07 of the New York Mercantile Exchange require each clearing member of the exchange to submit position change sheets after the close of the market each day which show, among other things, the number of trades offset in each future of each commodity.

not have known the true open interest in this futures contract for a number of days.

If the positions in the example were established on an exchange which requires gross basis reporting, under § 17.04, as adopted, the originating FCM would report 650 open long contracts and 650 open short contracts to the carrying FCM. Because the exchange required gross basis reporting, the same information would have been reflected in the records of the carrying FCM prior to adoption of the new rules by the Commission.

The Commission has also modified its proposed rule to ensure that it will receive reliable and consistent information in cases where FCM's and foreign brokers who originate omnibus accounts also carry omnibus accounts for other FCM's or foreign brokers.

All commentators expressed concern that the proposed rules would be costly to implement, particularly since carrying FCM's would be required to modify existing accounting methods for omnibus accounts. The Commission specifically asked the public, in the May 24, 1978 Federal Register notice, for estimates of the cost of compliance with the regulations.[15] No estimates were received. Accordingly, the Commission will adopt the rules as modified and will, of course, entertain and consider any detailed cost estimates in the future with respect to the adopted rules.

In adopting these rules, the Commission has taken into consideration the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the regulatory objectives of the Commodity Exchange Act.[16] The Commission is unaware of any evidence that these rules will impose any undue burden affecting competition among FCM's. The Commission emphasizes that these new regulations are needed to permit the Commission to perform effectively a primary function—protecting the futures market from manipulative or other unlawful practices.

In consideration of the foregoing and pursuant to the authority in Sections 4g, 4i and 8a(5) of the Commodity Exchange Act, as amended, (1976) 7 U.S.C.,§ 6g, 6i and 12a(5), the Commission hereby amends 17 CFR, Parts 1 and 17 as follows:

[15] 43 FR 22220 (May 24, 1978).

[16] Section 15 of the Act, 7 U.S.C. 19 (1976).

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. Section 1.37 is amended by making the current § 1.37 the new § 1.37(a) and adding a new § 1.37(b) as follows:

§ 1.37 Customer's name, address, and occupation recorded; record of guarantor or controller of account; record of positions in omnibus accounts.

* * * * *

(b) Each futures commission merchant who carries an account for another futures commission merchant, foreign broker, member of a contract market or other person on an omnibus basis shall maintain a daily record of the total open long contracts and the total open short contracts in each future carried at the close of the market each day in each omnibus account maintained on the books of such futures commission merchant.

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

2. A new § 17.00(c) is added as follows:

§ 17.00 Reporting positions in omnibus accounts to the Commission.

* * * * *

If the total open long positions or the total open short positions for any future of a commodity carried in an omnibus account is a reportable position, the omnibus account is in Special Account status and shall be reported by the futures commission merchant or foreign broker carrying the account in accordance with paragraph (a) of this section.

3. A new § 17.04 is added as follows:

§ 17.04 Reporting omnibus accounts to the carrying futures commission merchant or foreign broker.

(a) Any futures commission merchant or foreign broker who establishes an omnibus account with another futures commission merchant or foreign brokers shall report to that futures commission merchant or foreign broker the total open long positions and the total open short positions in each future of a commodity in the account at the close of trading each day in the applicable futures contract. The information required by this section shall be reported in sufficient time to enable the futures commission merchant or foreign broker with whom the omnibus account is established to comply with Part 17 of these regulations and reporting requirements established by the contract markets.

(b) In determining open long and open short positions in an omnibus account for purposes of complying with this section, § 17.00(c) and § 1.37(b) of this chapter, a futures commission merchant or foreign brokers shall total the open long positions of all traders and the open short positions of all traders in each future of a commodity carried in accounts which are traded through the omnibus account. In making this computation, the futures commission merchant or foreign broker shall, if both long and short positions are carried for the account or accounts of the same trader.

(1) Include both the total open long and the total open short positions of the trader if

(i) The positions represent transactions on a contract market which requires long and short positions in the same future held in accounts for the same trader to be recorded and reported on a gross basis; or

(ii) The account is an omnibus account of another futures commission merchant or foreign broker; or

(2) Include only the net long or net short positions of the trader if the positions represent transactions on a contract market which does not require long and short positions in the same future held in accounts for the same trader to be recorded and reported on a gross basis.

Issued by the Commission on April 26, 1979.

Gary L. Seevers,

Acting Chairman, Commodity Futures Trading Commission.

[FR Doc. 79-13485 Filed 4-30-79; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 650

National Bridge Inspection Standards; Amendment

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: The Federal Highway Administration (FHWA) is issusing this document in order to provide guidance and establish procedures concerning the national bridge inspection standards in accordance with section 124 of the Surface Transportation Assistance Act of 1978.

DATES: Effective May 1, 1979. Comments must be received on or before July 30, 1979.

ADDRESS: Anyone wishing to submit written comments may do so, preferably in triplicate, to FHWA Docket No. 79-2, Federal Highway Administration, Room 4205, HCC-10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments and suggestions received will be available for examination at the above address between 7:45 a.m. and 4:15 p.m. ET, Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Gordon, Bridge Division (202/472-7697), or Mrs. Kathleen S. Markman Office of the Chief Counsel, (202/426-0346), Federal Highway Administration, United States Department of Transportation, Washington, D.C. 20590. Office hours from 7:45 a.m. to 4:15 p.m. ET, Monday-Friday.

SUPPLEMENTARY INFORMATION: On November 6, 1978, the President signed into law the Surface Transportation Assistance Act of 1978, Pub. L. 95-599, 92 Stat. 2689. Section 124 of the Act amended 23 U.S.C. 144 which necessitates an amendment of the regulations regarding the national bridge inspection standards. The amendment provides that all bridges located on all public roads must be inventoried. Formerly, the standards applied only to bridges on the Federal-aid system. Technical revisions regarding the publication of the Bridge Inspector's Training Manual are also included in this document.

In consideration of the foregoing, the Federal Highway Administration hereby amends Subpart C of Part 650, Chapter I of Title 23, Code of Federal Regulations as set forth below.

1. Section 650.301 is amended to read as follows:

§ 650.301 Application of standards.

The National Bridge Inspection Standards in this part apply to all structures defined as bridges located on all public roads. In acordance with the AASHTO (American Association of State Highway and Transportation Officials) Highway Definitions Manual, a "bridge" is defined as a structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; it may also include multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.

§ 650.303 [Amended]

2. Paragraph (a) of § 650.303 is amended to read as follows:

(a) Each highway department shall include a bridge inspection organization capable of performing inspections, preparing reports, and determining ratings in accordance with the provisions of the AASHTO Manual [1] and the Standards contained herein.

* * * * *

3. Paragraph (c) of § 650.303 is amended to read as follows:

* * * * *

(c) Each structure required to be inspected under the Standards shall be rated as to its safe load carrying capacity in accordance with section 4 of the AASHTO Manual. If it is determined under this rating procedure that the maximum legal load under State law exceeds the load permitted under the Operating Rating, the bridge must be posted in conformity with the AASHTO Manual or in accordance with State law.

§ 650.307 [Amended]

4. Paragraph (a)(3) of § 650.307 is amended to read as follows:

(a) * * *

(3) Have a minimum of 10 years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the "Bridge Inspector's Training Manual," [2] which has been developed by a joint Federal-State task force.

* * * * *

5. Paragraph (b)(2) of § 650.307 is amended to read as follows:

* * * * *

(b) * * *

(2) Have a minimum of 5 years experience in bridge inspection assignments in a responsible capacity and have completed a comprehensive training course based on the "Bridge Inspector's Training Manual," which has been developed by a joint Federal-State task force.

6. Section 650.311 is amended to read as follows:

§ 650.311 Inventory.

(a) Each State shall prepare and maintain an inventory of all bridge structures subject to the Standards. Under these Standards, certain structure inventory and appraisal data must be collected and retained within the various departments of the State organization for collection by the Federal Highway Administration as needed. A tabulation of this data is contained in the structure inventory and appraisal sheet distributed by the Federal Highway Administration as part of the Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges (Coding Guide) in January of 1979. Reporting procedures have been developed by the Federal Highway Administration.

(b) All bridges subject to these Standards shall be inventoried by December 31, 1980, as required by section 124(a), and (c) of the Surface Transportation Assistance Act of 1978. Newly completed structures or any modification of existing structures which would alter previously recorded data on the inventory forms shall be entered in the State's records within 90 days.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

(23 U.S.C. 144, 116(d), 315; 49 U.S.C. 1655; 23 CFR 1.48(b)).

Issued on: April 17, 1979.

John S. Hassell, Jr.,
Deputy Administrator.

[FHWA Docket No. 79-2]
[FR Doc. 79-13435 Filed 4-30-79; 8:45 am]
BILLING CODE 4910-22-M

[1] The "AASHTO Manual" referred to in this part is the "Manual for Maintenance Inspection of Bridges 1978" published by the American Association of State Highway and Transportation Officials. A copy of the Manual may be examined during normal business hours at the office of each Division Administrator of the Federal Highway Administration, at the office of each Regional Federal Highway Administrator, and at the Washington Headquarters of the Federal Highway Administration. The addresses of those document insepction facilities are set forth in Appendix D to Part 7 of the regulations of the Office of the Secretary (49 CFR Part 7). In addition, a copy of the Manual may be secured upon payment in advance by writing to the American Association of State Highway and Transportation Officials, 444 N. Capitol Street, NW., Suite 225, Washington, D.C. 20001.

[2] The "Bridge Inspector's Training Manual" may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for Town of Milford, Hillsborough County, N.H.

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 Milford, Hillsborough County, New Hampshire. 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 Milford, Hillsborough County, New Hampshire.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Milford, Hillsborough County, New Hampshire, are available for review at the Milford Town Office, Milford, New Hampshire.

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 Milford, Hillsborough County, New Hampshire.

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
Souhegan River	State Route 101 (Upstream)	222
	Old Public Service Dam (Downstream)	233
	Old Public Service Dam (Upstream)	237
	Goldman Dam (Downstream)	239
	Goldman Dam (Upstream)	242
	Confluence of Great Brook	243
	Confluence of Tucker Brook	249
	Confluence of Hartshorn Brook	251
	Confluence of Purgatory Brook	253
	Jones Crossing (Upstream)	279
	Wilton Road (Upstream)	298
	Boston & Maine Railroad (Upstream)	301
	Upstream Corporate Limits	316
Great Brook	Confluence with Souhegan River	243
	Railroad Pond Dam (Downstream)	249
	Railroad Pond Dam (Upstream)	258
	Boston and Maine Railroad	258
	Lincoln Street	258
	Boston and Maine Railroad	259
	Milford Waterworks	261
	Confluence of Tributary E	263
	Union Street (Downstream)	264
	Union Street (Upstream)	267
	Confluence of Ox Brook	268
	Osgood Road (Downstream)	269
	Osgood Pond Dam (Downstream)	270
	Osgood Pond Dam (Upstream)	274
	Mason Road (Upstream)	279
Tucker Brook	Confluence with Souhegan River	249
	State Route 101 (Upstream)	254
	Boston and Maine Railroad (Upstream)	259
	Service Road "A" (Upstream)	267
	New State Route 101 (Upstream)	275
Purgatory Brook	Confluence with Souhegan River	253
	North River Road (Upstream)	260
	North Purgatory Road (Upstream)	263
Hartshorn Brook	Confluence with Souhegan River	251
	North River Road (Upstream)	254
	Jennison Road (Upstream)	258
Ox Brook	Confluence with Great Brook	268
	Armory Road (Upstream)	269

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4798]
[FR Doc. 79–13133 Filed 4–30–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for Town of Belleville, Essex County, N.J.

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 Belleville, Essex County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Belleville, Essex County, New Jersey.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Belleville, Essex County, New Jersey, are available for review at the Bellevflle City Hall, 152 Washington Avenue, Belleville, New Jersey.

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 Belleville, Essex County, New Jersey.

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
Passaic River	Confluence of Second River	10
	Belleville Turnpike	11
Second River	Confluence w/Passaic River	10
	McCarter Highway	11
	Conrail	18
	Summer Avenue	34
	Union Street	42
	Park Drive	53
	Franklin Avenue	77
	Upstream Corporate Limits	100
Third River	Downstream Corporate Limits.	75
	Joralemon Street	81
	Upstream Corporate Limits	82

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4590]

[FR Doc. 79–13134 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeal From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for City of Passaic, Passaic County, N.J.

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 Passaic, Passaic County, New Jersey. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Passaic, Passaic County, New Jersey.

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

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 Passaic, Passaic County, New Jersey.

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 1917.49(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
Passaic River	Downstream Corporate Limit	15
	Union Avenue Downstream	15
	Gregory Avenue Downstream	16
	Market Street Upstream and Downstream.	17
	Monroe Street Upstream	20
	Upstream Corporate Limit	21
MacDonald Brook	Main Avenue Upstream	46
	High Street Downstream	50
	Pennington Avenue Upstream.	56
	Passaic Avenue Downstream	65
	Dam Downstream	71
	Dam Upstream	74
	Road Upstream	76
	Mineral Spring Avenue Downstream.	85
Weasel Brook	Confluence with Passaic River.	17
	Monroe Street Upstream	18
	Sherman Street Downstream.	24
	Parker Avenue Downstream	26

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4846]

[FR Doc. 79–13135 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for Town of Plattsburgh, Clinton 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 Plattsburgh, Clinton 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 Plattsburgh, Clinton County, New York.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Plattsburgh, Clinton County, New York, are available for review at the Office of the Supervisor, R. D. 1, Banker Road, Plattsburgh, New York.

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 Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Plattsburgh, Clinton 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 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
Saranac River	Upstream Corporate Limits	735
	Cadyville Dam Upstream	735
	Cadyville Dam Downstream	684
	Delaware and Hudson Railroad Bridge Upstream.	
	Mill "C" Dam Upstream	658
	Mill "C" Dam Downstream	606
	Kents Falls Road Bridge Upstream.	591
	Kents Falls Dam Upstream	591
	Kents Falls Dam Downstream.	532
	State Route 226 Bridge Upstream.	350
	Treadwells Mill Dam Upstream.	289
	Treadwells Mill Dam Downstream.	268
	Fredenburgh Dam Upstream	251
	Fredenburgh Dam Downstream.	223
	Indian Rapids Dam Upstream	201
	Indian Rapids Dam Downstream.	190
	Downstream Corporate Limits.	102
Cumberland Bay	Gunboat Rock—entire reach	102
	Grand Isle Ferry	102
	Gravelly Point—entire reach	102
	Martin Paint—entire reach	102
Scomotion Creek	Adirondack Northway Upstream.	102
Lake Champlain	Cliff Haven—entire reach	102
	Bluff Point—entire reach	102

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4847]

[FR Doc. 79–13136 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Town of Rye, Westchester 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 Rye, Westchester 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 Rye, Westchester County, New York.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Rye, Westchester County, New York, are available for review at the Town Hall, 10 Pearl Street, Port Chester, 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 Rye, Westchester 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 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, above mean sea level
Blind Brook	Downstream Corporate Limits.	35
	Westchester Expressway	36
	Confluence with East Branch Blind Creek.	37
	Downstream Rye City Dam	37
	Upstream Rye City Dam	61
	Downstream Bowman Avenue Bridge.	62
	Upstream Bowman Avenue Bridge.	65
	Westchester Avenue Bridge	77
	Private Bridge	88
	Westerleigh Road Bridge	118
	Brookside Way Bridge	126
	Hutchinson River Parkway Bridge No. 3.	142
	Hutchinson River Parkway Bridge No. 2.	154
	Hutchinson River Parkway Bridge No. 1.	162
	Downstream New Blind Brook Country Club Dam.	189
	Upstream New Blind Brook Country Club Dam.	217
	Downstream Old Blind Brook Country Club Dam.	233
	Upstream Old Blind Brook Country Club Dam.	239
	Upstream Anderson Hill Road.	246
	College Road	342
	Lincoln Avenue Foortbridge No. 1.	350
East Branch Blind Brook.	Confluence with Blind Brook	37
	Downstream Bowman Aveune.	37
	Upstream Bowman Avenue	39
	School Footbridge No. 2	41
	School Footbridge No. 1	42
	Downstream Westchester Avenue.	43
	Upstream Westchester Avenue.	59
	Downstream Private Dam	78
	Upstream Private Dam	93
	Downstream Private Driveway Bridge.	110
	Upstream Private Driveway Bridge.	111
	Argyle Road	131
	Betsey Brown Road	132
	Acker Drive	132

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4152]
[FR Doc. 79-13137 Filed 4-30-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for the City of Bottineau, Bottineau County, N. Dak.

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 Bottineau, Bottineau County, North Dakota. 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 Bottineau, North Dakota.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Bottineau, are available for review at City Hall, 115 West Sixth, Bottineau, North Dakota.

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 Bottineau, North Dakota.

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
Oak Creek	Downstream Extraterritorial Limits.	1,588
	Thirteenth Street *	1,610
	Tenth Street *	1,620
	Fifth Street *	1,634
	Lake Road-80 feet **	1,653
	Upstream Extraterritorial Limits.	1,676

* At centerline.
** Upstream from centerline.

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, 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 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4761]
[FR Doc. 79-13138 Filed 4-30-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for City of Carpio, Ward County, N. Dak.

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 Carpio, Ward County, North Dakota. 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 Carpio, North Dakota.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone area and the final elevations for the City of Carpio, are available for review at City Hall, Main Street, Carpio, North Dakota.

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 Carpio, North Dakota.

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, and the Administrator has resolved the appeals presented by 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
Des Lacs River	At the Dam downstream of Washington Avenue.	1,692
	At First Street—20 feet upstream of centerline.	1,693
	At State Route 28—1200 feet north of the Soo Line Railroad.	1,695

(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 Administration, 43 FR 7719).

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4256]

[FR Doc. 79–13139 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for the City of Donnybrook, Ward County, N. Dak.

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 Donnybrook, North Dakota. 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 Donnybrook, North Dakota.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Donnybrook, Ward County, North Dakota, are available for review at City Hall, Donnybrook, North Dakota.

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 Donnybrook, North Dakota.

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
Des Lacs River	500 feet upstream of Main Street.	1753
	100 feet upstream of the Soo Line Railroad.	1755

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

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

Issued: September 19, 1978.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4257]

[FR Doc. 79–13140 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for The City of Sawyer, Ward County, N.Dak.

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 Sawyer, North Dakota. 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 Sawyer, North Dakota.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sawyer, Ward County, North Dakota, are available for review at City Hall, Sawyer, North Dakota.

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 Sawyer, North Dakota.

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
Souris River	State Route 923	1527
	Along Soo Line Railroad	1528
	1200 feet west of Dakota Avenue.	

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the

Housing and Community Amendments of 1978, P.L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: September 19, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI-4255]
[FR Doc. 79-13141 Filed 4-30-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determinations for the City of Willow City, Bottineau County, N. Dak.

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 Willow City, Bottineau County, North Dakota. 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 Willow City, North Dakota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Willow City, are available for review at City Hall, Willow City, North Dakota.

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 Willow City, North Dakota.

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
Willow Creek	Downstream Extraterritorial Limits.	1,464
	State Highway 60—at centerline.	1,465
	Upstream Extraterritorial Limits.	1,467

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

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this 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-4762]
[FR Doc. 79-13142 Filed 4-30-79; 8:45 am]
BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for Township of Armstrong, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Armstrong, Lycoming County, Pennsylvania.

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 Township of Armstrong, Lycoming County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Armstrong, Lycoming County, Pennsylvania, are available for review at the Township Building, Armstrong, Pennsylvania.

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 Township of Armstrong, Lycoming County, Pennsylvania.

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
West Branch Susquehanna River	Downstream Corporate Limits.	517
	Upstream Corporate Limits	537
Mosquito Creek	Edgewood Avenue	570
	Dam	579
	Legislative Route 41015	583
	Dam	602
	Legislative Route 41117	608
	Dam Downstream	623
	Dam Upstream	628
	Private Bridge Downstream	629
	Private Bridge Upstream	636
	Township Route 434	642
	Dam	678
	Private Bridge Downstream	687
	Private Bridge Upstream	692

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, P.L. 95–557, 92 STAT. 2080, this 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–4848]

[FR Doc. 79–13143 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

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24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for The Borough of Baden, Beaver County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Baden, Beaver County, Pennsylvania.

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 Borough of Baden, Beaver County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Baden, Beaver County, Pennsylvania, are available for review at the Borough Building, 369 State Street, Baden, Pennsylvania.

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 Borough of Baden, Beaver County, Pennsylvania.

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
Ohio River	Downstream Corporate Limits.	707
	Upstream Corporate Limits	708

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

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

Issued: March 21, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4849]

[FR Doc. 79–13144 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

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24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Township of Clinton, Lycoming County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Clinton, Lycoming County, Pennsylvania.

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 Township of Clinton, Lycoming County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Clinton, Lycoming County, Pennsylvania, are available for review at the Township Building, Montgomery, Pennsylvania.

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 Township of Clinton, Lycoming County, Pennsylvania.

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
West Branch	Corporate Limits (Downstream).	489
Susquehanna River	Conrail (near border of Lycoming and Northumberland Counties).	491
	Conrail (near State Correctional Institution).	502
	Pennsylvania Route 405	504
	Corporate Limits (Upstream)	516
Black Hole Creek	Corporate Limits (Downstream).	492
	Legislative Route 41005	500
	Township Route 801	507
	Township Route 522	536
	Township Route 520	577
	U.S. Route 15	599

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,
Federal Insurance Administrator.

[Docket No. FI–4880]
[FR Doc. 79–13145 Filed 4–30–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Borough of Dunmore, Lackawanna County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Dunmore, Lackawanna County, Pennsylvania.

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 Borough of Dunmore, Lackawanna County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Dunmore, Lackawanna County, Pennsylvania, are available for review at the Manager's Office, Borough Building, Dunmore, Pennsylvania.

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 Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Dunmore, Lackawanna County, Pennsylvania.

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
Roaring Brook	Downstream Corporate Limits.	922
	Interstate Route 81	962
	Upstream of Pipe Crossing	1,005
	Dam-Reservior No. 7	1,062
	Upstream of Interstate Routes 380 and 84.	1,146
	Upstream Corporate Limits	1,246
Little Roaring Brook	Confluence with Roaring Brook.	1,028
	Hennigan Street	1,099
	East Drinker Street	1,133
	1,380 feet upstream of East Drinker Street.	1,162
Meadow Brook	Culvert Headwall at Electric Street.	836
	Jefferson Avenue	857
	1,960 feet upstream of Jefferson Avenue.	873

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080, this 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–4881]
[FR Doc. 79–13146 Filed 4–30–79; 8:45 am]
BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Township of East Hempfield, Lancaster County, Pennsylvania.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of East Hempfield, Lancaster County, Pennsylvania.

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 Township of East Hempfield, Lancaster County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of East Hempfield, Lancaster County, Pennsylvania, are available for review at the East Hempfield Township Building, Lancaster, Pennsylvania.

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 Township of

East Hempfield, Lancaster County, Pennsylvania.

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
Tributary 1	Stevens Street	362
	State Road (Upstream)	345
	Leabbrook Road	328
	Route 230 (Upstream)	316
Millers Run	2,200 feet above mouth	326
	Old Harrisburg Pike (Upstream).	315
Swarr Run	Nissley Road	356
	Colebrook Road (Upstream)	322
	Roherstown Road	311
	Shriener Road (Upstream)	308
Brubaker Run	Roherstown Road (Upstream).	330
	Confluence with Little Conestoga Creek.	292
Little Conestoga Creek	Quarry Road (Upstream)	343
	Buch Road (Upstream)	324
	Flory Mill Road (Upstream)	316
	Conrail (Upstream)	313
	Harrisburg Pike (Upstream)	300
	Marietta Avenue	294
	Columbia Avenue (Upstream) (Route 340).	292
West Branch Little Conestoga Creek	Donnerville Road (Upstream)	396
	Columbia Avenue (Upstream)	387
Chickies Creek	Erisman Road (Upstream)	355
	Route 230 (Upstream)	348
	Chiques Road (Upstream)	344

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

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95–557, 92 Stat. 2080, this 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–4882]

[FR Doc. 79–13147 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Township of Gregg, Union County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Gregg, Union County, Pennsylvania.

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 Township of Gregg, Union County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Gregg, Union County, Pennsylvania, are available for review at the Gregg Township Fire Hall, Gregg, Pennsylvania.

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 Township of Gregg, Union County, Pennsylvania.

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
West Branch Susquehanna River.	Downstream Corporate Limits.	480
	Pennsylvania Route 44	483
	Upstream Corporate Limits	488
White Deer Hole Creek.	Conrail	481
	Legislative Route 627	481
	Legislative Route 59039	481
	Township Route 526	489

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

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

Issued: March 21, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI–4883]

[FR Doc. 79–13148 Filed 4–30–79; 8:45 am]

BILLING CODE 4210–01–M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the City of Lancaster, Lancaster County, Pa.

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 Lancaster, Lancaster County, Pennsylvania.

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 Lancaster, Lancaster County, Pennsylvania.

ADDRESSES: Maps and other information showing the detailed loutlines of the flood-prone areas and the final elevations for the City of Lancaster, Lancaster County, Pennsylvania, are available for review at the Bureau of Engineering, City Hall, 120 North Duke Street, Lancaster, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurancc, 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 Lancaster, Lancaster County, Pennsylvania.

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
Tributary No. 1 to Little Conestoga Creek.	Harrisburg Pike Bridge	307
	Conrail Bridge	319
Conestoga River	East Strawberry Street	256
	Rockford Road	258
	Service Road	262
	Conrail Bridge	271
	Water Plant Bridge	272
Tributary No. 2 to Conestoga River.	Service Road to Water Treatment Plant.	271

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

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub.L. 95–557, 92 Stat. 2080, this 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–4884]
[FR Doc. 79–13149 Filed 4–30–79; 8:45 am]
BILLING CODE 4210–01–M

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24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Borough of Lincoln, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Lincoln, Allegheny County, Pennsylvania. 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 borough of Lincoln, Allegheny County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Lincoln, Allegheny County, Pennsylvania, are available for review at the residence of Ms. Lianne Booth, Secretary of Lincoln, R.D. 4, Elizabeth, Pennsylvania.

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 borough of Lincoln, Allegheny County, Pennsylvania.

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. 90448), 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
Monongahela River	Downstream Corporate Limits.	747
	Upstream Corporate Limits; confluence with Wylie Run.	748
Wylie Run	Confluence with Monongahela River.	748
	Corporate Limits 410' upstream from confluence with Monongahela River.	748
	Upstream side of Glassport Road; Corporate Limits.	748
	Approximately 1,110' upstream of Glassport Road.	748
	Approximately 770' downstream from confluence with Happy Hollow Run.	755
	Confluence with Happy Hollow Run.	764
	Approximately 630' upstream of confluence with Happy Hollow Run.	772
	Lovedale Road/Corporate Limits approximately 1,300' upstream of confluence with Happy Hollow Run; downstream side of bridge.	783
	Lovedale Road/Corporate Limits approximately 560' upstream from Mill Hill Road; upstream side of bridge.	845
	Lovedale Road/Corporate Limits approximately 1,380' upstream from Mill Hill Road; downstream side of bridge.	860
Youghiogheny River	Downstream Corporate Limits.	747
	Upstream Corporate Limits	748

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

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

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

Issued: March 28, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[Docket No. FI-4886]

[FR Doc. 79-13150 Filed 4-30-79; 8:45 am]

BILLING CODE 4210-01-M

24 CFR Part 1917

National Flood Insurance Program; Appeals From Proposed Flood Elevation Determinations; Final Flood Elevation Determination for the Township of Lower Saucon, Northampton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Lower Saucon, Northampton County, Pennsylvania. 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 township of Lower Saucon, Northampton County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Lower Saucon, Northampton County, Pennsylvania, are available for review at the Township Administrative Office, Bethlehem, Pennsylvania.

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 township of Lower Saucon, Northampton County, Pennsylvania.

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
Lehigh River	At downstream Corporate Limits	209
	At upstream Corporate Limits	223
Saucon Creek	Friedensville Road (Upstream).	277
	Skibo Road (Upstream)	284
	Conrail (Downstream)	291
	Conrail (Upstream)	296
	Meadows Road (Upstream)	301
	Old Mill Road (Upstream)	307
	Conrail (Upstream)	311
	Binden Road (Upstream)	328
	At upstream Corporate Limits	333
Black River	Friedensville Road (Upstream).	303
	Mildred Lane (Upstream)	310
	Dam (Downstream)	317
	Dam (Upstream)	323
	Bingen Road (Upstream)	334
	Sandbrook Drive (Upstream)	375
	Black River Road (Upstream)	386
	State Route 378 (Downstream).	401
	State Route 378 (Upstream)	406
	Old Philadelphia Pike (Upstream).	413
	Black River Road (Downstream).	496
	Black River Road (Upstream)	502
	At upstream Corporate Limits	513

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

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

[FR Doc. 79-13151 Filed 4-30-79; 8:45 am]

BILLING CODE 4210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

Delayed Compliance Orders; Delayed Compliance Order for Austin Powder Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Austin Powder Company (Austin Powder). The Order requires the Company to bring air emissions from its boilers at McArthur, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Austin Powder's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On February 16, 1979 the Acting Regional Administrator of the U.S. EPA's Region V Office published in the **Federal Register** (44 FR 10087) a notice setting out the provisions of a proposed State Delayed Compliance Order for Austin Powder. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Austin Powder by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Austin Powder on a schedule to bring its boilers at McArthur, Ohio, into compliance as expeditiously as practicable with Regulation OAC-3745-17-10, a part of the federally approved Ohio State Implementation Plan. Austin Powder is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions

of the Order are met, it will permit Austin Powder to delay compliance with the SIP regulation covered by the Order until July 1, 1979.

Compliance with the Order by Austin Powder will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Austin Powder is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Austin Powder on a schedule for compliance with the Ohio State Implementation Plan.

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

Dated: April 4, 1979.

Douglas M. Costle,

Administrator.

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

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.401:

§ 65.401 U.S. EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order number	Date FR proposal	SIP regulation involved	Final compliance date
*	*	*	*	*	*
Austin Powder Company	McArthur, Ohio	None	2-16-79	OAC-3745-17-10	7-1-79
*	*	*	*	*	*

2. The text of the Order reads as follows:

Before the Ohio Environmental Protection Agency

In the Matter of: Austin Powder Company, Applicant. Case No 75-AV-396, Brudzynski, H. E.

Stipulation

The Applicant, Austin Powder Company, and the Respondent, Ohio Environmental Protection Agency, hereby stipulate and agree as follows:

1. Austin Powder Company owns and operates two industiral coal-fired boilers at its Red Diamond Plant on State Route 677, McArthur, Ohio, referenced by the company as boilers Nos. 4 and 5.

2. On June 25, 1975, Austin Powder Company submitted to Ohio EPA applications for extension of previously issued variances to operate boilers Nos. 4 and 5 (variance application Nos. 0682000000B001 and 0682000000B002, respectively).

3. On September 12, 1975, the Director of the Ohio Environmental Protection Agency issued proposed variances to operate boilers Nos. 4 and 5. Said proposed variances contained compliance schedules mandating achievement of final compliance with all applicable State and Federal statutes and regulations by August 15, 1976.

4. On October 15, 1975, the Hearing Clerk of the Ohio Environmental Protection Agency received from Austin Powder Company a request for an adjudication hearing on the proposed variances.

5. The attached Order represents a resolution of the issues of fact and law in this proceeding

6. The attached Order is based upon sufficient reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Order, and their relation to benefits to the people of the State to be derived from such compliance, and is in accordance with law.

7. The Director may issue such Order by signing it and entering it upon his Journal.

8. Pursuant to Section113(d)(2) of the Clean Air Act, as amended, the attached Order shall not take effect until it is approved by the Administrator of the United States Environmental Protection Agency.

9. Upon the effective date of the Order (the date of approval by the Administrator of U.S. EPA), Applicant's hearing request on the proposed variances to operate the subject boilers shall be deemed withdrawn, and this proceeding shall be dismissed. The Director agrees that he will then withdraw the proposed variances which are the subject of this proceeding.

10. Applicant, Austin Powder Company by signing this Stipulation, hereby consents to the making and entry of the attached Order. Applicant knowingly and voluntarily waives any right to challenge this Order pursuant to Section 307 of the Clean Air Act, to seek judicial review of this Order, or to seek judicial review of any subsequent U.S. EPA approval of the Order. This includes the waiver of any right to a hearing before the Ohio EPA and the right to contest the reasonableness or lawfulness fo this Order before the Environmental Board of Review of any court of competent jurisdiction.

It is so stipulated:

Date: September 8, 1978

For Austin Powder Company.

Van Carson, Squire, Sanders & Dempsey, 1800 Union Commerce Building, Cleveland, Ohio 44115, (216) 696-9200.

For the Ohio Environmental Protection Agency.

William J. Brown, Attorney General of Ohio.

Date: October 2, 1978.

By: Edward P. Walker, Assistant Attorney General, Environmental Law Section, 30 East Broad Street, 17th Floor, Columbus, Ohio 43215, (614) 466-2766.

Before the Ohio Environmental Protection Agency

In the Matter of: Austin Powder Company, Applicant. Case No. 75-AV-396; Order

The Director of Environmental Protection (hereinafter "Director") hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. Austin Powder Company (hereinafter "Austin Powder") is an Ohio corporation engaged in the business of manufacturing explosives at its Red Diamond Plant on State Route 677, McArthur, Ohio.

2. Austin Powder owns and operates two industrial coal-fired boilers at its Red Diamond Plant referenced by the company as boilers Nos. 4 and 5.

3. Boiler No. 4 is an Erie City Iron Works coal-fired boiler, Model No. 95140, with a maximum heat input capacity of 22.645 MBtu/hour. Boiler No. 5 is an E. Keeler coal-fired boiler, Model No. 15014, with a maximum heat input capacity of 55.85 MBtu/hour.

4. Potential emissions of air pollutants from each of boilers Nos. 4 and 5 are equal to or greater than one hundred tons per year, and therefore these sources constitute major stationary sources as defined in section 302(j) of the Clean Air Act, as amended.

5. Boilers Nos. 4 and 5 are each presently equipped with a Breslov mechanical collector for the control of particulate emissions. However, the operation of the boilers as presently controlled results in the discharge of particulate matter in excess of the allowable emission limitation set forth in OAC 3745–17–10. At the present time Austin Powder is unable to operate the boilers in compliance with this allowable emission limitation; additional pollution control equipment is needed for these boilers to achieve such compliance.

6. In order to abate the particulate emissions from the subject boilers, Austin Powder has proposed to install a baghouse.

7. Austin Powder's implementation of the interim control measures contained in the Order below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

8. The compliance schedule set forth in the Orders below requires compliance with applicable emission regulations as expeditiously as practicable.

9. Continuous opacity monitoring has been determined to be technically unreasonable and unnecessary for this source since: (a) The proposed baghouse installation constitutes the best available technology for control of particulate emissions and is designed to control particulate emissions to a rate of .05 pounds per million Btu heat input, well below the allowable rate of .22 pounds per million Btu heat input, (b) the facility is located in an attainment area for particulates; and (c) the boilers, with Breslov mechanical collectors, have had no history of opacity violations, and since the Breslov mechanical collectors will be left intact, even if a baghouse malfunction should occur the boilers would remain in compliance with applicable opacity regulations.

10. The Director's determination to issue the Orders set forth below is based upon his consideration of sufficient reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

WHEREUPON, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to section 3704.03(S) and (I) and Section 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Austin Powder shall achieve compliance with OAC 3745–17–10 by installing a baghouse to control emissions of particulate matter from boiler No. 4 to a maximum allowable rate of .22 pounds per million Btu heat input and boiler No. 5 to a maximum allowable rate of .22 pounds per million Btu heat input (The existing Breslov mechanical collectors shall be left intact for the preliminary control of emissions prior to discharge into the baghouse). These emission restrictions are based upon the maximum heat input capacities of the boilers as set forth in finding of Fact No. 3, above.

2. Austin Powder shall bring the subject boilers into compliance with OEPA Regulation OAC 3745–17–10 no later than July 1, 1979, in accordance with the following schedule:

a. Award contracts for the design and installation of particulate control equipment (baghouse) by August 31, 1978.

b. Submit final detail plans to Ohio EPA for approval by August 31, 1978. (The Ohio EPA shall notify Austin Powder of its approval or disapproval of final detail plans at the earliest possible date, but in no event later than September 15, 1978).

c. Initiate on-site work, related to site preparation, by September 18, 1978, or the date of Ohio EPA approval of final detail plans.

d. Complete on-site work related to site preparation and initiate on-site work related to installation of particulate control equipment (baghouse) by April 1, 1979.

e. Complete on-site work related to installation of particulate control equipment (baghouse) by June 1, 1979.

f. Complete emission compliance testing by June 29, 1979.

g. Achieve final compliance with all applicable State and Federal statutes and regulations by July 1, 1979.

3. The subject boilers shall be equipped with oxygen analyzers, which shall be operated so as to control excess air. Such instrumentation shall be continuously operated beginning on or before July 1, 1979.

4. During the period of effectiveness of this Order, Austin Powder shall use the best practicable methods of emission reduction in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim measures shall include, at a minimum, utilization of the existing Breslov mechanical collectors and operation and maintenance of the boilers in accordance with good engineering practice so as to minimize emission of particulate matter and ensure compliance with applicable emission regulations insofar as possible.

5. Austin Powder shall comply with the following monitoring and reporting requirements:

a. A progress report shall be forwarded by first class mail to the Southeast District Office of Ohio EPA within ten (10) days of the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order No. 2 above. Such progress report shall indicate when the applicable increment of progress was achieved and shall contain a detailed explanation of the reasons for any failure to so achieve any increment of progress.

b. Quarterly reports shall be submitted to the Southeast District Office concerning the interim maintenance and operation of the boilers as well as the progress being made toward achievement of compliance as set forth in Order No. 2 above.

6. Austin Powder shall conduct stack tests upon boilers Nos. 4 and 5 to demonstrate compliance with the emission limitation set forth in OAC 3745–17–10. Such tests shall be performed in accordance with Ohio EPA approved methods on a date no later than June 29, 1979 (see Order No. 2(f) above). Written notification of intent to test shall be provided to the Southeast District Office of Ohio EPA thirty (30) days prior to the testing date, so that a person from that office can be present at the tests. Test results shall be submitted to and received by that office no later than July 31, 1979.

7. Austin Powder Company is hereby notified that it may be required to pay a noncompliance penalty under Section 120 of the Clean Air Act, 42 U.S.C. 7420 (depending on the applicability of Section 120), in the event that it fails to achieve final compliance with applicable laws and regulations by July 1, 1979.

8. Nothing in this Order shall be construed as relieving Austin Powder from its obligation to obtain, in accordance with applicable statutes and OEPA regulations, Permits to Operate the subject boilers. Nothing in this Order shall be construed as waiving or compromising in any way the applicability and enforcement of any statute or regulation applicable to said boilers, except as specified herein and as provided for in Section 113(d) (10) and (11) of the Federal Clean Air Act, as amended.

These Orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Dated: December 29, 1978.

Ned E. Williams, P.E.,

Director of Ohio Environmental Protection Agency.

[FRL 1092–2]

[FR Doc. 79–13369 Filed 4–30–79; 8:45 am]

BILLING CODE 6560–01–M

40 CFR Part 65

Delayed Compliance Orders; Delayed Compliance Order for Buckeye Steel Castings

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Buckeye Steel Castings. The Order requires the Company to bring air emissions from its electric arc furnace at Columbus, Ohio, into compliance with certain regulations contained in the federally approved

Ohio State Implementation Plan (SIP). Buckeye Steel Castings' compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule becomes effective May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353–2082.

SUPPLEMENTARY INFORMATION: On February 16, 1979 the Acting Regional Administrator of the U.S. EPA's Region V Office published in the **Federal Register** (44 FR 10085) a notice setting out the provisions of a proposed State Delayed Compliance Order for Buckeye Steel Castings. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Buckeye Steel Castings by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Buckeye Steel Castings on a schedule to bring its electric arc furnace at Columbus, Ohio, into compliance as expeditiously as practicable with Regulations OAC–3745–17–07 and OAC–3745–17–11, a part of the federally approved Ohio State Implementation Plan. Buckeye Steel Castings is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Buckeye Steel Castings to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by Buckeye Steel Castings will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Buckeye Steel Castings is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Buckeye Steel Castings on a schedule for compliance with the Ohio State Implementation Plan.

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

Dated: April 4, 1979.

Douglas M. Costle,
Administrator.

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

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.401:

§ 65.401 U.S. EPA approval of State Delayed Compliance Orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order number	Date FR proposal	SIP regulation involved	Final compliance date
•	•	•	•	•	•
Buckeye Steel Casting	Columbus, Ohio	None	2–16–79	OAC–3745–17–07 OAC–3745–17–11	7–1–79
•	•	•	•	•	•

2. The text of the Order reads as follows:

113(d) Order—Major Sources Before the Ohio Environmental Protection Agency

In the Matter of: Buckeye Steel Castings, 2211 Parsons Avenue, Columbus, Ohio 43207; Order.

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Finding of Fact

1. Buckeye Steel Castings, (hereinafter "Buckeye"), operates an electric arc furnace which serves its facility located at 2211 Parsons, Columbus, Ohio, 43207.

2. In the course of operation of said arc furnace, air contaminants are emitted in violation of OAC Rules 3745–17–11 and 3745–17–07.

3. Buckeye is unable to immediately comply with OAC Rules 3745–17–11 and 3745–17–07.

4. Potential emissions of particulates from the arc furnace are approximately 1,110 tons per year; therefore Buckeye constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Orders below requires compliance with OAC Rules 3745–17–11 and 3745–17–07 as expeditiously as practicable.

6. Implementation by Buckeye of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. It is technically and economically unreasonable to require Buckeye to install and operate a continuous opacity monitoring system on the arc furnace prior to achieving compliance with the Orders specified below, since Buckeye is currently unable to comply with the requirements of OAC 3745–17–07 pertaining to visible emissions, no data would be produced which is not already known, and, therefore, no purpose would be served.

8. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Order

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3704.03 (S) and (I) and 3704.031 of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Buckeye shall bring its arc furnace located at 2211 Parsons Avenue into final compliance with OAC Rules 3745–17–11 and

3745-17-07 by installing a baghouse no later than July 1, 1979.

2. Compliance with Order (1) above shall be achieved by Buckeye in accordance with the following schedule on or before the dates specified:

Submit final control plans—Complete.
Award contract(s)—Complete.
Begin construction—Complete.
Complete construction—June 1, 1979.
Testing of equipment—June 15, 1979.
Achievement of final compliance with OAC Rules 3745-17-11 and 3745-17-07—July 1, 1979.

3. Pending achievement of compliance with Order (1) above, Buckeye shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system(s) of emission reduction, and which are necessary to ensure compliance with OAC Rules 3745-17-11 and 3745-17-07 insofar as Buckeye is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Buckeye shall immediately institute a regular maintenance program to minimize emissions from the arc furnace.

b. Buckeye shall continue to properly maintain and use the United McGill baghouse to minimize emissions from the arc furnace.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (2) above, Buckeye shall submit a written progress report to the Central District Office. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. The reports shall include the facility's status of compliance with the interim control requirements in Order (3) above.

5. Buckeye shall conduct emission tests on the arc furnace to verify compliance with Order (1) above. Such tests shall be conducted no later than the date specified in the compliance schedule in Order (2) above in accordance with procedures approved by the Director. Written notification of intent to test shall be provided to the Central District Office thirty (30) days prior to the testing date.

6. Buckeye is hereby notified that unless it is exempted under Section 120(a)(2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

These orders will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Dated: December 29, 1978.

Ned E. Williams, P.E.,

Director of Environmental Protection.

Waiver

Buckeye Steel Castings agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. Buckeye Steel Castings hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. Buckeye Steel Castings also waives any and all rights it might have to seek judicial review of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

Dated: September 22, 1978.

John F. Hughes,

President, Authorized Representative of Buckeye Steel Castings.

[FRL 1092-3]

[FR Doc. 79-13370 Filed 4-30-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

Delayed Compliance Orders; Delayed Compliance Order for Ohio Match Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA approves a Delayed Compliance Order to Ohio Match Company. The Order requires the Company to bring air emissions from its coal-fired boilers at Wadsworth, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). Ohio Match Company's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule becomes effective May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On February 9, 1979 the Regional Administrator of the U.S. EPA's Region V Office published in the **Federal Register** (44 FR 7785) a notice setting out the provisions of a proposed State Delayed Compliance Order for Ohio Match Company. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order.

No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Ohio Match Company by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Ohio Match Company on a schedule to bring its coal-fired boilers at Wadsworth, Ohio, into compliance as expeditiously as practicable with Regulations OAC-3745-17-07(A) and OAC-3745-17-10(B), a part of the federally approved Ohio State Implementation Plan. Ohio Match Company is unable to immediately comply with these regulations. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Ohio Match Company to delay compliance with the SIP regulations covered by the Order until July 1, 1979.

Compliance with the Order by Ohio Match Company will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulations covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulations covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that Ohio Match Company is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice because of the need to immediately place Ohio Match Company on a schedule for compliance with the Ohio State Implementation Plan.

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

Dated: April 4, 1979.

Douglas M. Costle,
Administrator.

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

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding the following entry to the table in § 65.401:

§ 65.401 U.S. EPA Approval of State Delayed Compliance Orders issued to major stationary sources.

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order number	Date FR proposal	SIP regulation involved	Final compliance date
*	*	*	*	*	*
Ohio Match Company	Wadsworth, Ohio	None		OAC-3745-17-07(A) OAC-3745-17-10(B)	7-1-79
*	*	*	*	*	*

2. The text of the order reads as follows:

Before the Ohio Environmental Protection Agency

In the Matter of: Ohio Match Company, 254 Main Street, Wadsworth, OH 44281; Order.

The Director of Environmental Protection, (hereinafter "Director"), hereby makes the following Findings of Fact and, pursuant to Section 3704.03 (S) and (I) of the Ohio Revised Code and in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. Ohio Match Company, (hereinafter "Ohio Match") operates a Riley coal-fired boiler, Model YOS #21 + WW, rated at 68 million BTU per hour, designated by the facility as Boiler #9, and known to the Ohio Environmental Protection Agency as Source No. 1652100009B001. This source serves the facility located at 254 Main Street, Wadsworth, Ohio 44281.

2. In the course of operation of said source B001, air contaminants are emitted in violation of OAC 3745-17-07 (A) and OAC 3745-17-10 (B).

3. Ohio Match is unable to immediately comply with OAC 3745-17-07 (A) and OAC 3745-17-10 (B).

4. Potential emissions of particulate matter from source B001 are approximately 455 tons per year; therefore, Ohio Match constitutes a major source under Section 302(j) of the Clean Air Act, as amended.

5. The compliance schedule set forth in the Order below requires compliance with OAC 3745-17-07 (A) and OAC 3745-17-10 (B), as expeditiously as practicable.

6. Implementation by Ohio Match of the interim requirements contained in the Orders below will fulfill the requirements of Section 113(d)(7) of the Clean Air Act, as amended.

7. The Director's determination to issue the Orders set forth below is based upon his consideration of reliable, probative and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Section 3704.03 (S) and (I) of the Ohio Revised Code in accordance with Section 113(d) of the Clean Air Act, as amended, 42 U.S.C., 7401, *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Ohio Match shall bring source B001, located at 254 Main Street, Wadsworth, Ohio 44281, into final compliance with OAC 3745-17-07(A) and OAC 3745-17-10(B) by replacing B001 with two new gas and/or fuel oil-fired, 150 horsepower boilers no later than December 31, 1979.

2. Compliance with Order 1 above shall be achieved by Ohio Match in accordance with the following schedule on, or before, the dates specified:

Submit final control plans—Completed.
Complete engineering studies—Completed.
Place equipment order—December 1, 1978.
Begin installation—May 1, 1979.
Complete installation—November 1, 1979.
Achievement of final compliance with State and Federal statutes and regulations—December 31, 1979.

3. Pending achievement of compliance with Order 1 above, Ohio Match shall comply with the following interim requirements which are determined to be reasonable and to be the best practicable system of emission reduction, and which are necessary to ensure compliance with OAC 3745-17-07(A) and OAC 3745-17-10(B) insofar as Ohio Match is able to comply with them during the period this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim requirements shall include:

a. Ohio Match shall immediately use coal with an analysis of: less than or equal to 8.5 percent ash, less than or equal to 4.0 percent sulfur, greater than or equal to 12,000 BTU per pound, in order to minimize emissions from B001.

b. Ohio Match shall immediately institute a regular maintenance program to minimize emissions from B001.

4. Within five (5) days after the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order 2 above, Ohio Match shall submit a progress report to the Akron Regional Air Pollution Control Agency. The person submitting these reports shall certify whether each increment of progress has been achieved and the date it was achieved. Each report shall include a summary of Ohio Match's compliance with the interim requirements in Order 3 above.

5. Ohio Match shall not be required to install and operate continuous opacity monitors on the new gas and/or oil-fired boilers. Due to their small size (150 horsepower or about 5 million BTU per hour, each) continuous monitoring would be economically unreasonable and serve no useful purpose.

6. Ohio Match shall not be required to install and operate a continuous opacity monitor on the existing coal-fired boiler (Source No. 1652100009B001) as an interim control measure. Since this boiler will be permanently removed from service upon installation of the new boilers, and because this boiler is not capable of complying with the opacity requirements of the Ohio Administrative Code (OAC 3745-17-07(A)) and would, therefore, be in continuous violation, installation of a continuous opacity monitor would serve no useful purpose and would be economically unreasonable.

7. Ohio Match shall apply for and obtain a permit to install the new gas and/or oil-fired boilers prior to beginning installation in accordance with Chapter 3745-31 of the Ohio Administrative Code.

8. Ohio Match is hereby notified that unless it is exempted under Section 120(a)(2) (B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order 1 above by July 1, 1979, will result in a requirement to pay a non-compliance penalty under Section 120 of the Clean Air Act, as amended.

These Orders will not take effect until the Administrator of the United States Environmental Protection Agency has

approved their issuance under the Clean Air Act.

Dated: December 21, 1978.

Ned E. Williams, P.E.,
Director.

Waiver

The Ohio Match Company agrees that the attached Findings and Orders are lawful and reasonable and agrees to comply with the attached Orders. The Ohio Match Company hereby waives the right to appeal the issuance or terms of the attached Findings and Orders to the Environmental Board of Review, and it hereby waives any and all rights it might have to seek judicial review of said Findings and Orders either in law or equity. The Ohio Match Company also waives any and all rights it might have to seek judicial reivew of any approval by U.S. EPA of the attached Findings and Orders or to seek a stay of enforcement of said Findings and Orders in connection with any judicial review of Ohio's air implementation plan or portion thereof.

Dated: November 18, 1978.

James R. Knight,
Authorized Representative of Ohio Match Company.

[FRL 1092-5]

[FR Doc. 79-13373 Filed 4-30-79; 8:45 am]

BILLING CODE 6560-01-M

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40 CFR Part 180

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Diflubenzuron

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide diflubenzuron in or on cottonseed at 0.2 part per million (ppm) and eggs; milk; and the fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. The regulation was requested by Thompson-Hayward Chemical Co. This rule establishes maximum permissible levels for residues of the subject insecticide in or on cottonseed; eggs; milk; and the fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

EFFECTIVE DATE: April 9, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D.R. Gee, Product Manager (17), Registration Division (TS-767), Office of Pesticide Programs, EPA, 401 M Street, S.W. Washington, D.C. 20460 (202/426-9425).

SUPPLEMENTARY INFORMATION: On February 4, 1977, notice was given (42 FR 6883) that Thompson-Hayward Chemical Co., P.O. Box 2383, Kansas City, KS 66110, had filed a pesticide petition (PP 7F1898) with the EPA.

This petition proposed that 40 CFR 180 be amended to establish tolerances for residues of the insecticide diflubenzuron (*N*-[[(4-chlorophenyl)amino]carbonyl]-2,6-difluorobenzamide) in or on the raw agricultural commodities cottonseed at 0.2 ppm and eggs; milk; and the fat, meat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm. No comments were received in response to this notice of filing.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data submitted in consideration of the proposed tolerances included: a rat and mouse acute oral toxicity study with a lethal dose (LD_{50}) greater than 4.6 grams (g)/kilogram (kg) of body weight (bw) and subacute oral toxicity and teratology studies in rats. In addition, mutagenicity studies included Ames in vitro, yeast, a mouse micronucleus test, unscheduled DNA synthesis in mammalian cells, and a dominant lethal test. A reproduction study and oncogenic studies were also considered.

On October 14, 1977, the registrations actions for diflubenzuron were referred to the Office of Special Pesticide Review for intensive review to determine if the compound was a candidate for rebuttable presumption against registration (RPAR) because the compound was suspected of causing tumors and chronic blood effects in humans (methemoglobinemia and sulfhemoglobinemia), testosterone depression in domestic animals, reproductive effects in birds (diminished egg production and reduced hatching), and the effects to nontarget organisms (acute toxicity to crustaceans from direct application to water and acute and chronic toxicity to crustaceans from runoff from treated fields).

The review for use on cotton, including a risk-benefit analysis is complete. The concerns of testosterone depression in maturing domestic animals (chickens) were confirmed by the Agency in a rat study showing testosterone depletion in maturing animals (rats). Thus far the data on hormonal effects which have been reviewed do not raise significant concerns about the adverse effects on exposed humans.

The concerns of a possible increase in tumor incidence in mice were not resolved because of certain data deficiencies. These deficiencies included: (1) The maximum tolerated dose level was not used in the rat or mouse oncogenicity study, (2) only seven (7) tissues were examined from each animal, (3) there was no chemical analysis to determine the administered dose, and (4) the experiment was of suboptimal length (80 weeks).

Although there is considerable uncertainty as to whether diflubenzuron is an oncogen, a "worst case" risk assessment of the oncogenicity of diflubenzuron was made based on the available data. This assessment showed that the risks of a lifetime dietary exposure to the compound would be slight. The product will be conditionally registered for four years so the data necessary to resolve the uncertainties can be generated.

There is also uncertainty concerning the risks of methemoglobinemia and sulfhemoglobinemia. Although a no-observed-effect-level (NOEL) for this effect has not been established for some of the species of laboratory animals tested, the NOEL's available and the lowest daily doses causing observed effects in the species studied were considerably greater than the anticipated exposure to humans. Agency scientists have not been able to complete a full risk analysis on this effect due to the limited information currently available. Of particular concern to the Agency are possible effects on infants since infants up to the age of three months have reduced levels of the enzymes responsible for reduction of methemoglobin. There are continuing questions concerning the relative sensitivity of man and experimental animals to methemoglobinemia-and sulfhemoglobinemia- inducers. Additionally, consideration must be given to the fact that phenylhydroxylamines produce methemogloginemia by a "cyclic reaction;" it has been reported that 50 to 300 equivalents of methemoglobin could be produced by one equivalent of the *N*-hydroxy compound.

On the other hand, there are a number of factors that indicate that the risk of these conditions actually occurring from the proposed use of diflubenzuron are low. These considerations are as follows:

1. *Residues in Milk:* The principal route for residues of diflubenzuron to enter milk is in cattle feed items. Residue data show that the primary feed items of concern (cottonseed hulls, meal, and soapstock) would contain less than 0.05 ppm.

A cow feeding study shows that when the cow is fed C^{14} diflubenzuron at 0.05 ppm and 0.5 ppm, no detectable (<0.05 ppm) radioactivity is found in milk. In addition, a conventional cow feeding study shows that when diflubenzuron is

fed at 25 ppm and 250 ppm, no detectable (<0.05 ppm) residues of diflubenzuron per se are found in milk.

The primary feed items, cottonseed hulls and meal, may be fed to cattle up to 15 percent (⅙) of the diet. This means that the diflubenzuron residues, if any, in the cattle diet is diluted by at least six (6) fold. Thus, the "no detectable residues" (<0.05 ppm) in the feed items become (<0.008 ppm) or ⅙ of <0.05 ppm in the total diet of cattle. Therefore, it is concluded that diflubenzuron residues, if any, in milk would be quantitively trivial.

2. *Milk in the infant Diet:* According to dietitians at several leading children's hospitals, it is unusual for a pediatrician to prescribe whole milk for babies under six (6) months of age. The large majority of pediatricians recommend or prescribe breast feeding or special formulas that may contain nonfat milk or non-dairy substitutes such as soybean milk.

3. *Acreages to be Treated:* It is anticipated that diflubenzuron will be applied to not less than 100,000 acres or not more than 140,000 acres of cotton in 1979. This amounts to a small percentage of the approximately 12,000,000 acres of cotton grown in the United States each year.

4. *Impact of drugs and chemicals:* It is the hydroxylamines which are believed to be responsible for the induction of methemoglobinemia. Parachlorphenylhydroxylamine is a possible metabolite of diflubenzuron. However, there are a number of drugs and chemicals with chemical structures similar to this metabolite. Some of these similar drugs and chemicals which have been implicated as capable of causing methemoglobinemia are: acetanilid, acetophenetidin (phenacetin), aminophenol, aniline, benzocaine, benzoquinone, chloranilines, dinitrobenzenes, hydroquinone, hydroxlamine, naphthylamines, nitroamilines, nitrobenzene, nitroglycerin, nitrosobenzene, phenylenediamines, phenylhydroxylamine, pyridine, sulfonamides, toluenediamine, toluhydroxylamine, trinitrotoluene.

Many of these substances have been introduced into the environment for years with no reported large epidemics of methemoglobinemia or sulfhemoglobinemia.

Thus, the Agency concluded that the available studies on methemoglobinemia and sulfhemoglobinemia do not raise significant concerns about the potential for adverse effects to humans exposed to diflubenzuron given the limited exposure and conditions to be placed on the use.

However, further study of these effects is necessary before the risks to humans (especially children) can be fully evaluated. The company will be required to conduct further studies to confirm these preliminary conclusions.

The benefit analysis showed that diflubenzuron would replace other pesticides used to control boll weevils, such as organophophates and toxaphene, which appear to pose substantially greater risks to man. Organophosphates are much more acutely toxic to man. The national Cancer Institute and the Agency's Cancer Assessment Group have determined that toxaphene is a carcinogen.

Furthermore, the risks as stated above are compounded by the fact that the application rates of the alternates are much higher than the diflubenzuron application rate. It is anticipated that the overall risks would be reduced by the fact that diflubenzuron's use for boll weevil control will leave the populations of the beneficial insects intact, thereby reducing the amount of organophosphate pesticides required to control the boll worm-budworm complex.

Although use of diflubenzuron on cotton would pose some risks, treatment with this compound would reduce the overall risks posed currently registered pesticides used on cotton.

The position document giving the above risk-benefit analysis is available to the public. The company has agreed to repeat the oncogenic studies, determine the NOEL for methemoglobinemia and sulfhemoglobinemia in appropriate species, monitor diflubenzuron runoff, conduct field studies on the benefits of diflubenzuron, determine the effect on microbes, and develop the technology necessary to repackage the pesticide to reduce exposure to applicators.

The metabolism of the subject insecticide is adequately understood, and an adequate analytical method (gas chromatography with electron capture detection) is available for enforcement purposes.

Although studies and research are still in progress, the proposed tolerances are supported by the risk estimations discussed above. The tolerances established by amending 40 CFR 180 will be adequate to cover residues that would result in eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep as delineated in 40 CFR 180.(a)(2).

The pesticide is considered useful for the purpose for which tolerances are sought, and it is concluded that the tolerances of 0.2 ppm in or on cottonseed and 0.05 ppm in eggs; milk; and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep established by amending 40 CFR 180 do not pose a significant hazard and will protect the public health. It is concluded, therefore that the tolerances be established as set forth below.

Any person adversely affected by this regulation may, on or before May 31, 1979, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M3708 (A–110), 401 M St., SW, Washington, DC 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Effective on April 9, 1979, Part 180 is amended as set forth below.

Dated: April 9, 1979.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Statutory Authority: Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)].

Part 180, Subpart C, is amended by adding the new § 180.377 to read as follows:

§ 180.377 Diflubenzuron; tolerances for residues.

Tolerances are established for residues of the insecticide diflubenzuron (*N*–[[(4-chlorophenyl)amino]carbonyl]–2,6-difluorobenzamide) in or on the following raw agricultural commodities:

Commodity:	*Parts per million*
Cattle, fat	0.05
Cattle mbyp	0.05
Cattle, meat	0.05
Cottonseed	0.2
Eggs	0.05
Goats, fat	0.05
Goats, mbyp	0.05
Goats, meat	0.05
Hogs, fat	0.05

	Parts per million
Hogs, mbyp	0.05
Hogs, meat	0.05
Horses, fat	0.05
Horses, mbyp	0.05
Horses, meat	0.05
Milk	0.05
Poultry, fat	0.05
Poultry, mbyp	0.05
Poultry, meat	0.05
Sheep, fat	0.05
Sheep, mbyp	0.05
Sheep, meat	0.05

[FRL 1214-1; PP 7F1898/R205]

[FR Doc. 79-13538 Filed 4-30-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

41 CFR Chapter 3

Miscellaneous Amendments

AGENCY: Department of Health, Education, and Welfare.

ACTION: FINAL RULE.

SUMMARY: The Office of the Secretary, Department of Health, Education, and Welfare is amending the Departmental procurement regulations to incorporate miscellaneous revisions concerning procurement authorities and delegations.

A recent review of the Departmental procurement regulations revealed that, in many instances, the regulations cite delegations and authorities in two places—Part 3–75, Delegations of Authority, and other portions where the subject matter is specifically addressed. In conjunction with the Department's overall efforts to simplify the procurement regulations and make them more comprehensive, it was determined to eliminate Part 3–75 and incorporate the delegations and authorities cited in Part 3–75, which are not presently or adequately covered elsewhere in the regulations, by appropriate subject matter in the areas where they are specifically addressed. The following amendments reflect this action.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: E. S. Lanham, Division of Procurement Policy and Regulations Development, Office of Grants and Procurement, OASMB-OS, HEW, Washington, D.C. 20201 (202–245–6347).

SUPPLEMENTARY INFORMATION: It is the general policy of the Department to allow time for interested parties to participate in the rulemaking process. However, since the amendments concern the rearrangement of regulations to simplify them, the public rulemaking process was deemed unnecessary in this instance. The provisions of these amendments are issued uner 5 U.S.C. 301; 40 U.S.C. 486(c).

Therefore, 41 CFR Chapter 3 is amended as set forth below.

Dated: April 24, 1979.

E. T. Rhodes,

Deputy Assistant Secretary for Grants and Procurement.

Part 3–75, Delegations of Authority, is cancelled in its entirety, and the following amendments are added to 41 CFR Chapter 3:

PART 3–1—GENERAL

1. Under Subpart 3–1.1, Regulation System, § 3–1.103, Authority, is deleted and the following substituted:

* * * * *

§ 3–1.103 Authority.

The HEWPR are prescribed by the Assistant Secretary for Management and Budget under authority 5 U.S.C. 301 and Section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary. The Assistant Secretary for Management and Budget has redelegated the authority to establish Departmental procurement policy and publish procurement regulations to the Deputy Assistant Secretary for Grants and Procurement. This authority is not redelegable.

* * * * *

2. Under Subpart 3–1.2, Definition of Terms, § 3–1.206, Head of the procuring activity (HPA), is added. In addition, the table of contents for Part 3–1 is amended to add the following:

Subpart 3–1.2—Definition of Terms

Sec.

3–1.206 Head of the procuring activity (HPA).

3–1.206–1 Designation.

3–1.206–2 Redelegation.

* * * * *

Subpart 3–1.2—Definition of Terms

§ 3–1.206 Head of the procuring activity (HPA).

§ 3–1.206–1 Designation.

The heads of the principal operating components have been designated "heads of procuring activities" along with the following officials:

(a) Deputy Assistant Secretary for Grants and Procurement, OS;

(b) Director, Office of Facilities Engineering, OS;

(c) Director, Office of Management Services, OS; and

(d) Principal Regional Officials.

§ 3–1.206–2 Redelegation.

(a) The heads of procuring activities may redelegate their HPA authorities to the extent that redelegation is not prohibited by the terms of their respective delegations of authority, by law, by the Federal Procurement Regulations, by the HEW Procurement Regulations, or by other regulations. To ensure proper control of redelegated procurement authorities, HPA's shall maintain a file containing successive delegations of HPA authority through and including the contracting officer level.

(b) Personnel delegated responsibility for procurement functions must possess a level of experience, training, and ability commensurate with the complexity and magnitude of the procurement actions involved.

* * * * *

3. Under Subpart 3–1.4, Procurement Responsibility and Authority, § 3–1.453, Establishment of cost rates, is added, and the table of contents for Part 3–1 is amended to add the following:

Subpart 3–1.4—Procurement Responsibility and Authority

Sec.

* * * * *

3–1.453 Establishment of cost rates.

* * * * *

§ 3–1.453 Establishment of cost rates.

The Director, Division of Cost Allocation of the Regional Administrative Support Center within each HEW regional office has been delegated the authority to establish indirect cost rates, research patient care rates, and, as necessary, fringe benefit, computer, and other special costing rates for use in contracts and grants awarded to State and local governments, colleges and universities, hospitals, and other non-profit organizations.

PART 3–3—PROCUREMENT BY NEGOTIATION

§ 3–3.302 [Amended]

4. Under Subpart 3–3.3, Determinations, Findings, and Authorities, paragraphs (i) and (j) of § 3–3.302 are amended by deleting everything after the phrase "pursuant to" and adding "42 U.S.C. 241(g)."

5. Section 3–3.303 is amended by redesignating paragraphs (c) and (d) as (d) and (e), respectively, and adding the following as paragraph (c):

§ 3-3.303 Determinations and findings by the head of the agency.

(c) The determinations required by § 1-3.213 of this title.

* * * * *

§ 3-3.303-50 [Amended]

6. Section 3-3.303-50 is amended by deleting paragraphs (a) and (b) and substituting the following: "The determinations and findings required for application of 42 U.S.C. 241(g) are to be made by the Assistant Secretary for Health.

§ 3-3.303-51 [Amended]

7. Section 3-3.303-51 is amended by deleting the present lisings for SSA, HCFA, OHDS, and OMS-OS and substituting the following:

* * * * *

SSA—Associate Commissioner, Office of Management, Budget, and Personnel.
HCFA—Director, Office of Management and Budget.
OHDS—Director, Office of Administration and Management.

* * * * *

OMS-OS—Director, Office of Management Services.

* * * * *

§ 3-3.405-5 [Added]

8. Under Subpart 3-3.4, Types of Contracts, § 3-3.405-5 is added and the table of contents for Part 3-3 is amended as follows:

Subpart 3-3.4—Types of Contracts

Sec.

* * * * *

3-3.405-5 Cost-plus-a-fixed-fee contract.

* * * * *

§ 3-3.405-5 Cost-plus-a-fixed-fee contract.

(a) and (b) [Reserved]

(c) *Limitations.* (1) [Reserved]

(2) Proposed fixed fees under cost-plus-a-fixed-fee contracts which exceed the following limitations shall be approved by the principal official responsible for procurement (not delegable):

(i) Ten percent of the estimated cost, exclusive of fee, or any cost-plus-a-fixed-fee contract for experimental, developmental, or research work.

(ii) Seven percent of the estimated cost, exclusive of fee, of any other cost-plus-a-fixed-fee contract.

PART 3-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

§ 3-4.5101 [Amended]

9. Under Subpart 3-4.51, Procurement of Paid Advertising, § 3-4.5101 is amended by adding the following as the first sentence in paragraph (a):

(a) The principal official responsible for procurement is authorized to publish advertisements, notices, and contract proposals in newspapers and periodicals in accordance with the requirements and conditions referenced in § 3-4.5100.

The remaining sentences in paragraph (a) remain unchanged.

[FR Doc. 79-13488 Filed 4-30-79; 8:45 am]
BILLING CODE 4110-12-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

Front Tire Marking Requirements

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This document amends the Federal Motor Carrier Safety Regulations to allow tires that are not marked as required by Federal Motor Vehicle Safety Standard (FMVSS) No. 119 to be used on front axles under certain conditions. Also, it allows tires to be loaded beyond their rated capacity when the vehicle is being operated under a special permit issued by one of the several States if it is driven at reduced speed.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Donnell W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, 202-426-1700; or Mrs. Kathleen S. Markman, Office of Chief Counsel, Motor Carrier and Highway Safety Law Division, 202-426-0346, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: This amendment follows a Notice of Proposed Rulemaking (NPRM) published on October 10, 1978, (43 FR 46555). That Notice was issued in response to a petition filed by the American Trucking Associations, Inc., (ATA) pertaining to marking of front tires and not handled when 49 CFR 393.75 was amended November 24, 1976.

The Notice also proposed to allow tires to be loaded beyond rated capacity when operating under a special permit issued by one of the several States and at reduced speed. The latter proposal was based on a request by the Department of Housing and Urban Development because of their mobile home standards and test data submitted by that Agency.

The only formal respondent to the notice was the ATA. The ATA agreed with the apparent intent of the rule regarding front tire marking requirements. The ATA had no problem with the way in which single-unit-property-carrying vehicles were exempted from the front tire marking requirements. However, ATA stated that the proposed amendment did not take into consideration all property-carrying vehicles used in a commercial zone.

The intent of the NPRM was that front tires on (1) all single-unit-property-carrying vehicles and (2) all property-carrying vehicles used wholly in commercial zones would be exempt from the FMVSS No. 119 marking requirements. The wording of the proposal did not accomplish the latter objective since it referred to the definition for exempt intracity operations as contained in 49 CFR 390.16. That definition, however, does not include property-carrying vehicles that may be carrying hazardous materials. As a result, vehicles operating under 49 CFR 390.16 were not exempted from the front tire marking requirement. The ATA pointed this fact out and reommended that the final rule be amended to include all property-carrying vehicles operating in a commercial zone. That recommendation is consistent with the original intent of the notice and will be incorporated in the final rule.

In consideration of the foregoing, Title 49, Code of Federal Regulations, Chapter III, Part 393 is amended as follows:

Paragraphs (f)(1) and (2)(i) of § 393.75 are amended to read as follows:

§ 393.75 Tires.

* * * * *

(f) *Tire load rating.*[1]—(1) *Front wheels. General rule.* No motor vehicle shall be operated with tires on the front wheels which carry a greater weight than that specified for the tires in any of the publications of the standardizing bodies listed in FMVSS No. 119 (49 CFR 571.119) and marked on the sidewall of the tire. Exceptions: *Provided,* That the load does not exceed rated capacity, tires not marked in accordance with FMVSS No. 119 may be used on the front axles of:

(i) Single-unit-property-carrying vehicles, and

(ii) All property-carrying vehicles opreated wholly within a municipality or the commercial zone thereof as

defined by the Interstate Commerce Commission in 49 CFR 1048.100.

(2) * * *

(i) The vehicle is being operated under the terms of a special permit issued by the State; and

* * * * *

Since this amendment is considered to be a relaxation of the present requirements contained in § 393.75(f)(1) and (2)(i), no economic or other burden is expected to be placed upon the private sector, consumers, Federal, State, and local governments. In brief, this proposal is neither costly nor controversial in nature and should encourage savings by reducing on undertermined and unnecessary expense upon the part of carriers engaged in exempt intracity and special State permit operations. There is likely to be no cost to the public-at-large in terms of highway safety since the operations expected to be affected typically are negligible contributors to the overall safety problem. In fact, the impact from this rulemaking action is expected to be so minimal as not to warrant a full Evaluation; thus, no separate document is being placed in the public docket.

Note.—The Fedral Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

(Sec. 204, 49 Stat. 546 as amended (49 U.S.C. 304); sec. 6, Pub. L. 89-670, 80 Stat. 937 (49 U.S.C. 1655); 49 CFR 1.48 and 49 CFR 301.60.)

Issued on: April 13, 1979.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[BMCS Docket MC-56-1; Amdt. 78-5]

[FR Doc. 79-13434 Filed 4-30-79; 8:45 am]

BILLING CODE 4910-22-M

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49 CFR Part 393

Parts and Accessories Necessary for Safe Operation To Resolve Inconsistencies Between the FMCSR and the FMVSS

AGENCY: Federal Highway Administration, DOT.

ACTION: Final rule.

SUMMARY: This document amends the Federal Motor Carrier Safety Regulations (FMCSR) in four areas: As of January 1, 1981, (1) Brake tubing; and (2) hose connection replacements will be required to conform to the applicable subsections of Federal Motor Vehicle Safety Standards (FMVSS); and (3) glazing used in windshields, windows, doors, or any other opening into a bus, truck, or truck tractor, will be required to conform to the new requirements contained in the "American Standard Safety Code For Safety Glazing Materials For Glazing Motor Vehicles Operating on Land Highways" of the American National Standards Institute, Inc.; and (4) rear-vision mirrors and their replacements will be required to meet, as a minimum, the standards in force at the time of manufacture under FMVSS 111.

EFFECTIVE DATE: January 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. D. W. Morrison, Chief, Vehicle Requirements Branch, Bureau of Motor Carrier Safety, 202-426-1700; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, Motor Carrier and Highway Safety Law Division, 202-426-0346 Federal Highway Administration, Department of Transportation, Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: This amendment follows a Notice of Proposed Rulemaking (NPRM) published on March 6, 1978, (43 FR 9166). The principal reasons for issuance of this NPRM were to coordinate the FMCSR and the FMVSS and to resolve inconsistencies in the requirements where they may exist.

The seven respondents who commented on the NPRM represented the following interests:

1. Hose Manufacturer—1.
2. Brake manufacturer—1.
3. Truck manufacturer and associations—2.
4. Trucking associations—2.
5. Citizen interest—1.

All seven of the respondents favored the proposal. Two of the respondents suggested additional modifications in other areas which were beyond the scope of said NPRM and were not considered in this rulemaking action, although such may be considered at a later date.

One of the trucking associations urged that the FMVSS not be adopted in the FMCSR without modification. This association said that the FMVSS apply to new equipment manufacturers and can be viewed as a ceiling, establishing how good equipment must be when it is new before it is placed in service, whereas the FMCSR can be considered a floor, establishing when the user should remove the vehicle from service for repair. It further stated that wear is a fact of life which must be provided for in out-of-service criteria used in roadside vehicle/driver inspections conducted by the Bureau of Motor Carrier Safety (BMCS) under 49 CFR 396.5. Since this rule change does not deal with establishing out-of-service criteria, but rather equipment and replacement standards, and since a change in the present out-of-service criteria is not contemplated as a result of this action, no weight can be given to this argument for modifying the incorporated National Highway Traffic Safety Administration's standards in this particular situation. Also, Section 103(g) of the National Traffic and Motor Vehicle Safety Act prohibits BMCS from adopting or continuing in effect any safety regulation which differed from a motor vehicle safety standard unless a higher standard of performance was imposed subsequent to the date of manufacture of the vehicle.

The hose manufacturer commented that SAE Standard J1402b, Air Brake Hose—Automotive had been replaced by a SAE Recommended Practice (RP), Automotive Air Brake Hose and Hose Assembly, J1402c in July 1976. The new RP identifies air brake hose by dimensional identification and whether permanently attached or reusable fittings are used.

The manufacturer of hose who responded to the docket stated they could not mark their product to certify it complied with a nonexistent standard. The mere fact that a SAE Standard was replaced by a SAE Recommended Practice does not preclude the use of the Standard by a regulatory agency, or even a manufacturer. The reason this can be done is the fact that SAE Standards do not have to be followed by any manufacturer, unless required to do so by a regulatory body, either State or Federal.

Our review of both SAE J1402b and J1402c indicates there have been many changes made. Comparison of the various requirements in the cited papers reveals that performance requirements of the RP J1402c will result in a level of safety equivalent to that from SAE Standard J1402b. Therefore, § 393.45(b)(ii) will be revised to incorporate SAE Recommended Practice, Automotive Air Brake Hose and Hose Assembly J1402c, July 1976. Our review of the SAE Handbook, 1977 Edition revealed that SAE Standard, J1403 Vacuum Brake Hose was revised March 1973 and redesignated J1403a. The comparison of the two versions indicated only editorial changes were made. For that reason we are amending § 393.45(b)(iii) to reference the March 1973 edition of SAE J1403a.

The brake manufacturer pointed out that retention of § 393.45(b) and (c) without change seems in conflict with

the revision to § 393.45(a)(6) since pre-FMVSS 106 hose and tubing may not always be in conformance with § 393.45(b) and (c) and FMVSS 106 also. Since there is probably a large inventory of pre-FMVSS 106 hose, hose assemblies, and fittings in stock at many fleets and distributors, some modification in this original proposal is deemed necessary. Consequently, this additional requirement to conform to FMVSS 106 is reworded so as to be applicable as of January 1, 1981, for both brake tubing and hose connection replacement equipment. A similar point was also made with respect to large inventories of current replacement mirrors not being in compliance with the proposed § 393.80 rule change, which requires conformance with FMVSS 111. Consequently, the rule change affecting replacement mirrors has been reworded and will be effective on January 1, 1981.

In consideration of the foregoing, Title 49 Code of Federal Regulations, Chapter III, §§ 393.45, 393.60, and 393.80 are amended to read as follows:

1. Paragraph (a)(6) and (b)(1)(ii) of § 393.45 are amended to read as follows:

§ 393.45 Brake tubing and hose adequacy.

(a) * * *

(6) Conform to the applicable requirements of paragraph (b) or (c) of this section. In addition, all hose installed on and after January 1, 1981, must conform to those applicable subsections of FMVSS 106 (49 CFR 571.106).

(b) * * *

(1) * * *

(ii) Automotive Air Brake Hose and Hose Assemblies: SAE Recommended Practice J1402c, July 1976.

(iii) Vacuum Brake Hose: SAE Standard J1403a March 1973.

* * * * *

2. A new paragraph (e) is added to § 393.46 as follows:

§ 393.46 Brake tubing and hose connections.

* * * * *

(e) If installed on a vehicle on or after January 1, 1981, meet requirements under applicable subsections of FMVSS 106 (49 CFR 571.106).

3. Paragraph (a) of § 393.60 is revised to read as follows:

§ 393.60 Glazing in specified openings.

(a) *Kind of glass.* (1) Glazing utilized or installed in the windshield, window, door, or any other opening into a bus, truck, or truck tractor, except vehicles engaged in armored car service, shall conform to the requirements contained in the "American Standard Safety Code for Safety Glazing Materials for Motor Vehicles Operating on Land Highways," with the effective dates shown in subparagraph (2) of this paragraph.

(2) Table of Glazing Requirements and Effective Dates:

	Must comply with		
	Z 26.1-1966 as supplemented by Z 26.1a-1969	Z 26.1-1950 as supplemented by Z 26.1a-1964	Z 26.1-1950
Vehicles manufactured:			
Before January 1, 1966	X		
From January 1, 1966 to December 31, 1980		X	
On and after January 1, 1981			X

NOTE.—Copies of the "American Standard Safety Code For Safety Glazing Materials For Glazing Motor Vehicles Operating on Land Highways," may be obtained from the American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018.

* * * * *

4. Section 393.80 is revised to read as follows:

§ 393.80 Rear-vision mirrors.

Every bus, truck, and truck tractor shall be equipped with two rear-vision mirrors, one at each side firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle. *Provided, however,* That only one outside mirror shall be required, which shall be on the driver's side, on trucks which are so constructed that the driver has a view to the rear by means of an interior mirror; and *Provided further,* that in driveaway-towaway operations, the driven vehicle shall have at least one mirror furnishing a clear view to the rear. As of January 1, 1981, all such regulated rear-vision mirrors and their replacements shall meet, as a minimum, the standards in force at the time of manufacture under FMVSS 111 (49 CFR 571.111); mirrors installed on a vehicle manufactured prior to January 1, 1981, may be continued in service, provided that if they are replaced after December 31, 1980, the replacements shall conform to FMVSS 111 (49 CFR 571.111).

The rulemaking action is intended to resolve certain inconsistencies between the FMCSR and the FMVSS; no more restrictive requirements are being established than presently exists. Thus, the impact that would result from the final rule upon the public or private sector is expected to be of minimal economic consequence. In fact, an undetermined amount of paperwork and cost burden could be saved by the establishment of clearly consistent regulations or standards relating to brake tubing, hose connections, window glazing, and rear vision mirrors. As a result, no separate evaluation document is being placed in the public docket.

Note.—The Federal Highway Administration has determined that this document does not contain a significant proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

(49 U.S.C. 304, 1655; 49 CFR 1.48(6))

Issued on: April 13, 1979.

Robert A. Kaye,

Director, Bureau of Motor Carrier Safety.

[BMCS Docket No. MC-82; Amdt. 78-4]

[FR Doc. 79-13436 Filed 4-30-79; 8:45 am]

BILLING CODE 4910-22-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1245 and 1246

Revisions to Preliminary Report of Number of Employees of Class I Railroads, and the Monthly Report of Employees, Service and Compensation, Forms A&B

AGENCY: Interstate Commerce Commission.

ACTION: Suspension of effective date of final rule, reopening of proceeding, and notice of informal conference.

SUMMARY: The Commission has determined that it is necessary to reopen this proceeding in order to obtain more information. Therefore, it is suspending the effective date for the rule already adopted, reopening the proceeding, and scheduling an informal informal conference to discuss the changes contained in the rule.

DATES: Informal conference will take place at 9:30 a.m., May 15, 1979. Written

comments should be filed by May 31, 1979.

ADDRESSES: Informal Conference will be held at the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C. Written comments should be sent to: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Bryan Brown, Jr., (202) 275–7448.

SUPPLEMENTARY INFORMATION: In recent months, the Commission has adopted a number of final rules dealing with the reporting forms which must be filed by the carriers it regulates. Most of these rules have lessened the reporting burden on the carriers, and most of them have been adopted without a formal rulemaking proceeding pursuant to section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Whenever one of these rules has been published, the Commission has noted that it would accept comments for a period of forty-five days after the date of publication and would modify the rule if the comments indicated it was necessary. The advantage of this procedure is that it allows the rule to become effective at the earliest possible time, which is clearly desirable in the case of lessening burdensome reporting requirements. At the same time this procedure gives the public an opportunity to raise objections to the rule.

In the present proceeding, the Commission published a final rule which revises two reports concerning railroad employees, the Report of Employees, Service, and Compensation (Forms A&B) and the Preliminary Report of Number of Employees of Class I Railroads (see 44 FR 11551, March 1, 1979). The revised forms are to be used for the reporting period beginning July 1, 1979. The National Railway Executives' Association has raised objections to this rule which have caused us to conclude that we do not have sufficient information about the effects of the rule change to permit it to take effect at this time. As a result, we are suspending the effective date of this rule until further notice and reopening the proceeding to obtain further information. To assist in this goal, the Commission's Bureau of Accounts will hold an informal conference at the Commission's offices in Washington, D.C. at 9:30, May 15, 1979. The conference will be open to anyone who wishes to attend.

Anyone not wishing to participate in the conference but desiring to express their views, may file written comments with the Commission. After the informal conference has been held and any comments have been reviewed, the Commission will make a final determination as to what action to take in this proceeding. A further notice will be published in the **Federal Register** at that time.

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

H. G. Homme, Jr.,
Secretary.

[No. 37025]
[FR Doc. 79-13528 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 33

Opening of Certain National Wildlife Refuges to Sport Fishing: Massachusetts, Maine, and Vermont

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to sport fishing of certain National Wildlife Refuges in Massachusetts, Maine, and Vermont is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1, 1979 through December 31, 1979.

ADDRESSES: Contact the Refuge Manager at the address and/or telephone number listed below in the body of Special Regulations.

FOR FURTHER INFORMATION CONTACT: Howard N. Larsen, Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158 (617–965–5100 Ext. 200).

SUPPLEMENTARY INFORMATION: Sport fishing is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 33 and the following Special Regulations. Portions of refuges which are open to sport fishing are designated by signs and/or shown on maps available from the addresses indicated below and from the Regional Director, U.S. Fish and Wildlife Service, One Gateway Center, Suite 700, Newton Corner, Massachusetts 02158.

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires (1) that any recreational use permitted will not interfere with the primary purpose for which the area was established; and (2) that funds are available for the development, operation, and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which these National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

Sport fishing shall be in accordance with all applicable State and Federal regulations subject to the following special conditions:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the following areas: Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742. Contact David Beall, Refuge Manager, at 617–369–5518. Special conditions: Sport fishing and foot entry for this purpose is permitted in designated areas during daylight hours.

Monomoy National Wildlife Refuge, Chatham, Massachusetts, under administration of Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742. Contact David Beall, Refuge Manager, at 617–369–5518. Special conditions: Sport fishing in tidal and fresh waters is permitted 24 hours per day from refuge lands. Boats may be beached on the refuge and wilderness areas.

Parker River National Wildlife Refuge, Northern Boulevard, Newburyport, Massachusetts 01950. Contact George Gavutis, Refuge Manager, at 617–465–5753. Special conditions: Saltwater sport fishing is permitted only on the ocean beach as follows:

Walk-in Fishermen:

Entire year: Day only, no permit required.

May 1 through October 16: Day and night. Night permit required.

Over-the-sand surf fishing vehicles:

May 1 through October 31 only, permit required.

May 1 through May 24, day and night.

May 25 through September 3, night (6:00 PM to 8:00 AM) only.

No vehicle shall be operated on the beach between the hours of 8:00 AM to 6:00 PM. During these hours all permit vehicles shall remain in the designated over-the-sand fishing vehicle parking area in the unvegetated area between the dunes at the east end of Beach Access Trail #2 or exit from the beach area. This same designated daytime parking area must, however, be vacated by 8:00 PM each evening not to be reoccupied before 6:00 AM the next morning.

September 4 through October 31, day and night.

No fishing is permitted on the northern one-quarter mile of beach east of Lot 1 from 8:00 AM to 6:00 PM.

Permit requirements are as follows:

Night permittees may enter the refuge only until dusk except they may enter until 10:00 PM from May 25 through September 3. Night permittees may remain on the refuge, or may exit through a one-way gate at any time. Vehicles with the special permit may be on the ocean beach only when the occupants over 12 years old are actively engaged in surf fishing and each have at least one fishing rod. Permission to inspect vehicle, sanitary facilities, and all fishing equipment must be granted to refuge agents upon request. All vehicle permits must be affixed to the vehicles as instructed at the time of issuance. Motorcycles, or any vehicle deemed improper by refuge agents, may not receive the permit. "Light Truck" type traction treads designed primarily for use in snow and mud are not permitted. Over-the-sand surf fishing vehicles must be equipped with spare tire, shovel, jack, tow rope, or chain, board or similar support for jack, and low-pressure tire gauge. Vehicles, under the terms of an over-the-sand surf fishing permit, may drive only on designated beach access routes and on the unvegetated beach east of the line formed by the eastern base of the dunes. The maximum speed limit in these areas is 15 miles per hour. No vehicle is permitted on the northern one-quarter mile of beach east of Lot 1 at any time. Ruts or holes resulting from freeing a stuck vehicle shall be promptly filled in by the operator. Tires must be properly deflated to permit sufficient flotation while vehicle is operated over sand. Riding on fenders, tailgates, roof, or any other position outside of the vehicle is prohibited. Failure to comply with any regulation shall be grounds for immediate cancellation of all permits.

Moosehorn National Wildlife Refuge, Box X, Calais, Maine 04619. Contact Douglas Mullen, Refuge Manager, at 207–454–3521. Special conditions: Sport fishing is permitted during daylight hours on areas designated by signs as open. The use of boats without motors is permitted on Bearce, Conic and Cranberry Lakes.

Missisquoi National Wildlife Refuge, Swanton, Vermont 05488. Contact Thomas Mountain, Refuge Manager, at 802–868–4781. Special conditions: Sport fishing is permitted in Lake Champlain, and the Missisquoi River from refuge lands. The use of firearms to take fish is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at any time.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

April 24, 1979.

Howard N. Larsen,

Regional Director, Fish and Wildlife Service.

[FR Doc. 79-13480 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 44, No. 85
Tuesday, May 1, 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

Agricultural Marketing Service

[7 CFR Parts 915 and 944]

Avocados Grown in South Florida and Imported Avocados; Proposed Grade and Maturity Requirements

AGENCY: Agriculutural Marketing Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This notice invites written comments on a proposal which would establish minimum grade and maturity requirements for shipments of avocados grown in South Florida, and for avocados imported into the United States, for the 1979–80 marketing season. The proposed requirements are designed to assure the shipment of ample supplies of mature avocados of acceptable quality in the interest of producers and consumers.

DATES: Comments must be received on or before May 17, 1979. Proposed effective period: May 28, 1979, through April 30, 1980.

ADDRESSES: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for public inspection during business hours (7 CFR 1.27(b)).

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

SUPPLEMENTARY INFORMATION: *Findings.* The proposed Florida avocado regulation would be issued under the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915; 43 FR 39321), regulating the handling of avocados grown in South Florida. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed avocado import regulation would be issued under § 8e (7 U.S.C. 608e–1) of this act. The proposed grade and maturity requirements applicable to Florida avocado shipments were recommended by the Avocado Administrative Committee, which locally administers this marketing order program. These proposed regulations have not been determined significant under the USDA criteria for implementing Executive Order 12044.

The proposed regulations would establish U.S. No. 3 as the minimum grade, and prescribe minimum weights or diameters by specified dates as the maturity requirements for the various varieties of avocados. Minimum weights or diameters and picking dates are used as indicators during harvest to determine which avocados are sufficiently mature to complete the ripening process. Skin color would also be authorized as a method of determining maturity, for those varieties which turn red or purple when mature. These proposed requirements are designed to assure that the various varieties of avocados will be of suitable quality and maturity so they provide consumer satisfaction, which is essential for the successful marketing of the crop.

These recommendations reflect the Avocado Administrative Committee's appraisal of the avocado crop and current and prospective market conditions. It estimates that the 1979–80 Florida avocado crop will amount to a record 1,250,000 bushels compared with nearly 900,000 produced during the 1978–79 season. Shipment of this crop is expected to begin in late May. California is currently producing what is expected to be a record large crop of avocados. The committee considers these proposed grade and maturity requirements appropriate for the various varieties of avocados, and they are designed to provide the trade and consumers with an adequate supply of mature avocados of acceptable quality, in the interest of producers and consumers pursuant to the declared policy of the act.

The proposed grade and maturity requirements for imported avocados are consistent with § 8e of the act. This section requires that when specified commodities, including avocados, are regulated under a federal marketing order, imports of that commodity must meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity.

The proposed regulations read as follows:

§ 915.321 Avocado Regulation 21.

(a) During the period May 28, 1979, through April 30, 1980, no handler shall handle:

(1) Any avocados unless they grade at least U.S. No. 3: *Provided*, That avocados not meeting this grade requirement may be handled within the production area, if they meet the other requirements of this section and are handled in containers other than those authorized in § 915.305 for handling avocados between the production area and any point outside thereof.

(2) Any avocados of the varieties listed in column 1 of Table I of this section, prior to the date listed for each variety in column 2 of the table.

(3) Any avocados unless the individual fruit weighs at least the ounces specified, or it is of at least the diameter specified for each variety listed: (i) in column 3 of Table I, from the date listed in column 2 of the table to the date listed in column 4 of the table for each variety; (ii) in column 5 of Table I, from the date listed in column 4 of the table to the date listed in column 6 of the table for each variety; and (iii) in column 7 of Table I, from the date listed in column 6 of the table to the date listed in column 8 of the table for each variety.

(4) Avocados of the West Indian Seedling type not listed in Table I, except as provided in paragraphs (b) and (c), unless the following conditions are met:

(i) Avocados of this type shall not be handled prior to July 2, 1979.

(ii) From July 2, 1979, through July 29, 1979, the individual fruit weighs at least 18 ounces.

(iii) From July 30, 1979, through September 2, 1979, the individual fruit weighs at least 16 ounces.

(iv) From September 3, 1979, through October 1, 1979, the individual fruit weighs at least 14 ounces.

(5) Any avocados of those varieties not listed in Table I, or in subparagraph (4) of this section, including those of the Guatemalan type, hybrid seedlings, and unidentified Guatemalan and hybrid varieties, except as provided in paragraphs (b) and (c), unless the following conditions are met:

(i) Such avocados shall not be handled prior to September 17, 1979.

(ii) From September 17, 1979, through October 14, 1979, the individual fruit weighs at least 15 ounces.

(iii) From October 15, 1979, through December 16, 1979, the individual fruit weighs at least 13 ounces.

(b) With respect to the provisions of this section regarding the minimum weight or diameter for individual avocados, up to 10 percent, by count, of the individual fruit in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the weight specified for the particular variety: *Provided further,* That up to double such tolerances shall be permitted for fruit in an individual container in a lot.

(c) Any avocados, except for the Linda variety, may be handled without regard to the handling date or weight requirements specified in this section if the variety of avocados normally changes color to any shade of red or purple when mature, and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(d) Terms used in this section shall mean the same as in the marketing order. The term "diameter" shall mean the greatest dimension measured at a right angle to a line from the stem to the blossom end of the fruit, and the term "U.S. No. 3" shall mean the same as in the U.S. Standards for Florida Avocados (7 CFR 2851.3050–3069).

Table I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Kosel	5-28-79	16 oz.	6-11-79	13 oz.	6-25-79		
Arue	5-28-79	16 oz.	6-11-79	14 oz. 3 9/16 in.	7-16-79		
Roland 2-2	6-11-79	22 oz.	6-25-79	20 oz.	7-16-79		
J. M. Poropat	6-18-79	20 oz.	6-25-79	18 oz.	7-16-79	16 oz.	7-30-79
Fuchs	6-18-79	14 oz. 3 9/16 in.	7-2-79	12 oz. 3 9/16 in.	7-16-79		
Dr. DuPuis No. 2	6-18-79	16 oz. 3 9/16 in.	7-2-79	14 oz. 3 9/16 in.	7-16-79	12 oz. 3 9/16 in.	7-30-79
K-5	6-25-79	18 oz. 3 9/16 in.	7-9-79	14 oz. 3 9/16 in.	7-23-79		
Hardee	7-2-79	16 oz. 3 9/16 in.	7-9-79	14 oz. 2 13/16 in.	7-30-79		
Pollock	7-2-79	18 oz. 3 1/16 in.	7-16-79	16 oz. 3 9/16 in.	7-30-79	14 oz. 3 9/16 in.	8-13-79
Simmonds	7-2-79	16 oz. 3 9/16 in.	7-16-79	14 oz. 3 9/16 in.	7-30-79	12 oz. 3 9/16 in.	8-13-79
Nadir	7-2-79	14 oz. 3 9/16 in.	7-9-79	12 oz. 3 9/16 in.	7-16-79	10 oz. 2 13/16 in.	7-30-79
Katherine	7-2-79	16 oz.	7-16-79	14 oz.	7-30-79		
Haile	7-2-79	20 oz.	7-16-79	16 oz.	7-23-79	14 oz.	8-13-79
Donnie	7-9-79	16 oz. 3 9/16 in.	7-23-79	14 oz. 3 9/16 in.	8-20-79		
Ruehle	7-16-79	18 oz. 3 1/16 in.	7-23-79	16 oz. 3 9/16 in.	7-30-79	14 oz. 3 7/16 in.	
Ruehle (continued)					8-13-79	12 oz. 3 9/16 in.	8-27-79
Dawn	7-16-79	12 oz. 3 9/16 in.	7-30-79	10 oz. 3 9/16 in.	8-13-79		
Webb-2	7-16-79	18 oz.	7-30-79	16 oz.	8-13-79		
Cash	7-16-79	16 oz.	10-1-79				
Alpha	7-23-79	16 oz. 3 9/16 in.	8-13-79				
Biondo	7-23-79	13 oz.	8-27-79				
Peterson	7-23-79	14 oz. 3 9/16 in.	8-6-79	10 oz. 3 9/16 in.	8-20-79		
232	7-30-79	14 oz.	8-13-79	12 oz.	8-27-79		
Gretchen	7-30-79	14 oz.	8-13-79	12 oz.	8-27-79		
Trapp	7-30-79	14 oz. 3 19/16 in.	8-13-79	12 oz. 3 1/16 in.	8-27-79		
B. & B	7-30-79	16 oz. 3 5/16 in.	9-3-79				
Waldin	8-13-79	16 oz. 3 9/16 in.	8-27-79	14 oz. 3 1/16 in.	9-10-79	12 oz. 3 1/16 in.	9-24-79
Pinelli	7-30-79	18 oz. 3 13/16 in.	8-13-79	16 oz. 3 19/16 in.	8-27-79		
Miguel	7-30-79	22 oz. 3 13/16 in.	8-13-79	20 oz. 3 15/16 in.	8-27-79	18 oz. 3 19/16 in.	9-10-79
Nesbitt	7-30-79	22 oz. 3 13/16 in.	8-13-79	18 oz. 3 9/16 in.	8-20-79	16 oz. 3 5/16 in.	9-3-79
Chapple	7-30-79	18 oz.	8-27-79				
Millie-D	8-13-79	18 oz.	9-10-79				
Shula	8-13-79	22 oz.	9-3-79				
Tonnage	8-13-79	16 oz. 3 9/16 in.	8-27-79	14 oz. 3 9/16 in.	9-3-79	12 oz. 3 9/16 in.	9-10-79
Beta	8-13-79	18 oz. 3 9/16 in.	8-20-79	16 oz. 3 9/16 in.	9-10-79		
K-9	8-13-79	16 oz.	9-3-79				
Gorham	8-13-79	29 oz. 4 5/16 in.	8-27-79	27 oz. 4 1/16 in.	9-10-79		

Table I—Continued

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Tower-2	8-13-79	14 oz. 3⁹⁄₁₆ in.	8-27-79	12 oz. 3¹⁄₁₆ in.	9-17-79		
The Franvee	8-20-79	23 oz.	9-17-79				
Lisa	8-20-79	12 oz. 3⁵⁄₁₆ in.	8-27-79	11 oz. 3⁹⁄₁₆ in.	9-3-79		
Fairchild	8-27-79	16 oz. 3¹⁹⁄₁₆ in.	9-10-79	14 oz. 3⁷⁄₁₆ in.	9-24-79	12 oz. 3¹⁵⁄₁₆ in.	10-1-79
Nirody	8-27-79	18 oz. 3¹³⁄₁₆ in.	9-10-79	16 oz. 3¹³⁄₁₆ in.	9-24-79		
Loretta	8-27-79	28 oz. 4¹⁄₁₆ in.	10-8-79				
Booth 8	9-10-79	16 oz. 3⁹⁄₁₆ in.	10-1-79	14 oz. 3⁹⁄₁₆ in.	10-15-79	10 oz. 3¹⁄₁₆ in.	10-29-79
Black Prince	9-10-79	23 oz. 3¹⁵⁄₁₆ in.	9-24-79	16 oz. 3⁹⁄₁₆ in.	10-5-79		
Catalina	8-27-79	24 oz.	9-10-79	22 oz.	10-1-79		
Csonka	9-17-79	22 oz.	10-15-79				
Blair	9-10-79	16 oz. 3⁹⁄₁₆ in.	9-24-79	14 oz. 3⁵⁄₁₆ in.	10-15-79		
Collinson	9-24-79	16 oz. 3¹⁹⁄₁₆ in.	10-22-79				
Chica	9-24-79	12 oz. 3⁵⁄₁₆ in.	10-8-79	10 oz. 3⁷⁄₁₆ in.	10-22-79		
Rue	9-24-79	30 oz. 4³⁄₁₆ in.	10-1-79	24 oz. 3¹³⁄₁₆ in.	10-15-79	18 oz. 3⁹⁄₁₆ in.	10-29-79
Brooks 1978	10-8-79	10 oz.	10-15-79	8 oz.	11-12-79		
Booth 5	9-17-79	14 oz. 3⁹⁄₁₆ in.	10-1-79	12 oz. 3⁹⁄₁₆ in.	10-15-79		
Hickson	9-24-79	12 oz. 3¹⁄₁₆ in.	10-8-79	10 oz. 3⁹⁄₁₆ in.	10-22-79		
Simpson	10-1-79	16 oz. 3⁹⁄₁₆ in.	10-22-79				
Vaca	10-1-79	16 oz. 3⁹⁄₁₆ in.	10-22-79				
Sherman	10-1-79	16 oz.	10-15-79	14 oz.	10-29-79	10 oz.	11-19-79
Marcus	9-17-79	32 oz. 4¹³⁄₁₆ in.	10-1-79	24 oz. 4⁵⁄₁₆ in.	11-12-79		
Booth 10	10-8-79	16 oz. 3¹⁹⁄₁₆ in.	11-5-79				
Booth 7	9-10-79	18 oz. 3¹³⁄₁₆ in.	9-24-79	16 oz. 3¹⁹⁄₁₆ in.	10-8-79	14 oz. 3⁹⁄₁₆ in.	10-22-79
Avon	10-8-79	15 oz. 3¹¹⁄₁₆ in.	10-29-79				
Booth 11	10-8-79	16 oz. 3¹³⁄₁₆ in.	10-29-79				
Leona	10-8-79	18 oz. 3¹⁹⁄₁₆ in.	10-22-79				
Winslowson	10-8-79	18 oz. 3¹⁴⁄₁₆ in.	10-29-79				
Nelson	10-8-79	14 oz. 3⁹⁄₁₆ in.	10-22-79	12 oz. 3⁵⁄₁₆ in.	11-5-79	10 oz. 3¹⁄₁₆ in.	11-26-79
Hall	10-8-79	26 oz. 3¹⁴⁄₁₆ in.	10-22-79	20 oz. 3⁹⁄₁₆ in.	11-5-79	18 oz. 3⁹⁄₁₆ in.	11-19-79
Lula	10-15-79	18 oz. 3¹¹⁄₁₆ in.	10-29-79	14 oz. 3⁵⁄₁₆ in.	11-12-79	12 oz. 3⁵⁄₁₆ in.	11-26-79
Choquette	10-1-79	24 oz. 4¹⁄₁₆ in.	10-15-79	20 oz. 3¹⁴⁄₁₆ in.	10-29-79	16 oz. 3⁹⁄₁₆ in.	11-12-79
Monroe	11-12-79	24 oz. 4¹⁄₁₆ in.	11-26-79	20 oz. 3¹⁴⁄₁₆ in.	12-10-79	16 oz. 3⁹⁄₁₆ in.	12-24-79
Herman	10-15-79	16 oz. 3⁹⁄₁₆ in.	10-29-79	14 oz. 3⁵⁄₁₆ in.	11-12-79		
Murphy	10-15-79	16 oz.	10-29-79	14 oz.	11-12-79	11 oz.	12-3-79
Ajax (B-7)	10-22-79	18 oz. 3¹⁴⁄₁₆ in.	11-12-79				
Booth 1	11-19-79	16 oz. 3¹³⁄₁₆ in.	12-3-79	12 oz. 3⁵⁄₁₆ in.	12-17-79		
Booth 3	10-22-79	16 oz. 3⁹⁄₁₆ in.	10-29-79	14 oz. 3⁵⁄₁₆ in.	11-12-79		
Taylor	10-22-79	14 oz. 3⁵⁄₁₆ in.	11-5-79	12 oz. 3⁵⁄₁₆ in.	11-19-79		
Dunedin	11-5-79	16 oz. 3¹⁹⁄₁₆ in.	11-19-79	14 oz. 3⁵⁄₁₆ in.	12-3-79	10 oz. 3¹⁄₁₆ in.	12-24-79
Byars	11-12-79	16 oz. 3¹⁴⁄₁₆ in.	12-3-79				
Linda	11-12-79	18 oz. 3¹³⁄₁₆ in.	12-3-79				

Table I—Continued

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Nabal	11-12-79	14 oz. 3⁹⁄₁₆ in.	12-3-79				
Zio	11-26-79	12 oz. 3¹⁄₁₆ in.	12-10-79	10 oz. 2¹⁵⁄₁₆ in.	12-24-79		
Wagner	12-3-79	12 oz. 3⁹⁄₁₆ in.	12-17-79	10 oz. 3⁹⁄₁₆ in.	12-31-79		
Meya	12-24-79	13 oz. 3⁹⁄₁₆ in.	1-7-80	11 oz. 3⁹⁄₁₆ in.	1-21-80		
Brookslate	12-31-79	14 oz. 3⁹⁄₁₆ in.	1-21-80	12 oz. 3⁹⁄₁₆ in.	2-4-80	10 oz.	2-18-80
Schmidt	12-3-79	16 oz.	12-31-79				
Itzamna	2-11-80	12 oz.	2-18-80				

§ 944.19 Avocado Regulation 27.

(a) *Applicability to imports.* Pursuant to § 8e of the act and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados is prohibited during the period May 28, 1979, through April 30, 1980, unless such avocados meet the minimum grade and maturity requirements specified in § 915.321 Avocado regulation 21: *Provided,* That avocados of the Pollock, Catalina, and Trapp varieties shall meet the applicable maturity requirements specified in subparagraphs (2) and (3) and related Table 1; all other varieties of avocados of the West Indian type shall meet the maturity requirements specified in subparagraph (4); and all other varieties of avocados of the Guatemalan type, including hybrid seedlings, and unidentified Guatemalan and hybrid varieties shall meet the requirements specified in subparagraph (5), consistent with the weight and diameter tolerances specified in paragraph (b), and the alternative method of determining maturity specified in paragraph (c).

(b) It is hereby found that it is not practicable to impose the same requirements for imported avocados as those for domestically grown avocados, except as provided in paragraph (a) of this section; and that the requirements specified in paragraph (a) of this section for imported avocados are comparable to those in Avocado Regulation 21, for Florida avocados.

(c) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, United States Department of Agriculture, is designated as the governmental inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 2851) and in accordance with the Procedure for Requesting Inspection and Certification (7 CFR Part 944; 43 FR 19340).

(d) The term "importation" means release from custody of the United States Customs Service.

(e) Any person may recondition any shipment of avocados prior to importation, to make it eligible for importation.

(f) *Minimum quantity exemption:* Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section.

Dated: April 26, 1979.

D. S. Kuryloski,

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

[FR Doc. 79-13531 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-02-M

[7 CFR Part 991]

Hops of the Fuggle Variety; Additional Allotment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule would authorize additional allotment bases for hops of the Fuggle variety and extend the time the Committee may grant additional bases previously authorized through the marketing year ending July 31, 1986.

DATE: Comments due May 21, 1979.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials should be submitted, and they shall be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: William J. Higgins, (202) 447-5057.

SUPPLEMENTAL INFORMATION: The proposal is to amend § 991.138 of Subpart—Administrative Rules and Regulations (7 CFR 991.130-991.601). It was recommended by the Hop Administrative Committee in accordance with the provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Section 991.138 currently specifies the rules under which the Committee annually may grant additional allotment bases to producers to satisfy the demand for hops of the Fuggle variety. Additional allotment bases granted under this section apply only to Fuggle variety hops planted in 1970 prior to June 15, 1970. The total quantity of additional allotment bases granted each year result in annual allotments totalling one million pounds. The amount of the additional allotment base granted to a qualified grower of Fuggle hops is the lesser of: (1) His total sales of such hops during the marketing year from the acreage planted in 1970 prior to June 15, 1970, divided by the allotment percentage for that year; or (2) the quantity per acre which when multiplied by the allotment pecentage equals 1,300 pounds per acre.

Currently, there are 2,000 acres of Fuggle hops. In 1978, this acreage produced 2 million pounds of hops at an average yield of 1,000 pounds per acre. With more normal yields of 1,300 pounds per acre, it is estimated that the potential production in the early 1980's would be about 2.5 million pounds. It is also estimated that the demand for Fuggle hops in the early 1980's would be 4.5 million pounds, and more for later years.

In order to encourage growers to expand their acreage of Fuggle hops to

meet these needs, it is proposed that the authorization for the 1 million pound special Fuggle allotment be extended through the marketing year ending July 1, 1986. Currently, it would expire in the marketing year ending July 31, 1983. It is also proposed that an additional 2.5 million pounds of special Fuggle allotment be granted for Fuggles planted in 1979 and 1980 prior to June 15, 1980. This, too, would extend through the marketing year ending July 31, 1986.

It is therefore proposed that § 991.138 of Subpart—Administrative Rules and Regulations (7 CFR 991.130–991.601) be revised to read as follows:

§ 991.138 Additional allotment bases for hops of the Fuggle variety.

(a) Pursuant to § 991.38(b), the Committee may grant additional allotment bases for hops of the Fuggle variety through the marketing year ending July 31, 1986.

(b) Additional allotment bases granted under this section shall be for Fuggles planted in 1970 prior to June 15, 1970, or for Fuggles planted in 1979, or 1980 prior to June 15, 1980. In the case of Fuggles planted in 1970 prior to June 15, 1970, these plantings may be replaced with new plantings of Fuggle hops on a one-for-one acreage replacement basis, or with Fuggle-type varieties designated as USDA 21040, USDA 21041, and USDA 21091 on a replacement basis of two acres of these Fuggle-type varieties for every three acres of Fuggle hops. In the case of Fuggles planted in 1979 or 1980 prior to June 15, 1980, these plantings may be replaced with new plantings of Fuggles on a one-for-one acreage replacement basis.

(c) Any additional allotment may be granted to the person, or that person's successor in interest, who filed in good faith, a written application with the Committee for such base. For Fuggles planted in 1970 prior to June 15, 1970, the application shall have been filed for receipt by the Committee by May 1, 1970, and for Fuggles planted in 1979, or in 1980 prior to June 15, 1980, shall be filed for receipt by the Committee by July 15, 1979. If the total quantity of any marketing year's additional allotment bases (computed on the basis of 1,300 pounds per acre divided by the allotment percentage for such marketing year) applied for pursuant to this section would result in annual allotments therefor totalling more than one million pounds in the case of Fuggles planted in 1970, or 2½ million pounds in the case of Fuggles planted in 1979 or 1980, the Committee shall reduce proportionately the respective amounts of additional allotment bases applied for so as to result in total annual allotments equal to such totals referable to the additional allotment bases.

(d) The written application filed pursuant to paragraph (c) of this section shall contain at least the following information:

(1) The location and number of acres of the Fuggle varieties which the applicant planted in 1970 prior to June 15, 1970, or planted or will plant in 1979 or 1980 prior to June 15, 1980;

(2) A statement that the additional allotment base that may be granted to the applicant pursuant to this section will be applicable only to Fuggle varieties covered by the application;

(3) A statement that the applicant will make a bona fide effort to produce the annual allotment referable to such additional allotment base; and

(4) If the applicant is currently a producer of Fuggles or Fuggle-type varieties, a statement that the applicant will continue to make a bona fide effort to produce those varieties on existing acreage to the extent of the annual allotment referable to the applicable allotment base.

(e) Each marketing year through the marketing year ending July 31, 1986, the Committee shall grant an additional allotment base to each producer who filed a written application pursuant to paragraph (c) of this section, or to the successor in interest, if it concludes from all available information that the producer will make a bona fide effort during the marketing year to produce the annual allotment referable to such base. If the Committee finds that any producer granted an additional allotment base pursuant to this section, who is an existing producer of hops of the Fuggle variety, fails to make a bona fide effort during the applicable marketing year to produce the annual allotment of Fuggle hops referable to his existing Fuggle acreage, the Committee shall reduce his additional allotment base by an amount equivalent to such unproduced proportion. The amount of additional allotment base granted to any producer for a marketing year shall be the lesser of: (1) The producer's total sales of Fuggle or Fuggle-type varieties during the marketing year from the acreage planted in 1970 prior to June 15, 1970, or planted in 1979 and 1980 prior to June 15, 1980, or as replaced by acreage as provided in paragraph (b) of this section, divided by the allotment percentage for that year; or (2) the quantity per acre which when multiplied by that allotment percentage equals 1,300 pounds per acre of Fuggles or Fuggle-type varieties. The total of all additional allotment bases granted each marketing year, however, shall not exceed the amount resulting by dividing one million pounds in the case of Fuggles planted in 1970 prior to June 15, 1970, or 2.5 million pounds in the case of Fuggles planted in 1979, or 1980 prior to June 15, 1980, by the allotment percentage for that marketing year.

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

Dated: April 26, 1979.

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

[FR Doc. 79-13424 Filed 4-30-79; 8:45 am]
BILLING CODE 3410-02-M

[7 CFR Part 1260]

Beef Research and Information Order; Hearing on Proposed Order

Correction

In FR Doc. 79–12465 appearing at page 23858, in the issue for Monday, April 23, 1979, make the following corrections:

(1) On page 23859, in the first column, in the paragraph **"Dates"**, the phrase "listed under 'Supplementary Information' ", should read "listed under 'Addresses' ".

(2) On page 23859, in the third column, in the table of sections for Part 1260, between the entries for §§ 1260.126 and 1260.136 insert the heading **"Beef Board"**.

(3) On page 23860, in the middle column, in § 1260.116, in the second line, the second "of" should read "or".

(4) On page 23860, in the third column, in § 1260.126, in the last line, the first "of" should read "or".

(5) On page 23861, in the first column, in § 1260.138(b), in the fourth line, the word "sumbitted" should read "submitted".

(6) On page 23861, in the first column, in § 1260.138(c), in the third line, the word "propose" should read "purpose".

(7) On page 23861, in the first column, in § 1260.138(e), in the sixth line, "Gorrgia" should read "Georgia".

(8) Also in page 23861, in the middle column, in § 1260.138(e), in the ninth line from the top of the column, after "Delaware" insert: "–New Jersey–District of Columbia 1, Maine–Vermont".

(9) On page 23862, in the first column, in § 1260.146(e) make the following corrections:

(a) In the third line, the word "contacting" should read "contracting".

(b) In the sixth line, after the word "projects" insert "and programs".

(c) In the 24th line, between the words "contract" and "agreement" insert the word "or".

(10) On page 23862, in the third column, in § 1260.151(c), in the seventh line, "Unitd" should be spelled "United".

(11) On page 23863, in the first column, in § 1260.161(a), in the sixth line, the word "performs" should read "perform".

(12) On page 23863, in the first column, in § 1260.161(c), in the third line, the word "from" should read "for".

(13) On page 23863, in the middle column, in § 1260.162(a)(7), in the third line, the word "slaughter" should read "slaughterer".

(14) On page 23863, in the third column, in § 1260.172, in the first line, the word "slaughter" should read "slaughterer".

[Docket No. BRIA-2]

BILLING CODE 1505-01-M

Rural Electrification Administration

[7 CFR Part 1701]

Rural Telephone Program; Proposed New REA Specification PE-80 for Gas Tube Surge Arresters

AGENCY: Rural Electrification Administration.

ACTION: Proposed Rule.

SUMMARY: REA proposes to issue REA Bulletin 345-83 to announce the issuance of a new REA Specification PE-80 for Gas Tube Surge Arresters. This specification has been developed to cover all gas tube surge arresters and therefore, replaces PE-55, REA Specification for Two-Electrode Gas Tube Protectors and PE-56, REA Specification for Three-Electrode Gas Tube Protectors. The effect of this specification, which has been developed through the combined efforts of other telephone industry participants, is to provide uniform characteristics, performance requirements and uniform qualification testing criteria for gas tube surge arresters used by the telephone industry. On issuance of REA Bulletin 345-83, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than July 2, 1979.

ADDRESS: Persons interested in the new specification may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mr. Harry M. Hutson, Chief, Outside Plant Branch, Telephone Operations and Standards Division, Room 1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 USC. 901 et seq.), REA proposes to issue REA Bulletin 345-83. A copy of the proposed new REA Bulletin 345-83 and the proposed new REA Specification PE-80 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: April 25, 1979.

John H. Arnesen,

Acting Assistant Administrator—Telephone.

[FR Doc. 79-13426 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

(12 CFR Part 204)

Reserve Requirements on Federal Funds and Repurchase Agreement Time Deposits of Member Banks

Correction

In FR Doc. 79-12517 appearing on page 23868 in the issue for Monday, April 23, 1979, the docket number given at the end of the document, below the signature, now reading "Docket No. R-0128" should have read "Docket No. R-0218".

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

American Dental Association, et al.; Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, among other things, provides that on entry of a final adjudicated order in the *American Medical Association (AMA)* case, four dental associations (ADA) will be bound to a similar order which will be issued against them by the Commission. During the period preceding final resolution of the *AMA* case, the dental associations would be prohibited from restricting or declaring unethical any form of their members' advertising or solicitation of business which is not false or misleading. Additionally, the dental associations would be required to print a statement in their code of ethics which advises members that advertising or solicitation of patients and business shall not be considered unethical or improper.

DATE: Comments must be received on or before July 2, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CS-8, Walter T. Winslow, Washington, D.C. 20580. (202) 724-1341.

SUPPLEMENTARY INFORMATION: 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 accepted, subject to final approval, 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)).

Agreement Containing Consent Order to Cease and Desist

In the matter of American Dental Association, a corporation; Indiana Dental Association, a corporation; Indianapolis District Dental Society, a corporation; Virginia Dental Association, a corporation; and Northern Virginia Dental Society, a corporation; Agreement containing consent order to cease and desist.

The agreement herein by and between the above named respondents, by their duly authorized officers and attorneys, and counsel for the Federal Trade Commission is entered into in accordance with the Commission's Rule governing consent order procedures. In accordance therewith the parties hereby agree that:

1. Respondent American Dental Association ("ADA") is an Illinois corporation, with its principal place of

business at 211 East Chicago Avenue, Chicago, Illinois.

Respondent Indiana Dental Association ("IDA") is an Indiana corporation, with its principal place of business at 402 Jefferson Building, 1 Virginia Avenue, Indianapolis, Indiana. IDA is a constituent society of ADA.

Respondent Indianapolis District Dental Society ("IDDS") is an Indiana corporation, with its principal place of business at 211 North Delaware Street, Indianapolis, Indiana. IDDS is a component society of IDA and ADA.

Respondent Virginia Dental Association ("VDA") is a Virginia corporation, with its principal place of business at Suite 423, 2015 Staples Mill Road, Richmond, Virginia. VDA is a constituent society of ADA.

Respondent Northern Virginia Dental Society ("NVDS") is a Virginia corporation with its principal place of business at 1008 North Randolph, Arlington, Virginia. NVDS is a component society of VDA and ADA.

2. Respondents have been served with a copy of the complaint issued by the Federal Trade Commission on January 4, 1977, charging them with violation of Section 5 of the Federal Trade Commission Act. They have filed answers to said complaint denying said charges.

3. Only for the purpose of this proceeding and for compliance and enforcement proceedings under the following Order, ADA, IDA, IDDS, VDA, and NVDS individually and severally admit all of the jurisdictional allegations set forth in the Commission complaint in this proceeding.

4. Respondents waive:

(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 public record of this 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. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint issued by the Commission. In addition, it shall in no way affect the positions taken by the Commission or Commission complaint counsel in FTC Docket No. 9064 or any other matter.

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 respondents, (1) issue its decision containing the following Order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the Order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Order shall become final upon service. Delivery by the U.S. Postal Service of the decision containing the agreed-to Order to respondents' addresses as stated in this agreement shall constitute service. Respondents waive any right they might have to any other manner of service. 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 in the agreement may be used to vary or to contradict the terms of the Order.

8. Respondents have read the complaint and the Order contemplated hereby. They understand that once the Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Order. Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Order after it becomes final.

Order

Definitions

For purposes of this Order, the following definitions shall apply:

"FTC Docket No. 9064" means Federal Trade Commission Docket No. 9064 and that matter as it may otherwise be denominated by a reviewing court.

"Final adjudicated order" means an adjudicated order or opinion of the Federal Trade Commission or of a reviewing court which either dismisses the complaint on the merits or for lack of jurisdiction as to, or grants relief against, the American Medical Association in FTC Docket No. 9064 and which has become final in accordance with Section 5(g)–(k) of the Federal Trade Commission Act, 15 U.S.C. § 45(g)–(k).

"Respondents" means the American Dental Association ("ADA"), the Indiana Dental Association ("IDA"), the Indianapolis District Dental Society ("IDDS"), the Virginia Dental Association ("VDA"), and the Northern Virginia Dental Society ("NVDS"), individually or jointly, and their respective councils, departments, committees, divisions, subdivisions, trustees, officers, delegates, representatives, agents, employees, successors, and assigns.

"Constituent societies" means those dental societies or dental associations defined as constituent societies in the January 1, 1978, edition of the American Dental Association's *Constitution and Bylaws* and, in the event that the American Dental Association's *Constitution and Bylaws* is amended to denominate constituent societies differently or to describe a new category of dental societies which replace or are roughly equivalent to constituent societies, "constituent societies" means those dental societies as well.

"Component societies" means those dental societies or dental associations defined as component societies in the January 1, 1978, edition of the American Dental Association's *Constitution and Bylaws* and, in the event that the American Dental Association's *Constitution and Bylaws* is amended to denominate component societies differently or to describe a new category of dental societies which replace or are roughly equivalent to component societies, "component societies" means those dental societies as well.

I

It is ordered, That:

(A) On entry of a final adjudicated order in FTC Docket No. 9064, the Commission will issue an order ("*ADA* order") against respondents in this proceeding which will consist of the provisions of the FTC Docket No. 9064 final adjudicated order, conformed to make such provisions fully applicable to respondents herein, consistent with Section I(C) of this Order. Such conforming modifications will include, for purposes of illustration, but not be limited to, substituting the names of respondents and their ethical codes and publications for the names of the FTC Docket No. 9064 respondents and their ethical codes and publications,

respectively, and substituting the words "dental" for "medical", "dentists" for "physicians", and "dentists' services" for "physicians' services". Respondents shall be bound by such *ADA* order and shall have no right to seek judicial review or otherwise challenge the validity of it unless it fails to conform substantially to the final adjudicated order in FTC Docket No. 9064, consistent with Section I(C) of this Order, provided however:

(B) In the event that the Commission issues a decision and order based on a consent agreement against the American Medical Association in FTC Docket No. 9064, the instant case shall immediately be reopened and returned to adjudicative status.

(C) No provisions in the final adjudicated order in FTC Docket No. 9064 which relate directly to physicians' contractual arrangements for the sale or distribution of their professional services or to the growth, development or operations of any prepaid health care delivery plan or of any other organization which offers physicians' services to the public shall be applicable to respondents, except to the extent that such provisions relate to advertising or solicitation of patients or business.

(D) In the event that the final adjudicated order in FTC Docket No. 9064 dismisses the complaint on the merits or for lack of jurisdiction, the Commission shall dismiss the complaint in this proceeding.

(E) For the purpose of clarifying Section I(A) of this Order, respondents shall not be bound by any order entered pursuant to Section I(A) of this Order based on an order of the Commission or a reviewing court which may be entered in FTC Docket No. 9064 unless and until such Docket No. 9064 order becomes a final adjudicated order.

II

It is further ordered, That pending entry of a final adjudicated order, or Commission issuance of a decision and order based on a consent agreement against the American Medical Association in FTC Docket No. 9064, respondents in this proceeding shall not restrict, regulate, impede, declare unethical or improper, interfere with, or advise against any form of advertising or solicitation of patients or business by dentists or dental care delivery organizations which is not false or misleading in any material respect. Within sixty (60) days after entry of this Order, respondents shall:

(A) State in a prominent place and manner in the ADA Principles of Ethics, ADA Official Advisory Opinions, NVDS Code of Ethics, and all other codes, guidelines, and other standards of dentist conduct issued by respondents that: "Advertising, solicitation of patients or business, or other promotional activities by dentists or dental care delivery organizations shall not be considered unethical or imporper, except for those promotional activities which are false or misleading in any material respect. Notwithstanding any ADA Principles of Ethics or other standards of dentist conduct which may be differently worded, this shall be the sole standard for determining the ethical propriety of such promotional activities. Any provision of an ADA constituent or component society's code of ethics or other standard of dentist conduct relating to dentists' or dental care delivery organizations' advertising, solicitation, or other promotional activities which is worded differently from the above standard shall be deemed to be in conflict with the ADA Principles of Ethics."

(B) Add footnotes referring readers to the quoted statement in Section II(A) of this Order after each provision of respondents' respective ethical codes, advisory opinions, interpretations, and guidelines which relates in any way to dentists' or dental care delivery organizations' advertising, solicitation, or promotional activities. These include the third paragraph of the preamble of the ADA Principles of Ethics and Sections 2, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22 thereof. No version of respondents' respective ethical codes, advisory opinions, interpretations, or guidelines which lacks such footnote references shall be distributed.

(C) Delete from all copies of ethical codes and other publications which are distributed by respondents all references to the following ADA Official Advisory Opinions [of the ADA Principles of Ethics] (March 1977 rev.):

Advisory Opinion 2 of Section 2.
Advisory Opinions 1 through 13 of Section 12.
Advisory Opinions 1 through 6 of Section 13.
Advisory Opinions 1 through 3 of Section 14.
Advisory Opinion 1 of Section 16.
Advisory Opinions 1 and 8 of Section 17.
Advisory Opinions 1 through 9 of Section 19.
Advisory Opinions 1 through 4 of Section 20.

(D) Not thereafter amend, elaborate on, or add any ADA Principles of Ethics, ADA Official Advisory Opinions, or other standards of dentist conduct relating to dentists' or dental care delivery organizations' advertising, solicitation, or other promotional activities, except to conform such standards to the standard set forth in Section II(A) of this Order.

(E) Not refer to or apply any standard of dentist conduct other than the standard set forth in Section II(A) of this Order in responding to requests for advice, inquiries, and complaints from dental societies, dentists, or others relating to dentists' or dental care delivery organizations' advertising, solicitation, or other promotional activities. In all such responses, respondents shall enclose a copy of this Order and a copy of the ADA Principles of Ethics and Official Advisory Opinions made consistent with Section II(A)–(D) of this Order.

III

It is further ordered, That at no time after entry of the final adjudicated order, or Commission issuance of a decision and order based on a consent agreement against the American Medical Association in FTC Docket No. 9064, shall respondents apply, in any formal or informal disciplinary proceeding, any standard of dentist conduct different from the standard set forth in Section II(A) of this Order to those promotional activities which occur prior to entry of such final adjudicated order or consent order.

IV

It is further ordered, That nothing in this Order shall be construed to limit the Commission's authority to investigate, proceed administratively against, or seek court action against any constituent or component society of ADA which may be acting contrary to this Order or in violation of any of the laws which the Federal Trade Commission is charged with enforcing.

V

It is further ordered, That if the instant proceeding is returned to adjudicative status pursuant to Section I(B) of this Order, no provision of this Order other than Section III shall be given effect thereafter.

VI

It is further ordered, That:

(A) Within sixty (60) days after this Order becomes final, ADA shall publish its full text in a prominent place and manner in the *Journal of the American Dental Association* and *ADA News.* Within ninety (90) days after this Order becomes final, the other respondents shall publish its full text in a prominent place and manner in their respective publications: IDA in the *IDA Journal;* IDDS in the *IDDS Newsletter;* VDA in the *VDA Journal;* and NVDS in *NOVA News.*

(B) Within sixty (60) days after this Order becomes final, ADA shall send a letter in the form shown in Appendix A to this Order to each of its members.

During the period prior to entry of a final adjudicated order, or Commission issuance of a decision and order based on a consent agreement against American Medical Association in FTC Docket No. 9064, ADA shall send the same form letter, together with a copy of this Order, to each dentist who joins ADA, immediately upon his or her joining.

(C) Within sixty (60) days after this Order becomes final, ADA shall send, by first class mail, a letter in the form shown in Appendix B to this Order to the presidents, staff directors, and ethics committee chairpersons of each of its constituent and component societies, enclosing a copy of this Order and a copy of the ADA Principles of Ethics and Official Advisory Opinions made consistent with Section II(A)–(D) of this Order.

VII

It is further ordered, That within ninety (90) days after service of this Order and annually on the anniversary date of the original report, for each of the succeeding years prior to entry of a final adjudicated order or Commission issuance of a decision and order based on a consent agreement order against the American Medical Association in FTC Docket No. 9064, each respondent shall individually file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this Order. All such compliance reports shall include such other information and documentation as the Commission may require to show compliance with this Order.

VIII

It is further ordered, That nothing in this Order shall be construed to exempt any respondent from compliance with the antitrust laws or the Federal Trade Commission Act, and the fact that any activity is not prohibited by this Order shall not bar a challenge to it under such laws and statute.

IX

It is further ordered, That each respondent shall notify the Commission at least thirty (30) days prior to any proposed change in the respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation or association, or any othe change in the corporation or association which may affect compliance obligations arising out of this Order.

Appendix A

[ADA Regular Letterhead]

Dear Doctor:

As you are probably aware, in January of 1977, the Federal Trade Commision issued a complaint against the ADA, the Indiana Dental Association , the Indianapolis District Dental Society, the Virginia Dental Association, and the Northern Virginia Dental Society. The administrative complaint alleged that certain portions of ADA's Principles of Ethics and advisory opinions regarding advertising and solicitation by dentists were in violation of the Federal Trade Commission Act.

We have entered into a consent order with the FTC, without admitting any violation of the law, which will provide an interim resolution of the matter pending the ultimate decision in a similar FTC case (Docket No. 9064) involving professional advertising and solicitation. The ADA and the FTC have agreed to be bound by the final outcome of the other case principally as it relates to FTC jurisdiction, ethical restrictions on advertising and solicitation, and relief. That case, which may ultimately be decided by a United States Court of Appeals or the United States Supreme Court, deals with a number of questions, but those which relate to the *ADA* case are principally whether the FTC has jurisdiction over the professional associations in that case and whether those professional associations may have violated the Federal Trade Commission Act through adoption and enforcement of ethical restrictions on advertising and solicitation.

Pending the final decision in that case, advertising, solicitation of patients or business, or other promotional activities by dentist or dental care delivery organizations shall not be considered unethical or improper, except for those promotional activities which are false or misleading in any material respect. Regardless of any standards of dentist conduct which may be worded differently, this shall be the sole standard for determining the ethical propriety of such promotional activities. The ADA Principles of Ethics and Official Advisory Opinions have been made consistent with the above stated standard through the addition of footnotes. Any provision of an ADA constituent or component society's code of ethics or other standard of dentist conduct relating to dentists' or dental care delivery organizations' advertising, solicitation, or other promotional activities which is worded differently from the above stated standard shall be deemed to be in conflict with the ADA Principles of Ethics.

We urge all of our members and constituent and component organizations to abide by the letter and spirit of this consent order, a copy of which is printed in the ———— issue of the *ADA News* and which may be obtained from ADA headquarters or from your state or local dental society. A copy of the ADA Principles of Ethics and Official Advisory Opinions, as made consistent with the above stated standard, also may be obtained from these sources.

As part of the consent order, the FTC reserves the right to investigate, proceed administratively against, or seek court action against any constituent or component society of the ADA which may be acting contrary to the consent order or in violation of any of the laws which the FTC is charged with enforcing.

We will keep you advised on further developments as this matter proceeds toward its ultimate resolution.

Thank you for your cooperation.

Sincerely,

Joseph P. Cappuccio, D.D.S.,

President.

Appendix B

[ADA Regular Letterhead]

Dear————————:

As you are probably aware, in January of 1977, the Federal Trade Commission issued a complaint against the ADA, the Indiana Dental Association, the Indianapolis District Dental Society, the Virginia Dental Assocation, and the Northern Virginia Dental Society. The administrative complaint alleged that certain portions of ADA's Principles of Ethics and advisory opinions regarding advertising and solicitation by dentists were in violation of the Federal Trade Commission Act.

We have entered into a consent order with the FTC, without admitting any violation of the law, which will provide an interim resolution of the matter pending the ultimate decision in a similar FTC case (Docket No. 9064) involving professional advertising and solicitation. The ADA and the FTC have agreed to be bound by the final outcome of the other case principally as it relates to FTC jurisdiction, ethical restrictions on advertising and solicitation, and relief. That case, which may ultimately be decided by a United States Court of Appeals or the United States Supreme Court, deals with a number of questions, but those which relate to the *ADA* case are principally whether the FTC has

jurisdiction over the professional associations in that case and whether those professional associations may have violated the Federal Trade Commission Act through adoption and enforcement of ethical restrictions on advertising and solicitation.

Pending the final decision in that case, advertising, solicitation of patients or business, or other promotional activities by dentists or dental care delivery organizations shall not be considered unethical or improper, except for those promotional activities which are false or misleading in any material respect. Regardless of any standards of dentist conduct which may be worded differently, this shall be the sole standard for determining the ethical propriety of such promotional activities. The ADA Principles of Ethics and Official Advisory Opinions have been made consistent with the above stated standard through the addition of footnotes (a copy is enclosed). Any provision of an ADA constituent or component society's code of ethics or other standard of dentist conduct relating to dentists' or dental care delivery organizations' advertising, solicitation, or other promotional activities which is worded differently from the above stated standard shall be deemed to be in conflict with the ADA Principles of Ethics.

We urge all of our members and constituent and component organizations to abide by the letter and spirit of the consent order, copies of which are enclosed.

All older editions of ADA'a Principles of Ethics, Official Advisory Opinions, and constituent and component society ethical codes and interpretations which are worded differently from the above stated standard should no longer be distributed or enforced. Neither should any informal interpretations be given which do not accord with this standard.

As part of the consent order, the FTC reserves the right to investigate, proceed administratively against, or seek court action against any constituent or component society of the ADA which may be acting contrary to the consent order or in violation of any of the laws which the FTC is charged with enforcing.

We will keep you advised on further developments as this matter proceeds toward its ultimate resolution.

Thank you for your cooperation.

Sincerely,

Joseph P. Cappuccio, D.D.S.,

President.

Analysis of Proposed Consent

ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement containing a proposed consent order against the American Dental Association ("ADA"), the Indiana Dental Association, the Indianapolis District Dental Society, the Virginia Dental Association, and the Northern Virginia Dental Society in the Commission adjudicative proceeding captioned *American Dental Association*, Docket No. 9093 ("*ADA* case").

The proposed consent order has been placed on the public record for sixty (60) days for receipt of comments from 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 issue the order contained in the agreement.

The Complaint. On January 4, 1977, the Commission issued a complaint against ADA, the Indiana Dental Association, the Indianapolis District Dental Society, the Virginia Dental Association, and the Northern Virginia Dental Society. According to the complaint, ADA is a corporation whose approximately 124,000 member dentists are located throughout the country. In 1975, approximately 95 percent of all active dentists in the United States were members of ADA and its constituent state dental associations (including respondents Indiana Dental Association and Virginia Dental Association) and component local dental societies (including respondents Indianapolis District Dental Society and Northern Virginia Dental Society). The complaint also asserts that the members of ADA and the other respondent dental associations are engaged in the business of providing dentists services for a fee and that they are in competition among themselves and with other dentists. The complaint states that in 1975 total expenditures for dentist services in the United States were approximately $7.5 billion.

The complaint alleges that ADA, the four other respondent dental societies, and others have engaged in concerted action to restrain competition among dentists by preventing and hindering dentists from:

(A) Soliciting business by advertisting or otherwise;

(B) Engaging in price competition; and

(C) Otherwise engaging in competitve practices.

The complaint also alleges that, as part of such conduct, respondents and others have adopted, abided by, and enforced restrictive codes of ethics. The complaint further alleges that as a result of the alleged concerted activities:

(A) Prices of dentist services have been stabilized, fixed or otherwise interferred with;

(B) Competition among dentists in the provision of dentist services has been hindered, restrained, foreclosed and frustrated;

(C) Consumers of dentist services have been deprived of information pertinent to the selection of a dentist and of the benefits of competition;

(D) Dentists have been restrained in their ability to compete and to make dentist services readily and fully available to consumers; and

(E) Development of innovative systems for the delivery of dentist services has been hindered or restrained.

The complaint charges that respondents' activities constitute unfair methods of competition and unfair acts or practices in violation of Section 5 of the Federal Trade Commission Act.

As a matter of background, approximately one year before the start of the *ADA* case, the Commission issued a similar complaint (Docket No. 9064) against the American Medical Association ("AMA"), the Connecticut State Medical Society, and the New Haven County Medical Association, Inc. The *AMA* Complaint is similar to the *ADA* complaint in that it challenges, among other things, ethical rules allegedly restricting physician advertising and solicitation. On November 13, 1978, an initial decision was issued in the *AMA* case holding that respondents had violated Section 5 of the FTC Act, as alleged in the complaint. Appeals by all respondents are now before the full Commission.

The Consent Order. ADA and the other respondents have agreed to a proposed consent order under which the *ADA* case would be decided by the final adjudicated order (after all judicial review is completed) in the *American Medical Association* case. Specifically, Section I of the consent order provides that on entry of a final adjudicated order in the *AMA* case, the Commission would issue an order against the *ADA* respondents consisting of the relevant provisions of the *AMA* order conformed to make them fully applicable to the *ADA* respondents. If the *AMA* case is dismissed on the merits or for lack of jurisdiction, the *ADA* complaint would

also be dismissed. Section I further provides that respondents would be bound by the new *ADA* order.

The proposed consent order also would grant interim relief, during the period prior to final resolution of the *AMA* case, regarding the dental associations' ethical restrictions on dentists' advertising and solicitation. In particular, Section II of the consent order, which would be effective until the *AMA* case is decided, would prohibit ADA and the other respondent dental societies from restricting or declaring unethical any form of advertising or solicitation of business by dentists which is not false or misleading in any material respect. Section II would implement this prohibition by requiring respondents to print the following statement prominently in their codes of ethics (and to insert footnotes referring readers to the statement after each advertising provision in such codes):

> Advertising, solicitation of patients or business, or other promotional activities by dentists or dental care delivery organizations shall not be considered unethical or improper, except for those promotional activities which are false or misleading in any material respect. Notwithstanding any ADA Principles of Ethics or other standards of dentist conduct which may be differently worded, this shall be the sole standard for determining the ethical propriety of such promotional activities. Any provision of an ADA constituent or component society's code of ethics or other standard of dentist conduct relating to dentists' or dental care delivery organizations' advertising, solicitation, or other promotional activities which is worded differently from the above standard shall be deemed to be in conflict with the ADA Principles of Ethics.

Section II(C) of the proposed order would require respondents to strike from their codes of ethics a number of "official advisory opinions" restrictive of dentists' advertising and solicitation. Sections II(D) and II(E) would bar respondents from engaging in any ethics activity that might undermine the approach to advertising and solicitation mandated by the order.

Another provision of the order would caution all constituent and component societies of ADA that if they act contrary to the order, they may be subject to a Commission investigation, adjudicative proceeding, or court action.

The order would also require respondents to publish its full text in their respective publications. It would further require ADA to send designated form letters to all of ADA's members and to officials of all of ADA's constituent and component dental societies describing the order and urging compliance with its letter and spirit.

The remaining provisions of the proposed order deal with compliance. ADA and the other respondents would be required to submit periodic compliance reports to the Commission and to notify the Commission of any significant changes in their organizations.

The purpose of this analysis is to facilitate public comment on the proposed order, not to constitute an official interpretation of the agreement and proposed order or to modify their terms in any way.

Carol M. Thomas,

Secretary.

[File No. 9093]

[FR Doc. 79-13500 Filed 4-30-79; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

Suspension of Duty To File Reports Upon Termination of Registration

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission invites comment on a proposed rule suspending an issuer's duty to file reports as to a class of securities pursuant to section 15(d) of the Exchange Act for the balance of the issuer's fiscal year if the registration of such class is terminated under Section 12(g)(4) of the Exchange Act. It is the Commission staff's judgment that any benefit of requiring corporations to either file reports beyond the termination of their registration under section 12(g) or apply for exemption under section 12(h) is generally outweighed both by the burden of compliance imposed upon such corporations and by the burden placed upon the staff in processing routine section 12(h) applications.

DATE: Comments must be received on or before May 30, 1979.

ADDRESS: Comments should refer to File No. S7-777 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Ann M. Glickman, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549 (202) 376-2939.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for comment proposed Rule 12h-4 (17 CFR 240.12h-4) under the Securities Exchange Act of 1934 (the "Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)). Such rule will suspend an issuer's duty to file reports as to a class of securities pursuant to section 15(d) of the Exchange Act for the balance of the issuer's fiscal year if the registration of such class is terminated under section 12(g)(4) of the Exchange Act. The duty to file under section 15(d) as to such class of securities shall remain automatically suspended as to each subsequent fiscal year if at the beginning of such fiscal year the securities of such class are held of record by less than 300 persons.

In Securities Exchange Act Release No. 14417 (January 26, 1978) (43 FR 4254), the Division of Corporation Finance was delegated the authority to grant routine applications under section 12(h), thus relieving the Commission of the need to consider such matters. In that Release, the Commission noted that inasmuch as many applications filed under section 12(h) are routine in nature, and do not involve policy considerations or novel questions, it is not necessary for the Commission to consider each application on an individual basis. The processing of such section 12(h) applications, however, still requires considerable staff time. Recent acquisition activity has given rise to many section 12(h) applications in situations where a corporation is the sole holder of a class of an acquired company's securities subject to a section 15(d) duty to file reports. It is the staff's judgment that any benefit of requiring corporations to either file reports beyond the termination of their registration under section 12(g) or apply for exemption under section 12(h) is generally outweighed both by the burden of compliance imposed upon such corporations and by the burden placed upon the staff in processing routine section 12(h) applications.

The following examples illustrate the operation of the proposed rule. Issuers A and B each have one class of common stock which is registered under section 12(g) of the Act and which is their only class of securities subject to a reporting obligation under Section 15(d). Their fiscal years end on December 31.

Example 1. Issuer A, with 750 shareholders, is acquired by X Corporation and becomes a wholly-owned subsidiary of X Corporation on November 1, 1979. Issuer A files a certification with the Commission on Form 12g-4, requesting that the termination of registration under section 12(g) be accelerated. The registration of the common stock of Issuer A under

section 12(g) is terminated on December 1, 1979. Although Issuer A would have been required to file its Form 10–K annual report for the year ending December 31, 1979 under section 15(d), it is relieved of this obligation under the proposed rule.

Example 2. Issuer A, with 750 shareholders, is acquired by X Corporation and becomes a wholly-owned subsidiary of X Corporation on February 1, 1980. Issuer A files a certification with the Commission on Form 12g–4, requesting that the termination of registration under section 12(g) be accelerated. The registration of the common stock of Issuer A under section 12(g) is terminated on March 1, 1980. Although Issuer A is required to file its Form 10–K annual report for the year ending December 31, 1979, it is relieved under the proposed rule of the obligation to file the reports on Form 10–Q for all 1980 quarters and the annual report on Form 10–K for the year ending December 31, 1980.

Example 3. Issuer has 305 record shareholders as of January 1, 1980. However, by May 31, 1980, its number of record shareholders has fallen to 280. Issuer B files a certification with the Commission on Form 12g–4, requesting that the termination of registration under section 12(g) be accelerated. The registration of the common stock of Issuer B under section 12(g) is terminated on June 30, 1980. under the proposed rule, Issuer B is not required to file its 1980 second quarter and third quarter reports on Form 10–Q or its annual report on Form 10–K for the year ending December 31, 1980. However, as of January 1, 1981, the number of Issuer B's record shareholders has risen to 325. Issuer B is once again subject to the reporting obligaions of section 15(d) and must file all reports due for periods in 1981 and for periods in all subsequent years in which at the beginning of each subsequent year the number of Issuer B's record shareholders is 300 or more.

Proposed Amendments

It is proposed to amend 17 CFR Chapter II as follows: Part 240, Subpart A, is proposed to be amended by adding § 240.12h-4 as follows:

§ 240.12h–4 Exemption from section 15(d) upon termination of registration under section 12(g).

If the registration of a class of securities is terminated under section 12(g)(4) during a fiscal year, the duty to file reports as to such class of securities pursuant to section 15(d) shall be suspended for the balance of that fiscal year and for any subsequent fiscal year at the beginning of which securities of such class are held of record by less than 300 persons.

(Secs. 12(h), 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 3, 8, 49 Stat. 1377, 1379; secs. 3, 4, 6, 78 Stat. 565–568, 569, 570–574; sec. 2, 82 Stat. 454; secs. 1, 2, 84 Stat. 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs, 202, 203, 204, 91 Stat. 1494, 1498, 1499, 1500; (15 U.S.C. 781(h), 78m, 78o(d), 78w(a))

Statutory Authority

Rule 12h–4 is proposed pursuant to Sections 13(h), 13, 15(d) and 23(a) of the Securities Exchange Act of 1934.

In light of section 23(a)(2) of the Exchange Act, the Commission specifically invites comments as to any competitive impact of any changes in the disclosure requirements.

By the Commission.

George A. Fitzsimmons,
Secretary.

April 23, 1979.

[Release No. 34–15757]
[FR Doc. 79–13438 Filed 4–30–79; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 145]

Table Olives; Intent To Establish Standard

Correction

In FR Doc. 79–5478, appearing at page 10724, in the issue of Friday, February 23, 1979, in the heading, the docket number should be corrected to read "Docket No. 78N–0355".

[Docket No. 78N–0355]
BILLING CODE 1505–01–M

[21 CFR Part 882]

Medical Devices; Classification of Dowel Cutting Instruments

Correction

In FR Doc. 78–32906, appearing at page 55680 in the issue of Tuesday, November 28, 1978, the section cited in the last line of the paragraph headed "Proposed Classification", page 55681, column one, should be § 882.4275.

[Docket No. 78N–1049]
BILLING CODE 1505–01–M

[21 CFR Part 882]

Medical Devices; Classification of Burr Hole Covers

Correction

In FR Doc 78–32939, appearing at page 55706 in the issue of Tuesday, November 28, 1978, the telephone number in the last line of the paragraph headed "For Further Information Contact" should read "301–427–7226".

[Docket No. 78N–1083]
BILLING CODE 1505–01–M

[21 CFR Part 882]

Medical Devices; Classification of Aneurysm Clips

Correction

In FR Doc. 78–32936, appearing at page 55703 in the issue of Tuesday, November 28, 1978, the following changes should be made:

1. In the paragraph numbered 4., second column, page 55703, the third from last line should read, "Testing and Materials (ASTM), discussed the".

2. In the second paragraph under the heading "Proposed Classification", column two, page 55703, the nineteenth line should read, "correction of intracranial aneurysms".

[Docket No. 78N–1080]
[FR Doc. 79–32931 Filed 4–30–79; 8:45 am]
BILLING CODE 1505–01–M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

Proposed Revision of the Implementation Plan for the State of Virginia

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking.

SUMMARY: On October 10, 1978, the Environmental Protection Agency proposed a revision to the Virginia State Implementation Plan (SIP) regarding the Hampton Roads Energy Company (HREC), Portsmouth, Virginia and the related nonmethane hydrocarbon (NMHC) offsets. At that time, only emissions from the refinery were quantified and included in the offset calculations. In response to comments received, the Agency has decided to re-evaluate the separation of the refinery from the terminal operations and now proposes to include NMHC emissions from the terminal and distribution

operations as well as the refinery when calculating emissions to be offset by the reduction of NMHC emissions through a program of substitution of emulsion-base asphalt for cutback asphalt (or nonmethane hydrocarbon based asphalt). Furthermore, also in response to public comments, EPA obtained additional asphalt usage data compiled on a quarterly basis to determine the actual NMHC reductions achieved on a seasonal basis. Approval of the proposed amendment would satisfy the requirements of Section 129(a)(1) of the 1977 Clean Air Act Amendments and the EPA December 21, 1976 Interpretative Ruling for the proposed Hampton Roads Energy Company oil refinery and terminal in Portsmouth, Virginia.

DATES: Comments must be received on or before May 31, 1979. A 30-day public comment period is deemed sufficient for this Notice because there was an earlier comment period during which EPA received extensive comments regarding the HREC project. Because the scope of this Notice relates only to two issues, namely seasonal offsets and terminal operations, a longer comment period is not considered necessary.

ADDRESSES: Copies of the proposed revision of the Virginia SIP and accompanying support documentation are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Ms. Eileen M. Glen.

Virginia State Air Pollution Control Board, Region VI, Pembroke Four, Suite 409, Pembroke Office Park, Virginia Beach, Virginia 23462, ATTN: Mr. Lucien B. McDonald.

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

All comments should be submitted to:

Mr. Howard Heim (3AH10), Chief, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Sts., Philadelphia, Pennsylvania 19106, ATTN: AH015VA.

FOR FURTHER INFORMATION CONTACT: Ms. Eileen M. Glen, Air and Hazardous Materials Division, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building 6th & Walnut Streets, Philadelphia, Pennsylvania 19106.

SUPPLEMENTARY INFORMATION: The purpose of this proposed revision to the Virginia SIP, pursuant to Section 129(a)(1) of the 1977 Clean Air Act Amendments and the EPA December 21, 1976 Interpretative Ruling (I.R.) (41 FR 55524), is to offset nonmethane hydrocarbon emissions resulting from the operation of the proposed HREC refinery and terminal in Portsmouth, Virginia. On October 10, 1978, the EPA published a Notice of Proposed Rulemaking (43 FR 46554) regarding the proposed offset and requested public comment. As a result of the comments received, EPA obtained additional information and now requests public comments on the following two points:

Seasonal offsets: In response to public comments received as a result of the October 10, 1978 Notice, EPA requested additional information from the Virginia State Air Pollution Control Board (VSAPCB). This material was submitted on February 6, 1979 and is available for review. The material has been evaluated and calculations show that NMHC reductions achieved through the asphalt substitution program will exceed NMHC emissions from the refinery, terminal, and distribution operations on a seasonal as well as yearly basis. This "seasonal" offset occurs when using either 1975 or 1977 as the base year.

Terminal Operations: In response to comments received, EPA has determined that NMHC emissions from the terminal and distribution operations should be considered as part of the total NMHC emissions to be offset by the reductions achieved through the asphalt substitution program. The VSAPCB and HREC have estimated the terminal's emissions to be approximately 176.5 tons per year (TPY) while EPA's analysis of the "worst-case" situation shows that NMHC emissions from the terminal and distribution operations will not exceed 200 TPY. Furthermore, the VSAPCB has required, in its Permit to HREC, the installation of a 90% efficient vapor recovery system at the terminal to help control emissions to the aforementioned values. These NMHC emission estimates include secondary emissions associated with the terminal operations.

The proposed revision to the Virginia SIP will result in a decrease of one thousand, nine hundred and thirty-one (1,931) tons per year of nonmethane hydrocarbons in the three-highway paving district areas surrounding the proposed site of the oil refinery. At no time will nonmethane hydrocarbon emissions from oil refinery storage facilities, process combustion, and fugitive sources exceed one thousand, two hundred and ninety-three (1,293) tons per year. In addition, NMHC emissions from the terminal and distribution operations are not expected to exceed 176.5 TPY. The level of control limiting NMHC emissions from the operation of the oil refinery to 1293 TPY and the 90% efficient vapor recovery system at the terminal are currently existing permit conditions.

The public is invited to submit comments on these two issues only. All comments submitted as a result of the October 10, 1978 notice have already been reviewed and will be considered prior to final rulemaking.

The Administrator's decision to approve or disapprove this proposed SIP revision will be based on whether the amendment submitted by the Commonwealth of Virginia meets the requirements of Section 129(a)(1) of the 1977 Clean Air Act Amendments and the EPA December 21, 1976 Interpretative ruling and 40 CFR Part 51, "Requirements for Preparation, Adoption, and Submittal of Implementation Plans."

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

(42 U.S.C. 7401 et. seq.)

Dated: April 19, 1979.

Jack J. Schramm,
Regional Administrator.

[FRL 1212-6]

[FR Doc. 79-13580 Filed 4-30-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

Implementation Plan Revisions for Nonattainment Areas in the State of Arizona; Receipt/Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice of Receipt and Availability.

SUMMARY: The purpose of this notice is to announce receipt of revisions to the Arizona State Implementation Plan (SIP) and to invite public comment. These revisions were submitted to EPA in accordance with the requirements of Part D of the Clean Air Act, as amended in 1977, "Plan Requirements for Nonattainment Areas," and are available for public inspection at the addresses listed below. Notices of proposed rulemaking discussing these revisions will be published in future

Federal Register actions. The period for submittal of public comments will extend for 30 days after the publication of each notice of proposed rulemaking.

ADDRESSES: Copies of the SIP revisions are available for inspection during normal business hours at the following locations:

Library, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105.

Public Information Reference Unit, Environmental Protection Agency, 401 "M" Street SW., Room 2922, Washington, D.C. 20460.

Arizona Department of Health Services, State Health Building, 1740 West Adams Street, Phoenix, AZ 85007.

Maricopa Association of Governments, 1820 West Washington, Phoenix, AZ 85007.

Pima Association of Governments, 405 Transamerica Building, Tucson, AZ 85701.

FOR FURTHER INFORMATION CONTACT:

Inquiries and comments should be addressed to: Douglas Grano, Chief, Regulatory Section, Air Technical Branch, Air & Hazardous Materials Division, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, CA 94105, (415)556-2938.

SUPPLEMENTARY INFORMATION: New provisions of the Clean Air Act, enacted in August 1977, Pub. L. No. 95-95, require states to revise their SIPs for all areas that do not attain the National Ambient Air Quality Standards (NAAQS). The amendments required each state to submit to the Administrator a list of the NAAQS attainment status for all areas within the state. The Administrator promulgated these lists, with certain modifications, on March 3, 1978 (43 FR 8962) and March 19, 1979 (44 FR 16388). State and local governments were required to develop, adopt, and submit to EPA revisions to their SIP which provide for attainment of the NAAQS as expeditiously as practicable. The Metropolitan Pima County and Maricopa County Nonattainment Areas have been designated nonattainment for carbon monoxide, photochemical oxidants (ozone), and total suspended particles.

The Governor's designee submitted the following nonattainment area plans (NAP's) to EPA on the dates indicated:

Maricopa County Urban Planning Area NAP for Carbon Monoxide and Photochemical Oxidants, February 23, 1979.

Metropolitan Pima County NAP for Carbon Monoxide and Photochemical Oxidants, March 20, 1979.

Metropolitan Pima County NAP for Total Suspended Particulates, March 27, 1979.

The State also submitted regulations relating to these NAP's on January 4 and 23, 1979 as SIP revisions. These regulations include particulate matter and volatile organic compound controls on new and existing sources, emission testing methods, and a statement of State and local jurisdiction. In addition, amendments to the Arizona State Inspection/Maintenance Program were submitted as SIP revisions on March 21, 1979.

EPA is reviewing these revisions for conformance with the requirements of Part D of the Clean Air Act, as amended. Following EPA's review of the revisions, notices of proposed rulemaking will be published in the Federal Register that will provide a description of the proposed SIP revisions, summarize the Part D requirements, compare the revisions to the Part D requirements, identify the major issues in the proposed revisions, and suggest corrections. An additional 30 days will be provided for public comments at that time.

The intended effect of this notice is to notify the public that these revisions have been formally submitted to EPA for approval, that they are available for public inspection, and to encourage interested persons to submit written comments.

(Secs. 110, 129, 171 to 178, and 301(a) of the Clean Air Act, as amended (42 U.S.C. § 7410, 7429, 7501 to 7508, and 7601(a)).

Dated: April 20, 1979.

Frank M. Covington,
Regional Administrator

[FRL 1213-4]

[FR Doc. 79-13535 Filed 4-30-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

Proposed Approval of an Administrative Order Issued by Ohio Environmental Protection Agency to General Housewares Corp., Wagner Manufacturing Division

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: U.S. EPA proposes to approve an Administrative Order issued by the Ohio Environmental Protection Agency to General Housewares Corporation, Wagner Manufacturing Division. The Order requires the Company to bring air emissions from its grey iron cupolas in Sidney, Ohio, into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under the Clean Air Act (the Act). If approved by U.S. EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment on U.S. EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before May 31, 1979.

ADDRESSEES: Comments should be submitted to Director, Enforcement Division U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied for appropriate charges at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Cynthia Colantoni, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 353-2082.

SUPPLEMENTARY INFORMATION: General Housewares Corporation, Wagner Manufacturing Division operates two grey iron cupolas at Sidney, Ohio. The Order under consideration addresses emissions for the grey iron cupolas, which are subject to OAC 3745-17-07 and OAC 3745-17-11. The regulations limit the emissions of particulate matter and visible emissions, and are part of the federally approved Ohio State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979 through the installation of a wet scrubber or other appropriate control equipment downstream of the cupolas, sufficient to control emissions of particulate matter from each of these cupolas to a rate of no greater than 11.4 lbs./hr.

Because this Order has been issued to a major source of particulate matter emissions and visible emissions and permits a delay in compliance with the applicable regulations, it must be approved by U.S. EPA before it becomes effective as a Delayed Compliance Order under Section 113(d) of the Act. U.S. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection.

If the Order is approved by U.S. EPA, source compliance with its terms would preclude Federal enforcement action

under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Ohio SIP.

All interested persons are invited to submit Written comments on the proposed Order, written comments received by the date specified above will be considered in determining whether U.S. EPA may approve the Order. After the public comment period, the Administrator of U.S. EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

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

Dated: April 16, 1979.

John McGuire,
Regional Administrator, Region V.

Before The Ohio Environmental Protection Agency

General Housewares Corporation, Wagner Manufacturing Division

Order

The Director of Environmental Protection (hereinafter "Director") hereby makes the following Findings of Fact and, pursuant to Sections 3704.03(S) and (I) of the Ohio Revised Code and in accordance with Sections 113(a), 113(d), and 114 of The Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, issues the following Orders, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

Findings of Fact

1. General Housewares Corporation, Wagner Manufacturing Division (hereinafter "Wagner"), located at 440 Fair Road, Sidney, Ohio 45365, owns and operates two grey iron cupolas.

2. Said cupolas are identified as follows: Grey Iron Cupola No. 1, Modern Equipment Company; Grey Iron Cupola No. 2, Modern Equipment Company.

3. In the course of operation of Cupolas Nos. 1 and 2 air contaminants are emitted in violation of OAC 3745–17–07 and OAC 3745–17–11.

4. The applicable emission limitation for these Cupolas set forth in OAC 3745–17–11 is 11.4 lbs./hr.

5. Wagner is unable to immediately comply with OAC 3745–17–07 and OAC 3745–17–11.

6. Implementation by Wagner of interim control measures contained in the Orders below will fulfill the requirements of Section 113(d)(7) of The Clean Air Act, as amended.

7. The compliance schedule set forth in the Orders below requires compliance with applicable emission regulations as expeditiously as practicable.

8. The Director's determination to issue the Orders set forth below is based on his consideration of reliable, probative, and substantial evidence relating to the technical feasibility and economic reasonableness of compliance with such Orders, and their relation to benefits to the people of the State to be derived from such compliance.

Orders

Whereupon, after due consideration of the above Findings of Fact, the Director hereby issues the following Orders pursuant to Sections 3745.03(S) and (I) of the Ohio Revised Code and in accordance with Sections 113(a), 113(d), and 114 of the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, which will not take effect until the Administrator of the United States Environmental Protection Agency has approved their issuance under the Clean Air Act.

1. Wagner shall bring Cupolas Nos. 1 and 2 into final compliance with the applicable emission limitations in OAC 3745–17–11 and OAC 3745–17–07 not later than July 1, 1979.

2. Wagner shall install a wet scrubber or other appropriate control equipment downstream from Cupolas Nos. 1 and 2, sufficient to control emissions of particulate matter from each of these cupolas to a rate of not greater than 11.4 lbs./hr. as provided in OAC 3745–17–11.

3. Compliance with Order (1) above, shall be achieved in accordance with the following schedule:

Submit final control plans—Completed.

Award contracts—Completed.

Initiation of on-site construction and installation—March 30, 1979.

Achieve final compliance with applicable state and federal statutes and regulations—July 1, 1979.

4. Wagner shall give prior notification to Ohio EPA and U.S. EPA of resumption of operations subsequent to completion of installation of controls and shall conduct a compliance stack test within thirty days of resumption of operations. Wagner shall, within ninety days after July 1, 1979, submit data resulting from compliance testing demonstrating compliance with applicable state and federal statutes and regulations.

5. Pending achievement of compliance with Order (1) above Wagner shall use the best practicable systems of emission reduction for the period during which this Order is in effect in accordance with Section 113(d)(7) of the Clean Air Act, as amended. Such interim measures shall include:

a. Continued use of an operation and maintenance procedure which will result in the minimization of particulate matter emissions from the Cupolas on a day to day basis which shall include the use of clean scrap and regular maintenance of the Cupolas.

b. Continued operation of existing control equipment on Cupolas Nos. 1 and 2.

c. Compliance with OAC 3745–17–07 to as great an extent as possible.

6. Wagner shall install instrumentation to continuously measure and record the pressure drop across the wet scrubber or other control equipment. Wagner shall maintain said instrumentation in good working condition.

7. Wagner shall comply with the following monitoring and reporting requirements:

a. A progress report shall be submitted to the Southwest District Office of Ohio EPA within ten (10) days of the scheduled achievement date of each of the increments of progress specified in the compliance schedule in Order (3) above. The person submitting these reports shall certify whether each increment of progress has been achieved. If it has not been achieved, the report shall contain a detailed explanation of the reasons for the failure to achieve that increment of progress. Submission of such explanation does not excuse the failure to achieve the increment of progress.

b. Quarterly reports shall be submitted to the Southwest District Office of Ohio EPA concerning the interim maintenance and operation of the Cupolas as well as the progress being made toward achievement of compliance as set forth in Order (3) above.

c. As of July 1, 1979, the pressure drop across the scrubber shall be monitored and recorded while said Cupolas are in operation. Any excursions below the pressure drop required to meet the 11.4 lbs./hr. emission rate shall be reported on a quarterly basis, to the Southwest District Office of Ohio EPA, together with detail explanations of the reasons for such excursions and the corrective measures taken. All pressure drop monitoring data shall be retained for a minimum of three (3) years and shall be available for inspection and copying by the Director or his representative.

8. Wagner shall apply for and obtain permits to operate Cupolas Nos. 1 and 2 in accordance with OAC 3745–35–02. Said permit to operate will include special terms and conditions which incorporate the provisions of Orders (6) and (7)(c), above.

9. These orders shall terminate upon Wagner's obtaining permits to operate Cupolas Nos. 1 and 2.

10. Wagner is hereby notified that unless it is exempted under Section 120(a)(2)(B) or (C) of the Clean Air Act, as amended, failure to achieve final compliance with Order (1) above by July 1, 1979, will result in a requirement to pay a noncompliance penalty under Section 120 of the Clean Air Act, as amended.

James F. Mcavoy,
Director of Environmental Protection.

Upon issuance of the Order, General Housewares Corporation will be deemed to have waived its right to contest the reasonableness and lawfulness of the Order before the Environmental Board of Review or any court of competent jurisdiction, either in law or equity.

D.R. Ryan, Jr.,
Authorized Representative of General Housewares Corporation.

[FRL 1213–2]
[FR Doc. 79–13537 Filed 4–30–79; 8:45 am]
BILLING CODE 6560–01–M

[40 CFR Parts 6, 122, 123, 124, 125]

National Pollutant Discharge Elimination System; Issuance Date for Promulgation

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to issue final regulations.

SUMMARY: EPA intends in the near future to publish final regulations governing the National Pollutant Discharge Elimination System (NPDES). In response to inquiries from several persons, EPA is announcing that such regulations will be considered issued, for purposes of judicial review, at 1:00 p.m. eastern time one week after **Federal Register** publication of such regulations.

DATES: None.

ADDRESSES: None.

FOR FURTHER INFORMATION CONTACT: Alan W. Eckert (A–131), Office of General Counsel, EPA, 401 M Street, SW., Washington, D.C. 20460, 202–755–0753

SUPPLEMENTARY INFORMATION: EPA proposed comprehensive revisions to its basic NPDES regulations under the Clean Water Act on August 21, 1978 (43 FR 37078). EPA plans to publish final NPDES regulations in the near future.

Several interested parties have recently requested that EPA announce, in advance of publication of the final NPDES regulations, precisely when the published regulations will be considered issued for purposes of judicial review. In EPA's view, the final NPDES regulations will not be ripe for judicial review immediately upon issuance. In the event EPA's view does not prevail, however, EPA agrees that the time of issuance for purposes of judicial review should be fixed and announced in advance.

Accordingly, EPA hereby announces that the final NPDES regulations will be considered issued for purposes of judicial review at 1:00 p.m. eastern time on the day which is seven days after their date of publication in the **Federal Register**. If, however, such latter date is a federal holiday, the regulations will be considered issued at 1:00 p.m. eastern time on the next day after the seventh day which is not a federal holiday. EPA will specify the exact issuance date in the **Federal Register** preamble accompanying the final NPDES regulations. EPA will also explain its position on ripeness in that preamble.

It should be noted that EPA plans within the next month to propose general "race to the courthouse" regulations under the Clean Water Act. That notice will describe in general the problems of forum shopping and racing, and will describe EPA's reasons for favoring a definitely ascertainable time after **Federal Register** publication to serve as the trigger for judicial review.

Dated: April 26, 1979.

Joan Z. Bernstein,
General Counsel.

[FRL 1214–7]

[FR Doc. 79–13534 Filed 4–30–79; 8:45 am]

BILLING CODE 6560–01–M

[40 CFR Part 162]

Regulations for the Enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act; Notification of the Secretary of Agriculture of a Proposed Regulation

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notification to the Secretary of Agriculture of a proposed Regulation.

SUMMARY: Notice is given as required by Section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92–516, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 753; 7 U.S.C. 136 *et seq.*, hereinafter referred to as FIFRA) that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a proposed regulation classifying certain uses of certain pesticide active ingredients for restricted use.

FOR FURTHER INFORMATION CONTACT: Walter Waldrop, Office of Pesticide Programs (TS–770), EPA, Room 507, East Tower, 401 M Street, SW., Washington, D.C. 20460. (202) 755–7014.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(A) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the regulation within 30 days after receiving it, the Administrator shall publish in the **Federal Register** (with the proposed regulation) the comments of the Secretary and the response of the Administrator. If the Secretary does not comment in writing within 30 days after receiving the proposed regulation, the Administrator may sign the regulation for publication in the **Federal Register** anytime after the 30-day period.

Pursuant to FIFRA Section 25(a)(3), a copy of this proposed regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This proposed regulation was also submitted to the FIFRA Scientific Advisory Panel as required by Section 25(d).

(Sec. 25, Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92–516; 86 Stat. 973; Pub. L. 94–140; 89 Stat. 753; (7 U.S.C. 136 *et seq.).)*

Dated: April 25, 1979.

James M. Conlon
Acting Deputy Assistant Administrator for Pesticide Programs.

[OPP–250017; FRL 1213–6]

[FR Doc. 79–13536 Filed 4–30–79; 8:45 am]

BILLING CODE 6560–01–M

[40 CFR Part 162]

Classification of Certain Pesticide Active Ingredients for Restricted Use

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notification to the Secretary of Agriculture of a Pending Final Regulation.

SUMMARY: Notice is given as required by Section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (Pub. L. 92–516, 86 Stat. 973; Pub. L. 94–140, 89 Stat. 753; 7 U.S.C. 136 et seq., hereinafter referred to as FIFRA) that the Administrator of EPA has forwarded to the Secretary of the U.S. Department of Agriculture a final regulation classifying uses of certain pesticide active ingredients for restricted use.

FOR FURTHER INFORMATION CONTACT: Walter Waldrop, Office of Pesticide Programs (TS–770), EPA, Room 507, East Tower, 401 M Street, S.W., Washington, D.C. 20460, (202) 755–7014.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture with a copy of any final regulation at least 30 days prior to signing it for publication in the **Federal Register.** If the Secretary comments in writing regarding the regulations within 15 days after receiving it, the Administrator shall publish in the **Federal Register** (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulations for publication in the **Federal Register** anytime after the 15-day period.

Pursuant to FIFRA Section 25(a)(3), a copy of this regulation has been

forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. This regulation was also submitted to the FIFRA Scientific Advisory Panel as required by Section 25(d).

(Section 25 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (Pub. L. 92-516, 86 Stat. 973, Pub. L. 94-140, 89 Stat. 753; 7 U.S.C 136 *et seq.*).)

Dated: April 25, 1979.

[FRL 1213-5; OPP-250016]
[FR Doc. 79-13584 Filed 4-30-79; 8:45 am]
BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Ch. I]

Formula Grants to States for Preventive Health Service Programs

AGENCY: Center for Disease Control (CDC), PHS, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: Section 203 of Public Law 95-626 established a new Section 315 under Title III of the Public Health Service Act. The provisions of this legislation authorize grants to States beginning in the fiscal year which ends September 30, 1980.

The Act provides for grants to assist States in planning for and developing preventive health service programs, and specifies a formula which assures at least a minimum planning grant award to all States with approved applications. Regulations are required to cover grant applications and awards for this purpose during the first year of the program.

The Act further provides for grants to assist States in delivering such services, specifies that application for such grants shall provide a detailed plan (including measurable objectives and a separate health communications component), and specifies a formula for determining the minimum and maximum amounts of each State's grant award. Additional regulations will be issued to cover applications for such grants during the fiscal years which end September 30, 1981, and September 30, 1982, for which appropriations are authorized. This regulation is policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis D. Tolsma, Office of the Center Director, Center for Disease Control, PHS, HEW, Atlanta, Georgia 30333, telephone (404) 329-3243 or FTS: 236-3243.

Dated: April 2, 1979.

Julius B. Richmond,
Assistant Secretary for Health.
[FR Doc. 79-13479 Filed 4-30-79; 8:45 am]
BILLING CODE 4110-86-M

Center for Disease Control

[42 CFR Part 51]

Health Incentive Grants for Comprehensive Public Health Services

AGENCY: Center for Disease Control, PHS, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: Pub. L. 95-626 amended Section 314(d) of the Public Health Service Act, and the provisions of the new legislation become effective October 1, 1979. A new regulation will be issued to implement changes made by this new legislation which will apply to grants awarded to State health departments to assist them and local health departments in providing appropriate conprehensive public health services. The recipient State authorities are to develop methods satisfactory to the Secretary to assure an equitable distribution of grant funds to local public health entities. This regulation is policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis D. Tolsma, Office of the Center Director, Center for Disease Control, PHS, HEW, Atlanta, Georgia 30333, telephone (404) 329-3243 or FTS: 236-3243.

Dated: April 5, 1979.

Julius B. Richmond,
Assistant Secretary for Health.
[FR Doc. 79-13477 Filed 4-30-79; 8:45 am]
BILLING CODE 4110-86-M

Health Care Financing Administration

[42 CFR Part 405]

Apportionment of Malpractice Costs to Medicare; Extension of Comment Period

AGENCY: Health Care Financing Administration, Health, Education, and Welfare Department.

ACTION: Notice of extension of comment period.

SUMMARY: A notice of proposed rulemaking was published on March 15, 1979 (44 FR 15744) with opportunity for public comment, through April 30, 1979.

In response to requests from provider organizations, we are extending the comment period through May 15, 1979.

DATE: Comments are due on May 15, 1979.

ADDRESS: Send comments to Administrator, Health Care Financing Administration, DHEW, P.O. Box 2372, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Mr. Hugh McConville, (301) 594-9430.

Dated: April 25, 1979.

Leonard Schaeffer,
Administrator, Health Care Financing Administration.

Approved: April 26, 1979.

Hale Champion,
Acting Secretary.
[FR Doc. 79-13667 Filed 4-30-79; 8:45 am]
BILLING CODE 4110-35-M

INTERSTATE COMMERCE COMMISSION

[49 CFR Chap. X]

Interchange Policies at International Boundary Lines

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Interstate Commerce Commission is proposing to establish a free zone for interchange of traffic at or near the International Boundary Lines to eliminate applications for authority to transport traffic for short distances solely for the purpose of interchange. A qualifying carrier would be authorized to perform this service by filing an application for a special certificate of public convenience and necessity and by demonstrating its fitness. This Commission has become increasingly aware of the ever expanding international movement of goods between the United States, Canada, and Mexico, and in particular, the difficulties attendant to such movements across the International Boundary Lines. This proceeding is being instituted with a view to determining whether the present and future public convenience and necessity, considered on a national basis, require that all common carriers of property by motor vehicle, regardless of their country of origin, be authorized by appropriate procedures, to conduct for-hire operations between ports of entry on the United States-Canadian and the United States-Mexican International Boundary Lines, on the one hand, and, on the other, the nearest practical point in the United States at which such carrier's equipment or traffic may be interchanged or interlined with

carriers holding authority to serve points on the International Boundary line. The authority would be limited to shipments moving on a through bill of lading. Determination of the nearest practical point or the extent of the free zone will be key issues in this proceeding. Consideration will be given to a population formula, a mileage formula, or other formulae, as well as to individual definitions under certain circumstances. The proposed rules may be expanded or modified to define more precisely the "nearest practical interchange point within the United States."

DATES: Written comments should be filed with the Commission on or before June 15, 1979.

ADDRESS: Send comments to: Interstate Commerce Commission, Washington, D.C. 20423. All written submissions will be available for public inspection during regular business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., Assistant Deputy Director, Section of Operating Rights, Office of Proceedings, Telephone: 202–275–7292.

SUPPLEMENTARY INFORMATION: When Canadian or Mexican domiciled, for-hire motor carriers desire to bring into the United States motor vehicles containing shipments of non-exempt commodities which they have transported from the interior of Canada or Mexico, for the purpose of transfer to United States carriers, or where they desire to receive such vehicles or traffic from connecting carriers at United States border points for movement in the reverse direction, the foreign domiciled carrier must first obtain appropriate operating authority from this Commission and comply with all applicable rate, insurance, and other general requirements imposed by statute. See *Consolidated T. Lines* v. *Fess and Wittmeyer Trucking Co.*, 83 M.C.C. 673 (1960) and *Rio Grande Bridge System—Petition for Exemption*, 103 M.C.C. 174 (1966).

In Ex Parte No. MC–73, *Traf. at or near U.S.-Can. Boundary Lines*, 110 M.C.C. 730 (1969), the Commission, in a rulemaking proceeding instituted on its own motion, considered whether the public convenience and necessity, considered on a national basis, required authorization of all motor common carriers of property to conduct for-hire operations between border points, on the one hand, and, on the other, nearby interchange points. The Commission, after noting a general lack of public interest in having such a rule (the general authorization) adopted, found (1) that it did not appear that any substantial adverse effect is, or will be, suffered by the motor carrier industy or by any other interested party under the present scheme of regulation, and (2) that it shall continue to require the filing of individual applications from those carriers seeking permission to operate within this country in foreign commerce. This decision is now 10-years old. In *Glengarry Transport Ltd.—Declaratory Order*, 128 M.C.C. 342 (1977), a majority of the Commission concluded that the evidence of record, in that proceeding, did not warrant a departure from the Commission's position in *Traf. at or near U.S.-Can. Boundary Lines, supra*, but we believe that circumstances have changed in the 10 years since the prior rulemaking proceeding.

Prior to 1955, and on two subsequent occasions (dissenting opinions in the *Fess* and *Glengarry* cases), a significant minority of the Commission has been of the opinion that the limited operations between border points, on the one hand, and, on the other, nearby interchange points did not warrant economic regulation by this Commission. Although the actual distance to be traversed may be small, the amount of traffic moving in foreign commerce across the international boundary, and the number of carriers filing applications for appropriate authority, is quite large. We believe that the interchange policy at the international borders is in need of careful evaluation.

The approach described generally in the summary of the notice of proposed rulemaking appears to represent the best means of facilitating the transfer of motor vehicle equipment and traffic moving in foreign commerce and promoting the international movement of goods between Canada, Mexico, and the United States. In the first place, all motor common carriers of property by motor vehicle, notwithstanding their country of origin, would be in a position to provide the public with a more economic, responsive, and expeditious motor carrier service with respect to the international movement of goods between these countries.

Carriers holding authority from this government, by virtue of their being authorized to serve municipalities in the United States situated along the respective International Boundary Lines, possess the implied right under American law to interchange equipment or traffic at opposite points within Canada or Mexico. Thus, if the foreign jurisdiction permits those operations, insofar as this country's law is concerned, the United States carriers do not require any additional certification from this Commission to perform them.

Those carriers authorized to operate solely within Canada or Mexico by those governments, however, may interchange equipment or traffic within the United States with a carrier holding authority from this Commission only after the foreign carriers have also obtained appropriate authority from this Commission. We do not believe that cumbersome institutional barriers to the free flow of international commerce, in the absence of a valid regulatory objective, are in the public interest. Accordingly we propose to accord the Canadian and Mexican carriers the right to conduct operations between ports of entry on the United States-Canadian and the United States-Mexican International Boundary Lines, on the one hand, and, on the other, the nearest practical point, at which the foreign carriers' equipment or traffic may be interchanged or interlined with motor carriers authorized by this Commission to serve points on the International Boundary Line.

As matters now stand, interchange between carriers authorized to operate only in their respective countries can occur only "on the border." The manner by which this method of interchange may be accomplished has never been explained by the Commission. In many instances (e.g., on the international bridges), there is no common point of access at which transfer of equipment or lading could be effected. In other instances, interchange "on" the border is cumbersome. The removal of any artificial and unduly burdensome barriers that may be found to exist in the international movement of property by motor vehicle between Canada or Mexico, and the United States, will serve to expedite greatly and increase substantially the international flow of commerce between these countries and foster greater cooperation between their governments.

This proceeding is being instituted with a view toward determining whether the present and future public convenience and necessity, considered on a national basis, require that all common carriers of property by motor vehicle, regardless of their country of origin, be authorized, by appropriate procedures, to conduct for-hire operations between ports of entry on the United States-Canadian and the United States-Mexican International Boundary Lines, on the one hand, and, on the other, the nearest practical point in the United States at which such carrier's equipment or traffic may be interchanged or interlined with carriers

subject to this Commission's jurisdiction.

We propose to authorize the transportation of general commodities having a prior or subsequent interline movement between points on the international boundary, on the one hand, and, on the other, nearby points in the United States. We caution potential applicants that any service authorized must, in some way, be incident to authorized line-haul operations. *Joint Northeastern Motor Carrier Assn., Inc.,* v. *Creger,* 91 M.C.C. 494 (1962). Consequently, an appropriate restriction must be imposed to ensure that the operations authorized are solely for the purpose of interchanging equipment or interlining traffic with connecting carriers and are restricted to the transportation of shipments moving on through bills of lading in foreign commerce.

We anticipate that there will be many issues raised in this proceeding, including, but not limited to: (1) whether the "freezone" should be defined in terms of mileage, established political boundaries or other factors; (2) the proper framing of the commodity description to be authorized and any restrictions which may need to be imposed; (3) the qualifications an applicant must possess to demonstrate a need for the service; and (4) the effects which the adoption of the proposed rule would have on (a) operating rights application activity, (b) competitive relations among carriers, (c) quality of existing transportation services, (d) revenues of existing carriers, and (e) the environment. Parties will be expected to address these issues and to present economic data supporting their contentions to the extent feasible.

A carrier wishing to conduct operations in foreign commerce between the International Boundary Line, on the one hand, and, on the other, the nearest practical interchange point within the United States, would be required to submit an application which would be subject to a simplified procedure as described in the proposed rules. This proposal is similar in nature to the proceedings in *Transportation of "Waste" Products for Reuse,* 124 M.C.C. 583 (1976), *Used Household Goods—Pack-and-Crate Operations,* 131 M.C.C. 20 (1978), and Ex Parte No. MC–105, *Ex-Water Traffic,* (not printed) decided January 22, 1979. The proposed abbreviated entry controls and special certificate approach are designed to eliminate unnecessary regulatory barriers to motor carriers seeking to engage in this type of transportation activity. Applicants would be required to make only one filing with no requirement of individual shipper support.

Because we propose to make a general finding of public need for these foreign commerce operations, opposition would be limited to the issues of (1) applicant's fitness, including its safety program and its financial ability to perform the operations, (2) whether it is qualified to make use of the special procedures provided by these rules, and (3) dual operations.

Special Application Procedures

In Ex Parte No. 55 (Sub-No. 25), *Revision of Application Procedures,* (not printed) decided December 1, 1977, and published in the **Federal Register** on December 13, 1977, the Commission revised the OP–OR–9 application forms for permanent motor common carrier authority and 49 CFR § 1100.247(f)(2) which pertains to unopposed application proceedings. The rules proposed here will entail only minor modifications in the way operating rights applications are processed and reviewed under these expedited procedures.

Applicants will use the OP–OR–9 application form, submitting the information noted in special regulations at the end of this notice. At the top of the form, applicants shall label the application "FOREIGN COMMERCE INTERCHANGE TRAFFIC", which will indicate to our staff that special handling is necessary.

Opposition (petitions for leave to intervene) on the issues of qualification under the rules, dual operations, or fitness will be due within 30 days of the **Federal Register** publication of an applicant's proposal. Pleadings must be in the form of verified statements and must contain specific facts. Those characterized by unsupported allegations or generalized statements may be rejected. A copy must be served upon the applicant or applicant's representative.

The proposed special certificate will expressly approve any dual operations which may result from a carrier's previously holding a permit and the holding of common carrier authority under the terms of the special certificate. Since the special certificate is only for the purpose of the interchange and would not itself materially broaden any existing authority to render service, we perceive no realistic opportunities for rate abuses resulting from the handling of this traffic. Parties which seek to oppose a grant of a special certificate on the grounds of objectionable dual operations, will be expected to comply with the provisions of Ex Parte No. 55 (Sub-No. 27), *Dual Operations* (not printed), decided March 24, 1978, 49 CFR § 1004.3, "*Applications Involving Dual Operations.*" Opposition on this basis will be allowed only insofar as the new authority is concerned and may not bring into issue any existing authority. We will include the traditional reservation of power to impose such terms, conditions, or limitations in the future to ensure that operations do conform to the dual operations provisions of 49 U.S.C. §10930 [formerly section 210 of the Interstate Commerce Act].

Applicants will be allowed to file a verified reply statement. This statement must be filed within 20 days from the last due date for the filing of statements in opposition.

If opposition is filed and the application is not assigned for oral hearing, the case will be immediately submitted to a review board for consideration on the record as made. If an application is unopposed and is not assigned for oral hearing, it will be processed in acoordance with the expedited procedures used in unopposed cases.

If the application is granted, the applicant, upon compliance with 49 CFR §§ 1043 and 1044 (insurance and process serving agents) will receive a special certificate of public convenience and necessity. Since the certificate is limited to traffic moving on through bills of lading, compliance with 49 CFR § 1310 (tariffs) is unnecessary and inappropriate.

Persons interested in commenting on the proposed regulations are invited to file written statements with the Commission. No oral hearing is contemplated at this time.

This notice of proposed rulemaking is issued under the authority of 5 U.S.C. §§ 552, 553, and 559 [The Administrative Procedure Act] and 49 U.S.C. §§ 10321, 10921, and 10922 [formerly the Interstate Commerce Act].

Dated: April 3, 1979.

By the Commission: Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Commissioner Gresham dissenting. Commissioner Christian concurring.[1]

Commissioner Gresham, Dissenting:

This proposal offers a perfect example of how good intentions can be frustrated by hypertechnical legalisms and the bureaucratic maze.

Since the notice is less than specific about the facts giving rise to the proposal, it should be kept in mind that what we are talking

[1] Dissenting and concurring opinions filed as part of the original documents.

about here are movements usually of a few hundred yards from the International border to the nearest parking lot. For most reasonable persons, it may well seem incredible that this agency has required full blown licensing proceedings for the handling of such traffic. That, however, is the unfortunate state of affairs.

In my opinion, it is ridiculous to contend that Congress ever intended this agency to oversee marketplace entry in instances such as this. See Commissioner Webb's dissent in *Fess*, 83 M.C.C. at 681–82, and the joint minority dissent in *Glengarry*, 128 M.C.C. at 350–52. That viewpoint has not prevailed, however, when the issue has come before this agency.

In the absence of any specific statutory exemption, a majority of this Commission has not been able to embrace any legal theory supporting the removal of this administrative burden from the public. There are, however, at least two quite acceptable ways to look at these movements which remove them from our licensing procedures. First, there is Commissioner Webb's approach: these movements are so insignificant that they should not be considered "transportation" within the meaning of the licensing portions of the act. Second, since at least one of the interlining carriers is certificated to move the traffic between the border and the interchange point, the movement should be construed as taking place under the authorized carrier's certificate. This agency theory recognizes the corporative nature of interline operations and the fact that the movement benefits the American authorized carrier as much as anyone. Despite their intellectual respectability, neither theory has yet met with the acceptance of a majority of this Commission, that also despite the fact that half of the present Commission endorsed the "no transportation" approach in *Glengarry*.

This proposal continues to assume that Commission authority is necessary for the convenience movement between border and interchange point. The Master Certificate approach is thus offered as a means to lighten the entry burden without removing it entirely. I have no doubt that this proposal offers an improvement on the present situation. It clearly does. However, I cannot abide our exercising regulatory powers where they are so transparently unnecessary and where I can find no statutory intention that we regulate. Moreover, the regulations which will remain after completion of this proceeding appears to be without any real purpose.

If there is some conceivable reason here for the solicitation of evidence on finanical fitness and dual operations, it is not set forth in this proposal. If authorization of the foreign carrier will result in dual operations, it is likely by virtue of its foreign issued authority. That, it appears to me, is none of our business; and, in any event, it remains to be explained how a convenience movement of a few hundred yards will offer some terrible opportunity for Section 210 type discrimination. Further, the solicitation of financial fitness evidence suggests there is some possibility that the carrier will be found financially unfit to transit a few hundred yards of our soil. If that possibility does not exist, and I certainly hope that is the case, there exists no reason to go through the empty motions of requiring the filing of the data.

Lastly, it should be remembered that Ex Parte No. MC–73 was derailed for lack of public support. I would expect similar support in this instance. Foreign carriers stand to be the primary beneficiaries of this proposal, and the Federal Register is not exactly on the best seller list in Nuevo Laredo and Sault Ste Marie. In unique situations such as this, more imaginative ways found to inform those most affected by our decision making.

Commissioner Christian, Concurring

For the reasons set forth in my dissent in *Glengarry Transport Ltd.—Declaratory Order*, 128 M.C.C. 342 (1977), I do not believe that this proceeding is necessary. However, since my views on this issue have not prevailed, and since some Commission action is clearly called for, I concur in the decision of the majority to institute this rulemaking.

Accordingly, it is proposed that the following rules be adopted at 49 CFR ———.

PART ——. SPECIAL REGULATIONS GOVERNING APPLICATIONS OF FOR-HIRE CARRIERS TO TRANSPORT PROPERTY, IN FOREIGN COMMERCE, BETWEEN PORTS OF ENTRY ON THE INTERNATIONAL BOUNDARY LINES OF THE UNITED STATES, ON THE ONE HAND, AND, ON THE OTHER, THE NEAREST-PRACTICAL POINTS IN THE UNITED STATES FOR PURPOSES OF INTERCHANGE

§ .1 Scope.

These special rules govern the filing and handling of applications in which an applicant is seeking a special certificate of public convenience and necessity authorizing it to transport general commodities between ports of entry on the International Boundary Lines of the United States, on the one hand, and, on the other, the nearest practical interchange point within the United States, for the purpose of interchanging equipment or interlining traffic with authorized American connecting carriers.

§ .2 Application.

Except as otherwise provided in these special rules, applicants shall file applications which are in the format of, and contain in the information called for, in the form of application and in instructions prescribed by the Commission for applications for certificates of motor common carrier authority. Incomplete applications will be rejected and returned to the applicant's representative, with a designation as to the reason for the rejection. Applicant may refile a complete application at any time.

§ .3 Shipper support.

An applicant is not required to file a certification of support (the Appendix to the application).

§ .4 Special instructions.

Applicants shall comply with the following special instructions in filling out their applications: (a) Authority must be sought as a common carrier. (b) The commodity authorization sought must be for general commodities. (c) The points to be served shall be described in this manner: "Between ports of entry on the International Boundary Lines of the United States, on the one hand, and, on the other, the nearest practical interchange point within the United States, for the purpose of interchanging equipment or interlining traffic with authorized American connecting carriers, restricted to the transportation of shipments having a prior or subsequent interline movement in foreign commerce on a through bill of lading." (d) The top of the first page of each application form shall be labeled "FOREIGN COMMERCE INTERCHANGE TRAFFIC" by applicant. (e) It is not necessary to fill out paragraphs IV and VII(a) of the application, and (f) The answer to VII(b) in the application must be "no," since only interchange operations are contemplated under these special rules.

§ .5 Caption summary and notice.

Applicants shall submit a caption summary of the authority sought. Every caption summary will be published by this Commission in the Federal Register to give notice of applications filed under these special rules.

§ .6 Petitions for leave to intervene.

(a) Petitions for leave to intervene may be filed only upon the issues of objectionable dual operations, applicant's fitness to perform the proposed operations, and applicant's ability to qualify to make use of the special procedures provided by these rules. All petitions for leave to intervene pursuant to this section shall be in the form of verified statements containing all of the information offered by the petitioner. Those containing only unsupported or generalized allegations may be rejected. Petitions must be filed within 30 days after the date of notice of the filing of the application is published in the Federal Register. Every petition must contain a certification that it has been served upon the applicant or

applicant's representative. (b) Any request for an oral hearing shall be supported by a specific explanation why the evidence to be presented cannot reasonably be submitted in the form of affidavits.

§ .7 Replies.

Applicant may reply to opposing statements. Replies are due within 20 days from the last date upon which opposing statements may be filed with the Commission. The reply shall certify that it has been served upon the protestant or protestant's representative.

§ .8 Processing.

(a) After all statements are received in a protested case which is not assigned for oral hearing, the file will be referred to a review board for processing on the record as made.

(b) In an unprotested case which is not assigned for oral hearing, the application will be determined based upon the information submitted with the application form and in accordance with the provisions of Rule 247(f)(2) of the Rules of Practice which pertain to unopposed application proceedings.

§ .9 Special certificate.

The special certificate of public convenience and necessity to be issued under these provisions reads as follows:

Interstate Commerce Commission Special Certificate of Public Convenience and Necessity as Provided in Ex Parte No. MC-73 (Sub-No. 1)

No. MC-
CARRIER'S NAME
(domicile)

At a General Session of the INTERSTATE COMMERCE COMMISSION, held at its office in Washington DC, on the

The above carrier has complied with all applicable provisions of the Interstate Commerce Act, and the Commission's regulations, and, having complied with the requirements established by the Commission in its decision in Ex Parte No. MC-73 (Sub-No. 1), entered ———, is entitled to receive authority from this Commission to the extent specified below.

This Special Certificate of Public Convenience and necessity is evidence of the above carrier's authority to engage in transportation, in foreign commerce only, to the extent specified below, as a common carrier by motor vehicle.

This authority is subject to any terms, conditions, and limitations as are now, or will be, attached to this privilege.

The above carrier agrees, as an underlying condition of this authority, to provide reasonably continuous and adequate service to the public. Failure to do so will constitute sufficient grounds for the suspension, change, or revocation of this authority.

The transportation service to be performed is as follows:

General commodities, between ports of entry on the International Boundary Lines of the United States, on the one hand, and, on the other, the nearest practical interchange point within the United States, for the purpose of interchanging equipment or interlining traffic with carriers authorized by this Commission to serve points on the International Boundary Line.

RESTRICTION: Such service is restricted to the transportation of shipments having a prior or subsequent interline movement in foreign commerce on a through bill of lading.

TERMS, CONDITIONS, AND LIMITATIONS: If the authority granted duplicates any present authority of this carrier, then to the extent of the duplication, this authority shall not be construed as conferring more than one operating right.

Any dual operations resulting from the holding of authority granted under the terms of this special certificate and of presently authorized permits will be consistent with the public interest and the national transportation policy. However, we expressly reserve the right to impose any terms, conditions, or limitations in the future as may be necessary to ensure that this carrier's operations conform to the provisions of 49 U.S.C. § 10930.

The authority granted shall not be transferrable by sale or otherwise.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Ex Parte No. MC-73 (Sub-No. 1)]
[FR Doc. 79-13527 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 23]

Endangered Species Convention; Amendments to the Appendices

AGENCY: U.S. Fish and Wildlife Service.

ACTION: Notice of decisions by Party nations on proposals to amend the list of protected species.

SUMMARY: Appendices I and II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (T.I.A.S. 8249) are lists of species for which the Party nations agree to control international trade. At the Second Conference of the Parties, held on March 19–30, 1979, in Costa Rica, the Parties considered 251 proposals to amend these appendices. The proposals that were adopted will enter into force after 90 days (i.e. on June 28, 1979). The purpose of the present notice is to announce the proposals adopted by the Conference of the Parties and to indicate the Service's position with regard to any specific reservations on these amendments that might be entered by the United States.

DATES: The amendments will enter into force on June 28, 1979, as provided by Article XV of the Convention, except for any Party nation that enters a specific reservation. The Service will consider all requests for reservations received by May 11, 1979.

ADDRESS: Please send correspondence to the Director, U.S. Fish and Wildlife Service, Federal Wildlife Permit Office, Washington, D.C. 20240. Documents concerning this notice are available for public inspection from 7:45 a.m. to 4:15 p.m., Monday through Friday, in room 616, 1000 N. Glebe Road, Arlington, Va.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Jachowski, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone 703/235-2418.

SUPPLEMENTARY INFORMATION: The background for the present amendments to the appendices was discussed in a series of **Federal Register** notices prior to the Second Meeting of the Conference of the Parties. Final negotiating positions of the Service at this meeting with respect to amendments to the appendices were published in the **Federal Register** on February 14, 1979 (for United States proposals) and on March 26, 1979 (for foreign proposals).

At their meeting, the Parties considered 251 proposed amendments, some of which concerned taxa above the species level. Of these proposals, 134 resulted from a review of species previously included in the appendices and 117 concerned species not previously included. May of these proposals were withdrawn before or during the meeting and others were rejected by the assembled Parties. The proposals that were adopted by at least a two-thirds majority of the Parties present and voting are listed in Table I.

Criteria

The Parties adopted criteria for adding, transferring or deleting species at their first meeting in 1976 in Bern, Switzerland. These criteria provide stricter standards for deleting species than for adding them. The United States proposed at the second meeting in San Jose, Costa Rica, that the deletion criteria be suspended for four years to enable the Parties to consider, in terms of the criteria for addition, those species listed prior to effective application of any criteria. Species not meeting the addition criteria would then be eligible for deletion. Despite the earlier inclusion of many species on the basis of little or no biological or trade evidence, the

Parties rejected the United States proposal. However, they did acknowledge that some species were listed without data sufficient to meet the addition criteria. The Parties also recognized the need to review such species and acknowledged that the initial lack of data for listing could be taken into account when determining if the deletion criteria have been met.

The Parties agreed at their second meeting that "extremely rare" species should be included in Appendix I even if international trade is unlikely because any trade in such species could be detrimental to their survival. They also agreed that individual subspecies should not be listed unless they are (a) generally recognized as valid taxa, and (b) readily distinguisable from other subspecies as whole specimens or as commonly traded parts and derivatives. If a subspecies needing trade controls does not meet these conditions, the Parties agreed to list the entire species and to indicate for the record which subspecies are actually or potentially threatened and which are included to effectively control trade in other species (primarily as look-alikes). In addition, the Parties agreed that when a taxon above the species level is listed, the proposal should state which of the member species are included because of threat and which are included to effectively control trade. The United States obtained agreement from the Parties that official recognition of the basis for listings was important. It serves as guidance to Scientific Authorities in making their findings on whether or not trade is detrimental to the survival of the species. If a species is listed for purposes of control, such findings would be made in terms of the effect that trade in the control species would have on other species included because of threat.

Reservations

Article XV of the Convention provides that during the 90-day period before amendments enter into force, any Party may make a reservation with respect to an amendment. Until such a reservation is withdrawn, the Party shall be treated as a nation not a Party to the Convention with respect to trade in the species concerned.

The Service invites comments, through this notice, on the need to enter any reservations on species listed in Table I. The Service does not intend to seek any reservations on the present amendments unless compelling reasons for doing so are presented. There are two reasons for the Service's position. First, the entering of reservations interferes with effective control of world trade in wildlife and plants under the Convention by creating a loophole where a nation is treated as a non-Party. Second, the present amendments are the result of negotiations involving the United States, and in many instances the entering of a reservation would contradict the position taken or supported by this nation at the meeting. Any such contradiction might harm the cooperative relationship between the United States and other Parties in other aspects of implementing the Convention.

If the Service should nevertheless determine that a reservation is appropriate, it will announce its intention in the **Federal Register** and invite public comment before officially submitting the reservation to the Depositary Government.

Implementation

The trade restrictions of the Convention applicable to species listed on its appendices are implemented in the United States by the Endangered Species Act, 16 U.S.C. § 1538, and by regulations found at 50 CFR Part 23.

The list of species in Appendices I, II and III is included in the Code of Federal Regulations "for the convenience of the public" (50 CFR § 23.23). The regulations in § 23.23 state that "The Service will make every effort to promptly amend the list as species are added, deleted or changed by the parties in accordance with the Convention."

The present notice and previous notices in this series are intended to inform the public about forthcoming amendments and to provide for public participation in the Service's decisions on them.

Unless the Service publishes any notices to the contrary concerning reservations or corrections, the amendments to Appendices I and II given in Table I will enter into force on June 28, 1979 and the list of species in § 23.23 will be revised to include such amendments. The Service intends to republish the entire list in the **Federal Register** in the near future so that § 23.23 will accurately reflect all appendix listings including the present amendments.

Relationship to Act

Many of the wildlife species included in the Convention appendices are also included in the list of species determined to be Endangered or Threatened under the U.S. Endangered Species Act of 1973, as amended. Changes in the status of such species in the appendices, as announced in this notice, will not automatically result in a change in their status under the Act. The criteria and procedures for listing species under these two authorities are different. However, the Service will take the present Convention amendments into account in considering if changes are appropriate under the Act.

Table I.—*Amendments to the Appendices. I=Appendix I, II=Appendix II, O=Not Listed in Either Appendix, pe=Possibly Extinct, c=Listed for Purposes of Controlling Trade in Other Species, Subspecies or Geographically Distinct Populations*

Species	Common name	Current status	Status effective June 28, 1979
MAMMALIA			
MARSUPIALIA			
Macropodiadae:			
Bettongia spp	Rat kangaroos	O	I c.
Caloprymnus campestris	Desert rat kangaroo	I	I pe.
Dendrolagus spp	Tree kangaroos	O	II (II c for New Guinea spp.).
Macropus parma	Parma wallaby	I	I pe.
Phalangeridae:			
Phalanger maculatus	Spotted cuscus	O	II.
Phalanger orientalis	Gray cuscus	O	II.
Wyulda squamicaudata	Scaly-tailed possum	II	O.
Peramelidae:			
Chaeropus eucaudatus	Pig-footed bandicoot	I	I pe.
Dasyuridae:			
Antechinomys laniger	Kultarr	II	O.
Myrmecobius fasciatus rufus	Numbat	I	O.
Planigale tenuirostris	Narrow-nosed planigale	II	O.
PRIMATES			
Callithricidae:			
Cebuella pygmaea	Pygmy marmoset	I	II.
RODENTIA			
Castoridae:			
Castor fiber birulai	Mongolian beaver	I	O.
Muridae:			
Notomys spp	Australian hopping mice	I	II.
Notomys aquilo	Australian hopping mouse	I	II.
Pseudomys fieldi	Alice Springs mouse	I	O.
Pseudomys novaehollandiae	New Holland mouse	I	O.
Pseudomys occidentalis	Western mouse	I	O.
Pseudomys shortridgei	Shortridge's native mouse	I	II.

Table I.—*Amendments to the Appendices. I=Appendix I, II=Appendix II, O=Not Listed in Either Appendix, pe=Possibly Extinct, c=Listed for Purposes of Controlling Trade in Other Species, Subspecies or Geographically Distinct Populations*—Continued

Species	Common name	Current status	Status effective June 28, 1979
CETACEA	Whales, porpoises and dolphins	O	Entire order in II, except those spp. in App. I.*
Platanistidae:			
Lipotes vellixifer	White flag dolphin	O	I.
Platanista minor	Indus River dolphin	O	I.
Delphinidae:			
Sotalia spp.	Humpbacked dolphins	O	I.
Sousa spp.	Humpbacked dolphins	O	I.
Phocaenidae:			
Neophocaena phocaenoides	Finless porpoise	O	I.
Phocoena sinus	Cochito	O	I.
CARNIVORA			
Canidae:			
Dusicyon culpaeus	Colepo fox	O	II.
Dusicyon fulvipes	Chiloe fox	O	II.
Dusicyon griseus	Argentine gray fox	O	II.
Canis lupus (Alaska and Canada pops.)	Gray wolf	II	II c.
Canis lupus (India, Pakistan, Bhutan and Nepal pops.).	Gray wolf	II	I.
Ursidae:			
Helarctos malayanus	Sun bear	II	I.
Selenarctos thibetanus	Himalayan black bear	O	I.
Ursus arctos isabellinus	Brown bear	O	I.
Ursus arctos (Alaska and Canada pops.)	Grizzly and brown bears	II	II c.
Mustelidae:			
Conepatus humboldti	Hognose skunk	O	II.
Felidae:			
Felis caracal (Asian pop.)	Caracal	II	I.
Felis concolor (U.S. and Canada pops.)	Mountain lion	II	II c.
Felis lynx (Southwest Asian pops.)	Indian lynx	II	I.
Felis rubiginosa	Rusty spotted cat	II	I.
Phocidae:			
Mirounga angustirostris	Northern elephant seal	I	II.
Otariidae:			
Arctocephalus townsendi	Guadalupe fur seal	II	I.
ARTIODACTYLA			
Camelidae:			
Camelus bactrianus	Bactrian camel	I	O.
Bovidae:			
Kobus leche	Lechwe	I	II.
Ovis canadensis (U.S. and Canada pops.)	Bighorn sheep	II	II c.
Pantholops hodgsorii	Tibetan antelope	II	I.
Saiga tatarica mongolica	Mongolian saiga antelope	I	O.
PERISSODACTYLA			
Equidae:			
Equus grevyi	Grevy's zebra	O	I.
Equus zebra hartmani	Hartman's zebra	O	II.
AVES			
CICONIIFORMES			
Threskiornithidae:			
Geronticus eremita	Hermit ibis	O	I.
Phoenicopteridae:			
Phoenicopterus ruber ruber	Carribbean flamingo	O	II.
ANSERIFORMES			
Anatidae:			
Nettapus coromandelianus albipennis	White pygmy goose	O	II.
Anas diazi	Mexican duck	I	O.
FALCONIFORMES:			
All spp. except Cathartidae and those spp. in App. I.	Hawks, kites and eagles	O	II and II c.*
Accipitridae:			
Circus cyaneus (U.S. pop.)	Harrier	II	II c.
Haliaeetus leucocephalus (Alaska pop.)	Bald eagle	I	I c.
Pandion haliaetus (U.S. pop.)	Osprey	II	II c.
Falconidae:			
Falco rusticolus	Gyrfalcon	II	I.
Falco sparverius (U.S. pop.)	Kestrel	II	II c.
Falco peregrinus	Peale's peregrine falcon	I	I c.
GALLIFORMES			
Tetraonidae:			
Tympanuchus cupido pinnatus	Greater prairie chicken	II	O.
Phasianidae:			
Catreus wallichii	Cheer Pheasant	II	I.
Cyrtonyx montezumae mearnsi (U.S. pop.).	Mearns's quail	II	O.
Cyrtonyx montezumae merriami	Merriam's Monteezuma quail	I	O.

Table I.—*Amendments to the Appendices. I=Appendix I, II=Appendix II, O=Not Listed in Either Appendix, pe=Possibly Extinct, c=Listed for Purposes of Controlling Trade in Other Species, Subspecies or Geographically Distinct Populations*—Continued

Species	Common name	Current status	Status effective June 28, 1979
GRUIFORMES			
Otididae:			
Chlamydotis undulata	Houbara bustard	II	I.
Choriotis nigriceps	Great Indian bustard	II	I.
Turnicidae:			
Turnix melanogaster	Black-breasted button quail	O	II.
Pedionomidae:			
Pedionomus torquatus	Collared hemipode	O	II.
COLUMBIFORMES			
Columbidae:			
Caloenas nicobarica	Nicobar pigeon	O	I.
STRIGIFORMES:			
All species except those in App. I	Owls	O	II and II c.
Strigidae:			
Athene blewitti	Forest spotted owlet	O	I.
PSITTACIFORMES			
Psittacidae:			
Cyanoliseus patagonus byroni	Patagonian conure	O	II.
CORACIIFORMES			
Bucerotidae:			
Buceros bicornis homrai	Great pied hornbill	II	I.
PASSERIFORMES			
Estrildae:			
Emblema oculata	Red-eared firetail	O	II.
Muscicapidae:			
Amytornis goyederi	Grass wren	I	O.
Dasyornis broadbenti littoralis	Rufous bristlebird	I	I pe.
Psophodes nigrogularis	Western whipbird	I	II.
REPTILIA			
TESTUDINATA			
Testudinidae:			
Gopherus flavor marginatus	Bolson tortoise	II	I.
CROCODYLIA			
Alligatoridae:			
Alligator mississippiensis	American aligator	I	II and II c.
Crocodylidae:			
Crocodylus acutus (U.S. pop.)	American crocodile	II	I.
Crocodylus porosus (except Papua New Guinea pop.).	Saltwater crocodile	II	I.
OSTEICHTHYES			
Acipenseriformes:			
Acipenser oxyrhynchus	Atlantic Sturgeon	I	II.
MOLLUSCA			
Lamellibranchiata:			
Mytilus chorus	Chilean mussel	O	II.
FLORA			
ARAUCARIACEAE:			
Araucaria araucana (Chile pop.)	Monkey puzzle tree	II	I.
ASCLEPIADACEAE:			
Ceropegia spp	Ceropegias spp	O	II.
Frerea indica	None?	O	II.
BYBLIDACEAE:			
Byblis spp	Byblis	O	II.
CEPHALOTACEAE:			
Cephalotus follicularis	Albany pitcher plant	O	II.
CHLOANTHACEAE:			
All spp	Lambstails	O	II.
HAEMODORACEAE:			
Anigozanthos spp	Kangaroo paws	O	II.
Macropedia fuliginosa	Black kangaroo paw	O	II.
MYRTACEAE:			
Berticordia spp	Featherflowers	O	II.
ORCHIDACEAE:			
Renanthera imschoetiana	None?	II	I.
Vanda coerulea	Blue vanda	II	I.
PROTEACEAE:			
Banksia spp	Banksias	O	II.
Conospermum spp	Smoke bushes	O	II.
Dryandra formosa	Showy dryandra	O	II.
Dryandra polycephala	None?	O	II.
Xylomelum spp	Woody pears	O	II.
RUTACEAE:			
Boronia spp	Boronias	O	II.
Crowea spp	Croweas	O	II.
Geleznowia verrucosa	None?	O	II.
THYMELAEACEAE:			
Pimelea physodes	Qualup bell	O	II.

* Listing of entire Order means that all species in the Order except those included in Appendix I are now included in Appendix II, either because they are potentially threatened by trade or because they must be regulated to effectively control trade in other species.

Results of U.S. Proposals

All adopted amendments to the appendices, including those proposed by the United States, are summarized in Table I. Because the U.S. proposals are of particular interest to this country, the final results on all of them are shown in Table II.

Table II.—*Final Action of the Conference of the Parties on United States Proposals To Amend the Appendices*

Species	U.S. proposal	Final action
Mexican duck	Delete from App. I	Accept proposal.
Marsh hawk	Delete U.S. pop. from App. II	Retain in App. II for control purposes.*
Trumpeter swan	Delete from App. II	Proposal withdrawn.
Mearn's quail	Delete from App. II	Accept proposal.
Sparrow hawk	Delete U.S. pop. from App. II	Retain in App. II for control purposes.*
Bobcat	Delete from App. II	Proposal withdrawn.
Osprey	Delete U.S. pop. from App. II	Retain in App. II for control purposes.*
Greater prairie chicken	Delete from App. II	Accept proposal.
Atlantic sturgeon	Transfer from App. I to App. II	Accept proposal.
American alligator	Transfer from App. I to App. II	Accept proposal.
Southern sea otter	Transfer from App. I to App. II	Proposal withdrawn.
Peale's peregrine falcon	Transfer from App. I to App. II	Retain in App. I for control purposes.
Bald eagle	Transfer Alaska pop. from App. I to App. II	Retain in App. I for control purposes.
Northern elephant seal	Transfer from App. I to App. II	Accept proposal.
Golden eagle	Transfer eastern U.S. pop. from App. II to App. I.	Proposal withdrawn.
Guadalupe fur seal	Transfer from App. II to App. I	Accept proposal.
American crocodile	Transfer U.s. pop. from App. II to App. I	Accept proposal.
Bolson tortoise	Transfer from App. II to App. I	Accept proposal.
Goshawk	List U.S. pop. in App. II for control purposes	Proposal withdrawn.
Golden eagle	List western U.S. pop. in App. II for control purposes.	Proposal withdrawn.
Gray wolf	List Alaska pop. in App. II for control purposes.	Accept proposal with* addition of Canada pop.
Puma	List U.S. and Canada pops. in App. II for control purposes.	Accept proposal.*
Bighorn sheep	List U.S. and Canada pops. in App. II for control purposes.	Accept proposal.*
Grizzly and brown bears	List Alaska and Canada pops. in App. II for control purposes.	Accept proposal.*

*Inclusion in Appendix II for control purposes was agreed by the Parties, but it will not result in formal amendment of the appendices.

This notice is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531–1543; 87 Stat. 884, as amended), and was prepared by Dr. Richard L. Jachowski, Federal Wildlife Permit Office.

Note.—The Department of the Interior has determined that because this notice does not constitute a rulemaking and because it concerns a matter which relates to a foreign affairs function of the United States, Executive Order 12044 concerning improving government regulations does not apply to it.

Dated: April 20, 1979.

Robert S. Cook,

Director, Fish and Wildlife Service.

[FR Doc. 79-13384 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 651]

New England Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Public Hearings on amendments to the Fishery Management Plan for Atlantic Groundfish (Cod, Haddock, and Yellowtail Flounder).

SUMMARY: The New England Fishery Management Council announces a series of public hearings for consideration of amendments to the Fishery Management Plan for Atlantic Groundfish.

DATES: The hearings will be held on the following dates and at the following places:

May 16, 1979 at the Holiday Inn, Downtown, 88 Spring Street, Portland, ME.

May 21, 1979 at the Gloucester City Hall Auditorium, Gloucester, MA.

May 23, 1979 at the Dutch Inn, Great Island Road, Galilee, RI.

May 29, 1979 at the Holiday Inn, Route 25, Riverhead, Long Island, NY.

May 30, 1979 at the Holiday Inn, Hathaway Road, New Bedford, MA.

All of the above public hearings will start at 7:30 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. G. Paul Draheim, Deputy Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, MA 01960, (617) 535–5450.

SUPPLEMENTAL INFORMATION: The New England Fishery Management Council proposes to amend the Fishery Management Plan for Atlantic Groundfish as follows:

1. Extend the plan, which terminates on September 30, 1979, from October 1, 1979 to September 30, 1980, or until such time as a new plan for cod, haddock, yellowtail flounder and other designated species is implemented.

2. Establish revised optimum yields for the period October 1, 1979 to September 30, 1980 as follows:

A. Cod for the Gulf of Maine—12,000 metric tons (mt), an increase of 3,500 mt over the current amount.

B. Cod for Georges Bank and South—35,000 mt, an increase of 9,000 mt over the current amount.

C. Haddock—32,500 mt, an increase of 12,500 mt over the current amount. The optimum yield for haddock would be allocated thirty percent to the Gulf of Maine and seventy percent to Georges Bank and South.

D. Yellowtail Flounder—10,000 mt, an increase of 1,900 mt over the current amount. The optimum yield for yellowtail flounder would be allocated fifty percent to the area east of 69° W. longitude and fifty percent to the area west of 69° W. longitude.

3. Vessels in the directed groundfish fishery would be required to use a trawl net with a cod end with a mesh no smaller than 5½ inches, stretched measure wet after use, when that vessel is operating under its groundfish permit except that vessels operating in Georges Bank and South (Areas 5Zw or 6) would use cod ends with a mesh no smaller than 5⅛ inches stretched measure wet after use, and nets of smaller mesh size may be carried on board. Gill nets would have a mesh size no smaller than 5½ inches, stretched measure.

4. The minimum legal length of cod and haddock in possession by harvestors and processors would be 18 inches total length, except that 10 percent of these species in possession by harvestors and processors may be less than 18 inches; and, in the recreational fishery, two fish of these species per fishermen on board may be less than 18 inches.

5. It would be strongly recommended that appropriate regulations be established in state territorial waters.

The Council has proposed to amend the plan for the current fishing year (October 1, 1978 to September 30, 1979) as announced on March 28, 1979 (44 FR 18539).

Dated: April 25, 1979.

Winfred H. Meibohm,
Executive Director, National Marine Fisheries Service.

[FR Doc. 79-13391 Filed 4-30-79; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 85
Tuesday, May 1, 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

Soil Conservation Service

North Cuero Watershed, Texas; Intent to Not Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for North Cuero watershed, DeWitt County, Texas.

The environmental assessment of this federally-assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for stabilizing a critical sediment source area. The planned work includes grade stabilization structures, streambank stabilization measures, shaping, vegetation and fertilization needed to stabilize about 23 acres.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by interested parties by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, Temple, Texas 76501, 817–774–1255. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until May 31, 1979.

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

Dated: April 12, 1979.

Joseph W. Haas,

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

[FR Doc. 79-13451 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-16-M

Authorization for Watershed Planning

A concerned State Conversationist of the Soil Conservation Service has been authorized to provide planning assistance to local organizations for the indicated watershed. The State Conservationist may proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91–190.

Persons interested in this project may contact the State Conservationist listed below:

Brundage Watershed, Adams County, Idaho State Conservationist—Amos I. Garrison, Jr., Soil Conservation Service, Room 345, 304 North 8th Street, Boise, Idaho 83702.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program.)

Dated: April 27, 1979.

Norman A. Berg,

Associate Administrator, Soil Conservation Service.

[FR Doc. 79-13440 Filed 04-30-79; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Special Census

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. However, because of the need to avoid conflicts with activities involving the conduct of the 1980 census, no additional special censuses will be conducted during the period from August 1, 1979, to January 1, 1981. The Bureau will resume accepting requests for cost estimates in the fall of 1980.

The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the *Current Population Reports*—Series P–28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since June 30, 1978, for which tabulations were completed between March 1, 1979, and March 31, 1979.

Dated: April 25, 1979.

Robert L. Hagan,

Acting Director, Bureau of the Census.

State/place, special area	County	Date of census	Population
Arkansas:			
Haskell City	Saline	Dec. 6	1,129
Florida:			
Lee County (excluding Cape Coral)		Sept. 25	161,011
Illinois:			
Bement Village	Piatt	Oct. 25	1,806
West Chicago City	Du Page	Nov. 6	12,111
Indiana:			
Darmstadt Town	Vanderburgh	Nov. 29	1,254
Yorktown Town	Delaware	Nov. 28	4,152
New Jersey:			
Medford Township	Burlington	Nov. 28	15,434

State/place, special area	County	Date of census	Population
Tennessee:			
Rutherford County		Oct. 18	77,264
Tullahoma City	Coffee and Franklin	Oct. 19	15,020
Williamson County		Oct. 6	50,951

[FR Doc. 79-13428 Filed 4-30-79; 8:45 am]

BILLING CODE 3510-07-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Joint Meeting of Computer Systems Technical Advisory Committee and Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee and the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Thursday, May 17, 1979, at 9:00 a.m. in Room 3817, Main Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C.

The Computer Systems Technical Advisory Committee and the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee were initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committees, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committees, where they have expertise in such matters, advise the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The joint Committee meeting agenda has five parts:

General Session

1. Opening remarks by the Chairmen.
2. Presentation of papers or comments by the public.
3. Discussion of technical factors in computer systems and computer peripherals as related to export controls.
4. Report on the current work program of the Committees:
(a) Computer Systems Technical Advisory Committee:
(1) Licensing Procedures Subcommittee.
(2) Foreign Availability Subcommittee.
(3) Hardware Subcommittee.
(4) Technology Transfer Subcommittee.
(b) Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee:
(1) Memory and Media Subcommittee.
(2) Foreign Availability Subcommittee.
(3) Display and Terminals Subcommittee
(4) Export Regulations Subcommittee.

Executive Session

5. Discussion of matters properly classified under Executive Order 11652 or 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting is open to the public, at which a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committees. Written statements may be presented at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, has formally determined, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed by each of the aforementioned Technical Advisory Committees in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy. All materials to be reviewed and discussed by the Committees during the Executive Session of the joint meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances.

Copies of the minutes of the General Session will be available by calling Mrs. Margaret Cornejo, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, phone 202-377-2583.

For further information contact Mrs. Cornejo either in writing or by phone at the address or number shown above.

Following are the dates of approval of the Notices of Determination to close portions of the series of meetings of the Technical Advisory Committees involved in this joint meeting, and of any subcommittees thereof, the dates the full texts of the Notices of Determination were published in the **Federal Register**, and the **Federal Register** *citations:*

	Date approved	Date published
Computer Systems Technical Advisory Committee	Sept. 6, 1978	Sept. 14, 1978 (43 FR 41073).
Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee.	Sept. 6, 1978	Sept. 14, 1978 (43 FR 41071).

Dated: April 26, 1979.

Lawrence J. Brady,

Acting Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 79-13508 Filed 4-30-79; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

DEPARTMENT OF THE INTERIOR

Office of Territorial Affairs

Watches and Watch Movements; Allocation of Duty-Free Quotas for Calendar Year 1979 Among Producers Located in the Virgin Islands

Correction

In FR Doc. 79–12097 appearing on page 23272 in the issue for Thursday, April 19, 1979, make the following corrections:

(1) In the middle column, in the table of duty-free watch quota allocations for calendar year 1979, in entry no. 1, the annual allocation for Antilles Ind. Inc. Should be corrected to read "350,000".

(2) In the third column, in the second full paragraph, in the 10th line, "territorial" should be corrected to read "territories".

BILLING CODE 1505-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers

Draft Environmental Impact Statement; Intent

To prepare a Draft Environmental Impact Statement on the Central and Southern Florida Flood Control Project, Upper St. Johns River Basin, Florida.

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

ACTION: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY: 1. A study is underway to complete the remaining portion of the Central and Southern Florida Project within the Upper St. Johns River Basin located in Brevard, Indian River, St. Lucie, Okeechobee, Osceola, Orange, Volusia, and Seminole Counties, Florida. Investigations are taking place to determine the effects of alternatives on flood control, water supply, water quality, and for the prevention or mitigation of foreseeable environmental problems and loss of environmental amenities.

2. Conceived alternatives range from making no changes from existing conditions to any one or a combination or variation of the following alternatives:

a. Close the gaps presently remaining in upland Levee 73 which forms the eastern boundary of Jane Green Detention Area. The gaps are located in the levee in the vicinity of Structures S–163, 221, and 161.

b. Remove the existing plugs in the Levee 73 borrow canal located in the conveyance canals near S–221 and S–162 site.

c. Perform selective clearing in the Taylor, Cox, Pennywash, and Jane Green portion of the Jane Green Detention complex.

d. Construct spillway Structure 53 and its associated tieback levees and its downstream flow distribution system near the mouth of Lake Washington to replace the existing weir.

e. Construction of the Fort Drum Conservation Area with its associated levees and structures.

f. Construction of Structure 96A (S—96A) and Canal 53N (C–53N) west of Sebastian Canal (C—54).

g. Construction of a pump station at S–96 on C–54 and a spillway on the Fellsmere Canal.

h. Construction of Canal 52 to remove water from the upper portion of the basin to Lake Wilmington (Blue Cypress Lake).

3. a. The process for determining the problems and needs to be addressed and for identifying the significant issues related to altenative measures ("scoping") is underway by close coordination with the St. Johns River Water Management District. Additional public meetings and coordination with other agencies will be held as issues and alternatives are more clearly defined. Affected Federal, State, and local agencies, affected Indian tribes and other interested organizations and parties will continue to be encouraged to participate in the identification of issues, problems, and needs and the formulation of alternative courses of action by communicating with the addressee listed below.

b. Significant issues to be analyzed in depth in the DEIS include flood damage control needs, fish and wildlife habitat requisites, effect of periodic innundation on vegetation, and water quality in the Upper St. Johns River and its major tributaries, lakes, and headwaters relative to land and water use patterns.

c. Consultation with the State Historic Officer and the U.S. Heritage Conservation and Recreation Service will be initiated in accordance with the National Historic Preservation Act of 1966 and Executive Order 11593. Planning will be coordinated with the U.S. Fish and Wildlife Service on an informal and formal basis, including the procedures required by the Fish and Wildlife Coordination Act of 1958 and the Endangered Species Act Amendments of 1978.

4. A scoping meeting will be held. The date and location will be identified through Public Notice procedures.

5. The DEIS is scheduled to be completed and available for review in March 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by Mr. Moray Harrell, Chief of Environmental Quality Section U.S. Army Engineer District, P.O. Box 4970, Jacksonville, Florida 32201, telephone (904) 791–3614.

Dated: April 20, 1979.

James W. R. Adams,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 79–13383 Filed 4–30–79; 8:45 am]

BILLING CODE 3710-AJ-M

DEPARTMENT OF ENERGY

Conduct of Employees; Waiver of Post-Employment Prohibitions

Section 605(a)(3) of the Department of Energy Organization Act (Pub. L. 95–91, hereinafter the "Act") authorizes the Secretary of Energy to waive the post-employment prohibitions of section 605(a)(1) of the Act for a former supervisory employee with outstanding scientific or technological qualifications in connection with a particular matter in a scientific or technological field, where the Secretary has determined that such a waiver would serve the national interest.

It has been established to my satisfaction that Gregory J. Cavanagh, formerly Director, Division of Real Estate and Facilities Management, Department of Energy, has an outstanding and unique combination of technological skills, and that it will serve the national interest for him to be able to carry out fully the responsibilities of Project Manager for the Solar Energy Research Institute (SERI) permanent facilities, on behalf of the Midwest Research Institute, the Department's prime contractor for SERI. I have therefore waived the post-employment prohibitions of section 605(a)(1) of the Act with respect to appearances before and communications with Department officials in connection with the SERI permanent facilities by Mr. Cavanagh as Project Manager.

Dated: April 20, 1979.

John F. O'Leary,

Acting Secretary.

[FR Doc. 79–13458 Filed 4–30–79; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Petroleum Corp. of Texas; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order.

DATES: Effective date: April 2, 1979. Comments by: May 31, 1979.

ADDRESS: Send comments to: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas TX 75235.

FOR FURTHER INFORMATION CONTACT: Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX 75235 [phone] (214) 749–7626.

SUPPLEMENTARY INFORMATION: On April 2, 1979, the Office of Enforcement of the ERA executed a Consent Order with Petroleum Corporation of Texas of Breckenridge, Texas. Under 10 CFR 205.199J(b), a Consent Order which involves a sum of $500,000 or more in the aggregate, excluding penalties and interest, becomes effective upon its execution only if the DOE expressly finds it to be in the public interest to do so.

Because of the complex settlement negotiations in this case and the necessity to conclude this matter simultaneously with other proceedings associated with this Consent Order, as well as the concern to avoid delay in the payment of refunds, the DOE has determined that it is in the public interest to make the Consent Order with Petroleum Corporation of Texas effective as of the date of its execution by the DOE and Petroleum Corporation of Texas.

I. The Consent Order

Petroleum Corporation of Texas, with its home office located in Breckenridge, TX, is a firm engaged in the production and sale of natural gas liquids (NGL) and natural gas liquid products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR, Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of sales of NGL's and NGL products, the Office of Enforcement, ERA, and Petroleum Corporation of Texas entered into a Consent Order, the significant terms of which are as follows:

1. The period covered by the audit was September 1973 through April 1976 and it included all sales of natural gas liquid products consisting of propane, butane, natural gasoline and a butane/natural gasoline mix, all of which were sold to Koch Oil Company (Koch) and Warren Petroleum Company (Warren).

2. Petroleum Corporation of Texas improperly applied the provisions of 6 CFR, Part 150, Subpart L, and 10 CFR, Part 212, Subparts E and K, when determining the prices to be charged for its natural gas liquid products, and as a consequence the above firms were overcharged on some of their purchases.

3. As a result of the DOE audit, Petroleum Corporation of Texas agrees that it overcharged Koch Oil Company $442,810.89, and Warren Petroleum Company $306,516.46, in its sales of natural gas liquid products, during the period from September 1, 1973, through April 30, 1976.

4. Petroleum Corporation of Texas agrees to refund to Koch and Warren the above amounts plus interest within 30 days of the effective date of the Consent Order, April 2, 1979. The interest rates are those officially set by DOE and will be computed from the month of overcharge through the date of the refund.

5. The provisions of 10 CFR 205.199J, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Petroleum Corporation of Texas agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of $749,327.35 on or before May 2, 1979. Refunds of overcharges will be made directly to Koch Oil Company in the amount of $442,810.89, and to Warren Petroleum Company in the amount of $306,516.46.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order.

You should send your comments to Wayne I. Tucker, District Manager of Enforcement, Southwest District Office, Department of Energy, P.O. Box 35228, Dallas, TX. You may obtain a free copy of this Consent Order by writing to the same address or by calling (214) 749–7626.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Petroleum Corporation of Texas Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on May 31, 1979.

You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Washington, D.C., on the 24th day of April, 1979.

Barton Isenberg,

Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 79-13516 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Red Triangle Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to the Red Triangle Oil Company, 2809 South Chestnut Street, Fresno, California 93745.

This Proposed Remedial Order charges Red Triangle with pricing violations in the amount of $91,298.88, connected with the resale of motor gasoline during the time period November 1, 1973, through April 30, 1974, in the State of California.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, CA 94111, phone 415/556–7200. On or before May 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 CFR § 205.193 of the DOE Regulations.

Issued in Washington, D.C., on the 26th day of April 1979.

Jack L. Wood,

District Manager of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 79-13517 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Stiers Chevron Station; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Proposed Remedial Order which was issued to the

Stiers Chevron Station, 6300 Monterey Hiway, San Jose, California 95111.

This Proposed Remedial Order charges Stiers Chevron with pricing violations in the amount of $57,615.03, connected with the resale of motor gasoline during the time period November 1, 1973, through December 31, 1975, in San Jose, California.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Jack L. Wood, District Manager of Enforcement, 111 Pine Street, San Francisco, CA 94111, phone 415/556-7200. On or before May 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street NW., Washington, D.C. 20461, in accordance with 10 CFR § 205.193 of the DOE Regulations.

Issued in Washington, D.C., on the 26th day of April 1979.

Jack L. Wood,

District Manager of Enforcement, Western District, Economic Regulatory Administration.

[FR Doc. 79-13518 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Transmittal of Conservation Plan No. 4, Amending Standby Conservation Plan No. 1

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Transmittal of Contingency Plan No. 4 (An Amendment to Standby Conservation Plan No. 1).

SUMMARY: The Economic Regulatory Administration of the Department of Energy gives notice that pursuant to sections 201(d)(1) and 522 of the Energy Policy and Conservation Act of 1975, Pub. L. 94-163 (EPCA), the President transmitted to the Congress on April 5, 1979, an amendment to Standby Conservation Plan No. 1, "Emergency Weekend Gasoline Sales Restrictions" (44 FR 12906, March 8, 1979).

FOR FURTHER INFORMATION CONTACT:

William L. Webb (Office of Public Information), Department of Energy, 2000 M Street, NW., Washington, D.C. 20461, (202) 634-2170.

Gregory Friedman, (Division of Emergency Planning), Economic Regulatory Administration, 2000 M Street, NW., Washington, D.C. 20461, (202) 632-6500.

Paul T. Burke, Economic Regulatory Administration, 2000 M Street, NW., Room 2104, Washington, D.C. 20461, (202) 632-5140.

Peter J. Schaumberg (Office of General Counsel), Department of Energy, 1726 M Street, NW., Washington, D.C. 20461, (202) 634-5545.

SUPPLEMENTAL INFORMATION: On March 1, 1979, pursuant to EPCA sections 201, 202 and 552, the President transmitted to the Congress for its approval Standby Conservation Plan No. 1, "Emergency Weekend Gasoline Sales Restrictions." (44 FR 12906, March 8, 1979). This plan, if approved by the Congress in accordance with the procedures in EPCA section 552, and put into effect in accordance with EPCA section 201(b), would authorize the Secretary of Energy to prohibit certain sales of motor fuels during the weekend. Section 6 of the that plan implements EPCA section 202(b) and authorizes the President or his delegate to grant exemptions from the Federal plan to states or political subdivisions thereof if the state or locality has in effect a program comparable to the Federal plan.

The Economic Regulatory Administration of the Department of Energy hereby gives notice that an amendment to the Emergency Weekend Gasoline Sales Restricitons Plan was transmitted by the President to the Congress on April 5, 1979, in accordance with EPCA sections 201(d)(1) and 552. This amendment, styled as Conservation Plan No. 4, would amend section 6(e) of Standby Conservation Plan No. 1 and provide states and localities with additional flexibility to develop programs achieving fuel savings comparable to the Federal weekend gasoline station closing plan. The amendment expands the definition of comparable state programs in two ways. First, it eliminates the requirement in the original section 6(e) that any alternative state plan be a mandatory one. Second, the language in the plan requiring that state alternatives deal with "the same subject matter" as the Federal plan is eliminated and a requirement that savings be of the same fuel is substituted.

The full text of the amendment and the letter of the President transmitting it to the Congress is reproduced as an appendix to this notice.

The amendment only may become effective if it is approved within sixty days of submission by both Houses of Congress as provided in section 552 of the EPCA.

Issued in Washington, D.C., April 23, 1979.

David J. Bardin,

Administrator, Economic Regulatory Administration.

To the Congress of the United States:

Pursuant to Sections 201(d)(1) and 552 of the Energy Policy and Conservation Act (EPCA), 42 U.S.C. 6261(d)(1) and 6422, I am hereby transmitting to the Congress for its approval an amendment to Emergency Weekend Gasoline Sales Restrictions (Standby Conservation Plan No. 1) which I transmitted on March 1, 1979.

The purpose of the amendment is to expand the scope of "comparable programs" which a state may develop in order to qualify for an exemption from the Federal plan. The amendment will further encourage states, or political subdivisions thereof, to develop conservation programs which will qualify them for an exemption from the operation of Federal energy conservation contingency plans should those plans ever be put into effect. Such exemptions for "comparable programs" are authorized under Section 202(b) of the EPCA.

The amendment reflects my belief that states should be given the flexibility to meet their share of any energy shortfall prior to the adoption of nationwide measures. The amendment would expand the size of allowable comparable state programs in two ways. First, it would eliminate the requirement that any alternative state plan be a mandatory one. If a state is able to achieve comparable energy savings through a voluntary plan, this should be permissible. Second, the language in the plan requiring that state alternatives deal with "the same subject matter" as the Federal plan would be eliminated and a requirement that savings be of the same fuel would be substituted. This would allow states to propose any alternative approach so long as it achieved comparable savings of the same fuel.

The procedures for approval by Congress of an amendment to a contingency plan are detailed in Section 552 of the EPCA, and require among other things that a resolution of approval be passed by each House of Congress within 60 days of submittal of the amendment. Inasmuch as the subject of this amendment has been considered thoroughly by the Congress in its deliberations on the conservation contingency plans, I urge the Congress to give this amendment expedited consideration so that it may be approved together with the Emergency Weekend Sales Restrictions plan.

The EPCA does not specify in Section 552 the form which the resolution of approval is to take. As I noted in my submission of the conservation contingency plans on March 1, 1979, it is my view and that of the Attorney General that actions of the Congress purporting to have binding legal effect must be presented to the President for his approval under Article I, Section 7 of the Constitution. Therefore, I strongly recommend that Congressional approval of the amendment be in the form of a

joint resolution. If this procedure is followed, the amendment itself, agreed to by the Congress and the President, will not later be subject to possible judicial invalidation on the ground that the President did not approve the resolution.

I urge the prompt and favorable consideration by the Congress of this amendment.

The White House, April 5, 1979.

Contingency Plan No. 4

(An Amendment To Standby Conservation Plan No. 1)

Pursuant to Section 201(d)(1) of the Energy Policy and Conservation Act, 42 U.S.C. 6261(d)(1), section 6(e) of Standby Conservation Plan No. 1, Emergency Weekend Gasoline Sales Restrictions, is amended to read as follows:

"(e) For purposes of this section, 'comparable program' means a program which conserves at least as much of the same fuel in the State or political subdivision thereof as this Plan would be expected to conserve in such State or political subdivision."

[FR Doc. 79-13437 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

Cities Service Gas Co.; Application To Withdraw Rate Increase Filing and Notice of Withdrawal of Motion To Make Rates Effective

April 24, 1979.

Take notice that on April 20, 1979, Cities Service Gas Company (Cities Service) filed an application to withdraw its rate increase filing of October 22, 1978, as revised on March 23, 1979, in Docket No. RP79-4.

Cities Service states that significant changes have occurred since its original filing in this proceeding, including reduction in transportation costs resulting from delays in the expected transportation of gas by others from Wyoming, increases in volumes available for sale under the Natural Gas Policy Act, and a reduction in the federal income tax rate. Cities Service further states that it presently intends to file a new general wholesale rate increase on or before June 23, 1979, to reflect the volumes and substantial cost increases related to the new Rawlins-Hesston pipeline project certificated by the Commission in Docket No. CP76-500, as well as the transportation costs and additional Wyoming volumes which have been delayed and are no longer appropriate to reflect in Docket No. RP79-4. Cities Service states that such new filing would limit to eight months the effective period of the rates in Docket No. RP79-4.

Cities Service states that in view of the foregoing, the rate increase in Docket No. RP79-4 is no longer required and its prosecution is no longer in the public interest, and that it has therefore applied for withdrawal of the rate increase in Docket No. RP79-4 and given notice of the withdrawal of its motion to make the suspended rates effective.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 10, 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; provided, however, that persons who have previously intervened in Docket No. RP79-4 need not file a further petition in intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. RP79-4]
[FR Doc. 79-13394 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Duke Power Co.; Supplement to Electric Power Contract

April 24, 1979.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on April 20, 1979 a supplement to the Company's Electric Power Contract with Surry-Yadkin Electric Membership Corporation. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 140.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in designated demand:

Delivery Point No. 1 from 12,000 KW to 17,000 KW,
Delivery Point No. 2 from 2,500 KW to 2,800 KW,
Delivery Point No. 3 from 12,000 KW to 14,000 KW,
Delivery Point No. 4 from 5,000 KW to 6,000 KW, and
Delivery Point No. 5 from 2,500 KW to 3,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of June 19, 1979.

According to Duke Power copies of this filing were mailed to Surry-Yadkin Electric Membership Corporation and the North Carolina Utilities Commission.

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 May 15, 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.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79-319]
[FR Doc. 79-13395 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Duke Power Co.; Supplement to Electric Power Contract

April 24, 1979.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on April 20, 1979 a supplement to the Company's Electric Power Contract with the City of Gastonia. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 227.

Duke Power further states that the Company's contract supplement, made at the request of the customer with agreement obtained from the customer, provides for the following changes in contract demand: Delivery Point No. 1 from 13,000 KW to 9,000 KW, Delivery Point No. 3 from 6,700 KW to 5,000 KW, Delivery Point No. 4 from 6,500 KW to 5,000 KW, Delivery Point No. 6 from 20,000 KW to 18,000 KW, Delivery Point

No. 8 is to be cancelled, Delivery Point No. 9 from 16,000 KW to 20,000 KW, Delivery Point No. 10 from 13,000 KW to 16,000 KW, and Delivery Point No. 11 is a new delivery of 16,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of June 19, 1979.

According to Duke Power, copies of this filing were mailed to the City of Gastonia and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 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.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79-320]
[FR Doc. 79-13396 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Little America Refining Co.; Filing of Petition for Review

April 23, 1979.

Take notice that Little America Refining Company on February 16, 1979, filed a petition for Review under 42 U.S.C. 719(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before May 14, 1979 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[Docket No. RA79-15]
[FR Doc. 79-13397 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Moon Lake Electric Association, Inc.; Application for New Minor License

April 24, 1979.

The public should take notice that an application for a new minor license was filed on June 30, 1977, under the Federal Power Act (16 U.S.C. 791a–825r), by Moon Lake Electric Association, Inc. (Applicant) for the Uintah Hydro Plant, FERC Project No. 190. The project is located on Pole Creek and the Uintah River in Duchesne County, Utah. The project affects lands of the United States within the Ashley National Forest and the Ute Indian Reservation. Correspondence regarding the application should be sent to: Merrill H. Millett, General Manager, Moon Lake Association, Inc., P.O. Box 278, Roosevelt, Utah 84066.

The Uintah Hydro Plant consists of: (1) a dam on Pole Creek; (2) a 6,170-foot-long canal extending from the dam to (3) a forebay; (4) Uintah River diversion dam and headgate structure located on the Uintah River; (5) a 25,614-foot-long canal from Uintah River diversion dam to the forebay noted above; (6) a 1,780-foot-long conduit from Big Spring discharge channel to the headgate structure of the Uintah River diversion dam; (7) two 4,180-foot-long pressure pipes leading to (8) a 32-inch-diameter steel penstock about 1,080 feet long; (9) a powerhouse containing two 600 kW generators; (10) a tailrace canal to the Uintah River; and (11) appuretenant facilities.

The energy produced by the project would be incorporated into Applicant's transmission distribution network for use within the Utah service area.

Anyone desiring to be heard or to make any protest about this application should file a protest or a petition to intervene with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure ("Rules"), 18 CFR 1.10 or 1.8 (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 July 7, 1979. The Commission's address is: 825 N. Capitol Street NE., Washington, D.C. 20426.

The application is on file with the Commission is available for public inspection.

Kenneth F. Plumb,
Secretary.

[Project No. 190]
[FR Doc. 79-13398 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Pacific Power & Light Co.; Rate Schedule Filing

April 24, 1979.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on April 20, 1979, tendered for filing, in accordance with Section 35.12 of the Commission's Regulations, a new rate schedule for power sales to San Diego Gas & Electric Company; Pasadena Water & Power Department; Public Service Department, City of Burbank; and City of Glendale (Purchasers). Under this schedule Pacific supplies excess firm thermal energy to the Purchasers.

Pacific requests waiver of the Commission's notice requirements to permit these rate schedules to become effective on March 8, 1979 for San Diego Gas & Electric Company, and March 13, 1979 for Pasadena Water & Power Department; Public Service Department, City of Burbank; and City of Glendale.

Copies of the filing were supplied to the Purchasers.

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 May 15, 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.

Kenneth F. Plumb,
Secretary.

[Docket No. ER79-321]

[FR Doc. 79-13399 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Panhandle Eastern Pipe Line Co.; Certification of Proposed Settlement and Record

April 24, 1979.

Take notice that on March 7, 1979, the Presiding Administrative Law Judge certified to the Commission a proposed Stipulation and Agreement submitted by Panhandle Eastern Pipe Line Company in the referenced proceeding. The proposed agreement, if approved by the Commission, would resolve certain issues in this proceeding and would reserve certain other issues for hearing.

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 N. Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 14, 1979. Reply comments shall be due on or before May 24, 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.

Kenneth F. Plumb,
Secretary.

[Docket No. RP78-62]

[FR Doc. 79-13400 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

South San Joaquin Irrigation District; Application for Preliminary Permit

April 24, 1979.

Take notice that on September 25, 1978, the South San Joaquin Irrigation District (District) filed an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for a proposed water power project, to be known as the Woodward Project, FERC Project No. 2870, located in Stanislaus County, California on the District's South San Joaquin Main Canal which conveys water diverted from the Stanislaus River at the District's Goodwin Diversion Dam. Correspondence with the Applicant should be directed to: Mr. Noel A. Negley, Jr., Secretary-Manager, South San Joaquin Irrigation District, 11011 E. Highway 120, Manteca, California, 95336 and Mr. Edward Cordoza, Chairman, South San Joaquin Irrigation District, 11011 E. Highway 120, Manteca, California, 95336.

Description of Project—The proposed project would consist of: (1) the District's existing Woodward Dam, an earth dam with a height of approximately 45 feet; (2) Woodward Reservoir, with a normal pool elevation of 210 feet msl; (3) a proposed steel penstock, 8 feet in diameter, located inside the existing concrete outlet structure of Woodward Dam; and (4) a powerhouse at the base of Woodward Dam containing one or two generating unit with a total installed capacity of 2,000 kW. Energy would be generated utilizing water released from the Woodward Reservoir for irrigation purposes. The estimated annual output of the project would be 6 million kWh.

Proposed Scope and Cost of Studies Under Permit—Applicant has requested a 3-year permit to prepare a definitive project report, including preliminary designs, geological explorations, and collection of environmental data. The cost of the foregoing activities, together with preparation of an environmental impact report or environmental assessment, obtaining agreements with various Federal, State, and local agencies, preparing a license application, and final geologic exploration and field surveys, is estimated by Applicant to be about $150,000.

Proposed Use Of Project Power—Project energy would be sold to an electric utility in Northern California for distribution.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests, Petitions To Intervene, and Agency Comments—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission in accordance with the requirements of the Commission's Rules of Practice and Procedure 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before June 25, 1979. The Commission's address is: 825 N. Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Secretary.

[Project No. 2870]

[FR Doc. 79-13401 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

April 24, 1979.

Take notice that on April 23, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-188 a petition to amend the order of March 28, 1979, issued in the instant docket pursuant to Section 3 of the Natural Gas Act by authorizing the importation of the total of 5,000,000 Mcf of natural gas for thirty days beyond the sixty days originally specified and at a border price of $2.30 (U.S.) per million Btu [1] effective May 1, 1979, all as more fully set forth in the petition to amend which is on file with the Commission and open for public inspection.

Tennessee states that on March 19, 1979, the National Energy Board of Canada (NEB), in Order No. EO-2-79, acted upon the application by TransCanada Pipe Lines Limited (TransCanada) to sell natural gas to Tennessee and authorized the exportation of 5,000,000 Mcf of natural gas at the Canadian dollar equivalent of

[1] Equivalent to $2.14367 (U.S.) per gigajoule.

$2.01318 in U.S. currency per gigajoule of gross heating value ($2.16 U.S. per million Btu's). Tennessee states it has acted diligently upon the approvals received to secure the authorized amount within the time specified by the Economic Regulatory Administration (ERA), sixty days from March 17, 1979, at the authorized price of $2.16 per million Btu's. Not desiring to act imprudently, Tennessee awaited an affirmative response from the Commission to its application to import after the issuance of the ERA order on March 17, 1979, it is said. Although Tennessee is receiving approximately 60,000 Mcf per day of natural gas at the Niagara Falls interconnection with TransCanada, it is imperative that an extra allotment of time be granted to ensure that the total amount can be received, it is further said. Tennessee requests the extension of thirty days beyond the May 16, 1979, date for receipt of the total amount of natural gas authorized for importation, it is asserted.

Tennessee further asserts that one term of the proposal on which the original application was based has been changed by order [2] of the NEB to reflect the action of the Governor in Council which established the price of the Canadian dollar equivalent of $2.14367 in U.S. currency per gigajoule of gross heating value, below which price gas exported shall not be sold and delivered on and after May 1, 1979.[3] By May 1, 1979, Tennessee anticipates it will have received approximately three-fifths of the amount of natural gas authorized for importation and believes it imperative that the total amount authorized by ERA and the Commission be received, it is asserted.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 8, 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 the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[Docket No. CP79-188]

[FR Doc. 79-13402 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

[2] Order No. AO-1-EO-2-79 issued on April 5, 1979.

[3] The change corresponds to a price per million Btu's of $2.30 (U.S.).

Terry Richard and Celia Lynn Savage; Application for Short Form License (Minor)

April 24, 1979.

Take notice that on January 22, 1979, Terry Richard and Celia Lynn Savage filed an application for license for a minor project [pursuant to the Federal Power Act, 16 U.S.C. Section 791(a)-825(r)] for a proposed water power project to be known as the Dry Creek Project, FERC No. 2907, located on the Dry Creek, near Superior in Mineral County, Montana. Lands of the United States in the Lolo National Forest would be affected. Correspondence with the applicant should be directed to Terry Richard and Celia Lynn Savage, P.O. Box 26, Lolo, Montana, 59847.

Purpose of Project—Project energy would be used to supply the energy requirements of a 2044-sq.-ft. home presently under construction. Any additional power produced will be used for agricultural purposes, i.e. greenhouse, barn, etc.

Estimated Cost—The cost of the project is estimate, by the applicant, at $14,050. This project has received full funding from the Montana Department of Natural Resources and Conservation.

Project Description—The principal project works would consist of an existing log and rock dam; an intake structure; approximately 2070 feet of underground water pipeline (in place); approximately 100 feet of above ground pipeline directing the water to a powerhouse containing a 12-kw turbine-generator. The project would also include approximately 2100 feet of underground power line of which 450 feet would be located on Lolo National Forest land.

The applicant has received permission to use the underground water pipeline which is under permit to Warnken's Inc.

The water pipeline develops 50 feet of head and carries approximately 1,600 gallons of water per minute.

Agency comments—Federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Protests and Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1978). In determining the appropriate action to take, the Commission will consider all protests filed, but a person who merely files a protest does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules.

Any protest, petition to intervene, or agency comments must be filed on or before July 2, 1979. The Commission's address is: 825 N. Capitol Street, N.W. Washington, D.C. 20426.

The application is on file with the Commission and is avaialble for public inspection.

Kenneth F. Plumb,

Secretary.

[Project No. 2907]

[FR Doc. 79-13403 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Transwestern Pipeline Co.; Proposed Changes in FERC Gas Tariff

April 24, 1979.

Take notice that Transwestern Pipeline Company (Transwestern) on April 17, 1979, tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets:

Substitute Twelfth Revised Sheet No. 5
Substitute Twelfth Revised Sheet No. 6

These sheets are issued as in compliance with the Commission's April 2, 1979 order accepting Transwestern's PGA rate increase to be effective April 1, 1979 subject to the elimination of costs from supplier which those suppliers are not authorized to charge on April 1, 1979.

The proposed effective date of the above tariff sheets is April 1, 1979.

Copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 4, 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.

Kenneth F. Plumb,
Secretary.

[Docket No. RP 74-52 (PGA No. 79-1)]
[FR Doc. 79-13404 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Upper Peninsula Power Co.; Proposed Settlement Agreement

April 24, 1979.

Take notice that on April 9, 1979, Upper Peninsula Power Company (Upper Peninsula) tendered for filing a proposed settlement agreement with Wisconsin Electric Power Company (Wisconsin Electric). Upper Peninsula states that although its other wholesale customers [1] have not intervened in this proceeding, that each of them has been advised of the terms of the proposed settlement, and none of these customers oppose the agreement.

Upper Peninsula states that the terms of the proposed settlement agreement will be made effective for service on and after July 13, 1979, or such earlier effective date as may be established by the Commission. Upper Peninsula states that should the Commission accept the proposed agreement, Upper Peninsula will refund each of the affected customers, within 15 days after such date of acceptance, the difference between the amounts collected subject to refund, if any, and the amount due under the proposed settlement rates with interest at 9% per annum.

Any person desiring to be heard or to protest said settlement proposal should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 9, 1979. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the proposal are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[Docket No. ER 79-107]
[FR Doc. 79-13405 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

[1] The proposed settlement agreement will apply to the Alger-Delta Cooperative Electric Association, the Ontonagon County Rural Electrification Association, Village of Baraga, City of Gladstone, Village of L'Anse, City of Negaunee, and to the Wisconsin Electric Power Company.

Western Transmission Corp.; Proposed Changes in FERC Gas Tariff

April 24, 1979.

Take notice that on April 17, 1979 Western Transmission Corporation (Western) tendered for filing the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1: Revised Sheet No. 3–A. Alternate Revised Sheet No. 3–A.

The proposed effective date of the tariff sheets is May 1, 1979.

Western's filing states that these alternative tariff sheets were inadvertently omitted from the company's March 27, 1979 filing in the instant docket. The revised sheet No. 3–A, in conjunction with Fifth Revised Sheet No. 4 continued in the March 27 filing will result in additional revenues of $160,546, all as more fully set out in the March 27 filing as supplemented by the current revised sheet No. 3–A. The alternative sheet No. 3–A, in conjunction with alternate Fifth Revised Sheet No. 4 will provide additional revenue of $151,645 on the presently effective rates, all as more fully set forth in the March 27 filing and instant filing.

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 May 4, 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.

Kenneth F. Plumb,
Secretary.

[Docket No. RP79-55]
[FR Doc. 79-13406 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Exxon Corporation; Notice of Determination by a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

April 24, 1979.

On April 5, 1979, the Federal Energy Regulatory Commission received notice from the State of Florida, Dept. of Natural Resources of a determination pursuant to 18 CFR 274.104 and Section 107 of the Natural Gas Policy Act of 1978 applicable to:

FERC Control Number: JD79–2929
API Well Number: 0903320030
Operator: Exxon Corporation
Well Name: McDavid Lands No. 1–2
Field: Jay/LEC
County: Escambia
Purchaser: Florida Gas Transmission Co.
Volume: 2300 MMcf.

The application for determination in this matter together with a copy or description of other materials in the record on which such determination was made is available for inspection, except to the extent such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E. Washington D.C. 20426.

Persons objecting to this final determination may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before May 16, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

Kenneth F. Plumb,
Secretary.

[FR Doc. 79-13461 Filed 4-30-79; 8:45 am]
[BILLING CODE 6450-01-M

Tricentrol United States, Inc.; Determination by a Jurisdictional Agency Under the Natural Gas policy Act of 1978

April 25, 1979.

On April 9, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

Montana Board of Oil and Gas Conservation

FERC Control Number: 5064.
API Well Number: 25-041-21003.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Olson 15-11-31-17.
Field: Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 20.4 MMcf.

FERC Control Number: 5065.
API Well Number: 25-041-21824.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Waritz 15-11-31-15.
Field: Bullhook Unit Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 10.5 MMcf.

FERC Control Number: 5066.
API Well Number: 25-005-21411.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Olson 30-13-31-18.
Field: Tiger Ridge.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 7.2 MMcf.

FERC Control Number: 5067.
API Well Number: 25-005-21412.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Dehlbom 33-9-31-18.
Field: Tiger Ridge.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 13.2 MMcf.

FERC Control Number: 5068.
API Well Number: 25-041-21104.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Armstrong 19-10-31-16.
Field: Bullhook Unit Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 1.7 MMcf.

FERC Control Number: 5069.
API Well Number: 25-071-21439.
Section of NGPA: 102.
Operator: Midlands Gas Corporation.
Well Name: 2970 No. 1 Federal.
Field: Bowdoin.
County: Phillips.
Purchaser: Kansas Nebraska Natural Gas Co., Inc.
Volume: 24 MMcf.

FERC Control Number: 5070.
API Well Number: 25-041-21800
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: H & G 3-230-15.
Field: Bullhook Unit Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 2.4 MMcf.

FERC Control Number: 5071.
API Well Number: 25-071-21537.
Section of NGPA: 102.
Operator: Midlands Gas Corporation.
Well Name: 2360 No. 1-23 Laroche-Harrison.
Field: Bowdoin.
County: Phillips.
Purchaser: Kansas Nebraska Natural Gas Co., Inc.
Volume: 28 MMcf.

FERC Control Number: 5072.
API Well Number: 25-005-21074.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Hofeldt 11-6-30-18.
Field: Tiger Ridge.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 2 MMcf.

FERC Control Number: 5073.
API Well Number: 25-041-21264.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: O'Neil 4-15-31-17.
Field: Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 18 MMcf.

FERC Control Number: 5074.
API Well Number: 25-005-21054.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: State 16-7-30-18.
Field: Tiger Ridge.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 1.5 MMcf.

FERC Control Number: 5075.
API Well Number: 25-005-21147.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Dehlbom 31-7-31-18.
Field: Tiger Ridge.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 19.2 MMcf.

FERC Control Number: 5076.
API Well Number: 25-041-21509.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: State 16-11-31-17.
Field: Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 12 MMcf.

FERC Control Number: 5077.
API Well Number: 25-005-21002.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Davies Ranch 17-10-30-18.
Field: Tiger Ridge.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 1.0 MMcf.

FERC Control Number: 5078.
API Well Number: 25-005-21085.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Ramberg 29-10-31-18.
Field: Tiger Ridge.
County: Blaine.
Purchaser: Northern Natural Gas Company.
Volume: 12 MMcf.

FERC Control Number: 5079.
API Well Number: 25-041-21801.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Herron 33-13-31-15.
Field: Bullhook Unit Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 16.4 MMcf.

FERC Control Number: 5080.
API Well Number: 25-041-21051.
Section of NGPA: 108.
Operator: Tricentrol United States, Inc.
Well Name: Gregoire 29-6-31-16.
Field: Bullhook Unit Tiger Ridge.
County: Hill.
Purchaser: Northern Natural Gas Company.
Volume: 7.8 MMcf.

FERC Control Number: 5081.
API Well Number: 25-071-21536.
Section of NGPA: 102.
Operator: Midlands Gas Corporation.
Well Name: 1360 No. 13 Soennichsen.
Field: Bowdoin.
County: Phillips.
Purchaser: Kansas Nebraska Natural Gas Co., Inc.
Volume: 30 MMcf.

FERC Control Number: 5082.
API Well Number: 25-083-21225.
Section of NGPA: 103.
Operator: Helmerich & Payne, Inc.
Well Name: Anderson No. 1-30.
Field: Four Mile Creek West.
County: Richland.
Purchaser: True Oil Company.
Volume: 46 MMcf.

[FR Doc. 79-13482 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Colorado Interstate Gas Co.; Application

April 25, 1979.

Take notice that on April 2, 1979, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP79-250 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation and operation of facilities necessary to convert two existing wells from observation to withdrawal use at the Boehm storage field in Morton County, Kansas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the Boehm Field was developed as a gas storage reservoir to aid Applicant in meeting its peak day and heating season gas requirements, and that full scale injection commenced in March 1974 and that since that time the injection of natural gas has constantly increased the pressure in the field. The application further states that Well Nos. 5 and 8 in the Boehm Field were originally producing oil wells but were nearing depletion in the early development of the Boehm Field as a storage reservoir. The histories of these wells show that the bottom-hole pressure in Well No. 5 has increased from approximately 625 p.s.i.a. in October 1974 to approximately

1,320 p.s.i.a. in September 1978, and the bottom-hole pressure in Well No. 8 has increased from about 309 p.s.i.a. to 1,165 p.s.i.a. during the same period, it is stated. Applicant states that the pressure in these wells should be reduced and controlled to ensure efficient operation of the reservoir. Applicant further states that it believes that the prudent operation of its Boehm storage field requires that Well Nos. 5 and 8 be converted from observation to withdrawal use as soon as possible in order to control pressures and impede reservoir expansion. It is stated that the total estimated cost of facilities to convert the two wells is $74,600, which cost Applicant would finance from current funds on hand, funds from operations, short-term borrowings, or long-term financing.

It is indicated that the facilities and operations proposed herein would better monitor and control the field development and operation and to prevent the possible loss of storage gas through its migrating to a spill point.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 1979, file with the Federal Energy Regulatory Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79-250]
[FR Doc. 79-13462 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

El Paso Natural Gas Co.; Petition to Amend

April 23, 1979.

Take notice that on March 23, 1979, El Paso Natural Gas Company (Petitioner), P. O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP76-37 a petition to amend the order of December 3, 1975,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize the delivery of natural gas to Southwest Gas Corporation (Southwest) at an additional delivery point, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of December 3, 1975, Petitioner was authorized to transport up to 50,000 Mcf of natural gas per day and the delviery of such quantity of natural gas, less shrinkage, to Southwest, on a best efforts basis, at various existing delivery points within the state of Arizona and at the Arizona-Nevada Boundary pursuant to the terms of a transportation agreement dated May 9, 1975, between petitioner and Southwest. The transportation agreement is on file with the Commission as special Rate Schedule T-4 to Petitioner's FERC Gas Tariff, Third Revised Volume No. 2, it is stated.

The petition states that Southwest and Tucson Gas & Electric Company (TG&E) have entered into a letter agreement dated June 14, 1978, providing for the sale by TG&E and purchase by Southwest of all of the franchises, pipelines, meter stations and other appurtenances and generally, without limitation, all of the gas utility assets owned and utilized by TG&E, including all of its gas supply contracts. The petition further states that pursuant to the Commission order of February 23, 1979, in Docket No. CP79-90, Petitioner was authorized to deliver and sell, in interstate commerce, natural gas to Southwest, in liew of TG&E, for resale and general distribution in and about the City of Tucson, Arizona, and its environs.

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

It is indicated that Southwest has advised petitioner that certain quantities of gas imported from Canada by Northwest would be available to Southwest for use in meeting requirements in its service areas, including Tucson, and that in view of the acquisition by Southwest of TG&E's gas utility assets, Southwest is desirous of including as a part of the transportation agreement the existing points of delivery acquired by Southwest from TG&E in and about the City of Tucson, Arizona, and its environs. The availability of such gas for use in the Tucson area would reduce the consumption of fuel oil in electric generating plants in the area on and after April 1, 1979.

Consequently, Petitioner requests authorization to deliver gas to Southwest at an existing point of delivery in the Tucson area. Such authorization would provide Southwest with the capability to utilize more fully the supplies of Canadian gas available to Southwest in serving the City of Tucson, and its environs, as well as a means to continue natural gas service to TG&E for use in its electric power generating plants, thereby alleviating the need for TG&E to burn fuel oil at such generating plants instead of available natural gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 15, 1979, file with the Federal Energy Reguatory 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 Natrual 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.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP76-37]
[FR Doc. 79-13463 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

El Paso Natural Gas Co.; Amendment

April 25, 1979.

Take notice that on April 6, 1979, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP78-520 an

amendment to its pending petition to amend the Commission's order issued January 15, 1979, in said docket pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) so as to permit El Paso to include as a part of its authorized budget-type activities, both onshore and offshore, during the calendar year 1979, the interconnection of facilities to an intrastate pipeline for the purpose of delivering gas for El Paso's account and, to permit the operation of existing interconnections for other than emergency uses where natural gas may become available for delivery to an intrastate transporter or supplier, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

El Paso states that it filed a petition to amend the Commission's order issued January 15, 1979, in Docket No. CP78–520 inasmuch as El Paso's application at said docket was filed prior to the enactment of the Natural Gas Policy Act of 1978 and without benefit of the knowledge of the effect the Interim Regulations would have upon activities conducted or anticipated to be conducted by El Paso. As a result, the budget-type authorization requested and received by El Paso in this proceeding did not expressly permit El Paso to attach its system to the system of an intrastate pipeline, it is said. Grant of the amended budget-type gas purchase authorization requested by El Paso would enable it to act with dispatch in constructing and/or operating new facilities or commencing the operation of existing facilities necessary to enable among other things, El Paso to receive gas transported by intrastate pipelines under Part 284 of the Interim Regulations, it is asserted.

El Paso states that upon further review and analysis of Part 284 of the Interim Regulations, it foresees circumstances wherein it may be desirable for El Paso to construct and operate certain facilities, falling under the definition of budget-type gas purchase facilities, necessary to attach to the system of an intrastate pipeline for the purpose of delivering gas to an intrastate pipeline for transportation for El Paso's account under Part 284. Accordingly, El Paso hereby amends its petition to amend so as to permit it to include as a part of its authorized budget-type gas purchase activities, both on-shore and offshore, during the calendar year 1979, the construction and operation of facilities necessary to attach to the system of an intrastate pipeline for the purpose of delivering gas to an intrastate pipeline for transportation for El Paso's account, it is said. El Paso states that it also requests that it be permitted to utilize its budget-type authorization to operate existing interconnections for the same purposes.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 17, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[Docket No. CP78–520]

[FR Doc. 79–13464 Filed 4–30–79; 8:45 am]

BILLING CODE 6450–01–M

Inter-City Minnesota Pipelines Ltd., Inc.; Petition To Amend

April 19, 1979.

Take notice that on April 17, 1979, Inter-City Minnesota Pipelines Ltd., Inc. (Petitioner), 1700–444 St. Mary Avenue, Winnipeg, Canada R3C 3T7, Filed in Docket No. CP70–289 a petition to amend further the order issued August 10, 1979, as amended, in said docket pursuant to Section 3 of the Natural Gas Act so as to authorize Petitioner to continue to import natural gas from Canada to the United States at the increased border price of $2.30 per million Btu's equivalent established by the Nation Energy Board of Canada (NEB), effective May 1, 1979, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is indicated that the subject gas imported to the United States is purchased from ICG Transmission Limited and is exported from Canada under License GL28 issued by the NEB. Petitioner states that the lack of an alternative source of natural gas or other fuels available to Petitioner's customers should the subject petition not be granted render this request clearly consistent with the public interest and that failure to grant the requested authorization would impair Petitioner's ability to render natural gas service to its customers. Accordingly, Petitioner requests that the order of August 10, 1970, as amended, be further amended to permit the importation of natural gas at the increased price established by the NEB for gas exported under License GL28, effective May 1, 1979.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 25, 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 intevene in accordance with the Commission's Rules.

Lois D. Cashell,

Acting Secretary.

[Docket No. CP70–289]

[FR Doc. 79–13465 Filed 4–30–79; 8:45 am]

BILLING CODE 6450–01–M

J & J Enterprises, Inc.; Petition for Declaratory Order

April 25, 1979.

Take notice that on February 6, 1979, J & J Enterprises, Inc., P.O. Box 697, Indiana, Pennsylvania 15701, filed a petition for a declaratory order pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure in Docket No. CI79–248. Petitioner requests the Commission disclaim jurisdiction under Section 1(b) of the Natural Gas Act over certain described gathering services.

In support of its petition, Petitioner states that the described services which Petitioner now provides to Consolidated Gas Supply Corporation and the identical services Petitioner proposes to provide to AGT Supply Corp. fit within the definition of "gathering" as set out in *Barnes Transportation Co.*, 18 FPC 369 (1957) and as such Petitioner is exempt from Commission jurisdiction over its rates and services. Petitioner also cites *Carnegie Natural Gas Co.*, Docket No. CP77–535 (Order Disclaiming Jurisdiction issued September 25, 1978).

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 17, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,
Secretary.

[Docket No. CI79-248]
[FR Doc. 79-13466 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

National Fuel Gas Supply Corp.; Application

April 25, 1979.

Take notice that on April 18, 1979, National Fuel Gas Supply Corporation (National Fuel), 308 Seneca Street, Oil City, Pennsylvania 16301, filed in Docket No. CP79-274 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to sell to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), natural gas to be purchased by National Fuel from HNG Fossil Fuels Company (Fossil Fuels) from reserves underlying High Island Area, Blocks A-330 and A-349 and West Cameron Area, Blocks 612 and 613, offshore Texas and Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

National Fuel states that the subject gas would be sold to National Fuel by Fossil Fuels pursuant to a gas purchase contract dated July 17, 1978, as amended.

National Fuel further states that to the extent produced from High Island Block A-349, the subject gas would be transported to High Island Block A-330 through 1.88 miles of 16-inch pipeline in which National Fuel has obtained, at a cost, to date, of approximately $68,211.60, an undivided interest, equivalent to its proportionate share of the production to be delivered thereby.

By order issued December 28, 1978 in Docket No. CP77-320, National Fuel was authorized to share in the costs of construction and maintenance of 1.47 miles of 20-inch pipeline and related facilities extending from the producers' platform in High Island Block A-330 to an interconnection with High Island offshore system in Block A-330, it is said. The cost of National Fuel, to date, of its pro rata share of these facilities amounts to approximately $81,687.21, it is said. The said order provided in part that "National Fuel's *pro rata* share of the facility shall not be included in its rate base until all requisite authorization necessary to implement the movement of National Fuel's gas into its system is granted," it is asserted. National Fuel states that it requests that the said Commission order waive the "into its system" portion of the said order; or, in the alternative, that the Commission's order herein provide that the authorization herein requested be deemed in substantial compliance with the quoted provision of the Commission's said order.

National Fuel has entered into transportation agreement with High Island Offshore System and U-T Offshore System (UTOS), dated June 15, 1978, which said agreements constitute, respectively, Rate Schedules T-14 and T-10 filed in their respective FERC Gas Tariffs, Volume 2, it is said. Under said transportation agreements, the subject gas would be transported, for the account of National Fuel, from High Island Block A-330 to the tailgate of the UTOS separation plant at Johnson's Bayou, Cameron Parish, Louisiana, it is said.

Pursuant to a transportation agreement dated January 31, 1979, Transcontinental Gas Pipe Line Corporation (Transco) would transport the subject gas for the account of National Fuel from the tailgate of the UTOS separation plant at Johnson's Bayou, Cameron Parish, Louisiana, to existing interconnections between Transco's system and that of Tennessee at Kinder, Allen Parish, and/or Crowley, Acadia Parish, and/or Starks, Calcasieu Parish, Louisiana, it is said.

National Fuel further states that a compression service, proposed to be rendered by United Gas Pipe Line Company (United) is requisite to delivery of the subject gas by Transco to Tennessee, for the account of National Fuel, at the proposed Starks, Louisiana delivery point. National Fuel and United have negotiated an agreement pursuant to which United would render this compression service, it is said. National Fuel requests that the authorization sought by United for compression service be conditioned, insofar as deliveries to Tennessee at the proposed Starks, Louisiana delivery point are concerned, upon certification of the requisite United compression service at said point, so as to permit the service herein proposed to proceed, at the earliest possible time, it is said.

To date National Fuel has received approximately 11,000,000 Mcf of incremental CD-5 natural gas service from Tennessee pursuant to the agreement of settlement, approved by the order of December 12, 1975, in Docket Nos. G-19618, *et al.*, and CP63-247, *et al.*, and Fossil Fuel has advised National Fuel that it estimates the reserves attributable to its 3.2 percent interest in High Island Blocks A-330 and A-349, and West Cameron Blocks 612 and 613, offshore Texas and Louisiana, at approximately 8,600,000 Mcf, it is said.

National Fuel states that in light of the circumstances which give rise to the service herein proposed, the gas purchase and sales agreement pursuant to which such service is proposed to be rendered, provides that such service shall terminate, without further Commission authorization, upon the permanent cessation of deliveries to National Fuel under its gas purchase contract with Fossil Fuel or National Fuel's prior delivery to Tennessee of volumes equal to the aggregate incremental CD-5 service provided to National Fuel by Tennessee pursuant to the agreement of settlement. Accordingly, National Fuel requests that the authorization of the service herein proposed terminate upon the first to occur of said conditions, it is said.

National Fuel asserts that direct and indirect costs, addressed in paragraph 8(j)(2) of the agreement of settlement,[1] be separated from the balance of National Fuel's cost of service and that it is equally appropriate that increments in the respective direct and indirect transportation costs associated with this arrangement be tracked currently through the mechanism of the cost of service approach contemplated in its proposed Rate Schedule V-1 thus obviating the lag time, cost and inefficiency inherent in the otherwise requisite multiplicity of relatively small rate filings by National Fuel.

No additional or new facilities not currently certificated are requisite to rendition of the service herein proposed, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 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

[1] Approved by order issued December 2, 1975 in Docket Nos. G-19618 and CP63-247.

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for National Fuel to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[Docket No. CP79-274]

[FR Doc. 79-13467 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Northern Natural Gas Co.; Amendment

April 19, 1979.

Take notice that on April 6, 1979, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP78-237 an amendment to its application filed in said docket pursuant to Sections 3 and 7 of the Natural Gas Act to reflect a restructuring of the gas service agreement, dated December 21, 1977, between Applicant and Union Gas Limited of Chatham, Ontario, Canada (Union), pursuant to an amendment to said agreement, dated March 28, 1979, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

By the application in this proceeding, Applicant requests authorization to import from Canada synthetic natural gas (SNG) by displacement to be purchased from Union and to transport such imported volumes in Applicant's transmission system. It is stated that Union has proposed a substantially lower price and that Applicant and Union have restructured the gas service agreement to adopt such different and substantially lower contract price, a price which, it is asserted, is demonstrably equitable to United States customers.

Applicant states that essentially, the restructured gas service agreement provides that for the four-year term of the agreement the price to be paid by Applicant to Union for gas purchased thereunder shall be the U.S.-Canadian border export price plus 56.0 cents per million Btu's equivalent of natural gas. It is indicated that the 56.0 cents is a storage charge which would remain constant throughout the four-year term, and that the border export price component is the lowest possible price at which gas can or would be obtained from any Canadian source of supply.

It is said the 56.0-cent component is a negotiated charge for storage service to be performed by Union for Northern. Applicant asserts that the gas service agreement provides that Applicant is to receive the gas into its system only during the peak requirement months of November through March of each of the four remaining heating seasons covered by the agreement and that this necessarily involves storage by Union of volumes of SNG obtained by it during the months of April through October, together with such storage by Union as may be required for delivery of volumes to Applicant during the months of November through March.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 14, 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 (1.8 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 must file a petitition to intervene in accorance with the Commission's Rules. All persons who have heretofore filed need not file again.

Lois D. Cashell,

Acting Secretary.

[Docket No. CP78-237]

[FR Doc. 79-13468 Filed 4-30-79; 8:45 am]

[BILLING CODE 6450-01-M

Northern Natural Gas Co.; Application

April 25, 1979.

Take notice that on April 11, 1979, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP79-264 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of 42.5 miles of 24-inch pipeline and appurtenant facilities to be constructed in the Matagorda Island Area, offshore Texas from Block 686 extending to a point onshore with Channel Industries Gas Company's 30-inch pipeline located in Refugio County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern states that the proposed facilities would provide a capacity of 150,000 Mcf of natural gas per day and such pipeline facilities would be owned and operated by Northern.

Northern further states that the estimated cost of the proposed facilities is $30,447,000, and would finance the proposed facilities from funds generated through operation, or, if necessary, short-term bank loans.

The proposed pipeline would allow Norther to attach significant new reserves which would be available for the 1980-81 heating season to assure more reliable and adequate service to its high-priority market, it is said. The proposed pipeline capacity would be available for the transportation of Northern's reserves and the reserves of others which would be developed in the near future, and in fact such a pipeline could expedite the development of badly needed reserves in the area, it is further said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 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 aplication if no petition to intervene is filed withing the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[Docket No. CP79-264]

[FR Doc. 79-13469 Filed 4-30-79; 8:45 am]

BILLING CODE 6450-01-M

Southern Natural Gas Co., et al.; Joint Application

April 23, 1979.

Take notice that on April 4, 1979, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, Columbia Gulf Transmission Company (Columbia Gulf), P.O. Box 683, Houston, Texas 77001, and Michigan Wisconsin Pipe Line Company (Mich Wisc), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP79-254 a joint application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern proposes to transport and Southern, Columbia Gulf, and Mich Wisc propose to exchange volumes of natural gas purchased by Southern from East Cameron Block 231, off-shore Louisiana, and gas purchased by Columbia Gas Transmission Corporation (Columbia Transmission) from South Marsh Island Block 267, offshore Louisiana. Southern and Columbia Transmission have entered into a transportation agreement dated August 10, 1977, wherein Southern has agreed to transport South Marsh Island 267 gas to a point onshore near Bayou Sale, Louisiana where Southern proposes to construct and maintain transmission facilities under authority requested by Southern in Docket No. CP75-163, now pending before the Commission.

It is stated that Southern has arranged to transport Columbia Transmission's South Marsh Island 267 gas through capacity rights it has obtained from Trunkline Gas Company (Trunkline) in Trunkline's system. It is further stated that Southern has agreed to accept up to 5,000 Mcf per day of South Marsh Island 267 gas for Columbia Transmission's account at the inlet of Trunkline's dehydration facilities on the South Marsh Island Block 268 "A" Platform and to accept an equivalent volume of gas at a proposed point of interconnection between Trunkline's and Southern's facilities in the north half of the southwest quarter of Section 26, Township 15 South, Range 10 East, St. Mary Parish, Louisiana. Southern's transportation of South Marsh Island gas for Columbia Transmission's account would be subject to the limitations and restrictions on Southern's capacity rights in Trunkline's system and pursuant to an agreement for the transportation of gas between Southern and Trunkline dated September 11, 1974, it is stated.

Applicants and Columbia Transmission indicate that they have entered into an exchange agreement dated March 12, 1979, wherein Columbia Gulf would receive for Columbia Transmission's account, daily volumes of Southern's East Cameron 231 gas delivered for Southern's account by Sea Robin Pipeline Company (Sea Robin) at the outlet side of Columbia Gulf's measuring station near Sea Robin's pipeline facilities near Erath, Vermilion Parish, onshore Louisiana. Southern would have approximately 7,000 Mcf per day of gas available at Erath, sold to Southern by The Offshore Company. Southern and Columbia Gulf propose to exchange on a daily basis Southern's East Cameron 231 gas for Columbia Transmission's South Marsh Island 267 gas. It is stated that any imbalances in deliveries would be corrected at a point of interchange between Southern and Columbia Gulf at the outlet of the Venice Plant at a location in Section 25, Township 21 South, Range 30 East, Plaquemines Parish, Louisiana. It is also stated that if a balance can not be achieved at the Venice interchange, or should Columbia Transmission's South Marsh Island 267 gas be unavailable for delivery, Mich Wisc would assist Southern and Columbia Gulf by exchanging volumes of gas with Southern at the interconnection between Southern and Mich Wisc located near the Shadyside Compressor Station in St. Mary Parish, Louisiana and with Columbia Gulf at the point of interconnection between Columbia Gulf's and Mich Wisc's facilities at the outlet of Shell Oil Company's Calumet Gas Processing Plant in St. Mary Parish, Louisiana. Applicants state that all deliveries by Southern to Columbia Gulf and by Columbia Gulf to Southern would be on a thermally equivalent basis, and deliveries by Mich Wisc to Southern and Columbia Gulf would be on a volumetric basis.

Southern would charge Columbia Transmission a monthly rate based on the monthly rate Southern is obligated to pay Trunkline. The rate would be based proportionately on the amount of capacity in Trunkline's facilities which would be utilized by Southern to transport the South Marsh Island 267 gas for Columbia Transmission's account, it is stated. Mich Wisc states it would assist Southern and Columbia Gulf in balancing the gas to be exchanged at no charge.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 24026, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is

required, further notice of such hearing will be duly given.

Under the procedure herein involved provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP79-254]
[FR Doc. 79-13470 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

April 23, 1979.

Take notice that on April 10, 1979, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP79-260 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 Consolidated Edison Company of New York, Inc. (Con Ed), one of Applicant's existing customers, to be purchased from National Fuel Gas Distribution Corporation (National Distribution) for the purpose of supplanting imported fuel oil used in the generating stations which are exempt from the provisions of the Powerplant and Industrial Fuel Act of 1978, all as more fully set forth in the application which is on file with the Commission and open to public inspection.[1]

It is indicated that the volumes to be purchased by Con Ed and transported by Applicant would be made available to Applicant by National Distribution through its affiliate, National Fuel Gas Supply Corporation (National Supply) in Potter County, New York, or, when required by operating conditions, at other existing interconnections between Applicant and National Supply as they may agree upon. Applicant would deliver equivalent volumes to Con Ed, or for its account, to Transcontinental Gas Pipe Line Corporation (Transco) at an existing interconnection in Bergen County, New Jersey, or, when required by operating conditions, at other existing interconnections between Applicant and Transco as they may agree to and/or to Con Ed at an existing delivery point in Westchester County, New York.

Applicant proposes to transport up to a total of 15,000,000 Mcf of gas per year, during each April 1 through October 31 period, with peak day and average day volumes being approximately 75,000 Mcf and 65,000 Mcf, respectively. Applicant proposes an initial term of one year with the expectation of a request for renewal for an additional year's authorization.

It is indicated that Applicant will charge 9.60 cents per Mcf of gas delivered to Transco for Con Ed's account and 10.18 cents per Mcf for gas delivered directly to Con Ed.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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 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. CP79-260]
[FR Doc. 79-13471 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

[1] The application was initially tendered for filing on April 10, 1979; however, the fee required by Section 159.1 of the regulations under the Natural Gas Act (18 CFR 159.1) was not paid until April 18, 1979; thus, filing was not completed until the latter date.

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Application

April 25, 1979.

Take notice that on April 12, 1979, Tennessee Gas Pipeline Company, a Divison of Tenneco Inc. (Tennessee), Tenneco Building, Houston, Texas 77002, filed in Docket No. CP79-266 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a transportation service for Southern Natural Gas Company (Southern Natural), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Tennessee states that pursuant to a gas transportation agreement, it has agreed to receive and transport for Southern Natural up to 1,800 Mcf of natural gas per day through Tennessee's existing facilities.

The volumes would be transported from "B" production platform in South Marsh Island, Block 243, offshore Louisiana to a point of delivery in St. Mary Parish, onshore Louisiana and/or as mutually agreed from time to time, at other existing points of exchange where natural gas can be delivered to or for the account of Southern Natural, it is said.

Tennessee may exercise its option to transport additional volumes if such are tendered by Southern Natural and accepted by Tennessee, it is said.

Southern Natural would pay Tennessee each month for the proposed transportation services a volume charge equal to 7.03 cents per Mcf, with provision for a minimum monthly bill based on transportation quantity, it is further said. Southern Natural would provide to Tennessee daily volumes received for transportation each day, for Tennessee's fuel and use requirements, it is asserted.

Tennessee states that it anticipates having sufficient capacity available in the area to perform the proposed transportation service; additionally, the transportation service proposed herein would be rendered only when, in Tennessee's sole opinion its operating conditions permit, it is said.

Sothern Natural is presently experiencing a curtailment of deliveries to its customers, and the proposed transportation service is an expedient method of transporting volumes of natural gas to Southern Natural, it is said. No new facilities are needed to implement the proposed transportation service, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17,

1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 10426, 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 Commisison on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Tennessee to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79-266]
[FR Doc. 79-13472 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Transcontinental Gas Pipe Line Corp.; Application

April 23, 1979.

Take notice that on April 18, 1979, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP79-275 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 on an interruptible basis for two years for Consolidated Edison Company of New York, Inc. (Con Ed), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is indicated that Con Ed has arranged to purchase said gas from National Fuel Gas Distribution Corporation which would make available, through facilities of its affiliate National Fuel Gas Supply Corporation (National Supply), quantities of natural gas of up to 75,000 dekatherms (dt) equivalent per day to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), at existing interconnections between Tennessee and National Supply in Pennsylvania. It is said that Tennessee would transport and deliver such gas to Applicant at the existing Rivervale interconnection in Bergen County, New Jersey. Applicant states that it would deliver equivalent quantities to Con Ed at existing delivery points to Con Ed in the New York City metropolitan area.

The application indicates that for all quantities transported and delivered Con Ed would pay to Applicant a rate of 7.0 cents per dt to Applicant and of the quantities received by Applicant for Con Ed's account, 1% of one percent would initially be retained for compressor fuel and line loss makeup, subject to change by Applicant if such change is warranted by operating conditions.

It is stated that the subject gas would be used solely by Con Ed in the generation of electric and/or steam energy at existing Con Ed generating stations which are or have been exempted from the provisions of the Powerplant and Industrial Fuel Use Act of 1978.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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 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. CP79-275]
[FR Doc. 79-13473 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

United Gas Pipe Line Co. and Mississippi River Transmission Corp.; Application

April 23, 1979.

Take notice that on March 30, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77001, and Mississippi River Transmission Corporation (MRT), P.O. Box 14521, St. Louis, Missouri 63178, filed in Docket No. CP79-248 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between themselves, the construction and operation of various pipeline and appurtenant facilities, and the installation and operation of leased compressor facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

United States that it is presently entitled to purchase, from various producers, natural gas produced in the Monroe Field area in Ouachita and Morehouse Parishes, Louisiana. It is estimated that the volume of gas available from such sources would exceed existing capacity by approximately 8,000 Mcf per day in the near future, and that the additional gas which would be made available to United would be produced from approximately 159 individual wells at very low pressure, typically 5 to 10 psi, it is stated. In order to obtain this gas into its existing system, United proposes to deliver the subject gas to MRT at a mutually agreeable point on MRT's 22-inch pipeline facility, and in exchange, MRT proposes to deliver a thermally equivalent volume of gas to United by means of an appropriate reduction in the volumes delivered by United to MRT at an existing delivery point at Perryville, Ouachita Parish, Louisiana.

In order to transmit this gas United proposes the following:

(1) To lease, install and operate 2,000 horsepower compressor facilities in Morehouse Parish, Louisiana;

(2) To construct and operate approximately 2.9 miles of 6⅝-inch pipeline extending from the aforementioned compression facility to a proposed tap on MRT's 22-inch pipeline in Morehouse; and

(3) To construct (by MRT at United's expense) a 6-inch tap to interconnect the existing 22-inch pipeline of MRT with the proposed 6⅝-inch pipeline of United at a point in Morehouse Parish.

The estimated cost of the proposed facilities is $371,754, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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 will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP79—248]
[FR Doc. 79-13474 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

United Gas Pipe Line Co.; Application

April 25, 1979.

Take notice that on April 12, 1979, United Gas Pipe Line Company (United), P.O. Box 1478, Houston Texas 77001, filed in Docket No. CP79-267 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of approximately 21.5 miles of 30-inch pipeline and appurtenant facilities in Vermilion Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

United states that it would construct the said facilities from a point of interconnection with United's existing 36-inch Erath-Arnaudville Line downstream of Sea Robin Pipeline Company's Erath Compressor Station to a point of interconnection with United's existing 30-inch North-South Line at Weeks Island Junction. United asserts that the proposed facilities are estimated to cost approximately $12,700,000 and would be financed from funds on hand.

United further asserts that the construction and operation of the proposed facilities are required to help United transport up to an additional 250,000 Mcf per day of natural gas into the eastern portion of its existing pipeline system and would give United more operating flexibility in the event one or more of the existing compressor units would be out of service.

In the past the natural gas supply attached to the eastern portion of United's system has been sufficient to meet the requirements of the customers served therefrom, it is said. However, in recent years, declines in the available gas supply in this area have created a supply-demand imbalance on the eastern portion of United's system, which has been alleviated by the transfer of increasingly greater volumes of gas from the western part to the eastern part of United's system, it is said. United projects that this supply-demand imbalance would soon reach 250,000 Mcf per day during peak demand periods, a level which cannot presently be offset by such west-east transfers, due to the limited capacity of United's existing facilities, it is further said.

United states that currently, it has only two lines linking the western portion of its pipeline system with the eastern portion. One is a low pressure 18-inch line extending from Monroe, Louisiana to Jackson, Mississippi and due to size and pressure limitations this line cannot accommodate significant additional gas volumes, it is said.

United asserts that the other existing line is a 30-inch pipeline extending from United's Arnaudville Compressor Station to Bayou Sale Junction. Presently, gas flows north through United's 36-inch line to the Arnaudville Compressor Station and then south through the aforementioned 30-inch pipeline to Bayou Sale Junction and these lines are presently operating at their maximum capabilities during peak demand periods, United asserts.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 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 wish to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for United to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[Docket No. CP79-267]
[FR Doc. 79-13475 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

Western Transmission Corp.; Application

April 23, 1979.

Take notice that on March 27, 1979, Western Transmission Corporation (Applicant), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP79-245 an application pursuant to Section 7(c) of the National Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale of natural gas to Colorado Interstate Gas Company (CIG), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport and sell to CIG natural gas that it has purchased from the Texas Oil & Gas Company Corp. Federal "Q"-1 Well in Sweetwater County, Wyoming, and that it purchases from additional wells subsequently completed within the area of interest pursuant to the terms of a gas purchase agreement dated February 19, 1963, as amended January 16, 1978, between Applicant and CIG. The application states that Applicant has no facilities in the area of interest and that it renders no service at present in said area. Applicant states that the natural gas would be delivered to Panhandle Eastern Pipe Line Company (Panhandle) for the account of CIG at a point on Panhandle's existing pipeline facilities in Sweetwater County, and that the gas would be returned to CIG under an existing agreement between Applicant and CIG.

Applicant indicates that it would construct approximately 2 miles of pipeline under its existing budget-type authorization in order to effectuate the delivery of the natural gas. Applicant states that it would charge CIG 15.79 cents per Mcf for the proposed transportation service.

It is indicated that by amendatory agreement dated January 16, 1979, the gas purchase agreement of February 19, 1963 between Applicant and CIG was amended to provide for an additional delivery point to CIG for service authorized in Docket No. CP63-329 and for an additional area of interest as shown on Exhibit A-1 attached to said amendatory agreement. Applicant requests that the authorization granted in Docket No. CP63-329 be amended to add the January 16, 1979, amendatory agreement with its Exhibit A-1

Any person desiring to be heard or to make any protest with reference to said application should on or before May 15, 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 National 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 futher notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Lois D. Cashell,
Acting Secretary.

[Docket No. CP79-245]
[FR Doc. 79-13476 Filed 4-30-79; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

Amendment to Experimental Use Permit

On Thursday, December 28, 1978 (43 FR 60666), information appeared pertaining to the issuance of an experimental use permit, No. 11273-EUP-13, to Sandoz, Inc. At the request of the company, that permit has been amended to allow the use of norflurazon on cherry trees, in addition to the other agricultural commodities. A permanent tolerance for residues of the active ingredient in or on cherries has been established (40 CFR 180.356). (PM-23, Room: E-351, Telephone: 202/755-1397)

Statutory Authority: Section 5 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 24, 1979.

Douglas D. Campt,
Acting Director, Registration Division.

[OPP-50397A; FRL 1214-2]
[FR Doc. 79-13525 Filed 4-30-79; 8:45 am]
BILLING CODE 6560-01-M

Notice Approval of Alternate Water Pollutant Testing Procedure; Nitrite/Nitrogen

In accordance with § 136.5, 40 CFR Part 136, "Guidelines for Test Procedures for the Analysis of Pollutants" (**Federal Register**, Vol. 41, No. 232, Wednesday, December 1, 1976, pp. 52780-52786), the Hach Chemical Company applied for approval of a new test procedure for the measurement of nitrite/nitrogen. The new Hach procedure is a diazotization method using NitriVer III nitrite reagent.

After a thorough review and evaluation by the Environmental Protection Agency (EPA) of the results of a comparability testing study and other information submitted by the applicant, in accordance with § 136.5, the EPA has designated the Hach procedure as an approved alternate procedure for nationwise use. All information submitted by the applicant is on file and available for public inspection, to the extent consistent with 40 CFR Part 2 (EPA's regulation implementing the Freedom of Information Act), at the Environmental Monitoring and Support Laboratory, 26 West St. Clair Street, Cincinnati, Ohio 45268.

As an approved alternate test procedure, the Hach procedure is acceptable for use by any person required to use approved procedures under § 304(h) of the Clean Water Act Amendments of 1977. For such use, the procedure must be used in strict accordance with the method descriptions. The approved method descriptions and prepackaged reagents are available from the Hach Chemical Company, Post Office Box 389, Loveland, Colorado 80537.

Dated: April 24, 1979.

Stephen J. Gage,
Assistant Administrator for Research and Development.

[FRL 1214-6]
[FR Doc. 79-13521 Filed 4-30-79; 8:45 am]
BILLING CODE 6560-01-M

Intent To Release Confidential Data to Contractors

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of intent to release confidential data to contractors.

SUMMARY: The Environmental Protection Agency (EPA) intends to release confidential data collected under Section 308 of the Clean Water Act to two EPA contractors for the purpose of developing hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

DATES: Comments on the proposed disclosure are due by [15 days after date of publication].

FOR FURTHER INFORMATION CONTACT: Joanne M. Slaboch, Office of Solid Waste (WH-564), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, 202-755-9120.

SUPPLEMENTARY INFORMATION: On December 18, 1978, EPA published proposed standards for generators of hazardous waste under Section 3002 of RCRA (40 CFR Part 250, Subpart B (43 FR 58969)). As proposed, those standards would not apply to generators of small volumes of hazardous waste (persons who produce and dispose of less than 100 kilograms (approximately 220 pounds) of hazardous waste in any one month) if their waste is sent to a permitted hazardous waste treatment/storage/disposal facility or a permitted sanitary landfill (40 CFR § 250.29(a)).

Both prior to and during the public comment period on the proposed regulations, other regulatory strategies for dealing with small generators of hazardous waste—including phasing them into the hazardous waste management system by volume and degree of hazard, eliminating the exemption, and raising or lowering the waste production cut-off—were suggested. To evaluate these alternative regulatory approaches, EPA has initiated a study to find out more about the actual number of small hazardous waste generators, the types and quantities of wastes they are producing, and how those wastes are currently being disposed of. EPA will be assisted in this effort by two contractors, TRW, Inc. (Contract No. 68-02-2613) and Temple, Barker and Sloane (Contract No. 68-01-4778).

One of the sources of information which EPA will be using in its small generator study is the data which it has received in response to questionnaires sent to various industries under Section 308 of the Clean Water Act for the purpose of developing effluent guidelines, new source performance standards and pretreatment standards under Sections 301, 304, 306 and 307 of the Act. Many of the responses to these questionnaires contain information about plant size and location, wastewater composition, wastewater treatment systems, wastewater volume, production processes, and solid waste disposal practices which can be used to identify and gather information on small volume hazardous waste generators.

By using Section 308 survey data in its small generator study, EPA hopes to avoid having to make a similar survey of the same facilities under Section 3007 of RCRA (or at least to be able to substantially limit the scope of any Section 3007 request for information), and thus reduce reporting burdens for these facilities. This will, in EPA's opinion, carry out Congress' intent under Section 1006(b) of RCRA that EPA integrate its implementation of RCRA with its administration of the Clean Water Act and Congress' directive under Section 3501 of the Federal Reports Act that Federal agencies eliminate where practicable duplicative information gathering activities.

An earlier **Federal Register** notice (44 FR 19244, April 2, 1979) listed some SIC codes and industry categories which EPA will be examining in its study. This **Federal Register** notice announces the remaining industry categories which EPA will be examining for this study. These are:

SIC code	Industry	Date survey disseminated
22	Textiles	1976-1978
2491	Wood preserving	1976-1978
26	Pulp and paper	1976-1978
2841	Soaps and detergents	1976-1978
2861	Gum and wood products	1976-1978
2891	Adhesives	1976-1978
2950	Paving and roofing	1976-1978
3111	Leather	1976-1978
35	Mechanical products	1976-1978
36	Electronics	1976-1978
3861	Photographic supplies	1976-1978
7221, 7333, 7395, 7819	Photographic processing	1976-1978

Several of these responses contain information which has been designated as confidential by the responding company. EPA has determined that is necessary to release this information to TRW, Inc., and Temple, Barker and Sloane in order that they may carry out the work required by their contracts. These contracts contain all confidentiality provisions required by EPA confidentiality regulations (40 CFR § 2.302(h)(2)(ii)). In accordance with those regulations, respondents who have submitted confidential information in response to the questionnaires identified above have fifteen days from the date of publication of this notice within which to comment on EPA's contemplated release of this information to these two contractors for the purposes outlined above (40 CFR § 2.302(h)(2)(iii)).

Dated: April 23, 1979.

Thomas C. Jorling,

Assistant Administrator for Water and Waste Management.

[FRL 1214-5]

[FR Doc. 79-13522 Filed 4-30-79; 8:45 am]

BILLING CODE 6560-01-M

Pesticide Programs; Establishment of Temporary Exemptions From the Requirement of a Tolerance

Two pesticide petitions were submitted to the Environmental Protection Agency (EPA) requesting the establishment of temporary exemptions from the requirement of a tolerance for pesticide residues in or on raw agricultural commodities. The temporary exemptions have been established and their expiration dates are as follows:

PP 9G2182. Hercon Products Group, Herculite Products, Inc., 1107 Broadway, New York, NY 10010. Temporary exemption from the requirement of a tolerance for residues of the insecticide *(Z)*-9-tetradecen-1-ol formate in or on the raw agricultural commodity cottonseed when used as a pheromone to disrupt mating in the tobacco budworm and tobacco bollworm. April 3, 1980.

PP 9G2183. Hercon Products Group. Temporary exemption from the requirement of a tolerance for residues of the insecticide *(Z)*-11-hexadecenal with *(Z)*-9-tetradecenal in or on the raw agricultural commodity cottonseed when used as a pheromone to disrupt mating in the tobacco budworm and tobacco bollworm. April 3, 1980.

Establishment of these temporary exemptions will permit the marketing of the above raw agricultural commodity when treated in accordance with experimental use permits 8730–EUP–8 and 8730–EUP–9 that have been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

An evaluation of the scientific data reported and other relevant material showed that the requested temporary exemptions were adequate to cover residues resulting from the proposed experimental uses, and it was determined that the temporary exemptions would protect the public health. The temporary exemptions were established for the pesticides with the following provisions:

1. The total amount of each pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Hercon Products Group must immediately notify the EPA of any findings from the experimental uses 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.

Residues remaining in or on cottonseed 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 permits and the temporary exemptions. These temporary exemptions may be revoked if the experimental use permits are revoked or if any scientific data or experience with these pesticides indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Mr. Franklin D. R. Gee, Product Manager 17, (TS–767), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460 (202/426–9425).

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: April 24, 1979.

Douglas D. Campt,

Acting Director, Registration Division.

[PP 9G2182, 9G2183/T201]

[FRL 1213–7]

[FR Doc. 79–13523 Filed 4–30–79; 8:45 am]

BILLING CODE 6560–01–M

Pesticide Programs; Receipt of Applications To Register Pesticide Products Entailing a Changed Use Pattern

Applications to register pesticide products entailing a changed use pattern have been made to the Environmental Protection Agency (EPA) pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136), and the regulations thereunder (40 CFR 162). Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

Interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Program Support Division (TS–757), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M St., SW, Washington, DC 20460. The comments must be received on or before May 31, 1979, and should bear a notation indicating the EPA file symbol number of the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made; comments received after the specified time period will be considered only to the extent possible without dalaying processing of the application. Specific questions concerning these applications and the data submitted should be directed to the designated Product Manager (PM), Registration Division (TS–767), Office of Pesticide Programs, at the above address or appropriate telephone number cited. The labels furnished by each applicant, as well as 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 4:00 p.m. Monday through Friday.

Notice of approval or denial of the applications to register pesticide products will be announced in the **Federal Register**. Except for such material protected by Section 10 of FIFRA, the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the **Federal Register** if an application is approved.

Dated: April 24, 1979.

Douglas D. Campt,

Acting Director, Registration Division.

Applications Received

EPA file Symbol 239–EUAU. Chevron Chemical Co., 940 Hensley St., Richmond, CA 94804. Orthene 2.5 Professional Spray. Active Ingredient: Acephate (*O,S*-dimethyl acetylphosphoramidothioate) 23.7%. Applicant proposes that the use pattern of this pesticide be changed to include indoor control of cockroaches. Proposed classification: general. PM16. (202/755–9315)

EPA File Symbol 239–EUAE. Chevron Chemical Co. Orthene Professional SP Concentrate. Active Ingredient: Acephate, 85%. Applicant proposes that the use pattern of this pesticide be changed to include indoor control of cockroaches. Proposed classification: general. PM16.

EPA File Symbol 39398–0. Sumitomo Chemical America, Inc., c/o Dr. Eugene J. Gerberg, 1330 Dillon Heights Ave., Baltimore, MD 21228. SUMITHION 40% WDP. Active Ingredient: *O,O*-dimethyl-*O*-(4-nitro-m-tolyl) phosphorothioate 40% (w/w). Applicant proposes that the use pattern of this pesticide be changed to include indoor use for control of mosquitoes. Proposed classification: general. PM16.

[OPP–31027; FRL 1213–8]

[FR Doc. 79–13523 Filed 4–30–79; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL COMMUNICATIONS COMMISSION

Canadian Broadcast Stations; Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

March 8, 1979.

Canadian List No. 382

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna Height (feet)	Ground system Number of radials	Ground system Length (feet)	Proposed date of commencement of operation
				580kHz					
CKPR	Thunder Bay, Ontario, N. 48°24'*31*", W. 89°*14'50*" (Correction to geographical co-ordinates from N. 48°24'40", W. 89°15'37"	5D/1N	ND–178	U	III	300	120	500Ave.	
				790 kHz					
CKSO	Sudbury, Ontario, N. 46°25'24", W. 80°56'13" (In operation with increased power)	50	DA–2	U	III	.....	.....	.....	
				850 kHz					
(New)	Spaniard's Bay/Harbour, Grace, Newfoundland, N. 47°39'21", W. 53°15'30" (P.N. 10kw; DA–N)	*5*	*DA–1*	U	II	.....	.....	.....	*3–8–80*
				930 kHz					
CFBC	St. John, New Brunswick, N. 45°13'55", W. 66°06'15" (in operation with increased power)	50	DA–2	U	III	.....	.....	.....	
				1150 kHz					
CKOC	Hamilton, Ontario, N. 43°03'04", W. 79°48'42" (decrease in antenna tower heights and in RMS of directional radiation patterns, minor changes in day-time directional radiation pattern) (P.O. 10kw, N. 43°10'40", W. 79°47'00")	50	DA–2	U	III	.....	.....	.....	*3–8–80*
				1260 kHz					
CIHI	Fredericton, New Brunswick, N. 45°59'52", W. 66°41'39" (in operation)	10	DA–N, ND–D–190.	U	III	.....	.....	.....	
				1290 kHz					
CJBK	London, Ontario, N. 42°52'08", W. 81°13'58" (in operation with change of day-time pattern)	10	DA–2	U	III	.....	.....	.....	
				1290 kHz					
CHRM	Matane, Quebec, N. 48°49'27", W. 67°34'28" (in operation)	10	DA–2	U	III	.....	.....	.....	
				1470 kHz					
CHOW	Welland, Ontario, N. 42°56'52", W. 79°16'19" (P.O. 1D/0.5N P.N. 5D/10N)	*10*	DA–2	U	III	.....	.....	.....	*3–8–80*
				1490 kHz					
CHOO–1	Oliver, British Columbia, N. 49°*13'16*", W. 119°*32'21*" (P.N. N. 49°10'17", W. 119°35'30", ND–200, 200 120 264(Ave.))	1D/0.25N	ND–*187*	U	IV	*150*	120	264(Ave.)	*3–8–80*

Wallace E. Johnson,

Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc. 79–13478 Filed 4–30–79; 8:45 am]

BILLING CODE 6712–01–M

Radio Technical Commission for Marine Services; Special Committee Meetings

Special Committee No. 70: Minumum Performance Standards (MPS)—Marine Loran–C Receiving Equipment

Notice of 16th Meeting, Friday, May 18, 1979

Conference Room 7202, Nassif (DOT) Building, 400 Seventh Street, S.W., (at D Street), Washington, D.C.

Agenda

1. Call to Order.
2. Old Business.
3. New Business.
4. Administrative Matters.

Captain Alfred E. Fiore, Chairman, SC–70, U.S. Merchant Marine Academy, Kings Point, New York 11024, Phone: (516) 482–8200.

Special Committee No. 71: VHF Automated Radiotelephone Systems

Notice of 17th Meeting, Wednesday, May 23, 1979—10:00 a.m. (Full-day meeting)

Conference Room A–110, F.C.C. Annex, 1229 20th Street, N.W., Washington, D.C.

Agenda

1. Call to Order.
2. Administrative Matters.
3. Review of draft paper on Digital Selcall Functions and Formats.

John J. Renner, Chairman SC–71, Advanced Technology Systems, Inc., 3426 N. Washington Blvd., Arlington, VA 22201, Phone: (703) 525–2664.

Special Committee No. 74: Digital Selective Calling

Notice of 4th Meeting, Thursday, May 24, and Friday, May 25, 1979—9:30 a.m. (Full-day meetings)

Conference Room 7200, Nassif (DOT) Building, 400 Seventh Street, S.W. (at D Street), Washington, D.C.

Agenda

May 24, 1979:

1. Call to Order; Chairman's Report.
2. Administrative Matters.
3. Meeting of Ship Station Working Group and Coast Station Working Group.

May 25, 1979.

1. Administrative Matters.
2. Working Group Reports.

Captain B. F. Hollingsworth, Chairman, SC–74, U.S. Coast Guard Headquarters, Washington, D.C., Phone: (202) 426–1145.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are preferred, but by previous arrangement oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated chairman or the RTCM Secretariat (phone: (202) 632–6490).

Federal Communications Commission

William J. Tricarico,

Secretary.

[FR Doc. 79–13461 Filed 4–30–79; 8:45 am]

[BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Louis Dreyfus Corp. et al.; Filing of Complaint

Notice is given that a complaint filed by Louis Dreyfus Corporation, The Early & Daniel Company, Inc., Dixie Carriers, Inc., Le Beouf Bros. Towing Co., Inc., The Valley Line Company, Federal Barge Lines, Inc., and Hollywood Marine, Inc., against Plaquemines Port, Harbor and Terminal District was served April 24, 1979. The complaint alleges that the combined effect of Items 135, 136(D) and 137 of respondent's terminal tariff results in application of a "Harbor Fee" in a manner violative of section 16 First of the Shipping Act, 1916, and that application of Item 145 of the same tariff regarding a "Supplemental Harbor Fee" results in violation of sections 15, 16 First and 17 of the Act.

Hearing in this matter, if any is held, shall commence on or before October 24, 1979. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79–13389 Filed 4–30–79; 8:45 am]

BILLING CODE 6730–01–M

Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.: New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by May 21, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10050–3.

Filing party: Robert A. Peavy, Esquire, Morgan, Lewis & Bockius, 1800 M Street, NW., Washington, D.C. 20036.

Summary: Agreement No. 10050–3 is a proposal by the member lines of the U.S.-Flag Far East Discussion Agreement to extend the duration of the basic discussion agreement with no expiry date, broaden the scope of discussion under the agreement, and expand upon the means by which communication may take place under the agreement.

Agreement No. 10369.

Filing party: F. W. Krueger, Eckert Overseas Agency, Inc., 88 Pine Street, New York, New York 10005

Summary: Agreement No. 10369 is an equipment interchange and lease agreement between Orient Overseas Container Line, Ltd., and Korea Shipping Corporation, both common carriers by water in the foreign commerce of the United States. The parties agree to lease cargo containers and/or related equipment to each other subject to mutually acceptable terms, conditions, practices, and charges.

By order of the Federal Maritime Commission.

Dated: April 25, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79–13388 Filed 4–30–79; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

Arthritis Advisory Committee Meeting Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting of the Slow-Acting Antirheumatic Drugs Subcommittee of the Arthritis Advisory Committee announced by notice in the **Federal Register** of April 17, 1979 (44 FR 22814), for May 9, 1979, will begin at 12 noon instead of 9 a.m.

FOR FURTHER INFORMATION CONTACT: Timothy A. Ulatowski, Bureau of Drugs (HFD–150), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301–443–5197.

Dated: April 25, 1979.

William Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–13407 Filed 4–30–79; 8:45 am]

BILLING CODE 4110–03–M

Anticancer Drug Development; Memorandum of Understanding With the National Institutes of Health

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of understanding with the National Institutes of Health (NIH). The purpose of the memorandum is to set forth cooperative working arrangments regarding anticancer drugs developed by NIH and regulated by FDA.

DATES: The agreement became effective February 5, 1979.

FOR FURTHER INFORMATION CONTACT: Gary Dykstra, Compliance Coordination and Policy Staff (HFC–13), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3470.

SUPPLEMENTARY INFORMATION: Pursuant to the notice published in the **Federal Register** of October 3, 1974 (39 FR 35697) stating that future memorandums of understanding and agreement between FDA and others would be published in the **Federal Register**, the agency is issuing the following memorandum of understanding:

Memorandum of Understanding Relative To Anticancer Drug Development

The Division of Cancer Treatment, National Cancer Institute, as a result of its mission, has a substantial and continuing effort of anticancer drug development, the regulation of which comes under the purview of the Food and Drug Administration, primarily but not exclusively within the Bureau of Drugs. A substantial amount of the information available to the Division of Cancer Treatment and to the Bureau of Drugs, acquired by each in the pursuit of their missions, is of common interest to these organizations. In the past, both have been keenly aware of this community of interest and have had extensive informal and effective interchanges of views and of information on a wide variety of problems. Such informal interchanges should and will continue and both organizations encourage the members of their staff to provide the utmost assistance and cooperation in all appropriate areas. In addition, in order to aid in the maintenance of a harmonious, direct working relationship between these two sister organizations, both charged with responsibilities relating to public health, it is believed that a formal Memorandum of Understanding is desirable. The following specific agreements between the National Cancer Institute and the Food and Drug Administration are made to achieve these objectives:

Commitment of the National Cancer Institute

1. The National Cancer Institute designates the Director, Division of Cancer Treatment as the primary contact on matters of policy relative to anticancer drug development. Members of his/her staff responsible for specific aspects of the Drug Development Program will carry on day-to-day contact with their counterparts at the Food and Drug Administration as appropriate.

2. As sponsor of investigational drugs for clinical trial, the Division of Cancer Treatment agrees to comply with all applicable laws, regulations, and any other legal requirements pertaining to such sponsorship.

3. The Division of Cancer Treatment will transmit to the Bureau of Drugs pertinent information generated by the activities of the Division of Cancer Treatment. This will include *Cancer Treatment Reports* and copies of the minutes of pertinent meetings, e.g., the New Drug Liaison Meetings and the Phase I Working Group Meetings. These minutes are not to be considered a substitute for the annual progress reports required for each IND.

4. The Division of Cancer Treatment will designate a member of its staff as a liaison to FDA's Oncology Advisory Committee and will send members of its staff to other Food and Drug Administration meetings, as appropriate, in order to aid communication between the two organizations.

5. The Division of Cancer Treatment will maintain with the Bureau of Drugs a Master File, which will include a detailed description of its overall plan of anticancer drug development, its system of clinical monitoring, its system of drug distribution and data reporting, pertinent information on Division of Cancer Treatment staff, and other background information normally included in individual Notices of Claimed Investigational Exemption for a New Drug (also know as Investigational New Drug Applications).

When any portion of the Master File is proposed to be revised in a significant manner, the Division of Cancer Treatment will, prior to such revision, provide a draft copy of the proposed alteration for the Bureau of Drugs' comment. Less substantive revisions will be provided to the Bureau of Drugs in finalized form and such revisions will be sent with reasonable promptness. The Division of Cancer Treatment agrees to maintain the Master File in a manner which keeps it current, to add information as it believes necessary, or as requested by the Bureau of Drugs, to delete items which are no longer pertinent or active, and to submit to the Bureau of Drugs on or about January 1 of each year a list of the documents it considers to be in the Master File and a certification of their currency and accuracy.

Commitment of the Food and Drug Administration

1. The Food and Drug Administration designates the Associate Director for New Drug Evaluation, Bureau of Drugs, as its primary contact for matters of policy regarding anticancer drugs. Members of his/her staff will interact with appropriate Division of Cancer Treatment staff for day-to-day matters.

2. The Bureau of Drugs will designate appropriate members of its staff as liaison to the Decision Network, the Phase I Working Group, and the New Drug Liaison Meetings and other pertinent meetings of the Division of Cancer Treatment, to aid communication between the Bureau of Drugs and Division of Cancer Treatment.

3. In recognition of the position occupied by the Division of Cancer Treatment in antitumor drug development, and in view of the serious nature of the disease, the Bureau of Drugs agrees to cooperate with and assist the Division of Cancer Treatment in the furtherance of its objectives, to the degree permitted by regulation and law.

4. The Bureau of Drugs agrees to accept the Master File submission of the Division of Cancer Treatment as applicable to all anticancer investigational drugs sponsored by the Division of Cancer Treatment. Information in the Master File will thus be incorporated by reference into all Notices of Claimed Investigational Exemptions (IND's) for anticancer drugs sponsored by the Division of Cancer Treatment.

5. The Bureau of Drugs agrees to bring any deficiencies or problems with the Master File to the attention of the Division of Cancer Treatment as part of its review and approval of that Master File rather than as comments on specific IND's. If, after a reasonable period needed for correction of the Master File, such correction is not forthcoming, the Bureau of Drugs shall inform the Division of Cancer Treatment which of

its IND's may be adversely affected and subject to administrative action.

Commitment of Both the National Cancer Institute and the Food and Drug Administration

If the Director, Division of Cancer Treatment, National Cancer Institute and the Associate Director for New Drug Evaluation, Bureau of Drugs, cannot agree on the appropriate contents of the Master File, or the approvability of the Master File or of any application sponsored by the National Cancer Institute, or on any other matters related to the regulation by the Food and Drug Administration of drugs sponsored by the National Cancer Institute, the matter shall be brought to the attention of the Director of the National Cancer Institute and the Director of the Bureau of Drugs. These persons are then responsible for jointly resolving the matter, either directly or by consultation with, or referral to, the Director of the National Institutes of Health and the Commissioner of Food and Drugs. Absent such resolution, final resolution of the matter rests with the Commissioner of Food and Drugs.

Dated: January 19, 1979.

For the Food and Drug Administration.

Donald Kennedy,

Commissioner, Food and Drug Administration.

Dated: February 5, 1979.

For the National Institutes of Health.

Donald S. Frederickson,

Director, National Institutes of Health.

Effective date. This Memorandum of Understanding became effective February 5, 1979.

Dated: April 25, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FDA-225-79-3001]

[FR 79-13409 Filed 4-30-79; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Services

Regional Adoption Resource Centers Demonstration Program—Program Announcement No. 13652-791; Availability of Grant Funds

AGENCY: Administration for Children, Youth and Families, Office of Human Development Services, DHEW.

SUBJECT: Announcement of availability of grant funds for the Regional Adoption Resource Centers demonstration program.

SUMMARY: The Administration for Children, Youth and Families (ACYF) announces that applications are being accepted for Regional Adoption Resource Center grants for Fiscal Year 1979. This program is authorized under Pub. L. 95-266, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (Title II, Adoption Opportunities, 42 U.S.C. 5113).

DATES: Closing date for receipt of applications is July 16, 1979.

Scope of this Announcement

This program announcement is one of two which will be issued under Title II of Pub. L. 95-266 for Fiscal Year 1979. The second is Demonstration Grants for National Adoptive Parent Organizations to Expedite Adoption of Children with Special Needs which will be announced separately in the **Federal Register.**

Program Purpose

The purpose of the Regional Adoption Resource Centers Demonstration Program is to develop a coherent, coordinated and comprehensive adoption resource information exchange system throughout the United States.

Program Goals and Objectives

The goal of the demonstration program is to establish a Regional Adoption Resource Center in each of the ten (10) HEW Regions. The network of Regional Adoption Resource Centers is intended to be a major component of HEW's activities directed toward carrying out the provisions of Title II of Pub. L. 95-266.

Applications for projects should indicate that the proposed project will achieve or is capable of achieving all of the following program objectives:

- Identify and assess the adoption resources and practices within the geographical boundaries of the HEW Region in which it operates.
- Establish a Regional adoption information clearinghouse in each of the HEW Regions.
- Provide a regional resource to assist and facilitate the growth and development of a national adoption information exchange system.
- Facilitate inter-State and intra-State communication and coordination of program innovations and adoption planning processes.
- Establish and/or improve adoption and adoption related training programs in the States and other agencies and organizations in the Region with direct and indirect involvement in adoption services.
- Assist States and local agencies and organizations within each Region to address Region-specific objectives for improving and expanding adoption services.
- Establish the necessary linkages between foster care and adoption services.
- Provide support and financial assistance to parent groups in the planning, improving, developing and carrying out of programs and activities related to adoption. (Applicants will be responsible for conducting a competitive grant award process and awarding sub-grants to parent groups.)

Performance Standards

Within six-months after the grant award for the Resource Centers, the Children's Bureau will develop performance standards based on the goals and objectives contained in this priority statement and in the approved applications. The Children's Bureau will also develop the necessary forms and procedures for reporting. The purpose of these standards and the reporting system is to provide program accountability to the government and the Congress for the $2.766 million which has been allocated to these grants.

The performance will seek to measure the efficiency of program planning, the type and quantity of services provided, the recipient feedback on the utility of services provided. The performance standards will be self-administered. The Steering Committee for each Regional Center will be responsible for the quality and timeliness of the assessment. The designated Government Project Officer and the assigned Regional Office staff person will be responsible for validating assessment findings.

Eligible Applicants

Public and private nonprofit organizations, including institutions of higher learning may apply for a grant under this announcement. The applicant must provide a written assurance that it has been physically located in this geographic region it proposes to serve for a minimum of one year prior to the time the application is submitted. Applications received without this assurance will be considered nonconforming and will not be reviewed. Applications for grants to serve in a HEW Region(s) other than the one from which the application is submitted will be considered ineligible.

Required Capabilities

The applicant must demonstrate its interest and capability as an organization to continue to maintain and improve child welfare services. This grant will serve to enrich and augment the applicant's child welfare services

currently in process. This must be demonstrated in the following ways:

(1) The applicant must demonstrate its current or previous experience in working with the social service agencies in the State from which it applies or in nearby States;

(2) The applicant must describe its prior or current child welfare involvement in the respective region and anticipated involvement when the grant funds end; and

(3) The applicant must demonstrate its capacity to serve all parts of the Region including Indian reservations and military installations.

Available Funds

The funds allocated to support the Fiscal Year 1979 Regional Adoption Resource Centers is $2.766 million. One grant will be awarded in each of the ten HEW Regions. The funds available for each Regional Adoption Resource Center are based on a formula that includes a consideration of the child population (under 18 years of age) and geographical requirements for purposes of travel. The anticipated Regional allocations for Fiscal Year 1979 is as follows:

Region I: $246,971
Connecticut, New Hampshire, Maine, Vermont, Massachusetts and Rhode Island
Region II: $265,896
New Jersey, New York, U.S. Virgin Islands and Puerto Rico
Region III: $275,296
Maryland, Delaware, Pennsylvania, Virginia, West Virginia and District of Columbia
Region IV: $326,932
North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi and Kentucky
Region V: $334,582
Ohio, Indiana, Illinois, Wisconsin, Michigan and Minnesota
Region VI: $289,235
Louisiana, Arkansas, Oklahoma, Texas and New Mexico
Region VII: $243,896
Kansas, Missouri, Iowa and Nebraska
Region VIII: $266,743
Colorado, Utah, Montana, Wyoming, North Dakota and South Dakota
Region IX: $284,802
Arizona, Nevada, California, Hawaii, Guam and Pacific Trust Territories
Region X: $231,647
Alaska, Idaho, Oregon and Washington

All awards will be for new grants. A new grant is the initial award made to support a project. Projects will be supported for a period not to exceed five (5) years and the initial grant will sustain the budget for the first 12 months of the project. Continuation funding will depend upon the satisfactory performance of the project and the availability of funds. The assessment of satisfactory performance will be performed by ACYF on at least an annual basis and will be a major factor in consideration of all funding requests subsequent to the initial grant award.

Grantee Share of the Project

There is no cost sharing or matching requirement for grants under this program.

The Application Process

Availability of Forms

Applications for a grant under the Regional Adoption Resource Centers Demonstration Program must be submitted on standard forms provided for this purpose. Application kits which include the forms, instructions and program information, including the Priority Statement for Fiscal Year 1979 may be obtained in writing from: Patricia Campiglia, Children's Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, D.C. 20013, Attention: 13652–791, Telephone: (202) 755–7730.

Application Submission

One original and seven copies of the grant application, including all attachments, must be submitted to: Grants Management Branch, Office of Human Development Services, 341–F4, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

The applicant must clearly identify the program announcement number for which the application is to compete. The application must be signed by an individual authorized to act for the applicant institution and to assume for the institution the obligations imposed by the terms and conditions of the grant award.

A–95 Notification Process

The Regional Adoption Resource Centers Demonstration Program is included in the provisions of OMB Circular A–95. Applicants for grants must, prior to the submission of an application, notify both the state and areawide A–95 Clearinghouse of their intent to apply for federal assistance for this program. Applicants should contact the appropriate State Clearinghouse (listed in 42 FR 2210, January 20, 1977) for information on how they can meet the A–95 requirement.

Application Consideration

The Commissioner for Children, Youth and Families determines the final action to be taken with respect to each grant application for this program.

Applications which are complete and conform to the requirements of this program announcement are subjected to a competitive review and evaluation by qualified persons independent of the Administration for Children, Youth and Families.

The results of the review assist the Commissioner for the Administration for Children, Youth and Families in considering competing applications. The Commissioner's consideration also takes into account the comments of the HEW Regional Offices and the Headquarters ACYF staff.

If the Commissioner has reached a decision to disapprove a meeting grant application, the unsuccessful applicant is notified in writning. Successful applicants are notified through the issuance of a Notice of Grant Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the budget period for which support is given, and the total period for which project support is contemplated.

Criteria For Review and Evaluation of Applications

Competing grant applications will be reviewed and evaluated by a panel of reviewers against the following criteria:

(40 points)

1. The applicant demonstrates that the project objectives are capable of achieving the specific grant program objectives defined in this announement including:

- A description of the methods, strategies and techniques to accomplish each of the eight stated objectives and proposed sub-objectives and a detailed workplan for the first two years of grant activity and a projected workplan for the remaining three years.
- A presentation of the methods for assisting state agencies in coordinating and/or improving their adoptive services and practices and in improving the regional adoption exchange techniques.
- A discussion of the project's expected impact in the Region.
- A discussion of the applicant's demonstrated ability to complete the project within the proposed time schedules.
- A presentation of the methods to establish a Steering Committee to provide leadership and consultation to the Resource Center.
- The applicant's written assurance that the Regional Resource Center will cooperate with the tasks and activities of the contractor responsible for developing the national adoption information exchange system.

(20 points)

2. The applicant demonstrates the adequacy of its facilities, resources and proposed organizational structure and documents the capability of the proposed staff and insures that the proposed project personnel are or will be well qualified in the field of child welfare services.

(20 points)

3. The applicant adequately describes the organization's capability to achieve the program objectives of this grant announcement including:

- A discussion of the applicant's demonstrated capacity to accomplish the eight objectives and proposed sub-objectives of this program.
- A discussion of the applicant's past role and experience in the field of child welfare.
- A discussion of the applicant's current or previous experience in working with the social service agencies in the state from which it applies or in nearby states.
- A discussion of the qualities, capabilities or unique features which make the applicant qualified to become a regional resource center.

(15 points)

4. The applicant adequately describes the current available adoption services and resources in the States of the Region to be served and demonstrates an understanding of the major issues of adoption reform and of the need to improve adoption services and practices.

(5 points)

5. The estimated cost to the Government is reasonable considering the anticipated results and the applicant's written assurance of adequate fiscal management, accountability and record keeping procedures. The budget shall provide sufficient funds for staff attendance at all required regional and national meetings.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is July 16, 1979. An application will be considered received on time if:

(a) The application was sent by registered or certified mail not later than July 16, 1979 as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service; or

(b) the application is received on or before 5:30 p.m. July 16, 1979 in the Department of Health, Education and Welfare mailroom in Washington, D.C.

In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health, Education and Welfare. A hand-delivered application must be delivered to OHDS, Room 341–F4, Hubert Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201, on or before July 16, 1979 at 5:30 p.m. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 5:30 p.m., except Saturday, Sunday and Federal holidays. Applications received after the deadlines or incorrectly sent to any Regional Office of the Department of Health, Education and Welfare will not be accepted and will be returned to the applicant.

(Catalog of Federal Domestic Assistance Program Number 13652 Regional Adoption Resource Centers Demonstration Program)

Dated: April 20, 1979.

Blandina Ramirez,

Commissioner for Children, Youth and Families.

Approved: April 25, 1979.

Arabella Martinez,

Assistant Secretary for Human Development Services.

[FR Doc. 79–13439 Filed 4–30–79; 8:45 am]

BILLING CODE 4110–92–M

National Institutes of Health

Anticancer Drug Development; Memorandum of Understanding With the Food and Drug Administration

Cross Reference: For a document giving notice of a Memorandum of Understanding between the National Institutes of Health and the Food and Drug Administration regarding certain related objectives in carrying out their responsibilities for the development and regulation of anticancer drugs, see FR Doc. 79–13409 in the notices section of this issue under Food and Drug Administration.

BILLING CODE 4110–03–M

Office of the Secretary

HEW Management and Budget Office; Statement of Mission, Organization, and Function

Part A, Chapter AM (HEW Management and Budget Office) of the Statement of Mission, Organizations, and Functions for the Department of Health, Education, and Welfare is amended to revise Section AMN.20 and related subsections Office of Finance (42 FR 36308, July 14, 1977, and 42 FR 36315, July 14, 1977, as amended). These changes are made to add the Division of System Applications to the Office of Finance.

Add to Chapter AM.20G Functions

Additionally, is responsible for the development, coordination, and issuance of ADP policy related to the Standard Accounting System of the HEW Management Accounting Network.

Add to Chapter AMN.20 Functions

K. Develops, coordinates, and issues ADP policy related to the Standard Accounting System of the HEW Management Accounting Network.

Dated: April 21, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79–13429 Filed 4–30–79; 8:45 am]

BILLING CODE 4110–12–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

R/W Applications for Pipelines Northwest Pipeline Corp.

April 23, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for rights-of-way for 4½" o.d. natural gas pipelines for the East Douglas Creek and Trail Canyon Gathering Systems approximately .215 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 2 S., R. 101 W.,
Sec. 36: S½SW¼.
T. 4 S., R. 101 W.,
Sec. 26: E½SW¼SW¼.

The above-named gathering systems will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of the environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the applications, (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the

proposed natural gas gathering system to file its claims or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Nothwest Pipeline Corporation.*

Any comments, claims or objections must be filed with the Chief, Branch of adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team Branch of Adjudication.

[Colorado 24402 t and 22771 n]

[FR Doc. 79-13384 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-84-M

R/W Applications for Pipelines Northwest Pipeline Corp.

April 23, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for rights-of-way for 4½" o.d. natural gas pipelines for the Philadelphia Creek Gathering System approximately 2.817 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco County, Colo.

T. 1 S., R. 101 W.,
Sec. 36: SE¼SW¼.
T. 2 S., R. 101 W.,
Sec. 1: Lots 5, 6, 7, S½NE¼, SE¼NW¼.
Sec. 13: W½NE¼, SE¼NE¼, NE¼NW¼, N½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of the environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the applications, (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claims or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comments, claims, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team Branch of Adjudication.

[Colorado 24128 r, s]

[FR Doc. 79-13385 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-84-M

R/W Applications for Pipelines, Northwest Pipeline Corp.

April 23, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corporation, 315 East 200 South, Salt Lake City, Utah 84111, has applied for rights-of-way for 4½" o.d. natural gas pipelines for the Rocky Mountain Natural Gas and the Foundation Creek Gathering Systems approximately .518 miles long, across the following Public Lands:

Sixth Principal Meridian, Rio Blanco and Garfield Counties, Colo.

T. 3 S., R. 102 W.,
Sec. 36: SW¼SW¼.
T. 8 S., R. 104 W.,
Sec. 3: Lot 1, SW¼NE¼, NW¼SE¼.

The above-named gathering systems will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of the environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the applications. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claims or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on *Northwest Pipeline Corporation.*

Any comments, claims, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, as promptly as possible after publication of this notice.

Andrew W. Heard, Jr.,

Leader, Craig Team Branch of Adjudication.

[Colorado 25176 k and 25122 n]

[FR Doc. 79-13386 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-84-M

Nevada BLM Announces Initial Wilderness Inventory

The Nevada State Office of the Bureau of Land Management announces that it has completed its initial inventory of the public lands under its jurisdiction for wilderness characteristics and is submitting its recommendations to the public for comment until July 31.

A fact sheet explaining the wilderness review process and advising people how to participate is available to the public along with a statewide map showing the inventory units and a summary of the Bureau's wilderness study findings for each of 1,633 study units on almost 49 million acres of public lands within the state. Copies of these materials can be obtained from the BLM, 300 Booth Street, Room 3008, Reno, Nevada 89509.

The Bureau is recommending that 22.3 million acres of public lands be released from further wilderness consideration because they obviously and clearly lack wilderness characteristics. About 21 million acres are recommended to undergo an intensive inventory to find out if wilderness characteristics do or do not exist. An additional 5.5 million acres have already been surveyed through special project inventories. Of that amount, 1.2 million acres were found to meet the wilderness study area criteria and the remaining 4.3 million acres were found to be lacking wilderness characteristics. These areas have already been open to public comment.

The Bureau is planning to hold a series of open houses and workshops to acquaint the public with its recommendations and to solicit public comments. The times and dates of these sessions will be announced in the **Federal Register** at a later date.

Dated: April 13, 1979.

E. I. Rowland,

State Director, Nevada.

[FR Doc. 79-12383 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-84-M

Western Gulf of Alaska Outer Continental Shelf Oil and Gas; Intent to Prepare an Environmental Impact Statement for OCS Sale No. 46

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management's Alaska Outer Continental Shelf Office intends to prepare an environmental impact statement (EIS) on the offshore oil and gas leasing proposal known as OCS Sale No. 46. This proposed sale is tentatively scheduled for December 1980. A list of 564 lease blocks (1,286,791 hectares; 3,179,660 acres) in the Western Gulf of Alaska has been tentatively selected for leasing consideration and further environmental study.

Alternatives to be considered in the environmental statement will include options to delay, modify, or withdraw the proposed lease offering.

A series of meetings has been scheduled to promote public participation in defining the significant issues that relate to the proposed leasing action. These meetings will generally adhere to the following agenda:

1. Introduction—

Purpose of meeting;

Brief history of OCS oil and gas leasing and the EIS process;

Information products the Alaska OCS Office makes available to the public to facilitate the leasing process;

Previously defined issues to be considered in the EIS.

2. Presentation of public comment and recommendations on other issues of major concern.

3. Alternatives to the sale, as presently condidered in the EIS process.

Interested persons are encouraged to attend and present their views at the following locations:

Date and Location

May 9, 1979, 7:00 p.m.—Borough Assembly Chambers, Kodiak, Alaska.

May 23, 1979, 7:00 p.m.—Fine Arts Museum, 121 West 7th Avenue, Anchorage, Alaska.

Supplemental information or additional comments not presented at the meetings should be sent to the Alaska OCS Office, P.O. Box 1159, 800 A Street, Anchorage, Alaska 99510, no later than May 25, 1979.

A scoping meeting for affected Federal agencies will be held May 4, 1979, at 1:00 p.m., at the Alaska OCS Office, 800 A Street, Anchorage, Alaska. A second scoping meeting for the State of Alaska agencies will be held on May 18, 1979, at 9:00 a.m. in the Governor's Conference Room, Capital Building, Juneau, Alaska.

For further information regarding the public meetings or the Sale No. 46 leasing proposal, contact Judy Gottlieb, Sale No. 46 EIS coordinator, Environmental Assessment Division, Alaska OCS Office, P.O. Box 1159, 800 A Street, Anchorage, Alaska 99510, telephone (907) 276-2955.

Approved: April 26, 1979.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

Gary J. Wicks,

Acting Assistant Secretary of the Interior.

[FR Doc. 79-13497 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-84-M

New Mexico; Application

April 20, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), ARCO Oil & Gas Company (Division of Atlantic Richfield Company) has applied for one 3½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 27 E.,
Sec. 3, S½NE¼ and NW¼SE¼.

This pipeline will convey natural gas across 0.453 of a mile of public land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[NM 36544]

[FR Doc. 79-13454 Filed 4-30-79; 8:45 am]

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Heritage Conservation and Recreation Service

National Register of Historic Places; Additions, Deletions, and Corrections

By notice in the Federal Register of February 7, 1978, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of addtions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

William J. Murtagh,

Keeper of the National Register.

ALABAMA

Montgomery County

Montgomery, *Lower Commerce Street Historic District*, roughly bounded by RR tracks, Commerce, N. Court and Bibb Sts. (3-29-79).

ALASKA

Valdez-Chitina-Whittier Division

Chitina vicinity, *Dakah De'nin's Village Site* (4-9-79).

CALIFORNIA

Marin County

San Rafael, *China Camp*, 247 N. San Pedro Dr. (4-2-79).

Mariposa County

El Portal, *Bagby Stationhouse, Water Tanks and Turntable*, CA 140 (4-13-79) HABS.

Yosemite National Park, *Jorgenson, Chris, Studio*, Pioneer Yosemite History Center (4-13-79).

San Diego County

San Diego, *Watts Building*, 520 E St. (4-9-79).

Sonoma County

Santa Rosa, *Park Apartments*, 300 Santa Rosa Ave. (4-9-79).

Windsor vicinity, *Laughlin, James H. and Frances E., House*, SE of Windsor on Lone Redwood Rd. (4-9-79).

Tulare County

Visalia, *Hyde House*, 500 S. Court St. (4-9-79).

COLORADO

Denver County

Denver, *Dunwoody, William J., House*, 2637 W. 26th Ave. (4-11-79).

CONNECTICUT

Fairfield County

Bridgeport, *Black Rock Historic District*, roughly bounded by Black Rock Harbor, Grovers Ave., Beacon and Prescott Sts. (3-15-79).

Monroe, *Hawley, Thomas, House*, 514 Purdy Hill Rd. (4-11-79).

Hartford County

Hartford, *Frog Hollow*, roughly bounded by Park River, Capitol Ave., Oak, Washington, and Madison Sts. and Park Ter. (4-11-79).

Manchester, *Pitkin Glassworks Ruin*, Parker St. (4–9–79).

Litchfield County

Kent, *Flanders Historic District*, U.S. 7, Cobble Rd. and Cobble Lane (4–13–79).

New Haven County

Guilford, *Pitkin, Elisha, House*, 173 High Woods Dr. (4–6–79) HABS.
Waterburg, *Hibbard, Enoch, House and Granniss, George, House*, 41 Church St. and 33 Church St. (4–9–79).

New London County

New London, *Downtown New London Historic District*, roughly bounded by Captain's Walk, Bank, Tilley and Washington Sts. (4–13–79).
Stonington, *Whitehall Mansion*, off CT 27 (4–12–79).

FLORIDA

Palm Beach County

Boynton Beach, *Boynton Woman's Club*, 1010 S. Federal Hwy. (4–11–79).

GEORGIA

Glynn County

Brunswick, *Brunswick Old Town Historic District*, roughly bounded by 1st, Bay, New Bay, H and Cochran Sts (4–3–79).

Oconee County

Watkinsville, *South Main Street Historic District*, S. Main St. and Harden Hill Rd. (3–30–79).

GUAM

Santa Rita vicinity, *West Bona Site*, SE of Santa Rita (3–26–79).
Yona vicinity, *South Pulantat Site*, 2 mi. W of Yona (3–26–79).

ILLINOIS

Adams County

Quincy, *State Savings Loan and Trust Company*, 428 Maine St. (3–23–79).

Cook County

Arlington Heights, *Muller House*, 500 N. Vail Ave. (3–23–79).

DeWitt County

Clinton, *Moore, C. H., House*, 219 E. Woodlawn St. (3–23–79).

Jackson County

Grand Tower, *Grand Tower Mining, Manufacturing and Transportation Company Site*, Devil's Backbone Park (4–13–79).

Kane County

Batavia vicinity, *Campana Factory*, N of Batavia on N. Batavia Ave. (4–6–79).

Menard County

Athens vicinity, *North Sangamon United Presbyterian Church*, N of Athens on SR 2 (3–23–79).

IOWA

Clayton County

Guttenberg, *Albertus Building*, 222 Park River Dr. (4–3–79).

Dallas County

DeSoto vicinity, *Wilson, John, House*, SW of DeSoto (3–30–79).

Johnson County

Iowa City, *Woodlawn Historic District*, irregular pattern along Woodlawn Ave. (3–20–79).

Muscatine County

Muscatine, *Warde, J.C.B., House*, 205 Cherry St. (4–3–79).

Plymouth County

Le Mars, *Le Mars Public Library*, 200 Central Ave. SE. (3–30–79).

Polk County

Des Moines, *St. Ambrose Cathedral and Rectory*, 607 High St. (3–20–79).

Poweshiek County

Grinnell, *Goodnow Hall*, Grinnell College campus (4–2–79).
Grinnell, *Mears Hall*, Grinnell College campus (4–2–79).

Scott County

Houses of Mississippi River Men Thematic Resources. Reference—see individual listings for Le Claire, *Dawley House, Horton-Suiter House, Kattenbracher House, McCaffrey House, Old Mill House, Rambo House, Sant, Samuel Van, House, Smith, John, House, Suiter, Jacob, House, Suiter, John H., House, Suiter, William, House, Tromley, George, Jr., House*, and *Tromley, George, Sr., House.*
Davenport, *Burtis-Kimball House Hotel*, 210 E. 4th St. (4–2–79).
Le Claire, *Dawley House (Houses of Mississippi River Men Thematic Resources)* 127 S. 2nd St. (4–13–79).
Le Claire, *Gamble, James, House*, 527 Wisconsin Ave. (3–30–79).
Le Claire, *Horton-Suiter House (Houses of Mississippi River Men Thematic Resources)* 102 N. 2nd St. (4–13–79).
Le Claire, *Kattenbracher House (Houses of Mississippi River Men Thematic Resources)* 1125 N. 2nd St. (4–13–79).
Le Claire, *McCaffrey House (Houses of Mississippi River Men Thematic Resources)* 208 N. Cody Rd. (4–13–79).
Le Claire, *Old Mill House (Houses of Mississippi River Men Thematic Resources)* 419 N. Cody Rd. (4–13–79).
Le Claire, *Rambo House (Houses of Mississippi River Men Thematic Resources)* 430 N. Cody Rd. (4–13–79).
Le Claire, *Sant, Samuel Van, House (Houses of Mississippi River Men Thematic Resources)* 322 N. Cody Rd. (4–13–79).
Le Claire, *Smith, John, House (Houses of Mississippi River Men Thematic Resources)* 426 Dodge (4–13–79).
Le Claire, *Suiter, Jacob, House (Houses of Mississippi River Men Thematic Resources)* 214 S. 2nd St. (4–13–79).
Le Claire, *Suiter, John H., House (Houses of Mississippi River Men Thematic Resources)* 1220 W. 2nd St. (4–13–79).
Le Claire, *Suiter, William, House (Houses of Mississippi River Men Thematic Resources)* 227 Wisconsin (4–13–79).
Le Claire, *Tromley, George, Jr., House (Houses of Mississippi River Men Thematic Resources)* 127 Jones St. (4–13–79).
Le Claire, *Tromley, George, Sr., House (Houses of Mississippi River Men Thematic Resources)* 806 N. Cody Rd. (4–13–79).

Tama County

Toledo, *Wieting Theater*, 101 S. Church St. (4–9–79).

Wayne County

Corydon, *Tedford, W. H., House (Poston House)* 312 S. West St. (3–30–79).

KANSAS

Ford County

Dodge City, *Dodge City Public Library*, 2nd and Spruce Aves. (3–26–79).

Shawnee County

Wakarusa, *Wakarusa Hotel*, Main St. (4–4–79).

KENTUCKY

Boone County

Burlington vicinity, *Dinsmore House*, W. of Burlington on KY 18 (3–28–79).

Christian County

Hopkinsville, *Crockett, Judge Joseph, House (Lone Oak)* 317 E. 16th St.(4–3–79).

Magoffin County

Salyersville, *Gardner, Judge D. W., House (Greencrest) KY 7 (3–28–79).*

LOUISIANA

Concordia Parish

Vidalia, *Campbell, Sheriff Eugene P., House*, 2 Concordia Ave. (4–13–79).

East Feliciana Parish

Norwood vicinity, *Richland Plantation, SW of Norwood on LA 442 (3–28–79).*

Natchitoches Parish

Natchez vicinity, *Oaklawn Plantation*, E of Natchez on LA 494 (3–28–79).

Tensas Parish

St. Joseph, *Tensas Parish Courthouse*, Courthouse Sq. (3–20–79).

West Feliciana Parish

St. Francisville, *Grace Episcopal Church*, 510 Ferdinand St. (3–28–79).

Winn Parish

St. Maurice, *St. Maurice Plantation*, off LA 477 (4–3–79).

MARYLAND

Dorchester County

Cambridge vicinity, *Dale's Right*, S of Cambridge (4–3–79).

Washington County

Keedysville vicinity, *Hitt's Mill and Houses,* W of Keedysville off MD 34 (4–12–79).

MASSACHUSETTS

Barnstable County

Chatham, *Brick Block,* Main St. and Chatham Bars Rd. (4–13–79).

Essex County

Peabody, *Peabody Central Fire Station,* 41 Lowell St. (4–11–79).

Middlesex County

Waltham, *Castle, The (Middlesex Medical School)* 415 Suth St. (4–9–79).

MINNESOTA

Stearns County

Collegeville, *St. John's Abbey and University,* off U.S. 52 (3–23–79).

MISSISSIPPI

Adams County

Natchez, *Koontz House,* 303 S. Rankin St. (3–29–79) HABS.
Natchez, *Lisle-Shields Town House,* 701 N. Union St. (3–29–79).
Natchez, *Pleasant Hill,* 310 Pearl St. (3–28–79).
Natchez, *Shadyside,* 107 Shadyside St. (3–29–79).
Natchez vicinity, *Edgewood,* N of Natchez on MS 554 (3–30–79).
Natchez vicinity, *Magnolia Hill,* SE of Natchez (3–30–79).

Jefferson County

Church Hill, *Cedar Grove Place,* MS 553 (3–28–79).

Leflore County

Greenwood vicinity, *Fort Leflore,* N of Greenwood off MS 7 (4–4–79).

Lowndes County

Columbus, *Cedars, The,* 1311 Military Rd. (3–29–79) HABS.
Columbus, *Symons House,* 304 4th Ave. South (3–28–79).

Madison County

Canton, *Madison County Jail,* 234 E. Fulton St. (3–28–79).

Warren County

Vicksburg, *Beck House,* 1101 South St. (3–29–79).

MISSOURI

Clay County

Kansas City, *Antioch Christian Church,* 4805 NE. Antioch Rd. (4–2–79).

Pettis County

Sedalia, *Missouri, Kansas and Texas Railroad Depot,* 600 E. 3rd St. (3–28–79).

Platte County

Parkville, *Mackay Building,* Park College campus (4–6–79).

St. Louis County

Grantwood, *White Haven,* 9060 Whitehaven Dr. (4–4–79) HABS.
Manchester, *Lyceum, The,* 920 Manchester Rd. (4–3–79).

Stone County

Reeds Spring vicinity, *Morrill, Levi, Post Office and Homestead,* SE of Reeds Spring off MO 148 (4–3–79).

NEBRASKA

Douglas County

Omaha, *Old Market Historic District,* bounded by 13th, Farnam, 10th and Jackson Sts. (3–23–79).

Gage County

Beatrice, *Beatrice Chautauqua Pavilion and Gatehouse,* 6th and Grable Sts. (4–9–79).

Webster County

Bladen vicinity, *Pavelka Farmstead,* SE of Bladen (4–13–79).

NEVADA

Clark County

Las Vegas, *Las Vegas Crammar School, Branch No. 1,* Washington and D Sts. (4–2–79).

NEW HAMPSHIRE

Sullivan County

Claremont, *Claremont Warehouse No. 34* (Part of Downtown Claremont and Lower Village Multiple Resource Area) 43 River St. (2–28–79).

NEW JERSEY

Middlesex County

East Brunswick, *Kearney, Edward S., House,* NJ 18 (4–6–79).
Perth Amboy, *Simpson United Methodist Church,* High and Jefferson Sts. (4–6–79).

NEW MEXICO

Sierra County

Arrey vicinity, *Percha Diversion Dam,* 2 mi. (3.2 km) NE of Arrey (4–6–79).
Elephant Butte vicinity, *Elephant Butte Dam and Reservoir,* NW of Elephant Butte off NM 51 (4–9–79).

NEW YORK

Erie County

West Seneca, *Eaton Site* (4–3–79) *New York County.*
New York, *Dunbar Apartments,* bounded by 7th and 8th Aves. and W. 149th and 150th Sts. (3–29–79).

Ontario County

Clifton Springs, *Clifton Springs Sanitarium and Foster Cottage,* 11 E. Main St. (Sanitarium) and 9 E. Main St. (Foster Cottage) (4–6–79).

Oswego County

Pulaski vicinity, *Selkirk Lighthouse,* W of Pulaski on Lake Rd. (3–30–79).

NORTH CAROLINA

Perquimans County

Bethel vicinity, *White, Isaac, House,* NE of Bethel on SR 1339 (3–23–79) HABS.

OHIO

Crawford County

Leesville, *Leesville Village Multiple Resource Area.* This area includes: *Crawford, Col. William, Capture Site,* SR 229, *J and M Trading Post,* 6867 Leesville Rd., *J and M Trading Post Annex,* Leesville Rd. and Leesville Town Hall, OH 598 and SR 229. (4–3–79).

Erie County

Sandusky, *Melville-Milne, William Gordon, House,* 319 Lawrence St. (3–28–79).

Franklin County

Washington Township, *Washington Township Multiple Resource Area.* Properties in Amblin, Amblin vicinity, Dublin, Dublin vicinity, Sandy Corners, and Sandy Corners vicinity. Included are: **Dublin,** *Dublin High Street District,* 6–126 S. High St.; **Amblin,** *Bowman, Thomas, House,* 665 Shier-Rings Rd.; *Davis, Anson, House,* 4700 Hayden Run Rd.; *Harvey, James, House,* 7590 Rings Rd.; *Shier, Carl H., House,* 7026 Sheir-Rings Rd.; *Township Voting Hall,* Rings Rd.; *Wuertz, Ernest, Farm,* 7495 Rings Rd.; **Amblin vicinity,** *Hamilton, J. L., House,* 6273 Cosgray Rd.; *Marshall, David, House,* 7455 Cosgray Rd.; *Whitmer, Frieda, House,* 5530 Houchard Rd.; **Dublin** *Anderson House,* 182 S. High St.; *Cashell House,* 109 S. Riverview St.; *Coles House,* 48 S. High St.; *Colony Fabrics,* 119 S. High St.; *Davis, Alexander, Cabin,* 5436 Dublin Rd.; *Davis, James, Farm,* 5707 Dublin Rd.; *Davis, Samuel Henry, House,* 5083 Rings Rd.; *Drummer Boy Antiques,* 32 S. High St.; *Dublin Cemetery Vaults,* OH 161; *Dublin Coiffures,* 87 S. High St.; *Dublin Community Church,* 81 W. Bridge St.; *Dublin Floral Design,* 105–109 S. High St.; *Dublin Pottery Shop,* 54 S. High St.; *Dublin Tack Shop,* 16 N. High St.; *Dublin Veterinary Clinic,* 32 W. Bridge St.; *Eberly House,* 63 S. Riverview St.; *Eger, George, House,* 35 S. High St.; *Frantz Place,* 6152 Frantz Rd.; *Hahm, David, House,* 83 S. Riverview St.; *Herron Place,* 5051 Brand Rd.; *Human Touch Florist Shop,* 82 S. High St.; *Indian Run Cemetery Stone Walls,* N. High St.; *Jones House,* 19 S. Riverview St.; *Karper Barn,* 6199 Dublin Rd.; *Karper House,* 167 S. High St.; *Kuhn, Dr. Roger, Office,* 22 N. High St.; *Leppert, C. Farm,* 5280 Pinney Rd.; *Little White Hen Antique Shop,* 91 S. High St.; *McDowell, Austin, House,* 6189 Dublin Rd.; *Moffett Realty,* 53 N. High St.; *Perdue House,* 75 S. High St.; *Quillin, George, House,* 6992 Dublin-Bellpoint; *Royce, Richard, Office,* 29 S. High St.; *Richards House,* 63 S. High St.; *Seese-Morlan House,* 129 Riverview St.; *Sells, Benjamin, House,* 4586 Hayden Run Rd.; *Seventeenth Colony House,* 18 S. High St.; *Skinner, E. M., House* 126 S. High St.; *Smith-Headlee Office Building,* 83 S. High St.; *Snyder's Antiques,* 56 N. High St.;

Thomas House, 6 S. High St.; *Tippie House*, 37 S. Riverview St.; *Trabue, J. L., Inc.*; 76–78 S. High St.; *Weber House*, 30 S. High St.; *Willows, The*, 6028 Dublin Rd.; **Dublin vicinity**, *Boles E., Cottage*, 5350 Hayden Run Rd.; *Bower, Frank, Farm*, 5381 Brand Rd.; *Coffman House*, 6659 Coffman Rd.; *Datz, Walta, House*, 5040 Tuttle Rd.; *Dunblane*, 8055 Dublin-Bellpoint Rd.; *Graham, Bruce D., House*, 4915 Brand Rd.; **Sandy Corners**, *St. John's Lutheran Church*, 6135 Rings Rd. and **Sandy Corners vicinity**, *Myer House*, 58–5927 Rings Rd. (4–11–79).

Lorain County

Elyria, *Starr, Horace C., House and Carriage Barns*, 276 Washington Ave. (4–3–79).

Muskingum County

Zanesville, *St. Paul's A.M.E. Church* and Pasonage, 331 South St. (3–23–79).

Seneca County

Bellevue vicinity, *Heter Farm*, NW of Bellevue on SR 29 (3–29–79).

Wood County

Bowling Green, *U.S. Post Office*, 305 N. Main St. (3–28–79).

OREGON

Clackamas County

Canby vicinity, *Anthony, Herman, Farm*, NE of Canby at 10205 S. New Era Rd. (3–26–79).

Douglas County

Oakland, *Oakland Historic District*, roughly bounded by Chestnut, 1st, Cedar and 8th Sts. (3–30–79).

Jackson County

Ashland, *Beach, Baldwin, House*, 348 Hargadine St. (3–28–79).
Ashland, *First Baptist Church*, 241 Hargadine St. (3–28–79).

Josephine County

Grants Pass, *Croxton, Thomas, House*, 1002 NW. Washington Blvd. (3–29–79).

Marion County

Woodburn, *Old Woodburn City Hall*, 550 N. 1st St. (3–30–79).

Multnomah County

Portland, *Piggott, Charles, House*, 2591 SW. Buckingham Ter. (3–38–79).

Yamhill County

Yamhill, *Laughlin, Lee, House*, 100 Laurel St. (3–26–79).

PENNSYLVANIA

Allegheny County

Pittsburgh, *Carnegie Institute and Library*, 4400 Forbes Ave. (3–30–79).

Dauphin County

Hummelstown, *Zion Lutheran Church and Graveyard*, Rosanna St. (3–29–79).

Franklin County

Chambersburg vicinity, *brotherton Farm*, SW of Chambersburg on Falling Spring Rd. (3–30–79).

Huntingdon County

Marklesburg vicinity, *Brumbaugh Homestead*, NE of Marklesburg off PA 26 (3–28–79).

Indiana County

Indiana, *Breezedale (Sutton-Elkin House)* Indiana University of Pennsylvania campus (3–29–79).

Lancaster County

Columbia, *Bachman and Forry Tobacco Warehouse*, 125 Bank Alley (3–29–79).

Montgomery County

Norristown vicinity, *Old Norriton Presbyterian Church*, NW of Norristown on U.S. 422 (4–3–79).

Somerset County

Addison, *Petersburg Tollhouse*, off U.S. 40 (3–20–79).

RHODE ISLAND

Providence County

Central Falls, *Central Falls Multiple Resource Area*. This area includes: *Central Falls Mill Historic District*, between Roosevelt Ave, and Blackstone River; *Central Falls Congregational Church*, 376 High St.; *Central Street School*, 379 Central St.; *Conant, Samuel B., House*, 104 Clay St.; *Fales, David G., House*, 476 High St.; *Greene, Benjamin F., House*, 85 Cross St.; *Holy Trinity Church*, 134 Fuller Ave.; *Jenks Park and Cogswell Tower*, Broad St.; *St. Matthews Church*, Dexter and W. Hunt Sts.; and *Valley Falls Mill*, 1363 Broad St. (4–6–79).

SOUTH CAROLINA

Pickens County

Pickens, *Old Pickens Jail*, Johnson and Pendleton Sts. (4–11–79).

Richland County

Columbia, *Confederate Printing Plant*, 501 Gervais St. (3–28–79).

TENNESSEE

Chester County

Henderson, *Chester County Courthouse*, Court Sq. (3–26–79).

Davidson County

Nashville, *Gilbert Mansion*, 1905 W. End Ave. (3–28–79).

Franklin County

Winchester, *Estill-Fite House, 114 Sharp Springs Rd. (3–23–79).*

Hamilton County

Chattanooga, *Fountain Square*, 600–622 Georgia Ave. and 317 Oak St. (3–28–79).
Chattanooga, *Mikado Locomotive No. 4501*, 2202 N. Chamberlain Ave. (3–28–79).

Shelby County

Capleville, *Capleville Methodist Church*, 5053 Shelby Dr. (4–3–79).
Memphis, *Love, George Collins, House*, 619 N. 7th St. (4–2–79).
Memphis, *Lowenstein House*, 756 Jefferson Ave. (3–23–79).
Memphis, *Shrine Building*, 66 Monroe Ave. (3–29–79).
Memphis, *Steele Hall*, LeMoyne-Owen College campus (3–23–79).

TEXAS

Bexar County

San Antonio vicinity, *Maverick-Altgelt Ranch and Fenstermaker-Fromme Farm*, NW of San Antonio (4–12–79).

Colorado County

Columbus vicinity, *Zimmerscheidt-Leyendecker House*, S of Columbus on FR 109 (3–30–79).

Galveston County

Galveston, *Galvez Hotel*, 2024 Seawall Blvd. (4–4–79).
Galveston, *Kempner, Daniel Webster, House*, 2504 Avenue O (3–30–79).

Harris County

Houston, *Paul Building (Republic Building) 1018 Preston Ave. (4–6–79).*

Jack County

Jacksboro, *Knox, James W., House*, 215 Knox St. (4–9–79).

Jefferson County

Beaumont, *Beaumont Y.M.C.A.*, 934 Calder St. (3–30–79).

Kaufman County

Terrell, *Cartwright, Matthew, House*, 505 Griffith Ave. (4–4–79).

UTAH

Utah County

Provo, *Provo Third Ward Chapel and Amusement Hall*, 105 N. 500 West (4–2–79).

VERMONT

Windham County

Dummerston, *Naulakha*, off U.S. 5 (4–11–79).

VIRGINIA

Montgomery County

Christiansburg, *Old Christiansburg Industrial Institute*, 570 High St. (4–6–79).

Rockingham County

Broadway vicinity, *Sites House*, NW of Broadway off VA 617 (4–3–79).

WEST VIRGINIA

Monongalia County

Morgantown, *Old Morgantown Post Office*, 107 High St. (3–28–79).

WISCONSIN

Ashland County

Ashland, *Union Depot*, 417 Chapple Ave. (3–23–79).

Dane County

Paoli, *Paoli Mills*, 6890 Sun Valley Pkwy. (3–30–79).

Jefferson County

Watertown, *Chicago and Northwest Railroad Passenger Station*, 725 W. Main St. (3–28–79).

* * * * *

The following properties were omitted from the listing in the Federal Register, Part II, February 6, 1979.

DISTRICT OF COLUMBIA

Washington

Baker, Newton D., House, 3017 N St., NW., (12–8–76) NHL.

GEORGIA

Murray County

Chatsworth vicinity, *Fort Mountain*, U.S. 76 (11–23–77)

Putnam County

Eatonton vicinity, *Tompkins Inn*, N of Eatonton on U.S. 441 (10–5–78)

GUAM

Piti vicinity, *SMS Cormoran (cruiser)* Arpa Harbor (4–4–75)

KANSAS

Crawford County

Girard, *Wayland, Julius A., House*, 721 N. Summit (11–21–76)

Saline County

Salina vicinity, *Whiteford (Price) Site*, 3 mi. E of Salina (10–15–66) NHL.

MARYLAND

Baltimore (independent city)

Remsen, Ira, House, 24 Monument St. (5–15–75) NHL

Prince Georges County

Accokeek vicinity, *Accokeek Creek Site*, opposite Mount Vernon on the Potomac River (7–19–64) NHL.

MONTANA

Fergus County

Lewiston, *St. Joseph's Hospital*, U.S. 87 (9–13–78).

Gallatin County

Three Forks vicinity, *Three Forks of the Missouri*, NE of Three Forks on the Missouri River, Missouri Headwaters State Monument (10–15–66) NHL.

Meagher County

White Sulphur Springs, *Sherman, Byron R., House*, 310 2nd Ave., (9–15–77).

NEW YORK

New York County

New York, *Pupin Physics Laboratories, Columbia University*, Broadway and 120th St. (10–15–66) NHL.

UTAH

Carbon County

Desolation Canyon, on Green River (11–24–68) NHL. (also in Emery, Grand and Uintah Counties)

Salt Lake County

Salt Lake City, *Old City Hall* (5–15–75) NHL.

VERMONT

Bennington County

Dorset vicinity, *Kent Neighborhood Historic District*, S of Dorset at Dorset West Rd., Nichols Hill Rd., and Kent Lane (7–14–78).

* * * * *

The following is a list of corrections to properties listed in the Federal Register, Part II, February 6, 1979. Additional corrections may appear in subsequent updates.

KANSAS

Bourbon County

Fort Scott, *Moody Building*, 15 E. 2nd St. (11–9–77) (previously listed as Boubon County)

NEW YORK

Albany County

Albany, *St. Peter's Church*, 107 State St. (3–16–72) (previously listed at 108 State St.)

Menands vicinity, *Schuyler Flatts*, N of Menands on W side of Hudson River on NY 2 (1–21–74) (previously listed in Watervliet)

Dutchess County

Poughkeepsie, *Collingwood Opera House and Office Building*, 31–37 Market St. (10–20–77) (previously listed as Collingswood Opera House and Office Building)

New York County

New York, *Plaza Hotel and Grand Army Plaza*, 5th Ave. and 59th St. (11–29–78) (previously listed as Plaza Hotel and Grand Army Hotel)

Onondaga County

Plainville vicinity, *Whig Hall and Dependencies*, E of Plainville at jct. of W. Genesee and Gates Rds. (5–12–75) (previously listed in Baldwinsville)

* * * * *

The following properties have been demolished and/or removed from the National Register of Historic Places. This action does not modify the applicability, if any, of provisions of section 2124 of the Tax Reform Act.

KANSAS

Dickinson County

Solomon, *Union Pacific Railroad Depot (Solomon Depot)* 3rd St. between Walnut and Pine Sts. (4–26–72) (demolished).

NEW YORK

Cayuga County

Auburn, *Flatiron Building*, 1–3 Genessee St. (demolished).

* * * * *

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requestion determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR Part 800. Properties determined to be eligible under § 63.3 of the procedures for requestion determinations of eligibility are designated by (63.3).

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before any agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation, shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

ARIZONA

Gila County

Tonto National Forest, *Archeological Sites, AZ:U 3, 18, 19, 20, 21, 22, 36, 37; AZ:U 4, 6, 19, 22; and AZ:U 8, 80, 83, 84* (63.3).

Maricopa County

Archeological Sites, AZ T:8:53, AZ U:5:67, 68 and 69, Granite Reef Aqueduct Area (63.3) Tempe.

Ciudad de Los Hornos (AZ U:9:41) Hardy and Baseline Rds. (63.3).

CALIFORNIA

Alameda County

Oakland, *Henshaw, Frederick, House*, 1443 6th Ave.

Los Angeles County

Los Angeles, *Barker Brothers*, 800 W. 7th St.

Los Angeles, *Biltmore Hotel, 515 S. Olive.*

Los Angeles, *Brownstein, Louis, and Company*, 751 S. Figueroa.

Los Angeles, *California Club*, 538 S. Flower.

Los Angeles, *Edison Building*, 601 W. 5th St.

Los Angeles, *Federal Title*, 448 S. Hill St.

Los Angeles, *Fifth Street Retaining Wall*, 5th St.

Los Angeles, *Fire Station No. 3*, 219 S. Hill St.

Los Angeles, *Fire Station No. 28*, 644 S. Figueroa.

Los Angeles, *Friday Morning Club*, 940 S. Figueroa.

Los Angeles, *Grand Central Market*, 315 S. Broadway.

Los Angeles, *Home Telephone Building*, 246 S. Hill St.

Los Angeles, *Los Angeles City Hall*, 200 N. Spring St.

Los Angeles, *Los Angeles Times Building*, 201 W. 1st St.

Los Angeles, *Los Angeles Union Station*, 800 N. Alameda St.

Los Angeles, *Myrick and Markham Hotels*, 324½–326½ S. Hill St.

Los Angeles, *Pershing Square Building*, 427 S. Hill St.

Los Angeles, *St. Paul's Cathedral*, 615 S. Figueroa.
Los Angeles, *Subway Terminal Building*, 417 S. Hill St.
Los Angeles, *Title Guarantee Building*, 401 W. 5th St.

San Joaquin County

Stockton, *Sikh Temple*, 1930 S. Grant (63.3).

COLORADO

Denver County

Denver, *Larimer Street Historic District* (63.3).

CONNECTICUT

Hartford County

Simsbury, *Drake Hill Road Bridge*, spans Farmington River (63.3).
Simsbury, *Route 315 Bridge*, spans Farmington River (63.3).

Middlesex County

Middletown, *Broad Street Historic District* (63.3).

FLORIDA

Hillsborough County

Tampa Bay vicinity, *Archeological District*, E of Tampa on I 75 (63.3).

GEORGIA

Cobb County

Smyrna, *Carmichael, J. H., House*, 501 Log Cabin Rd. (63.3).

DeKalb County

Decatur, *U.S. Honor Farm Complex*, 3074 Panthersville Rd. (63.3).

IDAHO

Kootenai County

Coeur d'Alene vicinity, *Mullan Trail* (63.3).

Twin Falls County

Murtaugh vicinity, *Murtaugh Bridge*, N of Murtaugh (63.3).

INDIANA

Vanderburgh County

Evansville, *Garvin Park*, bounded by Morgan, and Heidelbach Aves., Herndon Dr., and Pigeon Creek (63.3).

KANSAS

Franklin County

Peoria, *Columbia Bridge*, spans Marais des Cygnes River (63.3).

MARYLAND

Charles County

Blossom Point, *Ballast House*.

MISSISSIPPI

Hinds County

Jackson, *Greystone Hotel*, 937 Lamar St. (63.3).

Leflore County

Greenwood vicinity, *Archeological Sites 22–Lf–516 and 22–Lf–649* (63.3).

MONTANA

Big Horn County

Decker vicinity, *Spring Creek Archeological District*, 5 mi. N of Decker (63.3).

NEBRASKA

Lancaster County

Lincoln, *South Salt Creek Neighborhood*.

Richardson County

Humboldt, *Ruel Nims Store*.

NEW HAMPSHIRE

Sullivan County

Newport, *Newport Historic District* (63.3).

NEW JERSEY

Passaic County

Paterson, *Ferguson, John W., House*, 421 12th Ave.

NEW MEXICO

Sandoval County

Corrales vicinity, *Archeological Site OCA:SCS:3* (63.3).

NEW YORK

Albany County

Albany, *3 and 5 Clinton Street*.

Monroe County

Rochester, *50 West Main Street* (63.3).

Suffolk County

Babylon, *Old Babylon Town Hall*, 47 W. Main St. (63.3).
North Amityville, *Old Bethel A.M.E. Church*, Albany Ave. (63.3).

OHIO

Belmont County

Bellaire, *Fulton, Edwin, House*, 3678 Belmont St. (63.3).
Bellaire, *Sons of Italy Building*, 3141 Union St. (63.3).

Hamilton County

Cincinnati, *17 Properties in Walnut Hills, Lincoln-Gilbert UDAG Area*, 2935 Gilbert Ave.; 835, 849, 857 Beecher St.; 3014, 3010. Melrose Ave; and 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856 Lincoln Ave.

OREGON

Harney County

Archeological Site 35 HA 403, Malheur National Wildlife Refuge (63.3).

PENNSYLVANIA

Mercer County

Greenville, *Penn Middle School*, Penn Ave.

TEXAS

Hays County

Archeological Site 41HY92, Upper San Marcos River Watershed.

WASHINGTON

Pierce County

Tacoma, *First Industrial Center of Tacoma*, bounded by Jefferson and Pacific Aves., 17th and 21st Sts.

Whatcom County

Sumas, *U.S. Border Station*, Cherry St. and Boundary Rd.

WISCONSIN

Outoagamie County

Shiocton vicinity, *Shioc River Bridge*, N of Shiocton (63.3).

* * * * *

The following properties were omitted from the listing in the Federal Register, Part II, February 6, 1979.

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site*.

* * * * *

[FR Doc. 79–13272 Filed 4–30–79; 8:45 am]
BILLING CODE 4310–03–M

Heritage Conservation and Recreation Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before April 20, 1979. Purusant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by May 11, 1979.

Charles A. Herrington,
Acting Keeper of the National Register.

ALASKA

Fairbanks Division

Nabesna, *Nabesna Gold Mine Historic District*, base of White Mountain

ARKANSAS

Faulkner County

Conway, *Harton House*, 1821 Robinson Ave.

COLORADO

Denver County

Denver, *Denver City Cable Railway Building*, 1801 Lawrence St.

CONNECTICUT

New Haven County

New Haven, *New Haven Jewish Home for the Aged*, 169 Davenport Ave.

ILLINOIS

Kane County

Batavia vicinity, *Dutch Mill*, N of Batavia off IL 25

Kankakee County

Kankakee, *Milk, Lemuel, Barn*, 165 N. Indiana Ave.

McHenry County

Marengo vicinity, *Rogers, Orson, House*, E of Marengo at 19621 E. Grant St.

Winnebago County

Rockford, *Graham-Ginestra House*, 1115 S. Main St.

INDIANA

Clinton County

Frankfort, *Old Frankfort Stone High School*, 301 E. Clinton St.

IOWA

Montgomery County

Red Oak vicinity, *Runnels, B. F., House*, SW of Red Oak

KENTUCKY

Woodford County

Versailles vicinity, *Arnold Wooldridge House (Prospect Hill)* S of Versailles off McCowans Ferry Rd.

MARYLAND

Dorchester County

Taylor's Island, *Bethlehem Methodist Episcopal Church*, Hoopers Neck Rd.

Frederick County

Buckeystown, *Buckeystown Historic District*, MD 85

MASSACHUSETTS

Hampden County

Springfield, *Wason-Springfield Steam Power Blocks*, 27–43 Lyman St. and 26–50 Taylor St.

Middlesex County

Concord vicinity, *Parkman Tavern*, S of Concord at 20 Powder Mill Rd.

Winchester, *Winchester Savings Bank*, 26 Mt. Vernon St.

Norfolk County

Norfolk, *Ware, Josiah, Tavern*, Main St. and Rockwood Rd.

MINNESOTA

Brown County

Brown County Multiple Resource Area, various locations in Brown County

MISSISSIPPI

Adams County

Natchez, *Dixon Building*, 514 Main St.

Forrest County

Hattiesburg, *Saenger Theatre*, Forrest and Front Sts.

NORTH CAROLINA

Cleveland County

Shelby, *McBrayer, Dr. Victor, House*, 507 N. Morgan St.

Gaston County

Mountain Island, *St. Joseph's Catholic Church*, off MD 273

Guilford County

Greensboro, *Wafco Mills*, 801 McGee St.

OREGON

Multnomah County

Portland, *Central Building, Public Library*, 801 SW. 10th Ave.

Portland, *Multnomah County Courthouse*, 1021 SW. 4th Ave.

PENNSYLVANIA

Montgomery County

Jenkintown, *Jenkins' Town Lyceum Building*, Old York and Vista Rds.

TEXAS

Harris County

Houston, *Christ Church*, 1117 Texas Ave.

Karnes County

Karnes City vicinity, *Ruckman, John, House*, 6 mi. N of Karnes City off TX 80

Franklin County

Pasco, *Moore, James, House*, off U.S. 12

Spokane County

Spokane, *Maycliff/Cliff Park Historic District*, roughly bounded by Lincoln St., 7th, 12th and 14th Aves.

[FR Doc. 79-13003 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-03-M

National Park Service

Mining Plan of Operations at Gates of the Arctic National Monument; Availability

Notice is hereby given that pursuant to the provisions of Section 2 of the Act of September 28, 1976, 16 U.S.C. 1901 et seq., and in accordance with the provisions of § 9.17 of 36 CFR Part 9, Wallace E. Gordon, Jr. has filed a plan of operations in support of proposed mining activities on lands embracing his Mining Claim Group within the Gates of the Arctic National Monument. This plan is available for public inspection during the normal business hours at the Alaska Area Office, National park Service, 540 West 5th Avenue, Anchorage, Alaska.

Dated: April 23, 1979.

Douglas G. Warnock,

Acting Area Director, Alaska Area Office.

[FR Doc. 79-13457 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-70-M

Intent To Implement Transportation Program, Lowell National Historical Park, Lowell, Mass.

Notice is hereby given that the National Park Service plans to implement a bus-barge transportation system at Lowell National Historical Park, Lowell, Massachusetts. This system will consist of a public transit circuit commencing at the Lowell B & M train station (the commuter line connecting Lowell to Boston) and linking the Merrimack Gatehouse, the Lowell Museum, the Northern Canal Gatehouse, the Francis Gate Complex, and ending at the B & M train station. The linkage will be by bus except the portion between the Northern Canal Gatehouse and the Francis Gate Complex which will be by canal barge. The system will be in operation from June 2, 1979, through September 2, 1979. The purpose of the program is to efficiently convey visitors to various sites on Lowell's historic canals.

Comments on the proposed action should be addressed to: Superintendent, Lowell National Historical Park, 171 Merrimack Street, Lowell, Massachusetts 01852.

Dated: April 18, 1979.

Gilbert W. Calhoun,

Acting Regional Director, North Atlantic Region.

[FR Doc. 79-13456 Filed 04-30-79; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Drewsey Grazing Management in Harney County, Oreg.; Availability of Draft Environmental Statement and Notice of Public Hearings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Drewsey Planning Area. The proposal involves implementing an improved livestock grazing program on public lands within a portion of the Burns District in central Oregon.

The Department of the Interior invites written comments on the draft statement to be submitted by June 15, 1979, to the State Director, Bureau of Land Management, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208.

A limited number of copies are available upon request to the State

Director at the above address or the Burns District Office.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets, NW., Washington, D.C.
Bureau of Land Management, Office of Public Affairs, 729 NE Oregon Street, Portland, Oregon.
Bureau of Land Management, Burns District Office, 74 South Alvord Street, Burns, Oregon.
Library, Central Oregon Community College, Bend, Oregon.
Library, Portland State University, Portland, Oregon.
Library, Oregon State University, Corvallis, Oregon.
Harney County Library, Burns, Oregon.

Notice is also given that oral and/or written comments will be received at formal public hearings held at the following locations:

Bureau of Land Management, Oregon State Office, Room 17, 729 Oregon Street, Portland, Oregon—June 5, 1979, at 1:00 p.m.
Harney County Museum Clubroom, N. Alvord and D Streets, Burns, Oregon—June 7, 1979, at 1:00 and 7:00 p.m.

Witnesses presenting oral comments should limit their testimony to ten (10) minutes. Requests to testify at the Burns hearing should be submitted to the District Manager (address above, telephone 573–2071) prior to close of business June 1, 1979. Requests to testify at the Portland hearing should be submitted to the State Director, 911.1 (address above, telephone 231–6951) prior to close of business June 4, 1979.

Dated: April 27, 1979.

Larry E. Meierotto,
Assistant Secretary.

[INT DES 79–22]

[FR Doc. 79–13533 Filed 4–30–79; 8:45 am]

BILLING CODE 4310–84–M

Office of Surface Mining Reclamation and Enforcement

Availability of Proposed Decision To Approve, With Stipulations, Major Modification of Coal Mining and Reclamation Plan for Public Review; Northern Coal Co.—Rienau No. 2 Mine

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Availability, for Public Review, of Proposed Decision to Approve, with Stipulations, a Coal Mining and Reclamation Plan.

SUMMARY: Pursuant to § 211.5 of Title 30, Code of Federal Regulations, notice is hereby given that the Office of Surface Mining has performed a technical review of a mining and reclamation plan and has recommended approval of the proposed plan contingent on the applicant's acceptance of stipulations. The proposed coal mining operation is described below.

Applicant	Mine name	Location of lands to be affected by modification		
		State	County	Township, range, section
Northern Coal Company	Rienau No. 2	Colorado	Rio Blanco and Moffat	T. 2 N., R. 93 W.; 29, 32; T. 6 N., R. 90 W.; 1.

Office of Surface Mining Reference No.: CO–0008.

The mine is located approximate 40 miles south of Craig, Colorado and about eight miles north of Meeker. The proposed operation involves underground mining and subsequent reclamation on about 123 acres of the total lease area of 480 acres. The mine is presently under OSM enforcement orders to obtain approval of the mine plan. The operation includes a coal load-out facility located immediately south of Craig, Colorado. The proposal addresses single seam room and pillar mining on the advance (designed to protect overlying coal seams), surface operations, and surface drainage control at both the mine and at the coal load-out facility.

The purpose of this notice is to inform the public that the Regional Director, Region V, Office of Surface Mining, has recommended, based on staff reviews and the reviews of the Colorado Department of Natural Resources, Mined Land Reclamation Division, the Bureau of Land Management, and the Geological Survey, approval of the coal mining and reclamation plan, subject to stipulations which must be accepted by the applicant in order for the approval to take effect. Any persons having an interest which is or may be adversely affected by recommended approval, may, in writing, request a public meeting to discuss their views regarding the plan. The availability of the mining and reclamation plan for the Rienau No. 2 Mine was announced in the **Federal Register** on March 6, 1979.

DATES: All requests for a public meeting must be made within 20 calendar days from the date of publication of this notice in the **Federal Register.** No decision on the plan will be made by the Assistant Secretary, Energy and Minerals, prior to the expiration of the 20-day period.

The mining and reclamation plan, the OSM staff analysis and proposed stipulations are available for review in the Region V Office of Surface Mining. Requests for a public meeting must be submitted in writing to the Regional Director, Region V, Office of Surface Mining, Room 219, 1823 Stout Street, Denver, Colorado, 80202. Requests must include the name and address of the requestor.

FOR FURTHER INFORMATION CONTACT: Dan Kimball, Office of Surface Mining, Region V, Room 270, 1823 Stout Street, Denver, Colorado, 80202.

Paul L. Reeves,
Deputy Director.

[Federal Coal Leases No. D–044240, C–076713]

[FR Doc. 79–13460 Filed 4–30–79; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

Certain Precision Resistor Chips; Investigation

Notice is hereby given that a complaint was filed with the United States International Trade Commission on March 30, 1979, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Societe Francaise de L'Electro-Resistance, 115 Boulevard de la Madeleine, 06 Nice, France, and its wholly owned subsidiary in the United States, Resistor Reserach Corporation, 400 North Washington Street, Falls Church, Virginia 22046. The complaint alleges that unfair methods of competition and unfair acts exist in the importation of certain precision resistors, precision resistor chips, and products utilizing such precision resistor chips into the United States, or in their sale by the owner, importer, consignee,

or agent of either, by reason of alleged monopolization and attempts to monopolize the precision resistor industry in the United States and alleged unfair acts, specified in the complaint, as follows: (1) Utilizing section 337 proceedings to maintain a monopoly position; (2) knowingly asserting patents beyond their proper valid scope; (3) anticompetitive territorial restrictive provisions in licensing agreements; (4) unreasonably procuring and misusing a proprietary position; and (5) deceit and obtaining information by improper means.

The complaint alleges that the effect or tendency of these alleged unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States.

Complainant requests a permanent exclusion of said imports from entry into the United States. Complainant further requests a cease and desist order.

Having considered the complaint, the United States International Trade Commission on April 17, 1979, *Ordered That*—

(1) Pursuant to subsection (b) section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine under subsection (c) whether certain acts alleged by complainant constitute a violation of subsection (a), and, if so, whether that violation has occurred in the importation of certain precision resistors, precision resistor chips, and products utilizing such precision resistor chips into the United States, or in their sale by the owner, importer, consignee, or agent of either, by reason of alleged monopolization and attempts to monopolize the precision resistor industry in the United States, including, but not limiting to, the following acts in furtherance thereof: (a) utilizing section 377 proceedings to maintain a monopoly position, (b) knowingly asserting patents beyond their proper valid scope, (c) anticompetitive territorial restrictive provisions in licensing agreements, (d) unreasonably procuring and maintaining a proprietary position, and (e) deceit and obtaining information by improper means, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States.

(2) For the purpose of this investigation so instituted, the following are hereby named parties:

(a) The complainants are—

Societe Francaise de L'Electro-Resistance, 115 Boulevard de la Madeleine, 06 Nice, France.

Resistor Research Corporation, 400 North Washington Street, Falls Church, Virginia 22046.

(b) Respondents are the following companies alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, and are the parties upon which the complaint and this notice are to be served:

Vishay Intertechnology, Incorporated, 63 Lincoln Highway, Malvern, Pennsylvania 19355.

Vishay-Israel, Ltd. 2 Haofan Street, Holon, Israel.

(c) The Director, Office of Legal Services, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby directed to name a Commission investigative attorney to be a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge, Donal K. Duvall, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

(4) The presiding officer is authorized to consolidate investigation No. 337–TA–63 and any or all aspects of this investigation as necessary to promote the expeditious conduct of both investigations.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the rules, such responses will be considered by the United States International Trade Commission if received no later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and will authorize the presiding officer and the United States International Trade Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and in this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission's New York City Office, 6 World Trade Center, New York, New York 10048.

By order of the Commission.

Issued: April 25, 1979.

Kenneth R. Mason,

Secretary.

[Investigation No. 337–TA–65]

[FR Doc. 79–13520 Filed 4–30–79; 8:45 am]

BILLING CODE 7020–02–M

Integrated Circuits and Their Use in Computers; Hearing

Investigation instituted. In response to a request by the Subcommittee on International Trade of the Committee on Finance and the Subcommittee on International Finance of the Committee on Banking, Housing and Urban Affairs, United States Senate, received on November 13, 1978, the U.S. International Trade Commission instituted investigation No. 332–102 on December 7, 1978 (43 F.R. 59447, Dec. 20, 1978)

Public hearing ordered. A public hearing in connection with this investigation will commence on May 30, 1979, at 10:00 a.m., P.d.t., in the California Room, Jack Tar Hotel, Van Ness at Geary Streets, San Francisco, Calif. Requests for appearances at the hearing should be received in writing by the Secretary to the Commission at his office in Washington, D.C., not later than noon on May 23, 1979.

Written submissions. Interested persons may submit written statements in addition to or in lieu of oral testimony. Any commercial or financial information for which confidential treatment is requested must be submitted in conformance with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be submitted at the earliest practicable date, but not later than June 15, 1979. All such submissions should be addressed to the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436.

By order of the Commission.

Dated: April 15 1979.

Kenneth R. Mason,

Secretary.

[332-102]

[FR Doc. 79-13519 Filed 04-30-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Consent Judgment in United States v. Fabricators Supply Co., Inc., et al. and Competitive Impact Statement Therein

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 Eastern District of New York in *United States* v. *Fabricators Supply Co., Inc.*, Civil No. 78 Civ. 595.

The Complaint alleges that beginning at least as early as 1968 the defendants and unnamed co-conspirators conspired to raise, fix, and stabilize the wholesale prices at which Formica brand plastic laminates and Formica brand adhesives were sold in the metropolitan New York area.

The proposed judgment would enjoin each of the defendants for a period of 10 years from entering into any agreement with any other wholesale distributor to raise, fix, stabilize, or maintain the prices at which Formica brand plastic laminates and adhesives are offered for sale, acting either unilaterally or in concert with any other person to induce, coerce, or attempt to influence any other wholesale distributor to adhere to any suggested list price in the sale of Formica brand plastic laminates or adhesives, or communicating to any wholesale distributor information concerning the actual or proposed changes in the wholesale price for plastic laminates or adhesives or the proposed dates for any changes in the wholesale price for plastic laminates or adhesives.

The defendants will be permitted, however, to communicate unilaterally to any customer (other than another wholesale distributor) the existing prices or the announced prices or other *bona fide* information pertaining to its prices including such price list or other such price information not yet effective. Also the consent decree does not apply to communications between a defendant and its subsidiary, an affiliated company or its parent.

Public comment is invited within the statutory 60-day comment period. Such comment and response thereto will be published in the **Federal Register** and filed with the Court. Comments should be directed to Ralph T. Giordano, Antitrust Division, 26 Federal Plaza, Room 3630, New York, New York 10007.

Dated: April 20, 1979.

Charles F. B. McAleer,

Special Assistant for Judgment Negotiations.

U.S. District Court, Eastern District of New York

United States of America, Plaintiff, v. *Fabricators Supply Co., Inc.; Mechanics Building Materials Co., Inc.; National Plywood Co., Inc.; and Sturtevant Millwork Corp.*, Defendants.

78 Civ. 595.

Stipulation

Filed: April 20, 1979.

It is stipulated by and between the undersigned parties by their respective attorneys, that:

1. 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 and Defendants in this or any other proceeding.

Dated: April 20, 1979.

For Plaintiff: John H. Shenefield, *Assistant Attorney General;* William E. Swope, Charles McAleer, Ralph T. Giordano, Robert A. McNew, Charles V. Reilly, Edwin Weiss, Stuart Grabois, *Attorneys, Department of Justice, Antitrust Division.*

For Defendant Fabricators Supply Co., Inc.: by Lawrence S. Feld, Kostelanetz & Ritholz.

For Defendant Mechanics Building Materials Co., Inc.: by Arthur R. Schmauder, Shanley & Fisher.

For Defendant National Plywood Co., Inc.: by Thomas Fitzpatrick, Martin, Obermaier & Morville.

For Defendant Sturtevant Millwork Corp.: by Robert Coles Edmonds, Miller Montgomery Sogi Brady & Taft.

U.S. District Court, Eastern District of New York

United States of America, Plaintiff, v. *Fabricators Supply Co., Inc.; Mechanics Building Materials Co., Inc.; National Plywood Co., Inc.; and Sturtevant Millwork Corp.*, Defendants.

78 Civ. 595

Final Judgment

Filed: April 20, 1979

Entered:

Plaintiff, United States of America, having filed its complaint herein on March 30, 1978, and the Plaintiff and the Defendants Fabricators Supply Co., Inc., Mechanics Building Materials Co., Inc., National Plywood Co., Inc., and Sturtevant Millwork Corp., 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 any evidence against or admission by any party with respect to any issue of fact or law herein;

NOW, THEREFORE, before the taking of any testimony and without trial or adjudication of any issue of fact or law in connection herewith, and upon consent of the parties hereto, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

I

This Court has jurisdiction of the subject matter herein and over the parties consenting hereto. The complaint states a claim 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) "Wholesale Distributor" shall mean any person which purchases plastic laminates or adhesives from the Formica Corporation, and is engaged in the sale of such laminates or adhesives to lumberyards, retail home centers, construction contractors or fabricators of furniture, kitchen or bathroom countertops or other items.

(B) "Person" shall mean any individual, association, cooperative, partnership, corporation or other business or legal entity.

III

The provisions of this Final Judgment are appplicable to the Defendants herein and shall also apply to each of said Defendants' officers, directors, agents, employees, subsidiaries, successors and assigns, and in addition, 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, provided, however, that nothing contained herein shall apply to any transaction or communication solely between or among a defendant and its subsidiaries, affiliated companies, or parent company.

IV

(A) Each of the Defendants is enjoined and restrained from adhering to, maintaining, furthering, enforcing or entering into directly or indirectly any agreement, understanding, plan or program with any other Wholesale Distributor to raise, fix, stabilize or maintain the prices at which plastic laminates or adhesives are offered for sale or from adopting or following any practice, plan, program, or device having a similar purpose or effect.

(B) Each of the defendants is enjoined and restrained from acting, either unilaterally or in concert with any other person, directly or indirectly to induce, coerce or attempt to influence any other Wholesale Distributor to adhere to any suggested list price in the sale of plastic laminates or adhesives.

(C) Each defendant is enjoined and restrained from communicating directly or indirectly to any wholesale distributor information concerning:

(1) The actual or proposed chanages in any wholesale distributor's price for plastic laminates or adhesives; and

(2) The actual or proposed dates for any changes in any wholesale distributors's price for plastic laminates or adhesives;

Provided, however, that nothing contained herein shall apply to the unilateral dissemination by a defendant to its customers (other than another wholesale distributor) of a defendant's own existing prices or announced prices or other *bona fide* information pertaining to its prices, including such price list or other such price information not yet effective.

V

Each Defendant is ordered and directed:

(A) To establish a program for dissemination of, education as to, and compliance with this Final Judgment involving each corporate officer, director, employee and agent having responsibilities in connection with or authority over the establishment of the wholesale prices at which plastic laminates or adhesives are sold, advising them of its and their obligations under this Final Judgment. This program shall include, but is not necessarily limited to, the inclusion, in an appropriate company manual or internal memorandum, of this Final Judgment in whole or in part or an explanation thereof, and a statement of corporate compliance policy thereunder; and

(B) To furnish to Plaintiff within one hudred and twenty (120) days of the entry of this Final Judgment, and therafter upon request by Plaintiff, on or about the anniversary date of this Final Judgment for a period of five (5) consecutive years from the date of its entry, an account of all steps the Defendant has taken during the preceding year to discharge its obligations under subparagraph (A) of this Section V and to include with said account copies of all written directives issued during the prior year with respect to compliance with the terms of this Final Judgment.

VI

For the purpose of determining or securing compliance with this Final Judgment and subject to any legally recognized privilege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to any Defendant made to its principal office, be permitted:

(1) Access during office hours of such Defendant, which may have counsel present, 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 of the 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, employees and agents of such Defendant, each of whom may have counsel present, regarding any such matters.

(B) Upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to any Defendant's principal office, such Defendant shall submit such written reports, with respect to any of the matters contained in the Final Judgment as may be requested.

No information or documents obtained by the means provided in this Section VI 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 the time information or documents are furnished by any Defendant to Plaintiff, and such Defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under 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 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 that Defendant is not a party.

VII

Jurisdiction if retained by this Court 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 and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the amendment or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for punishment of violations thereof.

VIII

This Final Judgment will expire on the Tenth Anniversary from the date of its entry and with respect to any particular provision on any earlier date specified.

IX

Entry of this Final Judgment is in the public interest.

Dated:

United States District Judge.

U.S. District Court, Eastern District of New York

United States of America, Plaintiff, v. Fabricators Supply Co., Inc.; Mechanics Building Materials Co., Inc.; National Plywood Co., Inc.; and Sturtevant Millwork Corp., Defendants—Civil Action No. 78 Civ. 595

Competitive Impact Statement

Filed: April 20, 1979

The United States of America, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)), hereby submits this Competitive Impact Statement relating to the proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

I

Nature of the Proceedings

The United States, on March 30, 1978, filed a civil antitrust action under Section 4 of the Sherman Act (15 U.S.C. § 4) alleging that the above-named defendants and unnamed co-conspirators from at least as early as 1968 had combined and conspired in violation of Section 1 of the Sherman Act (15 U.S.C. § 1) to raise, fix, and stabilize the wholesale prices at which Formica brand plastic laminates and Formica brand adhesives were sold in the Metropolitan New York Area.

Entry by the Court of the proposed Consent Judgment will terminate the action, except that the Court will retain jurisdiction over the matter for possible further proceedings, within the ten years next ensuing, which may be needed to interpret, modify or enforce the judgment or to punish violations of any of the provisions of the judgment.

II

Description of the Practices Involved in the Alleged Violations

The defendants are wholesale distributors of Formica brand plastic laminates and Formica brand adhesives in the Metropolitan New York Area.

During the years 1974 through 1976, the defendants had combined sales of Formica brand plastic laminates and Formica brand adhesives in the New York Metropolitan Area of over $15 million. The plastic laminates and adhesives are made by or for the Formica Corporation in states other than New York, New Jersey and Connecticut. They are shipped regularly and continuously in interstate commerce from the states of manufacture into the states of New York and New Jersey to the defendants for resale.

For the purpose of forming and effectuating the combination and conspiracy, the defendants and co-conspirators communicated to one another at meetings, in telephone conversations and on other occasions, their intention to raise the wholesale prices at which Formica brand plastic laminates and Formica brand adhesives were sold in the Metropolitan New York Area and jointly established in some cases the specific selling price and in others the specific amount by which such prices were to be increased. The evidence to be produced at trial would show that as a result of the conspiracy, the wholesale prices of Formica brand plastic laminates and Formica brand adhesives in the Metropolitan New York Area have been fixed, raised, and maintained at artificial and non-competitive

levels; purchasers of Formica brand plastic laminates and Formica brand adhesives in the Metropolitan New York Area have been deprived of free and open competition; and competition in the sale of Formica brand plastic laminates and Formica brand adhesives has been restrained.

III

Explanation of the Proposed Consent Judgment

The United States and the defendants have stipulated that the proposed Consent Judgment, in the form negotiated by and among the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The stipulation among the parties provides that there has been no admission by any 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 proposed Judgment is conditioned upon a determination by the Court that the proposed Judgment is in the public interest.

A. *Prohibited Conduct*

The proposed Judgment will prohibit each of the defendants from adhering to, maintaining, furthering, enforcing or entering into, directly or indirectly, any agreement, understanding, plan, or program with any other wholesale distributor to raise, fix, stabilize, or maintain the prices at which plastic laminates or adhesives are offered for sale or from adopting or following any practice, plan, program, or device having a similar purpose or effect. The defendants will be enjoined from acting either unilaterally or in concert with any other person, directly or indirectly, to induce, coerce, or attempt to influence any other wholesale distributor to adhere to any suggested list price in the sale of plastic laminates or adhesives. The defendants will also be enjoined from communicating, directly or indirectly, to any wholesale distributor information concerning the actual or proposed changes in the wholesale price for plastic laminates or adhesives and the actual or proposed dates for any changes in the wholesale price for plastic laminates or adhesives.

The defendants will be permitted, however, to communicate such information as is necessary to their own subsidiaries, affiliates, or parent. Further, they may unilaterally disseminate to their customers (except another wholesale distributor) their own existing prices or announced prices or other information pertaining to their prices. Each defendant is required by the Consent Judgment to establish a program for dissemination of information as to the Judgment and compliance with the Judgment involving each corporate officer, director, employee, and agent having responsibilities in connection with or authority over the establishment of the wholesale prices at which plastic laminates or adhesives are sold, advising them of its and their obligations under the Final Judgment. Each defendant is required to furnish to plaintiff within one hundred and twenty (120) days of the entry of the Final Judgment, and thereafter upon request by plaintiff, on or about the anniversary date of the Final Judgment for a period of five (5) consecutive years from the date of its entry, an account of all steps such defendant has taken the preceding year to discharge obligations to comply with the Judgment and to include with the account copies of all written directives issued during the prior year with respect to compliance with the terms of the Final Judgment.

B. *Scope of the Proposed Judgment*

The proposed Judgment applies to each defendant, its officers, directors, agents, employees, subsidiaries, successors, and assigns, and to those 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.

The defendants are bound by the prohibitions and obligations of the proposed Judgment for a period of ten (10) years from the date of its entry and thereafter the Judgment shall terminate and cease to be effective.

The Judgment applies to each defendant's activities wherever they may occur.

C. *Effect of the Proposed Judgment on Competition*

The relief encompassed in the proposed Consent Judgment is designed to prevent any recurrence of the conduct alleged in the Complaint. The prohibitive language of the Judgment should ensure that no future agreements or combinations between or among the defendants to fix, raise, maintain, or stabilize the wholesale price of plastic laminates or adhesives will be arranged.

The Judgment provides methods for determining defendants' compliance with the terms of the Judgment. The Department of Justice, through duly authorized representatives, may interview officers, employees, and agents of each defendant regarding its compliance with the Judgment. Representatives of the Department are also given access, upon reasonable notice, to examine each defendant's records for possible violations of the Judgment and to request defendants to submit reports to the Department of Justice on matters contained in the Judgment.

It is the opinion of the Department of Justice that the proposed Consent Judgment provides fully adequate provisions to prevent continuance or recurrence of violations of the antitrust laws charged in the Complaint. In the Department's view, disposition of the lawsuit without further litigation is appropriate in that the proposed Judgment provides all the relief which the Department sought in its Complaint, and the additional cost of litigation necessarily involved if the issues were litigated would not result in any additional relief. Accordingly, the public interest is best benefited by the proposed consensual disposition of the action.

IV

Alternative Remedies Considered by the Antitrust Division

The defendants initially proposed a Consent Judgment which the Antitrust Division concluded would not ensure that the conspiracy charged in the Complaint would not continue or recur. The Division responded to the defendants proposed Judgment with a counter-proposal from which the Final Consent Judgment was negotiated.

The primary point of difference that was ultimately compromised between the parties related to an injunctive provision which would prohibit the defendants from issuing price lists to their dealers. The defendants drafted a proviso to Section IV(C) which authorized the unilateral dissemination by a defendant to its customers (other than another wholesale distributor) of a defendant's own existing prices, or announced prices, or other *bona fide* information pertaining to its prices, including prices or other price information not yet effective. This enabled the defendants to publish price lists to the trade while still prohibiting the furnishing of such lists to another wholesale distributor. The Antitrust Division was agreeable to such a modification since the conduct contemplated is lawful and does not increase the risk of recurrence of the acts alleged in the Complaint. Additionally, a proviso was inserted in Section III which allowed parents, subsidiaries, or affiliates to communicate with a defendant without violating the judgment. The Division concluded that each defendant should properly be able to communicate directly with its parent or subsidiary in carrying out the day-to-day business of the company. Such communications will not increase the risk of recurrence of the conduct alleged in the Complaint.

The defendants desired to place a geographical limitation in the proposed Judgment similar to that contained in the Complaint. They were informed that since the corporate defendant's activities subject to the Complaint were a result of the officers acts and those same officers would be responsible for corporate activities wherever they occurred the Antitrust Division would insist on the broad geographic relief. Accordingly, defendants withdrew their objection.

At one point during the consent negotiations the Antitrust Division considered requiring that the judgment continue in existence for 25 years. However, the Division eventually concluded that a ten year expiration date would provide sufficient injunctive protection.

V

Remedies Available to Potential Private Litigant

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 such person has suffered as well as costs and ressonable attorney fees. Entry of the proposed Consent Judgment in this proceeding will neither impair nor assist the bringing of any such private actions. Under the provision of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), this Consent Judgment has no *prime facie* effect in any lawsuits which may be pending or hereafter brought against the defendants.

VI

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 Ralph T. Giordano, Antitrust Division, U.S. Department of Justice, Room 3630, 26 Federal Plaza, New York 10007, within the sixty (60) day period provided by the Act. These comments and the Department's response to them, will be filed with the Court and published in the **Federal Register**. All comments received 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. The proposed Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for such order as may be necessary or appropriate for its modification, interpretation or enforcement.

VII

Alternatives to the Proposed Consent Judgment

The alternative to the proposed Judgment was a full trial of the issue on the merits and on relief. The Antitrust Division considers the substantive language of the Final Judgment to be of sufficient scope and effectiveness to make litigation on the issues unnecessary, as the Judgment provides appropriate relief against the violations charged in the Complaint.

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. § 16) were considered in formulating this proposed Judgment. Consequently, none are submitted pursuant to such Section 2(b).

Dated: April 20, 1979.

Robert A. McNew
Charles V. Reilly
Edwin Weiss
Stuart T. Grabois
Attorneys, Department of Justice, Antitrust Division, 26 Federal Plaza, Room 3630, New York, New York 10007.

[FR Doc. 79-13387 Filed 4-30-79; 8:45 am]

BILLING CODE 4410-01-M

Law Enforcement Assistance Administration

MAC Crime Prevention & Education Program, Inc.; Hearing

Notice is hereby given that the Administrative Appeal of MAC Crime Prevention and Education Program, Inc. will be heard on May 14 and 15, 1978, at 9:30 a.m. The location of the Compliance Hearing will be the Federal Building, Room 398, 517 East Wisconsin Avenue, Milwaukee, Wisconsin. The Hearing will be presided over by Walter V. Lawson, Director of the Office of Equal Employment Opportunity, Law Enforcement Assistance Administration. The Hearing will be open to the public.

For further information call William P. Joyce, Office of General Counsel, LEAA at (202) 376-3696.

Charles A. Lauer,
Deputy General Counsel.

[FR Doc. 79-13455 Filed 4-30-79; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Job Corps Center at the Holding Institute and the Combined Campus of Laredo Junior College and Laredo State University, Laredo, Tex.; Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps center at the Holding Institute and the combined campus of Laredo Junior College and Laredo State University does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION: Contact Raymond E. Young, Director, Office of Job Corps, Room 6100, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, Telephone: (202) 376-6995.

SUPPLEMENTARY INFORMATION: Title IV, Part B of the Comprehensive Employment and Training Act (CETA), as amended, 29 U.S.C. 923 *et seq.*, directs the Secretary of Labor to establish Job Corps centers to provide occupational training to disadvantaged youths ages 14 through 21. Regulations pertaining to the Job Corps program are published in 29 CFR Part 97a. Pursuant to his authority, the Secretary is planning to establish a Job Corps center at the Holding Institute and the combined campus of Laredo Junior College and Laredo State University locations provided an agreement can be reached on acquisition of the facilities.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR § 1500.6(c). The proposed Job Corps center will be a training center with residential and educational facilities for approximately 160 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 53 will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is intended for residential living and education.

Holding Institute consists of approximately 67 acres of land located at the northern end of Laredo. The combined campus of Laredo Junior College and Laredo State University is located at the southwest edge of Laredo. The site consists of 22 buildings on 195 acres of land.

Moderate rehabilitation will be required in all buildings to conform to OSHA and other fire safety codes.

Water is supplied by the city of Laredo. The site is connected to the city of Laredo Municipal sewer system. Natural gas is supplied by the Enigtex Company of Houston. Electrical service is provided by Central Power and Light Company. The proposed Job Corps center will be operated in compliance with Job Corps Environmental Standards published at 29 CFR 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

The proposed Job Corps center will comply with the water quality and related standards of the State and local Government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251 *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The center installation will be designed, operated, and maintained so as to conform to Federal air quality standards, including those found in Executive Order 11752.

My determination is that the establishment and operation of the Center will have no adverse impact upon traffic, transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal

services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the Center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps Center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Laredo community.

The Job Corps Center will be operated with the pass-leave procedures required by Job Corps Regulations and operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the Center is not likely to have a significant adverse impact upon use of police services. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary problems, or problems with possible Center related public safety.

Adequate staffing personnel and protection will be provided at the Laredo Job Corps Center in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

Additionally, local health services will not be adversely affected because basic dental, medical and other health related services will be provided on site with Job Corps' own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of Job Corps' purposes, objectives and operational procedures, that the impact upon the surrounding community, of the establishment of the Center at the site will not be significant. It is my careful determination that the environmental assessment conducted by the Department of Labor, pursuant to 40 CFR Part 1500, clearly indicates that preparation of an environmental impact statement is not required since the establishment of the Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR Section 1500.6(c).

Signed at Washington, D.C. this 30th day of March, 1979.

Raymond E. Young,

Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 79-13513 Filed 4-30-79; 8:45 am]

BILLING CODE 4510-30-M

Proposed Job Corps Center at Knoxville College, Knoxville, Tenn., Determination of Negative Environmental Impact

AGENCY: Employment and Training Administration.

ACTION: Notice-Finding of Negative Environmental Impact.

SUMMARY: The purpose of this notice is to announce a determination by the Department under the National Environmental Policy Act and 40 CFR Part 1500 that the establishment of a Job Corps Center at the Knoxville College site does not constitute a major Federal action which will significantly affect the environment.

FOR FURTHER INFORMATION: Contact Raymond E. Young, Director, Office of Job Corps and Young Adult Conservation Corps, Room 6100, Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213, Telephone: (202) 376-6995.

SUPPLEMENTARY INFORMATION: Title IV, Part B of the Comprehensive Employment and Training Act (CETA), as amended, 29 U.S.C. 923 *et. seq.*, directs the Secretary of Labor to establish Job Corps Centers to provide occupational training to disadvantaged youths ages 14 through 21. Regulations pertaining to the Jobs Corps program are published at 29 CFR Pa.t 97a. Pursuant to his authority, the Secretary is planning to establish a Job Corps Center at the Knoxville College location.

Pursuant to 40 CFR Part 1500, the Department of Labor has conducted an environmental assessment as part of a site utilization study and has determined that preparation of an environmental impact statement is not required since the establishment of this Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR § 1500.6(c). The proposed Knoxville Job Corps Center will be a training center with residential, nonresidential and educational facilities for approximately 500 disadvantaged youth, men and women, ages 16 through 21, who need and can benefit from intensive employment-related services. The function of the center and the staff of approximately 200, will be to provide skill training in selected vocational courses and continuing and/or remedial education in academic subjects.

The proposed use of the facility is to provide residential living and education.

The center will be a self-contained facility located in Knoxville, Tennessee. The site surveyed for use by Job Corps consists of three buildings comprising 196,825 gross square feet located on the Knoxville College campus.

Water, sewer services and natural gas are provided by the Knoxville utility board. With regard to fire protection, there are fire hydrants on the site.

The proposed Job Corps Center will be operated in compliance with the Job Corps Environmental Standards published at 29 CFR § 97a.116, and with applicable Federal, State and local regulations concerning environmental health.

New construction will be required to roof over the open court between two buildings to prevent water leaking through the roof slab.

The proposed Job Corps Center will comply with the water quality, and related standards of the State and local government, and with the standards established pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1251, *et seq.*, with Executive Order 11752, and with regulations and guidelines of the United States Environmental Protection Agency.

The Center installation will be designed, operated, and maintained so as to conform to Federal air quality control standards, including those found in Executive Order 11752.

My determination is that the establishment and operation of the Center will have no adverse impact upon traffic transportation systems, pedestrian or vehicular congestion, police protection services, fire protection services, public safety, legal services, or upon the aesthetics or residential quality of the nearby area. I further determine that the establishment and operation of the Center will have no adverse effects upon ecological systems, population distribution, air or water pollution, municipal services, or health or life support systems. Accordingly, I hereby determine that the establishment of such Job Corps Center will not have a significant adverse impact upon the quality of the human environment of the nearby area, or the greater Knoxville community.

The Job Corps Center will be operated with the pass-leave procedures required by Job Corps Regulations and

operational procedures. I find that in light of the enrollment level and utilization of the pass-leave procedures, that congestion in the area will not increase.

There will be no material impact upon transportation or traffic within the area.

It is further determined that the establishment and operation of the Center is not likely to have a significant adverse impact upon use of police services. Adequate provisions are planned to carefully screen prospective enrollees so as to minimize the possibility of disciplinary problems with possible Center related public safety.

Adequate staffing personnel and protection will be provided at the Knoxville Job Corps Center in accordance with Job Corps' operating procedures and regulations.

I further find that fire protection services in the area will not be adversely affected and that systems in the facilities will be upgraded to further reduce risk of fire from the present risk level.

Additionally, local health services will not be adversely affected because basic dental, medical and other health related services will be provided on site with Job Corps' own facilities and personnel.

In conclusion, it is my determination, after careful review and consideration of the nature of Job Corps' proposed action, in light of Job Corps' purposes, objectives and operational procedures, that the impact upon the surrounding community, of the establishment of the Center at the site will not be significant. It is my careful determination that the environmental assessment conducted by the Department of Labor, pursuant to 40 CFR Part 1500, clearly indicates that preparation of an environmental impact statement is not required since the establishment of the Job Corps Center is not a major Federal action which will significantly affect the quality of the human environment within the meaning of 40 CFR Section 1500.6(c).

Signed at Washington, D.C., this 2nd day of April 1979.

Raymond E. Young,

Director, Office of Job Corps and Young Adult Conservation Corps.

[FR Doc. 79-13514 Filed 4-30-79; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pa. 15241 has filed a petition to modify the application of 30 CFR 75.1303 (permissible explosives), to its McElroy Mine, located in Marshall County, Pa. This petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The standard requires that only permissible explosives be used in the underground areas of a coal mine. The petitioner has referenced this standard to 30 CFR 15.19(b), an approval schedule for explosives, which states in part that an explosive certified as permissible remains permissible only as long as it is used within 48 hours after being taken underground.

2. The petitioner believes that the application of the 48-hour requirement will result in a diminution of the safety to its miners for the following reasons:

(a) Explosives are extremely dangerous by their nature.

(b) Even though the petitioner transports all its explosives and detonators in compliance with the appropriate safety standards, the transportation of explosives still involves risks which increase proportionately to the frequency with which explosives are hauled in and out of the mine.

(c) Because of the difficulty in estimating the amount of explosives to be used during a 48-hour period, additional trips must be made at times to replenish insufficient supplies or to remove excess supplies.

3. The petitioner contends that it would be safer to leave unused explosives properly stored underground because the transportation of such explosives merely enhances conditions for accidental explosions.

4. For these reasons, the petitioner requests relief from the application of 48-hour requirement to its mine.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 31, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 23, 1979.

Eckehard Muessig,

Acting, Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-37-C]

[FR Doc. 79-13510 Filed 04-30-79; 8:45 am]

BILLING CODE 4510-43-M

Doris Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Doris Coal Company, Box 235, Grundy, Virginia 24614, has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its No. 7 Mine located in Buchanan County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petition concerns the installation of lighting on the petitioner's mining equipment or on stationary fixtures.

2. The petitioner is mining coal seams averaging 29 to 30 inches in height.

3. The height of the petitioner's mining equipment ranges from 23½ to 26 inches.

4. The petitioner's tractors are equipped with front and rear lights; however, the rear lights are seldom used because they blind the loading machine operator.

5. Miners in the mine wear the standard safety hat with light at all times.

6. Due to the low ceiling clearance, it is neither feasible nor practical to mount additional lighting either on top of the mining equipment or from the roof of the mine.

7. The petitioner feels that such additional lighting in the already cramped quarters of its mine would result in a reduction of the safety to its miners.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 31, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 18, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M-79-128-C]

[FR Doc. 79-13511 Filed 4-30-79; 8:45 am]

BILLING CODE 4510-43-M

FMC Corp.; Petition for Modification of Application of Mandatory Safety Standard

FMC Corporation, Box 872, Green River, Wyoming 82935 has filed petition to modify the application of 30 CFR 57.12-14 (trailing cables) to its Green River Mine located in Green River, Wyoming. The petition is filed under

section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95–164.

The substance of the petition follows:

1. The petitioner uses shielded (SHD—GC) trailing cables at its mine.

2. If the outer jacket of one of these cables is nicked, the shield and not the conductor is exposed, making it virtually impossible for cable handlers to receive an electrical shock.

3. In addition, the petitioner's shielded cables have suitable resistance grounding and circuit protection which assure that even tiny flaws resulting from a pinched or damaged cable result in a power shutdown before shock hazards or cable fires develop.

4. For these reasons, the petitioner feels that shielded trailing cable of the type used at its mine provides equal or better protection to its miners than that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments on or before May 31, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 18, 1979.

Robert B. Lagather,

Assistant Secretary for Mine Safety and Health.

[Docket No. M–79–9–M]

[FR Doc. 79–13512 Filed 4–30–79; 8:45 am]

BILLING CODE 4510–43–M

Office of the Secretary

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Bata Shoe Co., Inc., Salem, Ind. [TA–W–4825]

The investigation was initiated on February 22, 1979 in response to worker petitions received on February 15, 1979 which were filed by the Retail Clerks Union and the Bata Shoe Company, Incorporated on behalf of workers and former workers producing rubber canvas footwear at the Salem, Indiana plant of the Bata Shoe Company, Incorporated. It is concluded that all of the requirements have been met.

U.S. imports of rubber canvas footwear increased absolutely in 1978 over 1977. The import to domestic production ratio increased from 100.0 percent in 1976 to 119.0 percent in 1977 and to 207.1 percent in 1978.

A Departmental survey was conducted with retail customers of the Salem, Indiana plant of the Bata Shoe Company, Incorporated. The survey revealed that a major portion of the customers decreased their purchases from the Salem, Indiana plant of Bata and increased their purchases of imported rubber canvas footwear from 1977 to 1978.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with rubber canvas footwear produced at the Salem, Indiana plant of the Bata Shoe Company, Incorporated, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Salem, Indiana plant of the Bata Shoe Company, Incorporated, who became totally or partially separated from employment on or after February 22, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1979.

Cavalier Clothes Inc., No Risaco No Rosica, Inc., Jamaica, N.Y. [TA–W–4913, 4913A]

The investigation was initiated on March 12, 1979 in response to a worker petition received on March 5, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's and women's tailored clothing at Cavalier Clothes Incorporated, Jamacia, New York. The investigation revealed that the plant primarily produces men's vests and outer coats. The investigation also revealed that Cavalier Clothes owns and operates another company at the same location, No Risaco No Rosica, Incorporated, for the purpose of training new workers. The investigation was expanded to include workers of No Risaco No Rosica. It is concluded that all of the requirements have been met.

U.S. imports of men's and boy's tailored suit vests increased absolutely and relative to domestic production in each year from 1974 through 1977. Imports of vests in 1978 were greater than the average level of imports for the years 1973–1977. U.S. imports of vests increased in the first two months of 1979 compared to the first two months of 1978.

U.S. imports of men's and boy's tailored dress coats and sport coats increased in 1978 compared to 1977.

The Office of Trade Adjustment Assistance has conducted TRA investigations for workers employed by three clothing manufacturers that provided a subtantial portion of Cavalier's work in 1977 and 1978. These customers reduced the amount of work they supplied to Cavalier in the last quarter of 1978 and the first quarter of 1979. In all three investigations the Office of Trade Adjustment Assistance found that customers of these manufacturers had deceased their purchases of men's tailed clothing from the respective domestic manufacturer and increased their purchases of imports.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's vests and outer coats produced at Cavalier Clothes, Incorporated and No Risaco No Rosica, Incorporate, Jamaica, New York contribute importantly to the decline in sales and to the total or partial separation of workers of the firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Cavalier Clothes, Incorporated and No Risaco No Rosica, Jamaica, New York engaged in employment related to the production of men's vests and outer coats who became totally or partially separated from employment on or after December 15, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of April 1979.

Rosita Shoe Corp., Lisbon, N. H. [TA–W–4835]

The investigation was initiated on February 22, 1979 in response to a worker petition received on February 12, 1979 which was filed on behalf of workers and former workers producing ladies' shoes and boots at the Rosita Shoe Corporation, Lisbon, New Hampshire. It is concluded that all of the requirements have been met.

U.S. imports of women's nonrubber footwear increased relative to domestic production from 1976 to 1977 and increased absolutely and relative to domestic production from 1977 to 1978.

All customers of the Rosita Shoe Corporation will be supplied by the Canadian affiliate of the Rosita Shoe Corporation after April 1, 1979.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's shoes and boots produced at Rosita Shoe Corporation, Lisbon, New Hampshire contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Rosita Shoe Corporation, Lisbon, New Hampshire who became totally or partially separated from employment on or after April 1, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1979.

U.S. Stove Co., Chattanooga, Tenn.; Bridgeport, Ala.; South Pittsburg, Tenn. [TA-W-4822] [TA-W-4823] [TA-W-4824]

The investigation was initiated on February 15, 1979 in response to a worker petition received on February 6, 1979 which was filed by the Stove, Furnace and Allied Appliance Workers Union on behalf of workers and former workers at the Bridgeport Division, Bridgeport, Alabama (TA-W-4823) and the South Pittsburg Division, South Pittsburg, Tennessee (TA-W-4824) of the U.S. Stove Company. The investigation was expanded to include the Chattanooga, Tennessee plant of the U.S. Stove Company (TA-W-4822). It is concluded that all of the criteria have been met.

Imports of cast-iron household stoves increased from 1976 to 1977 and from 1977 to 1978. Imports of gas, oil, wood and coal burning heaters increased from 1976 to 1977 and from 1977 to 1978.

Customers who purchased wood and coal burning stoves from the U.S. Stove Company were surveyed. All of the customers purchased significant amounts of imported stoves. Several customers reported a decrease in purchases of stoves from the U.S. Stove Company and an increase in purchases of imported stoves.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with wood and coal stoves produced at the U.S. Stove Company, Bridgeport Division, Bridgeport, Alabama plant (TA-W-4823), South Pittsburg Division, South Pittsburg, Tennessee plant (TA-W-4824) and the Chattanooga, Tennessee plant (TA-W-4822) contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Bridgeport Division, Bridgeport, Alabama plant (TA-W-4823) of the U.S. Stove Company who became totally or partially separated from employment on or after February 2, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974; all workers at the the Chattanooga, Tennessee plant (TA-W-4822) and the South Pittsburg Division, South Pittsburg, Tennessee plant (TA-W-4824) of the U.S. Stove Company who became totally or partially separated from employment on or after August 1, 1978 are eligible to apply for adjustment assistance under the Trade Act.

Signed at Washington, D.C. this 24th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79-13539 Filed 4-30-79; 8:45 am]

BILLING CODE 4510-28-M

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. In the following determinations, at least one of the criteria has not been met.

Allied Chemical Corp., Shannon Branch Mine and Preparation Plant, Capels, W. Va. [TA-W-4582, 4583]

The investigation was initiated on January 8, 1979 in response to a worker petition received on January 2, 1979 which was filed by the United Mine Workers of America, District 29, on behalf of workers and former workers producing metallurgical coal at the Shannon Branch mine (TA-W-4583) and the Shannon Branch preparation plant (TA-W-4582) of Allied Chemical Corporation, Semet Solvay Division, Capels, West Virginia. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Significant separations of workers at the Shannon Branch mine and preparation plant of Allied Chemical occurred during the third quarter of 1978 and in February of 1979. Separations that occurred in the third quarter of 1978 were attributable to a strike by employees of the Norfolk and Western Railroad which hauls all of the coal produced at the Shannon Branch facilities.

The separations that occurred in February 1979 were caused by a sharp reduction in purchases of metallurgical coal by Allied Chemical's customers. None of these customers purchase any imported coal or coke. The largest customer increased purchases of metallurgical coal from other domestic sources in the first quarter of 1979.

Conclusion

After careful review, I determine that all workers of the Shannon Branch mine and preparation plant of Allied Chemical Corporation, Semet Solvay Division, Capels, West Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

Malcolm Clothing Corp., Passaic, N. J. [TA-W-5039]

The investigation was initiated on March 26, 1979 in response to a worker petition received on March 23, 1979 which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing women's sportswear at Malcolm Clothing Corporation, Passaic, New Jersey. The investigation revealed that the plant produces only women's jackets. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production of women's jackets at Malcolm Clothing Corporation increased in 1978 compared to 1977, and increased in the first quarter of 1979 compared to the like quarter of 1978.

Malcolm Clothing Corporation is a contractor and has no sales of its own.

Conclusion

After careful review, I determine that all workers of Malcolm Clothing Corporation, Passaic, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

A. Morganstern & Co., Fredricksburg, Va. [TA–W–4857]

Morganstern Pants Co., Fredricksburg, Va. [TA–W–4869]

The investigation was initiated on February 28, 1979 in response to a worker petition received on February 26, 1979 which was filed on behalf of workers and former workers cutting men's pants at A. Morganstern and Company, Fredricksburg, Virginia and sewing men's pants at the Morganstern Pants Company, Fredricksburg, Virginia.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of production workers at A. Morganstern & Company increased in 1978 compared to 1977, and remained unchanged in the first two months of 1979 compared to the first two months of 1978. Average quarterly employment of production workers either increased or remained unchanged in every quarter when compared to the same quarter the previous year from the first quarter of 1977 through the fourth quarter of 1978. The average number of production man-hours at A. Morganstern & Company increased in 1978 compared to 1977.

The average number of production workers at the Morganstern Pants Company increased in 1978 compared to 1977, and in the first two months of 1979 compared to the first two months of 1978. Average quarterly employment of production workers increased in every quarter when compared to the same quarter the previous year from the first quarter of 1977 through the fourth quarter of 1978. The average number of production man-hours at the Morganstern Pants Company increased in 1978 compared to 1977.

Conclusion

After careful review, I determine that all workers of A. Morganstern & Company, Fredricksburg, Virginia and the Morganstern Pants Company, Fredricksburg, Virginia are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79–13540 Filed 4–30–79; 8:45 am]

BILLING CODE 4510–28–M

Negative Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents the results of investigations regarding certifications of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. In the following determinations, at least one of the criteria has not been met.

Westboro Shoe Co., Inc., Dexter, Mo. [TA–W–4338]

The investigation was initiated on February 22, 1979 in response to a worker petition received on February 9, 1979 which was filed on behalf of workers and former workers producing men's golf and bowling shoes at Westboro Shoe Company, Incorporated in Dexter, Missouri. The investigation revealed that the plant does not produce men's golf shoes but does produce men's leather dress shoes, women's bowling and golf shoes, women's and children's jogging shoes and children's dress and play shoes. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation indicated that the jogging shoes produced at Westboro Shoe Company, Incorporated were produced for a period of six months as a trial product. Employment declines since the last half of 1978 are attributable to discontinuing the production of jogging shoes.

Westboro Shoe Company, Incorporated is a plant owned by Inland Shoe Manufacturing Company, Incorporated, which began production in June 1977. Orders are obtained by Inland and distributed among three plants which include Westboro. Total production of Inland which includes all three plants increased in quantity in 1978 compared to 1977. Production is equivalent to sales at Inland Shoe Manufacturing Company, Incorporated.

Conclusion

After careful review, I determine that all workers of Westboro Shoe Company, Incorporated in Dexter, Missouri are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Signed at Washington, D.C. this 20th day of April 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79–13567 Filed 4–30–79; 8:45 am]

BILLING CODE 4510–28–M

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

Fibreboard Corp., Standard, Calif., Box Factory [TA–W–4914]

The investigation was initiated on March 12, 1979 in response to a worker petition received on March 5, 1979 which was filed by the Lumber and Sawmill Workers Union on behalf of workers and former workers producing box shook (components of unassembled wood boxes) at the Standard, California Box Factory of Fibreboard Corporation, a subsidiary of Louisiana-Pacific Corporation. Without regard to whether any of the other criteria have been met, the following criterior has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that during the 1974–1978 period U.S. imports of wooden boxes (nailed, wirebound, and box shook) comprised less than two percent of domestic production. A customer survey conducted by the Department revealed that the major customer of the Box Factory did not purchase imported box shook or imported corrugated boxes. This customer purchased all its box shook and corruguated boxes from domestic sources.

Conclusion

After careful review, I determine that all workers of the Standard, California Box Factory of the Fibreboard Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of April 1979.

James F. Taylor,

Director, Office of Management, Administration and Planning.

Lewis Roth & Co., Los Angeles, Calif. [TA–W–4831]

The investigation wa initiated on February 22, 1979 in response to a worker petition received on February 12, 1979 which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's tailored suits, sportcoats and slacks at Lewis Roth and Company, Los Angeles, California. Without regard to whether any of the other criteia have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of customers of Lewis Roth and Company. The survey indicated that customers did not purchase imported men's better quality suits and sportcoats.

Conclusion

After careful review, I determine that all workers of Lewis Roth and Company, Los Angeles, California are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of April 1979

James F. Taylor,

Director, Office of Management, Administration, and Planning.

[FR Doc. 79–13568 Filed 04–30–79; 8:45 am]

BILLING CODE 4510–28–M

Office of Federal Contract Compliance Programs

Stay of Debarment; Loffland Brothers Co.

On April 17, 1979, a notice was published in the **Federal Register** which debarred Loffland Brothers Company, its officers, divisions and subsidiaries, and any and all purchasers, successors, assignees, and/or transferees, from the award of all Federal contracts and subcontracts, including agreements with Federal mineral leaseholders to perform work on Federal leaseholds, subcontracts which in whole or in part are necessary for prime contractors, such as oil companies, to fulfill their fuel requisitions with the Government and from extensions or other modifications of any existing Federal contracts or subcontracts.

On April 17, 1979, Loffland Brothers Company filed suit in the Federal district court at Tulsa, Oklahoma against the U.S. Department of Labor seeking to enjoin the debarment. On the same day, the debarment of Loffland Brothers Company, its officers, divisions and subsidiaries, and any and all purchasers, successors, assignees, and/or transferees was stayed by order of the court pending a resolution of that lawsuit in the district court. Accordingly, the debarment is stayed until further notice, and Executive Order 11246, as amended, constitutes no impediment to the Company etc., receiving Federal contracts and subcontracts during the interim.

Dated: April 26, 1979.

Weldon J. Rougeau,

Director, Office of Federal Contract Compliance Program.

[FR Doc. 79–13515 Filed 4–30–79; 8:45 am]

BILLING CODE 4510–27–M

Pension and Welfare Benefit Programs

Class Exemption Involving Closed-End Investment Company In-House Plans (Prohibited Transaction Exemption 79–13)

AGENCY: Department of Labor.

ACTION: Grant of Class Exemption.

SUMMARY: This class exemption permits, under certain conditions, the acquisition and sale of shares of certain registered closed-end investment companies by employee benefit plans which cover employees of either the company, its investment adviser, or an affiliate thereof.

FOR FURTHER INFORMATION CONTACT: William J. Flanagan of the Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, (202) 523–7931. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 6, 1979, notice was published in the **Federal Register** (44 FR 7242) of the pendency before the Department of Labor (the Department) of a proposal for a class exemption from the restrictions of sections 406 and 407(a) of the Employee Retirement Income Security Act of 1974 (the Act) and from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) of the Code for transactions described in an application filed by the Association of Publicly Traded Investment Funds (APTIF). The notice set forth a summary of facts and representations contained in the application, and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, D.C.

The proposed class exemption contained in the notice of pendency permitted, under certain conditions, the acquisition, ownership or sale of shares of a closed-end investment company by an employee benefit plan covering only employees of such investment company, employees of the company's investment adviser, or employees of an affiliated person of such investment company or investment adviser. The proposed exemption applied only to in-house plans of closed-end investment companies which are registered under the Investment Company Act of 1940 and which are not small business investment companies as defined in the Small Business Investment Company Act of 1958. It was proposed to make the class exemption apply with respect to all transactions occurring after December 31, 1974.

The notice invited interested persons to submit written comments or requests for a hearing on the proposed exemption to the Department. No public comments and no requests for a hearing were received by the Department. The Department has determined to adopt the class exemption as proposed.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued, and the exemption is being granted, solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plans solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The exemption will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the plans and of their participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the plans.

Therefore, the exemption proposed in the notice of February 6, 1979 (44 FR 7242) as set forth below is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions to be consummated pursuant to this exemption.

Effective for transactions occurring after December 31, 1974, the restrictions of sections 406 and 407(a) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1) of the Code, shall not apply to the acquisition, ownership or sale of shares of a closed-end investment company which is registered under the Investment Company Act of 1940 and is not a small business investment company as defined by section 103 of the Small Business Investment Company Act of 1958, by an employee benefit plan covering only employees of such investment company, employees of the investment adviser of such investment company, or employees of any affiliated person (as defined in section 2(a)(3) of the Investment Company Act of 1940) of such investment company or investment adviser, provided that the following conditions are met (whether or not such investment company, investment adviser, or any affiliated person thereof is a fiduciary with respect to the plan):

(a) The plan does not pay any investment management, investment advisory, or similar fee to such investment adviser or affiliated person. This condition does not preclude the payment of investment advisory fees by the investment company under the terms of its investment advisory agreement adopted in accordance with section 15 of the Investment Company Act of 1940;

(b) The plan does not pay a sales commission in connection with such acquisition or sale to any such investment company, investment adviser, or affiliated person; and

(c) All other dealings between the plan and such investment company, the investment adviser, or affiliated person are on a basis no less favorable to the plan than such dealings are with other shareholders of the investment company.

Signed at Washington, D.C., this 24th day of April, 1979.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 79-13505 Filed 4-30-79; 8:45 am]

BILLING CODE 4510-29-M

LEGAL SERVICES CORPORATION

Grants and Contracts

April 26, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355 88 Stat. 378, 42 U.S.C. 2996–2996/, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant applications submitted by:

1. Susquehanna Legal Services in Williamsport, Pennsylvania to serve Lycoming County.

2. Southern Alleghenys Legal Aid in Johnstown, Pennsylvania to serve Somerset County.

3. Keystone Legal Services in State College, Pennsylvania to serve Juniata and Mifflin Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above applications to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Philadelphia Regional Office, 101 North 33rd Street, Suite 404, Philadelphia, Pennsylvania 19104.

Alice Daniel,

Acting President.

[FR Doc. 79-13483 Filed 4-30-79; 8:45 am]

BILLING CODE 6820-35-M

Grants and Contracts

April 26, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93–355 88 Stat. 378, 42 U.S.C. 2996–2996/, as amended, Pub. L. 95–222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Evergreen Legal Services in Seattle, Washington to serve Okanogan County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, Seattle Regional Office, 506 Second Avenue, Seattle, Washington.

Alice Daniel,

Acting President.

[FR Doc. 79-13484 Filed 4-30-79; 8:45 am]

[BILLING CODE 6820-35-M

MINIMUM WAGE STUDY COMMISSION

April 24, 1979.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Commission meeting:

Name: Minimum Wage Study Commission.

Date: May 8, 1979.

Time: 10 a.m.

Place: 1430 K St. NW., Suite 500, Washington, D.C. 20005.

Open admittance to the extent seating is available.

Proposed Agenda:

1. Pending business.

2. Status of: inflation, youth, and noncompliance.

3. Analysis of methodology for current activities and charting of time-frame for overall studies.

4. Possible Executive Session (budget).

Next meeting of the Commission will be held Tuesday, June 12, 1979.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW., Suite 500, Washington, D.C. 20005, (202)376-2450.

Louis E. McConnell,

Executive Director.

[FR Doc. 79-13390 Filed 04-30-79; 8:45 am]

BILL CODE 4510-23-M

NATIONAL COMMISSION ON AIR QUALITY

Meeting

The National Commission on Air Quality hereby gives notice of a meeting scheduled for May 7. It will be held in Room 311 of the Cannon House Office Building, located at First Street, S.E. and Independence Avenue, and will begin at 10:00 a.m.

The agenda will include the following items:

1. Approval of minutes of the April 9, 1979, meeting.

2. Consideration of the draft of the Commission Plan of Study.

Any questions about the meeting should be directed to Morris Ward at (202) 634-7138.

National Commission on Air Quality.

William H. Lewis, Jr.,

Director.

April 25, 1979.

[FR Doc. 79-13411 Filed 4-30-79; 8:45 am]

BILLING CODE 6820-98-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Combination of Dynamic Loads; Changed Meeting

The first paragraph of the notice published April 24, 1979 (44 FR 24174) regarding the meeting on May 9, 1979 of the ACRS Subcommittee on Combination of Dynamic Loads has been changed to read: " * * * to review with representative of the NRC Staff, *and industry, the basis for shutting down five nuclear power plants due to seismic structural inadequacies and other related topics.*"

The second paragraph of the agenda has also been changed to add "and industry" after "NRC Staff".

All othr items pertaining to this meeting remain the same as published in the cited **Federal Register** notice.

Further information can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, (202/634-3314) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 26, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-13441 Filed 4-30-79; 8:45 am]

BILLING CODE 7590-01-M

Applications for Licenses To Export Nuclear Facilities or Materials

Pursuant to 10 CFR 110.40, "Public Notice of Receipt of an Application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, N.W., Washington, D.C.

Dated this day April 24, 1979, at Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Gerald G. Oplinger,

Assistant Director, Export/Import and International Safeguards, Office of International Programs.

Name of applicant, date of application date received, application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
1. Transnuclear, Inc., 04/10/79, 04/10/79, XSNM01494.	93.3% Enriched Uranium	35.088	32.737	R-2 Reactor	Sweden.
2. Transnuclear, Inc., 04/11/79, 04/11/79, XSNM01495.	93.3% Enriched Uranium	20.050	18.707	Fuel for Petten Reactor	Netherlands.
3. Edlow Internat'l Co., 04/10/79,, 04/12/79,, XSNM01496.	90.4% Enriched Uranium	12.030	10.875	Fuel for RA-3 Reactor	Argentina.
4. Aerojet Ordnance Co., 04/06/79, 04/10/79, XU08414.	Depleted Uranium	Add'l 55,344		Metallic Uranium scrap for recycling into useable depleted uranium and return to U.S.	Canada.
Edlow Internat'l Co., 04/16/79, 04/19/79, XU08459.	Natural Uranium	48,000		Uranium ore concentrate for Gov't. programs to replace exported ores.	Brazil.

[FR Doc. 79-13450 Filed 4-30-79; 8:45 am]

BILLING CODE 7590-01-M

Carolina Power and Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR–23, to the Carolina Power and Light Company, (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant Unit No. 2 (the facility) located in Darlington County, Hartsville, South Carolina. The amendment is effective as of the date of its issuance.

The amendment authorizes the removal of all part-length control rods from the reactor.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated March 6, 1979, (2) Amendment No. 36 to License No. DPR–23, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 11th day of April 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch #1, Division of Operating Reactors.

[Docket No. 50–281]

[FR Doc. 79-13442 Filed 4–30–79; 8:45 am]

BILLING CODE 7590–01–M

Commonwealth Edison Co.; Order for Evidentiary Hearing

In the Matter of Commonwealth Edison Co., (Zion Station, Units 1 and 2), Docket Nos. 50–295, 50–304, Order for Evidentiary Hearing.

Take notice that the evidentiary hearing in this proceeding will begin on Monday, June 11, 1979, at 9:00 a.m., at the Holiday Inn Beach Resort, the Lincoln Ballroom, Sheridan and Wadsworth Roads, Lake Front, Zion, Illinois. This session of the hearing will continue through Friday, June 15, 1979; if necessary, the hearing will resume on Wednesday, June 20 and will continue through June 23.

Limited appearances will be received on the first day of the evidentiary hearing, Monday, June 11, 1979.

So ordered.

The Atomic Safety and Licensing Board

Dated at Bethesda, Maryland this 23rd day of April 1979.

Edward Luton,

Chairman.

[Docket Nos. 50–295 and 50–304]

[FR Doc. 79-13443 Filed 04–30–79; 8:45 am]

[BILLING CODE 7590–01–M

Commonwealth Edison Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 48 and 45 to Facility Operating License Nos. DPR–39 and DPR–48 issued to Commonwealth Edison Company (the licensee) which revised Technical Specifications for operation of the Zion Station, Unit Nos. 1 and 2, located in Zion, Illinois. The amendments are effective as of the date of issuance.

These amendments authorize a limited extension of the completion dates for certain plant modifications which we have required to improve the level of fire protection at the Zion facility.

The applications for these amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated March 14, as supplemented April 4 and April 12, 1979, (2) Amendment Nos. 48 and 45 to License Nos. DPR–39 and DPR–48, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 13th day of April 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[Docket Nos. 50–295 and 50–304]

[FR Doc. 79-13444 Filed 4–30–79; 8:45 am]

BILLING CODE 7590–01–M

Florida Power and Light Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 46 and 39 to Facility Operating License Nos. DPR–31 and DPR–41, respectively, issued to Florida Power and Light Company which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Units Nos. 3 and 4, located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments change the control rod group insertion limits and correct an administrative error in amendments 43 and 35 issued February 15, 1979.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required

since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments. For further details with respect to this action, see (1) the application for amendments dated December 22, 1978, (2) Amendments Nos. 46 and 39 to Licenses Nos. DPR–31 and DPR–41 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental & Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 24th day of April, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[Docket Nos. 50–250 and 50–251]

[FR Doc. 79–13445 Filed 4–30–79; 8:45 am]

BILLING CODE 7590–01–M

Northern States Power Co.; Issuance of amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 35 and 29 to Facility Operating License Nos. DPR–42 and DPR–60, issued to the Northern States Power Company (the licensee), which revised Technical Specifications for operation of Unit Nos. 1 and 2 of the Prairie Island Nuclear Generating Plant (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of their date of issuance.

These amendments change the common station Technical Specifications for the Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 and incorporate changes to the Appendix A Technical Specifications to support operation in Cycles 5 through 8 with reload fuel by the Exxon Nuclear Company.

The requirements of the NRC Order for Modification of License of Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 dated May 18, 1978 have been satisfied by the submittal dated February 21, 1979 and supplemented on March 30, 1979.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Notice of Proposed Issuance of Amendments to Facility Operating Licenses in connection with this action was published in the **Federal Register** on November 22, 1978 (43 FR 54706). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the submittal dated September 8, 1978 and the application for amendments dated December 29, 1978 and supplemented on January 23 and March 30, 1979, (2) Amendment Nos. 35 and 29 to License Nos. DPR–42 and DPR–60, respectively, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Environmental Conservation Library of the Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of April, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[Docket Nos. 50–282 and 50–306]

[FR Doc. 79–13446 Filed 4–30–79; 8:45 am]

BILLING CODE 7590–01–M

Northern States Power Co.; Issuance of Director's Decision Under 10 CFR 2.206

On January 24, 1979, the Commission published a notice in the **Federal Register** (44 FR 5029) that it had received a letter from the Minnesota Pollution Control Agency (MPCA) requesting that the Commission issue an immediately effective order to prohibit installation of modified spent fuel storage racks at the Monticello Nuclear Generating Station, Unit No. 1, pending a hearing to determine whether a license amendment should be issued authorizing modification of the racks. The MPCA's letter was treated as a request for action under 10 CFR 2.206 of the Commission's regulations.

The Director of Nuclear Reactor Regulation has considered the MPCA's request and determined that the modification is a change in a facility that does not require a license amendment under 10 CFR 50.59(a). Accordingly, the MPCA's request is denied.

A copy of the Director's decision will be placed in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and in the local public document room for the Monticello Nuclear Generating Station, located at the Environmental Conservation Library, 300 Niclolet Mall, Minneapolis, Minnesota. A copy of the decision will also be filed with the Secretary of the Commission for review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

In accordance with 10 CFR 2.206(c) of the commission's regulations, this decision will constitute the final action of the Commission twenty (20) days after the date of issuance, unless the Commission on its own motion institutes review of the decision within that time.

Dated at Bethesda, Maryland, this 24th day of April, 1979.

Roger S. Boyd,

Acting Director, Office of Nuclear Reactor Regulation.

[Docket No. 50–263]

[FR Doc. 79–13447 Filed 4–30–79; 8:45 am]

BILLING CODE 7590–01–M

Public Service Company of Colorado; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR–34, issued to Public Service Company of Colorado, which revised Technical Specifications for operation of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment revises the Technical specifications to : (1) Install eight test fuel elements into the reactor core at the

first refueling, and (2) install PGX graphite surveillance specimens into five bottom transition reflector elements of the reactor core.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropirate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an enviromnental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action see: (1) The applications for amendment dated January 9, 1978 and January 26, 1979; (2) Amendment No. 20 to License No. DPR-34, and (3) the Commission's related Safety Evaluation. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D C., 20555, and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Project Management, Office of Nuclear Reactor Regulation.

Dated at Bethesda, Maryland, this 20th day of April, 1979.

For the Nuclear Regulatory Commission.

Themis P. Speis,

Chief, Advanced Reactors Branch, Division of Project Management.

[Docket No. 50-267]

[FR Doc. 79-13448 Filed 4-30-79; 8:45 am]

BILLING CODE 7590-01-M

Rochester Gas and Electric Corp.; Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Provisional Operating License No. DPR-18, issued to Rochester Gas and Electric Corporation (the licensee), which revised the Specificaions for operation of the R. E. Ginna Plant (the facility located in Wayne County, New York. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to include requirements for the Reactor Coolant System overpressurization protection modification.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 11, 1978 (which was transmitted by letter dated October 18, 1978), (2) the analysis submitted by the licensee's letter dated July 29, 1977, (3) Amendment No. 26 to License No. DPR-18, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Rochester Public Library, 115 South Avenue, Rochester, New York 14627. A copy of items (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 18th day of April, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[Docket No. 50-244]

[FR Doc. 79-13449 Filed 04-30-79; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Chicago Board Options Exchange, Inc. and Midwest Stock Exchange, Inc., Order Approving Proposed Rule Changes and Relocation of Midwest Stock Exchange Options Trading Floor

In the matter of Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604 (SR-CBOE-78-34), and Midwest Stock Exchange, Incorporated, 120 South LaSalle Street, Chicago, Illinois 60303 (SR-MSE-78-30).

I. Introduction

On December 20, 1978, and December 21, 1978, respectively, the Chicago Board Options Exchange, Inc. (the "CBOE") and the Midwest Stock Exchange, Inc. (the "MSE") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78(s)(b)(1), and Rule 19b-4 thereunder, copies of proposed rule changes (i) to effect the combination of the options markets of the CBOE and the MSE (the "Combination"), (ii) to relocate the MSE options market, pending consummation of the Combination, so that it will be physically adjacent to the CBOE trading floor (the "Relocation"), and (iii) to amend the governing documents of both exchanges to reflect the Combination.

Notice of the CBOE filing (SR-CBOE-78-34), together with its terms of substance, was given by publication of a Commission release (Securities Exchange Act Release No. 15495, January 12, 1979), and publication in the **Federal Register** (44 FR 4073, January 19, 1979); notice of the MSE filing (SR-MSE-78-30), together with its terms of substance, was given by publication of a Commission release (Securities Exchange Act Release No. 15494, January 12, 1979) and by publication in the **Federal Register** (44 FR 4080, Janauary 19, 1979). All written statements with respect to the proposed rule changes which were filed with the Commission and all written communications relating to the proposed rule changes between the Commission and any person were considered and were made available to the public at the Commission's Public Reference Room.

II. Terms of the Proposed Combination

The purpose of the proposed rule changes, as stated in the agreement entered into by the two exchanges,[1] is

[1] The CBOE and the MSE entered into an agreement relating to the Combination on August 15, 1978 (the "Combination agreement"), which was

Footnotes continued on next page

to effect a combination of all of the activities in the MSE Options Market with those of the CBOE Options Market such that upon the effectiveness of the combination MSE would no longer provide a market for trading in standardized options and CBOE would provide a market for trading in the classes of standardized options then traded in the MSE Options Market.[2]

The rule change filings contemplate the possibility that the Combination may occur in two stages, in part due to the continuing moratorium on expansion of existing options programs.[3] The first stage, the Relocation, would involve the physical movement of the MSE options market so as to be adjacent to the CBOE trading floor; the second stage, the Combination, which would take place when the Options Moratorium is lifted, would involve the actual combination of the MSE options market with the CBOE opetions market.

A. Relocation Stage

During the Relocation stage, trading in MSE options would be conducted solely by MSE members, under MSE supervision, and in accordance with MSE rules. The CBOE's computerized surveillance system would generate reports for the use of MSE in its surveillance of MSE options trading, and the CBOE would provide daily transaction files enabling the MSE to bill transaction fees and book executions. The CBOE also will collect and transmit last sale reports and quotations for MSE options to SIAC, the exclusive information processor for the Options Price Reporting Authority, and provide certain trade match services to the MSE. Finally, CBOE will provide trading post and book processing facilities, systems, and services, as well as booth space for MSE broker-dealers.[4]

MSE members will remain MSE members, with no change in rights or obligations, and MSE order book officials ("OBOs") will remain MSE employees and operate the MSE trading stations on the MSE floor.[5] During this period CBOE and MSE members may trade only on their respective exchange floors and trade only the options classes of their respective exchanges, unless they are dual members. The CBOE will make reasonable efforts to employ current MSE options personnel other than OBOs during the Relocation stage.

B. Consummation of the Combination

Upon consummation of the Combination, the MSE will cease to operate a market for trading standardized options, at which time MSE's regulatory responsibility for that options market under the Act will terminate.[6] The CBOE will seek to list those option classes formerly listed on the MSE, and upon listing, the CBOE will assume full responsibility for floor operations, surveillance, and enforcement regarding trading in those options classes pursuant to CBOE rules.[7] The MSE's OBOs will be offered employment by the CBOE.

All MSE options members will become "special members" of the CBOE and have the right to trade in those former MSE options that become listed on the CBOE, but only in those options. The "special" CBOE memberships, with attendant trading and other rights, will last for ten years commencing from the effective date of the Combination and will be transferable during that period, after which they will expire. During that ten-year period, special members in addition to trading privileges will have certain other rights, privileges, and restrictions relating to election to the CBOE's board of directors, service on CBOE committees, voting, and participation in distribution of CBOE's assets.[8]

The CBOE has agreed to pay the MSE $310,800 in three annual installments, reduced by: (1) $10,300 for each calendar month that the effective date of the Combination postdates September 30, 1978; (2) $20,000 for each year or part thereof that the effective date post-dates November 30, 1978; and (3) the unexpended portion of the sums retained by MSE for contingency expenses during the Relocation stage.

III. Reasons Stated by CBOE and MSE for the Combination.

The MSE states it has been unable to create an options trading environment that could attract sufficient capital, acquire threshold market share, or generate adequate industry recognition to compete effectively against the other options exchanges. As a result, the MSE options market generated significant losses in 1977 and only approached the the break even level during the active trading period in 1978. In the MSE's judgment, it could operate a successful options program only if: (1) it could list additional high volume classes with no increase in multiple trading; (2) it could list additional classes of put options; and (3) overall options volume were to remain generally high. The MSE has concluded as a business matter, however, that, even if all these assumptions proved correct, the MSE should nevertheless abandon its options program in view of its small size relative to the other options markets and the delay in expanding that program resulting from the Options Moratorim. Accordingly, the MSE decided to terminate its options business provided that could be done in a manner that afforded its options members and employees an opportunity to continue their options activities with minimal disruption and without additional adverse financial consequences for the MSE's remaining securities activities.

Footnotes continued from last page
subsequently approved by the Board of Directors, and ratified by the membership, of each exchange. *See* SR–CBOE–78–34, Exhibit 2.

[2] Combination agreement, at 1.

[3] Since July 1977, the options exchanges have voluntarily refrained from filing expansionary proposals and from filling authorized but unfilled options classes (the "Options Moratorium"). *See* Securitite Exchange Act Release No. 13760 (July 18, 1977), 42 FR 38035 (July 26, 1977); Securities Exchange Act Release No. 14878 (June 22, 1978), 15 SEC Docket 98 (July 5, 1978); Securities Exchange Act Release No. 15026 (August 3, 1978), 15 SEC Docket 494 (August 15, 1978); and Release No. 15485 (January 10, 1979), 16 SEC Docket 698 (January 23, 1979). In February 1979, the Commission announced its program for implementing certain recommendations made by the Special Study of the Options Markets (the "Options Study"), published on February 15, 1979, and for terminating the Options Moratorium. *See* Securities Excahnge Act Release No. 15575 (February 22, 1979), 16 SEC Docket 1163 (March 6, 1979). While the Combination agreement contemplates the eventual listing of additional options classes by the CBOE, thereby expanding options trading on the CBOE at such time as the Combination is consummated, the Commission has determined to consider the proposed rule changes at this time, as more fully discussed infra, to eliminate the existing uncertainty as to future trading in options classes now traded on the MSE, due in part to the publicity attendant to the execution of the Combination agreement, and to facilitate the lifting of the Options Moratorium for all of the remaining options exchanges.

[4] During the Relocation stage, the MSE will pay over to the CBOE all MSE option fees and OPRA revenues less certain expenses. See n. *infra*. The MSE will assign to CBOE its rights in designated leases and agreements, and the CBOE will assume the MSE's obligations thereunder.

[5] An OBO is a salaried employee of the exchange, who is given exclusive agency authority to maintain the limit order book in specified option classes and who is assigned to the particular trading station where his options are traded. The OBO stands at the focal point of each trading crowd and is responsible for controlling the trading crowd at his station.

[6] The shifting of financial responsibility for that market would begin during the Relocation under the Combination agreement, when all of MSE's options revenues, less specified amounts to be retained by MSE for the operation and regulation of its market, will be paid to CBOE. Upon the effective date of the Combination, CBOE will assume MSE's remaining obligations with respect to its options program, subject to certain indemnification provisions in the Combination agreement, relating to past operations, and MSE will cease to have any responsibility for that program.

[7] Commission approval of the proposed rule changes is based upon a determination by the Commission that, under these circumstances, it is consistent with the Act for the CBOE to expand the number of options classes it currently lists and trades, by filling those additional classes with options formerly listed and traded on the MSE upon fulfillment of certain conditions discussed *infra*.

[8] These rights, privileges and restrictions are set forth in the Combination agreement.

The MSE believes the Combination would accomplish these purposes and would be in the best interests of the MSE, its options members and employees, the securities industry and the investing public. The MSE has advanced a number of reasons, including: (1) The MSE options members will be able to continue to trade options without having to make an additional capital investment or moving to another city; (2) the MSE options employees will have employment opportunities in the Chicago area; (3) the MSE may discontinue its options business without disruption of trading or loss of continunity of surveillance in MSE options; and (4) the MSE may eliminate a potentially serious drain on its resources by its options program.

The CBOE states that the Combination presents the CBOE with the opportunity to acquire a trained and experienced options staff. Moreover, the CBOE states that since its current operational capacity is not fully utilized, the additional volume generated by the MSE options would permit more efficient use of the CBOE's trading floor, its data processing equipment and operational and regulatory personnel. Finally, the CBOE already performs trade comparison services for the MSE using independent computer systems and the Combination would permit a more efficient single system.

IV. Discussion

The Commission finds that the Combination will result in certain benefits for the public: (1) continuity of trading will be maintained in the options currently listed on the MSE; (2) the talent and resources of the MSE options professionals will be preserved; (3) uncertainty as to the future of the MSE options program will be eliminated; and (4) trading in MSE options will become subject to the CBOE's more sophisticated surveillance programs.[9]

The Commission believes that no public benefit would be conferred by denying the MSE the opportunity to eliminate any further financial drain on its resources caused by the operation of its options program or by requiring the MSE to expend those additional resources necessary to fully implement the recommendations of the Commission's Options Study. In addition, the Commission believes that the public interest and the goal of fair and orderly markets will be advanced by the continuity of trading in MSE options provided for in the Combination. The Commission also believes that the public will benefit from the more sophisticated surveillance systems of the CBOE that will be used, immediately upon completion of the Relocation, to monitor trading in MSE options. For these reasons and others set forth above, the Commission has determined to approve the proposed Combination at this time.

The Commission does not believe, however, that the CBOE should be permitted to expand its options trading program by listing former MSE options classes until it has implemented those recommendations of the Options Study which the Commission has requested all options exchanges to implement as a condition to further expansion; to permit the CBOE to expand its options trading program at a time when the other option exchanges are not permitted to do so would place an unfair competitive burden on these other exchanges. Accordingly, the Commission has determined that the CBOE may not list the current MSE options classes until the CBOE has implemented those Options Study recommendations and the Commission determines that the restrictions of the Options Moratorium no longer apply to the CBOE. The Commission has determined, however, for the reasons set forth below, to permit the MSE to relocate its options trading floor to be contiguous with that of the CBOE in the interim period.

The Commission believes that the Relocation does not represent an expansion of the CBOE 's options program within the meaning of the Options Moratorium because (1) trading in MSE options will continue to be conducted by a separate national securities exchange, *i.e.*, the MSE; (2) regulatory responsibility for trading in MSE options will remain with the MSE; (3) all trading activity in MSE options will be conducted pursuant to MSE rules and subject to MSE enforcement; (4) MSE option members will remain MSE members with no change in their rights or obligations; (5) the MSE's OBOs will remain MSE employees; and (6) transferrability of MSE options memberships will remain unrestricted. Moreover, the Commission believes that certain benefits will accrue to the public if the Relocation is permitted to occur at this time, particularly increased operational efficiency and surveillance capabilities with respect to the MSE options.[10]

IV. Competitive impact of the combination

The Commission has determined that the Combination will impose no burden on competition that is not necessary or appropriate in the public interest or in furtherance of the purposes of the Act.

If the consummation of the Combination occurs in an environment in which multiple trading is not restricted, the competitive impact of the listing of MSE's classes by CBOE would be minimal because (1) the CBOE and the MSE, with a single exception,[11] do not trade the same options; (2) the MSE has concluded that it would be unable to compete in a multiple trading environment and, thus, would likely discontinue its options program even if the Combination were not consummated; and (3) past experience indicates that the fact that an exchange may be the first to list an option does not assure that exchange continuing primacy in trading that class.

Even if multiple trading remains restricted to some extent at the time of the consummation of the Combination and remains so for a significant period of time, the Commission does not believe that the Combination would result in any competitive burden that is not necessary or appropriate in the public interest. Based on historical trading volume, the addition of MSE's option classes will not significantly increase CBOE's options volume or substantially alter the market share balance of the remaining options exchanges.[12]

V. Comments on Proposed Rules Changes

By letter dated February 20, 1979, the American Stock Exchange Inc. ("Amex") submitted its comments on the proposed rule changes. The Amex states that the proposed combination is clearly an expansion of CBOE's options market and should not be considered by the Commission at this time, or permitted unless the other options exchange are

[9] In addition, the financial community will obtain certain efficiencies with regard to MSE options as a result of operational improvements now being implemented by the CBOE, including computerized billing and order support systems.

[10] In addition, the Relocation will provide (1) reduced risk of a further drain on MSE's financial resources; (2) opportunity for the MSE to devote greater resources and effort to its stock market and other activities; (3) opportunity for the CBOE to begin assuming its new responsibilities in contemplation of the Combination; and (4) cost savings to member firms through concentration of facilities and personnel in a single location.

[11] The single exception is the American Express Company call options class in which the MSE attracts minimal volume.

[12] Trading in MSE options during 1978 (and for the first quarter of 1979) represented less than 4% of contract volume of all options exchanges. Further, as a result of the announced merger of Carrier Corporation into United Technologies Corporation, MSE trading in Carrier options is expected to decline to *de minimus* levels later this year. Carrier options in 1978 accounted for more than 20% of MSE's options volume.

given similar opportunities to expand their options programs. The Amex stated further that to permit the relocation of MSE's options at this time would give the CBOE an unfair competitive advantage since "from the day that the MSE options began trading on the CBOE floor they will be perceived by the industry to be CBOE options." Finally, the Amex stated its belief that the MSE's "financial needs . . . are not so pressing as to require immediate Commission actions."

As set forth above, the Commission has determined that it is in the public interest to consider the proposed combination at this time to eliminate the uncertainty as to the future of trading in options classes now listed and traded on the MSE. The Commission recognizes that the consummation of the Combination will result in a modest expansion of the CBOE's options market and, accordingly, consistent with the Commission's program for lifting the Options Moratorium,[13] the Commission will not permit the CBOE to list and trade any MSE options classes until the CBOE has implemented those Options Study recommendations which the Commission has requested all options exchange to implement prior to expansion

The Commission, however, does not believe that the relocation of MSE's options trading floor is an expansion of CBOE's options program within the meaning of the Options Moratorium, for the reasons set forth above.[14] In addition, as noted above, the Commission believes that certain benefits will accrue to the public if the Relocation is permitted at this time, and that it will eliminate any risk of further drain on MSE's financial and regulatory resources. Finally, for the reasons set forth above, the proposed Commission does not believe that approval of the proposed rule changes imposes any burden or competition not necessary or appropriate in the public interest or otherwise in furtherance of the purposes of the Act.

VI. Conclusion

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder. The Commission, however, has determined that until the CBOE has implemented those Options Sudy recommendations which the Commission has requested all options exchanges to implement prior to further expansion, the CBOE may not expand the number of authorized call and put classes traded on the CBOE to accommodate those classes currently traded on the MSE.[15] The Commission further has determined, however, that it is in the public interest to permit the MSE to relocate its options trading floor to that of the CBOE at this time, as set forth above.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above referenced rule changes be, and hereby are, approved.

By the Commission.

George A. Fitzsimmons,

Secretary.

[Securities Exchange Act of 1934; Release No. 15762]

[FR Doc. 79-13375 Filed 4-30-79; 8:45 am]

BILLING CODE 8010-01-M

[13] Securities Exchange Act Release No. 15575 (February 22, 1979), 16 SEC Docket 1163 (March 6, 1979).

[14] In this regard, the options exchanges have agreed, pursuant to the terms of the Options Moratorium set forth in Securities Exchange Act Release Nos. 15026 (August 3, 1978), 15 SEC Docket 494 (August 15, 1978), and 14878 (June 22, 1978), 15 SEC Docket 98 (July 5, 1978), to abide by the Commission's determination as to whether particular proposals should be deemed expansionary for purposes of the Options Moratorium.

[15] Prior to consummation of the Combination the CBOE must file with the Commission, pursuant to Rule 19b-4, a proposed rule change to increase the number of authorized put and call classes on the CBOE to accommodate the listing of the current MSE classes, and make the proper filing with the Options Clearing Corporation to list those classes. In the event that the expansion of puts trading is limited to some extent upon the termination of the Options Moratorium, the addition of the former MSE puts classes may be considered in connection with any such limitation applicable to the CBOE.

Donaldson, Lufkin & Jenrette Securities Corp. and Tax Exempt Income, Trust, Series 1 and Subsequent Series; Filing of Application Pursuant to Section 6(c) of the Act for Exemptions From the Provisions of Sections 14(a) and 22(d) of the Act and Rule 19b-1 Thereunder and Pursuant to Section 11 of the Act to Permit Certain Offers of Exchange

April 24, 1979.

In the Matter of Donaldson, Lufkin, & Jenrette Securities Corp. and Tax Exempt Income Trust, Series 1 and Subsequent Series c/o Donaldson, Lufkin & Jenrette Securities Corp., 140 Broadway, New York, New York 10005

Notice is hereby given that Tax Exempt Income Trust, Series 1 (and subsequent Series) (hereinafter referred to collectively as the "Trust" and each series separately as a "Trust"), a unit investment trust, and its sponsor, Donaldson, Lufkin & Jenrette Securities Corporation ("Sponsor") (collectively, "Applicants"), filed an application on February 21, 1979, and amendments thereto on April 11, 1979, and April 16, 1979, for an order of the Commission (a) pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicants from the provisions of Sections 14(a) and 22(d) of the Act, and Rule 19b-1 thereunder, and (b) pursuant to Section 11 of the Act permitting certain offers of exchange described herein. 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.

Applicants state that the Trust will be created by the Sponsor under the laws of the Commonwealth of Massachusetts pursuant to a Trust Agreement and Indenture (the "Trust Agreement") among the Sponsor, State Street Bank and Trust Company as trustee ("Trustee"), and Standard & Poor's Corporation as evaluator ("Evaluator"). Applicants state that Trusts created subsequent to the first series of the Trust ("Trust, Series 1") may have one or more additional entitites acting as Sponsor, Trustee and Evaluator, respectively. Applicants represent that the investment objectives of Trust, Series 1 will be the maintenance of a high level of tax exempt current income and the preservation of capital through investment in a diversified fixed portfolio of long-term state, municipal and public authority debt obligations. Applicants state that Trusts created subsequent to Trust, Series 1 may consist primarily of other types of state, municipal and public authority debt obligations (portfolio instruments of the Trust, including Trust, Series 1, are hereinafter referred to as "Trust Securities"). Any Trust created subsequent to Trust, Series 1, consisting primarily of short-term obligations will hereinafter be referred to as a "Short-term Trust."

Applicants state that once the Sponsor decides to offer a Trust to the public, the Sponsor will prepare and file with the Commission under the Securities Act of 1933 and the Act the documents necessary to create the Trust's structure. There follows a period of accumulation of underlying Trust Securities. When the portfolio is completed, a closing will be held at which the Trust Securities will be deposited with the Trustee and, simultaneously, the Trustee will deliver to the Sponsor a certificate representing units (the "Units") of fractional undivided interests in the Trust (at the rate of approximately one Unit for each $1,000 principal amount or par or

liquidation value of the Trust Securities deposited). Such Units will represent the entire ownership of the Trust. At the present time the Sponsor intends to deposit with the Trustee approximately $10,000,000 principal amount of Trust Securities to be included in the portfolio of the Trust, Series 1 but this figure may be increased or decreased in the case of the Trust, Series 1 or any other Trust depending on market conditions. Contemporaneously with the deposit, an amendment which forms the basis for the final prospectus relating to the Trust will be filed with the Commission.

Applicants represent that in the case of Trust, Series 1, interest and principal received by the Trust will be distributed, less applicable expenses, on the fifteenth day of each month on a pro rata basis to Unitholders of record on the first day of the month. The timing of such distibution may vary for future Trusts. In the case of a Short-term Trust, interest and principal may be distributed only once, at the maturity date of the portfolio instruments.

Applicants further state that while the Sponsor is not obligated to do so, it intends to maintain a market for the Units by offering to purchase such Units at prices based upon the aggregate offering-side evaluation of the Trust Securities, during the initial public offering period, and in the secondary market at prices based upon the aggregate bid-side evaluation of the Trust Securities, plus in each case, sales charges that will be specified in the applicable prospectuses. Units purchased by the Sponsor during the initial public offering period will be reoffered for sale during such period at prices determined on the basis of the offering side evaluation of the Trust Securities. Units purchased by the Sponsor in the secondary market will be reoffered for sale at prices determined on the basis of the bid-side evaluation of the Trust Securities.

Applicants state that in addition to the Trust, the Sponsor expects to offer units in other unit investment trusts in the future, and that such additional trusts may include trusts to be known as "Corporate Income Trust" and "Government Income Trust." Such trusts may include long-term, intermediate-term and short-term series and such other series as may be offered by the Sponsor from time to time. Applicants state that any series of such trusts not consisting primarily of short-term securities will be referred to as a "Conversion Trust".

Section 14(a)

Section 14(a) of the Act provides, in substance, that no registered investment company and no principal underwriter for such company shall make a public offering of securities of which such company is the issuer unless (1) such company has a net worth of at least $100,000; (2) at the time of a previous public offering it had a net worth of $100,000; or (3) provision is made in connection with the registration of such securities that a net worth of $100,000 will be obtained from not more than 25 responsible persons within ninety days after the registration statement becomes effective, or the entire proceeds received, including the sales charge, will be refunded.

Applicants seek an exemption from Section 14(a) in order that a public offering of Units of each Trust, as described above, may be made. They assert that the purpose of Section 14(a) is to prevent the formation of undercapitalized investment companies. Applicants represent that each Trust, at the date of deposit and before any Unit is offered to the public, will have a net worth far in excess of $100,000. Therefore, Applicants maintain that the danger of creating an undercapitalized investment company would not be present in the case of the public offering of Units of the Trust.

As a condition to the requested exemption from Section 14(a), the Sponsor has agreed that the Sponsor and any other underwriters or dealers participating in the distribution of Units, will refund, on demand and without deduction, all sales charges paid by purchasers of Units in an initial public offering, and liquidate the Trust Securities and distribute the proceeds thereof, if within ninety days from the time that a registration statement for such Trust becomes effective, either (i) the net worth of the Trust shall have been reduced to less than $100,000 or (ii) the Trust shall have been terminated. The Sponsor has further agreed to instruct the Trustee on the date Trust Securities are deposited in each Trust, to terminate such Trust in the manner provided in the Trust Agreement and distribute the assets of the Trust to the Unitholders in the event redemption by the Sponsor of unsold Units results in such Trust having a net worth of less than 40% of the principal amount of the initial portfolio. The Sponsor further agrees that should any such termination occur, the Sponsor will refund, on demand and without reduction, all sales charges to purchasers of Units of such Trust from the Sponsor or from any underwriter or dealer participating in the distribution.

Rule 19b-1

Rule 19b-1 provides, in susbtance, that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company," such as the Trust, but permits a unit investment trust to distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt.

Applicants wish to be able to distribute principal, including any capital gains, and interest to Unitholders on a regular basis. They state that distributions of principal constituting capital gains to Unitholders could be expected to be made in the following circumstances: (1) if an issuer calls or redeems an issue held in the Trust portfolio, and (2) if Trust Securities are liquidated to provide funds necessary to meet redemptions of Units. Applicants assert that it is unlikely that capital gains would be realized from sales of Trust Securities by the Trustee at the request of the Sponsor after default in payment of principal or interest or the occurrence of other market or credit factors which, in the opinion of the Sponsor would make retention of such Trust Securities in the Trusts detrimental to the interests of the Unitholders.

Applicants contend that the dangers against which Rule 19b-1 is designed to protect will not exist in connection with the Trust since neither the Trust nor the Sponsor will have control over the events that could trigger capital gains. Applicants represent that in making distributions which include both principal (including capital gains) and interest on a regular basis, the capital gains ncome included in the distribution will be clearly distinguished from interest distributions in the accompanying report by the Trustee to the Unitholder. Applicants further assert that it would be to the detriment of Unitholders for the Trust to be required to withhold monies constituting capital gains from such Unitholders until the end of the taxable year.

Lastly, Applicants point out that Rule 19b-1 specifically provides that a unit investment trust may distribute capital gains dividends received from a regulated investment company within a reasonable time after receipt.

Applicants contend that the purpose of this provision is to avoid requiring such unit trusts to accumulate valid distributions received throughout the year until the year-end, and that the operations of the Trust would fall squarely within such purpose.

Section 22(d)

Applicants state that the Sponsor proposes to offer Unitholders of the various Trusts, except the Short-term Trusts, the privilege of converting their Units into Conversion Trust units at reduced sales charges (an interest in a Conversion Trust is hereinafter referred to as a "Conversion Trust Unit"), and to permit Conversion Trust Unitholders likewise to exchange their Units for Trust Units at reduced sales charges. pursuant to this conversion privilege, the Unitholder could purchase a Conversion Trust Unit either in the secondary market or in the initial public offering period for the Conversion Trust, and a Conversion Trust Unitholder could purchase Units of any Trust, except any Short-term Trust, in either the initial public offering or the secondary market for such Trust.

Applicants state that the proposed conversion privilege would provide Unitholders and Conversion Trust Unitholders a convenient means of transferring their interests as their investment requirements change in a less costly manner than selling their interests to the Sponsor in the secondary market. Under the proposal, when a Unitholder notifies the Sponsor of his desire to exercise his conversion privilege, the Sponsor would deliver to such Unitholder a current prospectus for the series of a Conversion Trust selected by the Unitholder, if such series is available for sale. A similar procedure would apply in the case of a Conversion Trust Unitholder wishing to convert his interest to Trust Units.

Applicants propose to allow a reduced sales charge for all transactions effected pursuant to the conversion privilege. Applicants state that ordinarily, the Sponsor would resell Units of any Trust or any Conversion Trust (i) during the initial public offering period, at a public offering price based upon the offering-side evaluation of such trust's portfolio securities plus a sales charge not exceeding, for the Trust, Series 1, 4.712% of such evaluation, and (ii) in the secondary market, at a public offering price based upon the bid-side evaluation of the portfolio securities plus a sales charge not exceeding, for the Trust, Series 1, 5.263% of such evaluation. Pursuant to the conversion privilege, the Sponsor would sell Converson Trust Units, at a price (i) during the initial public offering period equal to the offering-side evaluation of the portfolio securities divided by the number of Conversion Trust Units outstanding, and (ii) in the secondary market, at a price equal to the bid-side evaluation of the portfolio securities divided by the number of Conversion Trust Units outstanding, plus, in both cases, a fixed sales charge of $15 per Conversion Trust Unit (i.e., about 1½% of the offering price at current market values). Similarly, Conversion Trust Unitholders could exchange their Units for Trust Units at net asset value, based on the offering-side evaluation of the Trust Securities during the initial offering period and upon the bid-side evaluation in the secondary market, plus in either case, a $15 charge per Trust Unit. Applicants stat that a Unitholder would be permitted to acquire pursuant to the conversion privilege whole Conversion Trust Units only, and any excess amount representing the sales price of Units submitted for conversion would be remitted to the Unitholder. The same restriction would apply to Conversion Trust Unitholders who exchange their units for Trust Units.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Since the sales charges for effecting purchases of Conversion Trust Units in their initial distribution or during secondary market trading would be greater than the $15 charge which would apply to purchases made pursuant to the conversion privilege, the exercise of the proposed conversion privilege would be prohibited by Section 22(d) of the Act. Similarly, Section 22(d) would prohibit the purchase of a Trust Unit at a charge of $15 pursuant to the conversion of a Conversion Trust Unit because such charge would be different from the one normally imposed upon sales of the Units in either initial public offering sales or secondary market trading.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally, exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision of the Act or of any rule under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants state that an investor may wish to exercise the proposed conversion privilege for a number of reasons—such as changes in investment goals or requirements. Because of such factors, Applicants contend, there will likely be a continuing need to assess an investor's individual financial and tax position, and in all probability the account executives of the Sponsor and its correspondent dealers will actively participate in financially counselling the investor as to the proper course of action to follow. Because, however, the investor is an existing customer whose essential investment needs have been identified, the real cost of a conversion transaction should be below an initial purchase. For instance, since all the Trusts and Conversion Trusts are similar investment vehicles, an investor interested in converting his units may require less advice than if he were acquiring an interest in an entirely different kind of investment vehicle. Applicants believe that a charge of $15 is a reasonable and justificable expense to be charged for the professional assistance and operational expense of a conversion transaction and that such a sales charge is warranted because it should cover the reasonable costs related to the exercise of the conversion privilege and yet give converting unitholders an opportunity to share in expected cost savings.

Thus, Applicants assert that the sales charge of $15.00 applicable to the conversion privilege achieves an important goal of passing cost savings on to investors and yet fairly compensates dealers for their investment advice, financial planning and operational expenses.

Section 11

Section 11(a) of the Act makes it unlawful for any registered open-end company or principal underwriter therefor to make an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of Section 11(a) shall be applicable to any type of offer of exchange of the securities of a registered unit investment trust for the securities of any other company.

Applicants are requesting an order pursuant to Section 11 approving the exchange of Trust Units for Conversion Trust Units (or Conversion Trust Units for Trust Units) pursuant to the conversion privilege. Applicants point out that such exchange would be made at net asset value, and the only charge would be the $15 fee. Because this charge would accurately reflect the real cost of effectuating such exchanges, Applicants assert that exchanges made pursuant to the conversion privilege would be consistent with Section 11.

Notice is further given that any interested person may, not later than May 15, 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 Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application 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.

[Investment Company Act of 1940; Release No. 10671; 812–4452]

[FR Doc. 79–13376 Filed 04–30–79; 8:45 am]

BILLING CODE 8010–01–M

Fox-Stanley Photo Products, Inc.; Application To Withdraw From Listing and Registration

April 25, 1979.

In the matter of Fox-Stanley Photo Products, Inc. Common Stock, Par Value $1.00.

The above named issuer has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the AMERICAN STOCK EXCHANGE, INC. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Fox-Stanley Photo Products, Inc. (the "Company") has been listed for trading on the Amex since April 10, 1972. On December 15, 1978, the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was suspended from trading on the Amex. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for such stock.

The application relates soley to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before May 25, 1979, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[File No. 1–6676]

[FR Doc. 79–13378 Filed 4–30–79; 8:45 am]

BILLING CODE 8010–01–M

General Public Utilities Corp; Proposed Increases in Holding Company's Capital Contributions to Subsidiaries

April 25, 1979.

In the matter of General Public Utilities Corporation; 260 Cherry Hill Road, Parsippany, N.J. 07054.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission a post-effective amendment to its declaration previously filed and amended in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, as amended by said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 29, 1978 (HCAR No. 20656), GPU was authorized to make cash capital contributions in amounts aggregating up to $90,000,000 through December 31, 1979, to two of its three major electric utility subsidiaries, Jersey Central Power & Light Comany ("Jersey Central") and Pennsylvania Electric Company ("Penelec"), such contributions not to exceed $65,000,000 to Jersey Central and $35,000,000 to Penelec. No authorization was then sought for cash capital contributions to GPU's other major electric utility subsidiary, Metropolitan Edison Company ("Met-Ed") during the year.

By post-effective amendment GPU requests that its authorization to make cash capital contributions to its subsidiaries for the period ending December 31, 1979, be increased from $90,000,000 to $235,000,000. GPU also requests that it be permitted to allocate the respective amounts of the proposed contributions among its subsidiaries so as to best match the needs of each as such needs develop during 1979, provided that within the requested $235,000,000 aggregate limit the capital contributions to Jersey Central, Met-Ed and Penelec would not exceed $180,000,000 ($29,500,000 of which has already been made in 1979), $125,000,000 and $35,000,000, respectively. Those needs will be affected by the earnings and internal cash generation, rate and timing of construction expenditures and indentures and charter restrictions on issuance of funded debt, short-term debt and preferred stock with respect to each subsidiary.

It is stated that the cash capital contributions will be credited by each subsidiary to its respective capital accounts and the funds used for the purpose of financing their respective businesses, including the payment of construction expenditures and the repair and clean-up activities at the Three Mile Island nuclear generating station. The 1979 construction expenditures are currently estimated at $210,000,000 for Jersey Central, $50,000,000 for Met-Ed and $65,000,000 for Penelec.

The fees and expenses to be incurred in connection with proposed

transactions 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 transactions.

Notice is further given that any interested person may, not later than May 21, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and issues of fact or law raised by said declaration, 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 request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commisison may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[Public Utility Holding Company Act of 1935, Rel. No. 21016]
[FR Doc. 79-13379 Filed 4-30-79; 8:45 am]
[BILLING CODE 8010-01-M

Securities Information Processor; Application for Exemption From Registration

Notice is hereby given that Control Data Corporatin ("CDC"), by letter dated March 23, 1979, has applied to the Commission, pursuant to Section 11A(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78k-1(b)(1) and Rule 11Ab2-1 [17 CFR 240.11Ab2-1] thereunder for a determination that it is not an exclusive processor as defined in Section 3(a)(22)(B) of the Act or, alternatively, for an exemption from registration as a securities information processor. Section 11A(b)(1) of the Act requires registration of (or the application and grant of an exemption from registration to) any securities information processor which is an exclusive processor within the definition of Section 3(a)(22)(B) of the Act.

CDC's application was prompted by its February 13, 1979 purchase, through its Service Bureau Company ("SBC") division, of the hardware and software owned by Weeden Holding Corporation and used to operate the Cincinnati Stock Exchange's (the "CSE's") Multiple Dealer Trading System. On the same date, the SBC division contracted with the CSE to provide various data processing and equipment maintenance services necessary to operate the Multiple Dealer Trading System.

In its letter, CDC describes the equipment, personnel and facilities employed by it in furnishing data processing services to the CSE, the operation of the Multiple Dealer Trading System facilities by users, and the functions performed by CDC in the reporting of transactions and quotations. CDC first contends that, because it performs its described functions for only 40 of the approximately 385 issues listed on the CSE and performs none of the functions set forth in Section 3(a)(22) of the Act with regard to the other 345 issues, it is not an exclusive processor within the definition of Section 3(a)(22) of the Act.

If the commission decides that CDC is an exclusive processor, however, CDC requests an exemption from registration. CDC cites as reasons for requesting an exemption that: 1) Its activities as a securities information processor are *de minimis* in relation to the overall volume of such activities occurring on a daily basis, 2) the revenues derived by CDC from such activities are *de minimis* in relation to CDC's total revenues, 3) CDC employees are not directly involved in activities described within the definition of a securities information processor, 4) CDC cannot unilaterally make conceptual changes to the Multiple Dealer Trading System, 5) CDC does not furnish transaction data directly to the Consolidated Tape Association, but rather furnishes such data solely to the CSE, 6) reports which CDC files on Form 10K currently provide the Commission with information which it would receive on Form SIP if CDC were registered as a securities information processor, and 7) CDC has continued to store and provide to the Commission system information which the Weeden Holding Corporation had been storing and providing.

CDC also undertakes, if the Commission grants an exemption, to comply with the notice requirements of Section 11A(b)(5) under the Act, to file such reports as may be required by the Commission of registered securities information processors under Section 17(a)(1) of the Act, and to permit inspection of its records which relate to its operation of the Multiple Dealer Trading System.

While Section 11A(b)(3) of the Act requires the Commission, only upon filing of an application for registration, to publish notice of the filing, the Commission believes it desirable to publish notice of any application for exemption from registration so that interested persons may have an opportunity to submit written data, views and arguments concerning such an application. Accordingly, copies of the CDC application for exemption from registration and all subsequent correspondence relating thereto, other than material which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Persons wishing to submit written data, views and arguments concerning the CDC application should submit them in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 not later than June 1, 1979. Comments should address whether the grant of an exemption from registration would be consistent with the public interest, the protection of investors, and the purposes of Section 11A of the Act, including the maintenance of fair and orderly markets in securities and the removal of impediments to and perfection of the mechanism of a national market system. Comments should also address whether the grant, or failure to grant, such an exemption would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. All communications should refer to File No. S7-775 and will be available for public inspection in the Commission's Public Reference Room.

By the Commission.

George A. Fitzsimmons,
Secretary.

[Release No. 34-15759; File No. S7-775]
[FR 79-13382 Filed 4-30-79; 8:45 am]
BILLING CODE 8010-01-M

United Financial Corporation of California and National Steel Corp.; Notice of Application and Opportunity for a Hearing

April 25, 1979.

In the Matter of United Financial Corporation of California, 700 Market Street, San Francisco, California 94102 and National Steel Corporation, 2800 Grant Building, Pittsburgh, Pennsylvania 15219 (812–4463).

Notice of application pursuant to section 17(b) for an order exempting a proposed transaction from section 17(a) and pursuant to section 17(d) and rule 17d–1 thereunder for an order permitting participation in such transaction.

Notice is hereby given that United Financial Corporation of California ("United") and National Steel Corporation ("National") (collectively "Applicants"), both Delaware corporations, filed an application on April 12, 1979, and an amendment thereto on April 17, 1979, for an order pursuant to Section 17(b) of the Investment Company Act of 1940 ("Act"), exempting from the provisions of Section 17(a) of the Act a proposed merger of NSC Corporation ("NSC"), an indirect wholly-owned subsidiary of National,with and into United and certain transactions contemplated thereby, and pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting Keystone Custodian Funds, Inc., as Trustee for Keystone Custodian Fund, Series S–4, and Polaris Fund, Inc., to participate in those proposed transactions. 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.

Applicants state that United is a savings and loan holding company registered under the Savings and Loan Holding Company Amendments of 1967, and, through its principal subsidiary, Citizens Savings and Loan Association, engages in the savings and loan business in California. Applicants state that National is engaged, together with its subsidiaries, in the manufacture and sale of steel and aluminum products. Applicants represent that National owns approximately 5.2% of the outstanding common stock of United. Applicants also represent that Keystone Custodian Fund, Series S–4 ("Keystone"), owns 456,125 shares or approximately 6.26% of the outstanding United common stock and that Polaris Fund, Inc. ("Polaris") (collectively the "Funds"), an affiliate of Keystone, owns 8,750 shares or approximately .12% of the outstanding United common stock. The Funds are both open-end, diversified management investment companies registered under the Act.

The application states that United, NSC and National entered into a merger agreement ("Merger Agreement") dated March 16, 1979, providing that NSC will be merged with and into United, and United will become an indirect wholly-owned subsidiary of National. Applicants represent that under the Merger Agreement, holders of outstanding shares of United common stock, other than National and those who exercise dissenter's rights, will be entitled to receive $33.60 per share in cash. The application states that on the effective date of the merger, the outstanding shares of NSC capital stock will be converted into one share of United common stock and will represent the only capital stock of United outstanding after the merger. The application also states that following the effective date of the merger, shares of United common stock, other than the one share indirectly owned by National, will represent only the right to receive $33.60 in cash and will no longer represent any interest in United.

Applicants state that consummation of the merger is subject to a number of conditions, including the approval of the Merger Agreement by United stockholders, the approval of the acquisition of control by National of United by the California Department of Savings and Loan ("Department") and the approval of the Federal Savings and Loan Insurance Corporation. The application states that one factor to be taken into consideration by the Department in its decision whether to approve the transaction is the fairness of the merger to stockholders of United.

Applicants represent that all United stockholders will be treated identically in the merger, in that each stockholder (other than National) will be entitled to receive $33.60 per share in cash, unless he or she effectively exercises his or her right to dissent from the merger and demands appraisal for his or her shares. Applicants state that the price per share of $33.60 is substantially greater than the market price of shares of United common stock prior to the public announcement of the proposed merger and is also substantially greater than United's book value per share.

Applicants state that the Merger Agreement was entered into only after extensive arm's length negotiations between United and National. The application states that the United board of directors independently considered the reasonableness and fairness of the transaction and concluded that the price of $33.60 per share is fair and equitable and that the merger is in the best interest of United and its stockholders.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for an affiliated person of a registered investment company, or any affiliated person of such person, knowingly to sell to or purchase from such registered investment company any security or other property. Section 2(a)(3) provides, in part, that an affiliated person of another person means any person directly or indirectly owning 5 per centum or more of the outstanding voting securities of such other person and any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned by such other person. Applicants state that as a result of their collective ownership of over 5% of United common stock, the Funds can be considered affiliated with United within the meaning of the Act. The Applicants also state that National is an affiliate of United since it owns greater than 5 per centum of United common stock, and thus National may be considered an affiliate of an affiliate of the Funds.

The application states that because National is an affiliate of an affiliate of the Funds, the merger, involving the payment by National of $33.60 in cancellation of each share of United common stock, can be construed to constitute the purchase by an affiliate of an affiliate of one or more registered investment companies of securities of such company or companies within the meaning of Section 17(a)(2) of the Act. Section 17(b) of the Act provides, in pertinent part, that the Commission, upon application, shall exempt a proposed transaction from the provisions of Section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Applicants have requested an order pursuant to Section 17(b) of the Act exempting the proposed transaction from the provisions of Section 17(a) of the Act.

Applicants submit that the terms of the proposed merger and transactions contemplated thereby are reasonable and fair and do not involve overreaching because the Merger Agreement was entered into by National and United after extensive arm's length negotiations and before national became the owner

of 5% of the outstanding United common stock. The Applicants also submit that the Funds will be treated identically with all other United stockholders in the merger, becoming entitled to receive the same $33.60 in cash and enjoying the same dissenter's rights. The application states that other than in their respective ownership of United common stock, neither National nor any of its directors, officers or affiliates has any relationship, business or otherwise, with the Funds, or any of their respective directors, officers or affiliates. Similarly, neither the Funds, nor any officer, director or affiliate of the Funds, has any relationship, business or otherwise, with United or National or any of their respective officers, directors, or affiliates, other than the Funds' share ownership.

The Applicants submit that the United Board of Directors, none of whose members has any affiliation with National, the Funds or any of their respective affiliates, has independently considered the reasonableness and fairness of the merger and has concluded that it is in the best interests of United and its stockholders. Applicants also represent that as a condition to the merger First Boston Corporation, an independent investment banker, shall deliver an opinion that the financial terms of the merger are fair to the United stockholders, before the stockholders may vote to approve the merger. The application states that the merger and the fairness of the transactions contemplated thereby are subject to the scrutiny of disinterested third parties in the Department and the Federal Savings and Loan Insurance Corporation, thereby eliminating the possibility of overreaching. Applicants represent that the merger and the transactions contemplated thereby, including the conversion of United common stock into the right to receive $33.60 per share in cash, are consistent with the policies of the Funds as recited in their respective registration statements filed under the Act, and with the general purposes of the Act.

Section 17(d) of the Act and Rule 17d–1 thereunder, in pertinent part, prohibit any affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, from effecting any transaction in which such registered company is a joint participant, unless an application has been filed with the Commission and has been granted by order prior to its submission to security holders for approval. In passing upon such applications, the Commission will consider whether participation by such registered company in such arrangement, on the basis proposed, is consistent with the provisions, policies and purposes of the Act, and the extent to which participation is on a basis different from, or less advantageous than, that of other participants.

The application states that since National and the Funds can both be expected to vote their shares in favor of the adoption of the Merger Agreement and since the merger will involve the payment by National for shares of United common stock owned by the Funds, the Funds and National, as an affiliate of an affiliate of one or both of the Funds, might be argued to be engaging as joint participants in a transaction within the meaning of Section 17(d) of the Act. Alternatively, it might be argued that United, as an affiliate of one or both of the Funds and by virtue of its participation in the merger, is engaging in a transaction in which United and the Funds are joint participants within the meaning of Section 17(d) of the Act. Accordingly, Applicants have requested an order under Section 17(d) of the Act and Rule 17d–1 thereunder permitting the merger and the transactions comtemplated thereby.

Applicants submit that none of the stockholders of United will participate in the merger on a basis different from or less advantageous than that of other stodkholders and that there is nothing in the terms, conditions or circumstances of the merger which would make participation of the Funds or of the Applicants inconsistent in any way with the provisions, policies and purposes of the Act.

Notice is Further Given that any interested person may, not later than may 17, 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(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 79-13377 Filed 4-30-79; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Proposed Rule Change By Chicago Board Options Exchange, Inc.

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 April 16, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Chicago Board Options Exchange's Statement of the Terms of Substance, of the Proposed Rule Change

(Brackets indicate words to be deleted and italics indicate words to be added)

Obligations of Market-Makers

Rule 8.7(a) (no change)

(b) Principal Appointment. With respect to each class[es] of option contracts for which he holds a Principal Appointment under Rule 8.3, a Market-Maker has a continuous obligation to engage, to a reasonable degree under the existing circumstances, in dealings for his own account when there exists, or it is reasonably anticipated that there will exist, a lack of price continuity, a temporary disparity between the supply of and demand for a particular option contract, or a temporary distortion of the price relationships between option contracts of the same class. Without limiting the foregoing, a Market-Maker is expected to perform the following activities in the course of maintaining a fair and orderly market:

(i) Bidding and/or offering so as to create differences of no more than ¼ of $1 between the bid and the offer for each option contract for which the [last preceding transaction price was] *bid is* $.50 or less, no more than ½ of $1 where the [last preceding transaction price was] *bid is* more than $.50 but [did] *does* not exceed $10, nor more than ¾ of $1

where the [last preceding transaction price was] *bid is* more than $10 but [less than] *does not exceed* $20, and no more than $1 where the [last preceding transaction price was] *bid is more than* $20 [or more], provided that the Floor Procedure Committee may establish differences other than the above for one or more series or classes of options. *The bid-ask differentials stated above apply to all but the longest term option series open for trading in each option class. For these series, the bid-ask differential shall be twice the stated amount.*

. . .Interpretations and Policies:

.01 (no change)

[.02 Pursuant to Rule 8.7(b)(i), the Floor Procedure Committee has adopted the following bid-ask differential guidelines: Market-makers shall make bids and/or offers so as to create a differential between the highest bid and the lowest offer in each series of no more than:

½ When the last sale of the option is $10 or less.

¾ When the last sale of the option is greater than $10 and less than $20.

1 When the last sale of the option is $20 or more.

The bid-ask differentials as stated above shall apply to all but the longest term option series open for trading in each option class. For these series, the bid-ask differential shall be twice that stated above.]

[.03] *.02* (no change)

[.04] *.03* (no change)

[.05] *.04* (no change)

Chicago Board Options Exchange's Statement of Basis and Purpose Under the Act for Proposed Rule Change

The proposed rule change would amend Rule 8.7(b)(i) respecting Market-Maker obligations to establish maximum bid/ask differentials based on the last preceding bid for an option contract. The present rule establishes the maximum permissible differential between the bid and the ask for a given option contract based on the last preceding transaction price in that contract. Under the current rule, a problem arises when there is a move in the price of the underlying security but no recent transaction in the option contract. In such a case, the maximum bid/ask differential may be determined by an out-dated option transaction price. By making the maximum bid/ask differential dependent on the current bid for an option contract, the maximum bid/ask differential can be freely established based on a current assessment of the value of an option without regard to the price at which that option last traded.

Interpretation .02 is being deleted as redundant and confusing in light of the bid/ask differentials established in Rule 8.7(b)(i).

The basis under the Act for the proposed change is Section 6(b)(5) which requires that the rules of the exchange be designed to perfect the mechanism of a free and open market and, in general, protect investors and the public interest.

No comments were solicited or received on the proposed rules change.

The Exchange does not believe that the proposed rules change will impose any burden on competition.

By June 5, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted by May 22, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

April 23, 1979.

[Release No. 34-15754; File No. CBOE-1979-3]

[FR 79-13881 Filed 4-30-79; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Proposed Rule Change by New York Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 785(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 29, 1979, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Text of Proposed Rules Changes

(New language italicized, deleted language in brackets [].)

Article X

Dues and Fines, Charge on Net Commissions, Other Charges, Penalty for Nonpayment

Dues—Amount fixed by Board of Directors

Sec. 1. (a) The dues payable by a member described in Section 1(a) or Section 2 of Article IX exclusive of fines and of such other charges as may be imposed pursuant to the Constitution and of contributions under Article XVI, shall be fixed by the Board of Directors from time to time and shall not exceed One Thousand Five Hundred Dollars in any calendar year. Such dues shall be payable in advance on [January 1, April 1, July 1, and October 1] *the first of each month.*

* * * * *

Dues on Transfer of Membership

Sec. 4. When a membership is transferred, the transferee shall pay to the transferor on the date of transfer the unexpired portion of the dues for the [current quarter] *period for which dues are then payable.*

Article XVI

The Gratuity Fund—Initial Contribution

Sec. 1. Every person who shall become a member of the Exchange shall pay to the Trustees of the Gratuity Fund the sum of fifteen dollars before he *or she* shall be admitted to the privilege of membership. For the purpose of this Article the term member shall mean any one of the members described in Section 1(a) of Article IX, but shall not include the lessee of any such membership.

Contribution on Death of Member

Sec. 2. Each member of the Exchange, by signing the Constitution pledges himself *or herself* to make, upon the death of a member of the Exchange, a voluntary gift to the family of such deceased member in the sum of fifteen dollars, [which] *such sums* shall be paid by the member [at quarterly] *monthly* [periods on the dates on which dues] to the Exchange [are to be paid.] The Treasurer of the Exchange shall pay over [quarterly] *monthly* to the

Treasurer of the Gratuity Fund all amounts collected from members under this Article *during the preceding month.*

Distribution to Beneficiaries—[Widow] *Surviving Spouse*

Sec. 4. Should the member die leaving a [widow] *surviving spouse* and no child or children and no issue of a deceased child or children, then the whole sum shall be paid to such [widow] *surviving spouse* for *his or* her own use.

[Widow and issue] *Surviving spouse and issue*

Should the member die leaving a [widow] *surviving spouse* and a child or children or the issue of a deceased child or children, then one-half shall be paid to the [widow] *surviving spouse* for *his or* her separate use. The remaining one-half shall be paid to and divided among the child or children and the issue of any deceased child or children, such issue to take per stirpes and not per capita. If any such child or issue shall be a minor, his or her share be paid to his or her duly appointed guardian of the property.

Issue

Should the member die leaving a child or children or the issue of a deceased child or children and no [widow,], *surviving spouse,* then the whole sum shall be paid to the children and such issue as directed in the preceding paragraph to be done with the moiety.

Collateral beneficiaries

Should the member die leaving neither [widow,] *surviving spouse,* child nor issue of a child, then the whole sum shall be paid to the same persons who would, under the laws of the State of New York, take the same by reason of relationship to the deceased member had he *or she* owned the same at the time of his *or her* death; and if there be no such person, then the amount applicable under Section 3 of this Article in such case shall be held by the Trustees of the Gratuity Fund for the general purposes of that Fund.

Reduction in Amounts To Be Paid by Members

[Sec. 7. As of the close of each quarter in each year, the Trustees of the Gratuity Fund shall, provided the net worth of the Gratuity Fund has been determined (as hereinafter provided) to be in excess of the sum of five hundred thousand dollars, pay to the Treasurer of the Exchange out of the Gratuity Fund (either capital or accumulated income) a sum equal to the lesser of (1) the entire amount of such excess, or (2) such part of such excess as shall equal the aggregate of all amounts paid or payable by members under this Article in respect of deaths of members of the Exchange occurring during such quarter. As and when such sums are received by the Treasurer of the Exchange they shall be credited proportionately against such amounts so paid or payable.]

Sec. 7. As of the close of each quarter in each year, the Trustees of the Gratuity Fund shall, provided the net worth of the Gratuity Fund has been determined (as hereinafter provided) to be in excess of the sum of five hundred thousand dollars, pay to the Treasurer of the Exchange out of the Gratuity Fund (either capital or accumulated income) a sum equal in amount to such portion, if any, of such excess as shall be the highest whole number multiple of $20,475; if there shall be no whole number multiple of $20,475 in such excess, no such sum shall be paid by the Trustee of the Gratuity Fund to the Treasurer of the Exchange with respect to such quarter. As and when such sums are received by the Treasurer of the Exchange they shall be credited proportionately against the first amounts then or thereafter payable by members pursuant to Section 2 of this Article XVI.

Benefits to Members Only

Sec. 8. The provisions of Sections 2, 3, 4, 5 and 6 of this Article XVI shall not extend to the family of any deceased former member whose connection with the Exchange shall have been severed prior to his *or her* death by the transfer of his *or her* membership whether such transfer shall have been made by the member or his *or her* legal representatives or by the Board of Directors pursuant to the Constitution, or who has been expelled, but shall extend to the family of a deceased member who was suspended at the time of his *or her* death.

The first and last paragraphs of Section .27 of Exchange Rule 301 is hereby amended to read as follows: .27 Payments to be made on day of approval of transfer or lease and payments to be made prior to admission to membership. On the day on which the application for a membership described in Section 1(a) of Article IX of the Constitution is scheduled to be considered; the proposed member (hereinafter referred to as a "new member.") must deposit with the Exchange the balance of the purchase price of his membership, and pay to the Exchange an initial contribution to the Gratuity Fund of $15 (Art. XVI, Sec. 1 [¶1751]), the unexpired portion of the transferor's dues for the [current quarter] *period for which dues are then payable* (Art. X, Sec. 4 [¶1454]), and an initiation fee for the transfer of such membership which shall be determined as follows, notwithstanding the provisions of Section 6 of Article IX:

On the day on which an application for a membership described in Section 2 of Article IX of the Constitution is scheduled to be considered, the proposed member shall pay to the Exchange an initiation fee for the leasing of a membership described in Section 1(a) of Article IX which *initiation fee* shall be the greater of $1,000 or five percent of the purchase price at which the most recent contracted sale of a membership occurred through the auction facility prior to the date on which notice of such new member is posted, up to a maximum amount of $5,000, and *pay to the lessor* the unexpired portion of the lessor's dues for the [then current quarter] *period for which dues are then payable,* provided, however, that no initiation fee shall be required upon the renewal of a lease agreement between the lessor and the lessee. Upon the termination of the lease agreement, the lessor shall pay the lessee the unexpired portion of the dues for the [then current quarter] *period for which dues are then payable.*

Purpose of Proposed Rule Change

The purposes of the proposed rules changes were (i) to provide that Dues (Article X) payable by members are to be paid monthly in advance rather than quarterly in advance, (ii) to provide that Gratuity Fund (Article XVI) charges are to be billed monthly rather than quarterly (iii) to add to the Gratuity Fund Provisions such gender references as are appropriate to recognize the preexisting fact that a member may be either a male or a female person and (iv) to clarify that female members of the Exchange are eligible for all benefits conferred by the Gratuity Fund.

Basis Under The Act For Proposed Change

a(i) through (iii) and (v) through (viii) not applicable. a(iv) The proposed rules changes modify the time of payment of Dues and Gratuity Fund contributions payable by Exchange members and change gender references so as to give explicit recognition to the preexisting fact that a member may be either a male or a female person.

Comments Received From Members Participants or Others on Proposed Rule Change

The Exchange has not solicited comments regarding the proposed change, nor has the Exchange received any comments from members or others.

Burden On Competition

None.

Basis For Rule Change Being Put Into Effect Pursuant To Section 19(b) (3).

In accordance with Section 19(b) (3)(A) (ii) and (iii) the proposed rules changes take effect immediately, upon the close of business on March 31, 1979, as they change the time of payment of certain fees and are concerned solely with the administration of the self-regulatory organization.

The Exchange now bills its members monthly rather than quarterly for services and fees. In order to bill Dues and Gratuity Fund charges monthly, changes to the rules are required.

At any time within sixty days of the date of filing of these proposed rules changes, the Commission summarily may abrogate the 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 covering the foregoing. Persons desiring to make written submissions should file six 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, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal offices of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption below and should be submitted on or before May 31, 1979.

George A. Fitzsimmons,

Secretary.

April 24, 1979.

[Release No. 34-15761; File No. SR-NYSE-79-13]

[FR Doc. 79-13380 Filed 4-30-79; 8:45 am]

BILLING CODE 8010-01-M

Second Greyhound Leasing Co.; Filing of Application Pursuant to Section 6(c) of the Act for Amendment of an Order Exempting Applicant From All Provisions of the Act

April 25, 1979.

Notice is hereby given that Second Greyhound Leasing Company ("Applicant") c/o Greyhound Leasing & Financial Corporation, 1500 Greyhound Tower, Phoenix, Arizona 85077, filed an application on March 12, 1979, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") for an amendment of an order of the Commission ("Order") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Pursuant to the Order issued on November 28, 1977 (Investment Company Act Release No. 10030), Applicant was exempted pursuant to Section 6(c) from all provisions of the Act, subject to certain conditions, one of which restricted to 10% the ratio which Applicant's assets and net income could bear to the consolidated total assets and net income of Greyhound Leasing & Financial Corporation ("Leasing"), Applicant's parent and a wholly-owned subsidiary of The Greyhound Corporation ("Greyhound"). This limitation was used to determine when Applicant was a "significant subsidiary" of Leasing.

Applicant represents that Greyhound, the ultimate parent of Applicant, is not an investment company within the meaning of the Act. Applicant further represents that Leasing is not an investment company within the meaning of the Act and, except for loan agreement limitations, could undertake the credit agreement and Term Loan Agreement, as discussed below, and conduct directly the business of Applicant.

Applicant submits that subsequent to the issuance of the Order, Applicant and certain banking institutions entered into a credit agreement for the purpose of refunding certain demand notes relating to, and providing additional funds to Applicant for the purchase of, sinking fund preferred stocks. Applicant states that such credit agreement provided for both revolving and term loans, with the term loan provisions being operative upon termination of the revolving loan commitments. Such credit agreement also has been supplemented and amended from time to time (i) to reflect extension and enlargement of the credit as originally contemplated, (ii) to make technical changes, and (iii) to permit the revolving and term portions of the credit agreement to operate concurrently. Applicant also states that to facilitate the concurrent operation of the revolving and term portions of the credit agreement and to assist Applicant in more closely correlating its fixed rate assets and fixed rate debt, Applicant and certain banks participating in the credit agreement entered into a "Term Loan Agreement."

Applicant represents that it does not and will not engage in any activity or business other than the ownership, acquisition or holding of certain unregistered preferred stock, the incurrence of indebtedness to effect such acquisitions, and the payment of dividends and management fees and business expenses to Leasing. According to the application, Applicant's business is and will be conducted utilizing the personnel of Leasing since Applicant has and will have no employees. Applicant states that it does not and will not offer any of its debt or equity securities to the general public. Applicant represents that the banks which have advanced funds to Applicant under the credit agreement and Term Loan Agreement have received and will continue to receive all information necessary for knowledge of the financial and business status of Applicant and Leasing, and do not need the protection of the Act.

Applicant submits that as of December 31, 1978, it had total assets of $53,822,202, consisting entirely of investment securities, dividends receivable and an inter-company receivable for tax benefits; it had total liabilities of $47,841,548, consisting of loans payable under the credit agreement and Term Loan Agreement and related accrued interest payable, short-term advances and deferred federal income taxes; and it had $5,980,654 in equity and retained income.

As of December 31, 1978, the assets of Applicant constituted approximately 7.5% of the consolidated total assets of Leasing, and the net income of Applicant constituted total assets of Leasing, and the net income of Applicant constituted approximately 4.2% of the consolidated net income of Leasing. Applicant represents that while it does not constitute a significant subsidiary of Leasing, purchases of preferred stock by Applicant during 1978 constituted a material part, i.e. 23.9%, of

Leasing's consolidated new business bookings.

Applicant anticipates that attractive preferred stock investment opportunities will continue to become available, and it asserts that its volume of business should not be limited, or new business opportunities dismissed, solely on the basis of whether or not Applicant's total assets or net income equal or exceed 10% of Leasing's total assets or net income. Applicant states that if Leasing were not restricted by its debt agreements from conducting directly the business of Applicant, then Leasing would be free to own investment securities amounting to just under 40% of the value of Leasing's total assets (exclusive of Government securities and cash items) on an unconsolidated basis without being considered an "investment company" within the meaning of the Act.

Applicant submits that the application has been filed because the exemption granted to Applicant by the Order is conditioned upon, and Applicant is subject to, a limitation which, unless amended, operates in practice to restrict Applicant's business below the 10% limits applicable to its determination as a significant subsidiary of Leasing and operates generally to restrict the business of Applicant to an extent not imposed by the Act upon Applicant's parents, Leasing and Greyhound.

Section 6(c) of the Act provides, in part, that the Commission by order upon application may conditionally or unconditionally exempt any person from any provision or provisions of the Act 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 requests an order amending the Order, entered pursuant to Section 6(c) of the Act, to effect an increase to 15% from 10% in the ratio of total assets or net income of Applicant to the consolidated total assets or consolidated net income of Leasing which would require Applicant to notify the Commission of this change in Applicant's relationship to Leasing. Except as proposed to be amended by the order hereby requested, the conditions set forth in the Order will remain in full force and effect.

Notice is further given that any interested person may, not later than May 21, 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.

[Rel. No. 10673; (812–4179)]

[FR Doc. 79–13487 Filed 4–30–79; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF STATE

Agency for International Development

Housing Guaranty Program for Lebanon; Information for Lenders

The Agency for International Development (A.I.D) has authorized a guaranty of a loan in an amount not to exceed $15,000,000 to finance a project for the repair or reconstruction of dwelling units for low-income families in Lebanon. Eligible investors as defined below are invited to make proposals to the Council for Development and Reconstruction. The full repayment of the loan will be guaranteed by A.I.D. The A.I.D. guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority in Section 222 of the Foreign Assistance Act of 1961, as amended (the Act).

This project is referred to as Project No. 268–HG–001.

Lenders (Investors) eligible to receive an A.I.D. guaranty are those specified in Section 238(C) of the Act. They are: (1) U.S. citizens; (2) domestic U.S. corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

Selection of an eligible investor and the terms of the loan are subject to approval by A.I.D. The investor and A.I.D. shall enter into a Contract of Guaranty, covering the loan. Disbursements under the loan will be subject to certain conditions required of the borrower by A.I.D. as set forth in an implementation agreement between A.I.D. and the borrower.

To be eligible for guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate established from time to time by A.I.D. The Borrower projects a schedule of disbursements covering approximately a twelve-month period from the date of the Loan Agreement including an initial disbursement at signing of approximately four million dollars ($4,000,000) with two additional disbursements of approximately five million dollars ($5,000,000) and six million dollars ($6,000,000) respectively at four to six month intervals.

The borrower desires to receive proposals from eligible investors as defined above. The proposals should be based on the indicated disbursement schedules shown above. Since investor selection will be made on the basis of the proposals, the proposals should contain the best terms to be offered by investors. The proposals should state:

A. The fixed interest rate per annum for a period not to exceed thirty (30) years from the first disbursement.

B. The grace period for repayment of principal, such period not to exceed ten (10) years.

C. The minimum time during which prepayment of principal will not be accepted.

D. The investor's commitment or service fee, if any, and schedule of payment of such fee.

E. The period during which the proposal may be accepted which shall be at least seventy-two (72) hours after the closing date specified below.

The proposal may state other terms and conditions which the investor desires to specify. After investor selection by the borrower and approval by A.I.D., the borrower and investor shall negotiate all other terms and conditions of the Loan Agreement.

In the event the investor will engage in the reselling of the loan to other persons, the investor must provide for the servicing of his loan, i.e., recordation

and disposition of loan payments received from the borrower.

The closing date by which prospective investors are requested to submit proposals to the borrower is the close of business (1700 hours, Beirut time) on Tuesday, May 22, 1979. Negotiation of the Loan Agreement and Contract of Guaranty is expected to take place in June 1979 in Washington, D.C. or Beirut, in the event the investor maintains an office in Beirut.

Eligible investors are invited to consult promptly with the borrower. Those investors interested in extending a loan to the borrower should communicate with the borrower at the following address: Dr. Mohamed Atallah, President, Council for Development and Reconstruction, Presidential Palance, Ba'Abda, Lebanon, Telex No. 21000.

Information as to the eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from: Director, Office of Housing, Agency for International Development, Room 625, SA/12, Washington, D.C. 20523, Telephone: (202) 632–9637

To facilitate A.I.D. approval, copies of proposals made to the borrower may, at the investor's option, be sent to A.I.D. at the above address on or after the closing date noted above.

This notice is not an offer by A.I.D. or by the borrower. The borrower and not A.I.D. will select an investor and negotiate the terms of the proposed loan.

Dated: April 20, 1979.

David McVoy,

Assistant Director for Operations, Office of Housing.

[FR Doc. 79-13453 Filed 04-30-79; 8:45 am]

BILLING CODE 4710-02-M

Office of the Secretary

National Gallery of Art; Delegation of Functions Under the Joint Resolution

By virtue of the authority vested in me by the Joint Resolution providing for the construction and maintenance of a National Gallery of Art of March 24, 1937, as amended (50 Stat. 51, 20 U.S.C. 71 et seq.), Section 205 of the Foreign Relations Authorization Act, Fiscal Year 1979 of October 7, 1978 (92 Stat. 975) and Section 4 of the Act of May 26, 1949, as amended (63 Stat. 111, 22 U.S.C. 2658), it is ordered as follows:

Sec. 1. While reserving to the Secretary of State the title of Trustee ex officio, and the right at any time to exercise the functions conferred on the Secretary of State by the Joint Resolution, such functions are hereby delegated to the Deputy Secretary of State.

Sec. 2. In the event of inability of the Deputy Secretary of State by reason of sickness, absence, other duties, or otherwise to perform the functions, the Director of the International Communication Agency, who has consented to this delegation, is authorized to perform such functions.

Sec. 3. This Delegation of Authority shall be effective April 26, 1979, and shall supersede Delegation of Authority No. 133 of December 10, 1975.

Dated: April 24, 1979.

Cyrus R. Vance,

Secretary of State.

[Public Notice 661; Delegation of Authority No. 133-1]

[FR Doc. 79-13495 Filed 4-30-79; 8:45 am]

BILLING CODE 4710-01-M

Shipping Coordinating Committee; Subcommittee on Safety of Life at Sea; Meeting

The working group on ship design and equipment of the Subcommittee on Safety of Life at Sea (SOLAS), a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting at 9:30 on May 17, 1979 in Room 8236/38 of the Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

The purpose of this meeting will be to review the Twentieth and prepare for the Twenty-first Session of the Ship Design and Equipment Subcommittee of the Intergovernmental Maritime Consultative Organization (IMCO) which is scheduled for October 15–19, 1979 in London. The agenda includes consideration of the Subcommittee report for the Twentieth Session and discussion of the following for the Twenty-first Session: steering standards for tankers contained in the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974; revision of IMCO Resolution A.325; special purpose ships offshore supply vessels; noise level on board ships; maneuverability of ships; diving systems, and nuclear merchant ships.

Request for further information should be directed to Captain R. L. Brown, United States Coast Guard, 400 Seventh Street, S.W., Washington, D.C. 20590, telephone (202) 426–2167.

The Chairman will entertain comments from the public as time permits.

John Lloyd III,

Acting Director, Office of Maritime Affairs.

April 20, 1979.

[Public Notice CM-8/188]

[FR Doc. 79-13452 Filed 4-30-79; 8:45 am]

BILLING CODE 4710-01-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Bi-Modal Corp.; Report and Order

The Federal Railroad Administration (FRA) is considering a waiver request filed by Bi-Modal Corporation (Bi-Modal). That waiver request seeks authority from FRA to operate a vehicle that Bi-Modal designates as a "RoadRailer" without compliance with the provisions of 49 CFR Part 215 (Freight Car Safety Standards), 49 CFR Part 231 (Safety Appliance Standards) and 49 CFR Part 232 (Power Brake Rules).

The Railroad Safety Board (Board) of the FRA, which has been delegated responsibility for determining whether to grant such waiver requests, responded to the Bi-Modal waiver petition by issuing a public notice describing the vehicle and the nature of the waiver request. That notice was published in the **Federal Register** on January 26, 1979 (44 FR 5545). The Board requested written comments or views on the proposed waiver from all interested parties. Additionally, the Board held a public hearing on February 28, 1979 to permit oral comment in this proceeding.

The Board has received a considerable response to that notice. Those responding, both in writing and during the public hearing, generally supported the granting of a waiver on a temporary basis.

In reviewing those comments, the Board noted that several parties expressed concern over the legal authority of FRA to grant the requested waiver. Of particular concern to these parties was the act that some of the regulatory provisions involved in this request were based on the very specific statutory language contained in the Safety Appliance Acts (27 Stat. 531, 45 U.S.C. 1–16) apparently requiring that all railroad freight cars must be equipped with certain safety devices such as sill steps, handholds and hand brakes.

The Board has concluded that the FRA has the general legal authority to grant the requested waiver. That authority is contained in the Federal Railroad Safety Act of 1970 (FRSA)

(Pub. L. 91–458, 84 Stat. 971, 45 U.S.C. 421). The FRSA authorizes FRA to prescribe, as necessary, safety regulations and standards for all areas of railroad safety and further empowers FRA to conduct any research, development or testing, that is deemed necessary or appropriate for all areas of railroad safety. This broad grant of authority clearly reflects a legislative intent to significantly broaden the regulatory authority of the FRA. Consequently, the Board has concluded that the FRSA permits FRA to use its testing authority even in those instances where a waiver request involves regulations adopted under the authority of Federal safety statutes other than the FRSA. In point of fact, FRA has previously used this authority in similar situations on at least two prior occasions.

Having concluded that it has the general legal authority to issue such waivers and after reviewing the legislative history of the Safety Appliance Acts and the legal decisions construing these provisions, the Board has also concluded that these statutory provisions do not preclude the granting of the waiver request sought by Bi-Modal. These provisions basically indicate that all railroad freight cars must be equipped with certain devices, such as sill steps, handholds and hand brakes. However, the provisions delegate to the Interstate Commerce Commission (ICC), the regulatory authority to determine how to accomplish the congressional intent.

The provisions of the Safety Applicance Acts were basically adopted at the turn of the century and were intended to remedy a tragic history of injuries and fatalities associated with the types of freight cars and locomotives then in service. One aspect of that problem involved the lack of uniformity in the safety features of that equipment and the statutes spoke directly to that issue. In recognition, however, of the many variables involved in railroad equipment Congress provided the ICC with authority to issue regulations that would accomplish its intent.

This regulatory authority was exercised by the ICC until the creation of the Department of Transportation when that authority was transferred to the FRA. The current regulations implementing that authority are basically contained in the Safety Appliance Standards (49 CFR Part 231).

The statute and the current regulations have, as an unstated premise, the concept that railroad freight cars will be utilized and operated in a very traditional manner. That traditional pattern involves considerable switching movement of the quipment and frequent bi-directional operation. In such a traditional pattern, the need for the prescribed devices is manifest and the current regulatory provisions are essential for employee safety.

The Board finds that proposed test operation for the "RoadRailer" vehicle will not fit within the traditional operational pattern for existing railroad freight cars. Additionally, these vehicles can be expected to operate over the existing highway network where the traditional freight cars cannot operate.

Based on these operational differences, the Board has concluded that the proposed testing of these vehicles without installation of the enumerated devices would not be inconsistent with the Safety Applicance Acts as long as the terms of that operational testing would be in the public interest and consistent with railroad safety.

All of the commenters indicated their belief that the proposed waiver would be in the public interest in order to gain some operational experience with these vehicles. A prime factor for these commenters is the anticipated goals of significant fuel savings and reduced transportation costs that could be accomplished by the use of these vehicles. The Board believes that accomplishing such goals are clearly in the public interest and that granting the requested waiver to determine whether they can be achieved by these vehicles is likewise in the public interest.

The issue of whether granting the requested waiver is consistent with railroad safety is to some degree complicated by the facts involved in this proceeding.

The vehicle involved, the "RoadRailer", exists only in the form of two prototype units. These two units have been subjected to some operational testing in a controlled environment. Based on those test efforts, some data about the safe operational characteristics of the vehicle are available and have been provided to the Board. However, since only two units are available, many operational characteristics have not been tested and many safety questions will remain unanswerable until larger numbers of these units have been built and operated.

One approach to this lack of data problem would be to require that Bi-Modal submit further details based on extensive operational testing of multiple units of these vehicles. If such testing were accomplished in a controlled environment such as the Test Center at Pueblo, Colorado, the risk of exposure for all parties would be significantly curtailed. Although this approach has great appeal from a safety perspective, the information available to the Board indicates that such an approach would effectively terminate further efforts to develop the "RoadRailer" concept since Bi-Modal has inferred that it lacks the necessary capital to shoulder the burden of such testing and that the costs are of such magnitude that it believes the private sector of the economy would be unwilling to provide the necessary capital for such a research effort. It is this economic problem that serves as the primary basis for Bi-Modal's request that it be allowed to conduct further testing of these units while they are in revenue service on parts of the general railroad system of transportation.

Permitting data acquisition through test operations on parts of the general system of transportation clearly increases the magnitude of risk exposure for all involved parties as well as the general public. Consequently, the Board is faced with examining the magnitude of risk involved in this approach if it is to avoid effective curtailment of the development of this concept.

In attempting to assess this risk issue, the Board noted that the concept of the "RoadRailer" is not without precedent. Similar units were operated in this country by the Chesapeake and Ohio Railway Company for a number of years. Additionally, such units were operated in England for a period of time. The Board has not learned of any safety problems that were associated with these units during these operations. Consequently, the Board believes that magnitude of risk involved in the operation of the present units is acceptable under certain conditions. In reaching this conclusion, the Board is mindful of the differences between the "RoadRailer" as proposed by Bi-Modal and the similar units that were operated several years ago.

Based on this analysis, the Board has granted Bi-Modal a temporary waiver of compliance with the provisions of 49 CFR Part 215 (Freight Car Safety Standards), 49 CFR Part 231 (Safety Appliance Standards) and 49 CFR Part 232 (Power Brake Rules). This temporary waiver is subject to several conditions.

The initial condition imposed by the Board is that Bi-Modal conduct a bench test of the air brake system that will be used on these vehicles. This bench testing must be accomplished and the results furnished to FRA prior to initiation of any operational testing of the vehicles. The Board believes that the

proposed electro-pneumatic brake system for these vehicles has not previously been used in railroad service in this country and that it is necessary to have test data indicating the control capabilities of this system prior to its use under operational conditions. Therefore the Board has required that Bi-Modal construct a complete mock up of the air brake system. The mock up shall be constructed so as to duplicate the brake equipment located on the locomotive, adapter car and proposed for installation on each single "RoadRailer" unit. The simulator must reflect the equipment and configuration that will be used for the longest train that Bi-Modal proposes to operate.

Subsequent to submission of the data obtained from this simulator, the Board authorizes Bi-Modal to test its units on any railroad that is part of the general system of transportation provided that such testing is conducted at specific locations under carefully controlled conditions. In order for FRA to effectively monitor adherence to this provision the Board has required that sixty days prior to the proposed initiation of any operational test program, Bi-Modal and the railroad involved shall jointly submit to FRA for approval details about the proposed test location and the proposed test methodology.

During the initial test operations, Bi-Modal and any involved railroad are limited to operating trains composed of no more than fifteen "RoadRailer" units. After operational experience has been obtained with trains of up to fifteen units, the Board will permit the use of additional units. The use of such additional units will be permitted for increments of up to five more vehicles upon the submission of appropriate data to FRA.

All operational testing of these vehicles must be conducted in compliance with provisions of 49 CFR Part 221 (Rear End Marking Devices) and all other FRA Railroad Safety Regulations contained in 49 CFR Chapter II. Additionally, the vehicles may not be used to transport commodities subject to the hazardous materials regulations which require placards under Subpart C of Part 174. (49 CFR Part 174.) In conducting these operational tests, Bi-Modal and the railroad involved shall use an adapter car and shall not commingle the "RoadRailer" vehicles with traditional freight or passenger cars.

The Board has supplemented the conditions imposed in this report and order with several recommendations to Bi-Modal concerning the proposed test operations. These recommendations and some minor technical conditions are contained in written communications to Bi-Modal. These communications have been placed in the Public Docket for this proceeding, and may be obtained from FRA upon request.

Based on these conditions, the Board has concluded that it is appropriate to grant Bi-Modal the requested waiver for a period of operational testing not to exceed five years. That five years shall commence as of the date that the Board approves the first joint submission from Bi-Modal and any railroad to initiate operation. In the event that such approval does not occur within two years from the date of this report and order, the waiver shall terminate without further action by the Board.

(Sec. 202 and 208, Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 437); Sec. 1.49(n), Regulations of the Office of the Secretary of Transportation (49 CFR 1.49(n)).)

Issued in Washington, D.C. on April 25, 1979.

J. W. Walsh,
Chairman, Railroad Safety Board.

[FRA General Docket H-78-2]
[FR Doc. 79-13493 Filed 4-30-79; 8:45 am]
BILLING CODE 4910-06-M

DEPARTMENT OF THE TREASURY

Customs Service

Importation of Tuna and Tuna Products From Peru Prohibited

AGENCY: U.S. Customs Service, Department of the Treasury

ACTION: General Notice.

SUMMARY: This notice is to advise that under the Fishery Conservation and Management Act of 1976 ("the Act"), the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs has certified to the Secretary of the Treasury that a United States fishing vessel, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, was seized by Peru as a consequence of a claim of jurisdiction which is not recognized by the United States. Pursuant to section 205(b) of the Act, the Secretary of the Treasury has determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Peru is prohibited until the Department of State notifies the Secretary of the Treasury that the reasons for this prohibition no longer prevail.

EFFECTIVE DATE: This prohibition is effective as to tuna and tuna products from Peru imported on or after May 1, 1979. Such importations shall not be entered for consumption or withdrawn from warehouse for consumption on or after that date.

FOR FURTHER INFORMATION CONTACT: Harrison C. Feese, Entry, Examination, and Liquidation Branch, Duty Assessment Division, Office of Operations, U.S. Customs Service, 1301 Constitution Avenue, N.W., Washington, D.C. 20229 (202-566-8651).

SUPPLEMENTARY INFORMATION:

Background

Section 205(a)(4)(C) of the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), provides that the Secretary of State shall certify to the Secretary of the Treasury any determination that a fishing vessel of the United States, while fishing in waters beyond any foreign nation's territorial sea, to the extent that such sea is recognized by the United States, has been seized by a foreign nation as a consequence of a claim of jurisdiction not recognized by the United States. The responsibility for this certification was delegated to the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs by Department of State Delegation of Authority No. 138 of April 29, 1977.

Pursuant to section 205(b) of the Act, upon receiving the certification, the Secretary of the Treasury is required to take such action as may be necessary and appropriate to prohibit the importation of all fish and fish products from the fishery involved.

Section 205(c) of the Act provides that if the Secretary of State finds that the reasons for the import prohibition under section 205 no longer prevail, the Secretary of State shall notify the Secretary of the Treasury, who shall promptly remove the import prohibition.

On February 27, 1979, the DON JUAN, a fishing vessel of the United States, was seized by authorities of the government of Peru approximately 40 miles off the shore of Peru for fishing tuna without Peruvian authorization. Peru claims jurisdiction over tuna within 200 miles of its coast. The United States does not recognize this jurisdiction.

Pursuant to section 205(a) of the Act, on April 2, 1979, the Assistant Secretary of State certified the seizure of the DON JUAN while fishing in waters beyond the jurisdiction of Peru.

Determination

Under the authority of sections 205(b) and (c) of the Fishery Conservation and Management Act of 1976, on April 20, 1979, the Secretary of the Treasury determined that the entry for consumption or withdrawal from warehouse for consumption of tuna and tuna products from Peru (the "country of origin") is prohibited until the Department of State notifies the Secretary of the Treasury that the reasons for this prohibition no longer prevail.

Drafting Information

The principal author of this document was Laurie Strassberg Amster, Regulations and Legal Publications Division, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Treasury Department participated in its development.

Dated: April 20, 1979.

Richard J. Davis,

Assistant Secretary of the Treasury.

[FR Doc. 79-13410 Filed 4-30-79; 8:45 am]

BILLING CODE 4810-22-M

Reimbursable Services—Excess Cost of Preclearance Operations

April 25, 1979.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning May 6, 1979.

Installation	Biweekly excess cost
Montreal, Canada	$13,207.00
Toronto, Canada	24,094.00
Kindley Field, Bermuda	5,170.00
Freeport, Bahama Islands	10,032.00
Nassau, Bahama Islands	14,768.00
Vancouver, Canada	8,051.00
Calgary, Canada	5,367.00
Winnipeg, Canada	1,870.00

Jack T. Lacy,

Assistant Commissioner of Customs (Administration).

[T.D. No. 79-127; FIS-9-05-A:A:O]

[FR Doc. 79-13492 Filed 4-30-79; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Melamine in Crystal Form From Austria, Italy and the Netherlands; Antidumping Proceeding Notice

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigations.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and antidumping investigations are being initiated for the purpose of determining whether imports of melamine in crystal form from Austria, Italy and the Netherlands are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. Sales at less than fair value generally occur when the prices of the merchandise sold for exportation to the United States are less than the prices in the home market.

EFFECTIVE DATE: May 1, 1979.

FOR FURTHER INFORMATION CONTACT: Holly A Kuga, Operations Officer, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue N.W., Washington, D.C. 20229, telephone (202-566-5492).

SUPPLEMENTARY INFORMATION: On March 23, 1979, a petition in proper form was received pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel on behalf of Melamine Chemicals, Inc. ("MCI"), Donaldsonville, Louisiana, alleging that imports of melamine in crystal form from Austria, Italy, and the Netherlands are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

The merchandise under consideration is described as "melamine in crystal form" provided for in item 425.10 of the Tariff Schedules of the United States Annotated (TSUSA).

Price information in the petition based on home market and export sales to the United States during the latter part of 1978 indicate margins of approximately 52 percent with respect to Austria, 38 percent with respect to Italy and 30 percent with respect to the Netherlands.

There is evidence on record concerning injury to, or the likelihood of injury to, an industry in the United States. For purposes of determining whether to make a preliminary referral to the International Trade Commission (ITC) on the question of injury, Treasury has aggregated the imports from the three countries named in the petition in assessing the injury caused by the alleged sales at less than fair value. The product in this case appears to be fungible. Therefore, Treasury has not differentiated the alleged injury caused by imports from one country in relation to the injury caused by imports from another.

The evidence of injury presented indicates that imports of the subject merchandise from the three countries under consideration have increased sharply since 1976, both in absolute terms and in terms of market share. Available information further indicates that production, sales, capacity utilization and capital investment in the domestic industry have all declined in recent years. Moreover, one domestic producer recently terminated production of this product. Petitioner has presented evidence of lost sales and suppressed prices which have resulted in an inability to maintain profits in the face of increasing costs over the last few years. The alleged underselling appears to be entirely accounted for by the alleged sales at less than fair value. Consequently, it appears that the current conditions within the domestic industry may be related to the alleged sales of melamine at less than fair value from Austria, Italy and the Netherlands.

Based upon the above, Treasury has determined that this case should not be referred to the ITC for a preliminary injury determination pursuant to section 201(c)(2) of the Act.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

Robert H. Mundheim,

General Counsel of the Treasury.

April 24, 1979.

[FR Doc. 79-13489 Filed 4-30-79; 8:45 am]

BILLING CODE 4810-22-M

INTERSTATE COMMERCE COMMISSION

Assignment of Hearings

April 26, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices

of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 133095 (Sub-208F), Texas Continental Express, Inc., now assigned for hearing on May 16, 1979 at New Orleans, La., is canceled and application dismissed.

MC-C-10166, North American Van Lines, Inc. Molloy Bros. Trucking, Inc. Aero Mayflower Transit Company, Inc. Paramount Moving & Storage Co., Inc., And Red Ball Van Lines, Inc.—Investigation and Revocation Of Certificates, now assigned for prehearing conference on May 4, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 103926 (Sub-No. 75F), W. T. Mayfield Sons Trucking Co., now assigned for hearing on June 19, 1979, (9 days), at Tampa, Fla., is canceled and reassigned to the Marriott Hotel, 6700 Sand Lake Road, Orlando, Fla.

MC 29643 (Sub-No. 13F), Walsh Trucking Service, Inc., now assigned for hearing on June 11, 1979 (1 week), at Syracuse, N.Y.

H. G. Homme, Jr.,
Secretary.

[Notice No. 79]
[FR Doc. 79-13503 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-M

Assignment of Hearings; Correction

April 26, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

*Correction:

MC 118159 (Sub-No. 294), National Refrigerated Transport, Inc., is assigned for Prehearing Conference on May 30, 1979, at the Offices of the Interstate Commerce Commission, Washington, D.C., instead of a hearing.

H. G. Homme, Jr.,
Secretary.

*This notice corrects Federal Register publication of April 14, 1979.

[Notice No. 80]
[FR Doc. 79-13504 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-M

Expedited Procedures for Recovery of Fuel Costs

Decided: April 13, 1979

The report and order in this proceeding, 350 I.C.C. 563 (1975), established an expedited procedure, Special Permission No. 76-350, for the recovery of fuel cost increases. This procedure is not self implementing. It requires a further order of the Commission before Special Permission No. 76-350 becomes effective.

By petitions filed March 19 and March 20, 1979, respectively, Waterways Freight Bureau and Bulk Carrier Conference, Inc., have requested the entry of an order making Special Permission No. 76-350 effective.[1] As justification, petitioners submit that present and prospective acceleration in fuel cost increases require that the special procedures be implemented. The barge lines state that since June, 1978, the price per gallon of fuel has risen from 37.42 cents to 42.70 cents through February 1979, an increase of 14.1 percent over 9 months. It is stated that three-fourths of this increase occurred from November through February. In addition, it is stated that fuel prices on March 13, 1979 are 30 percent higher than those on February 1, 1979.

Bulk Carrier submits evidence which indicates that during the last two to three months they are experiencing increases anywhere from 2 to 10 percent per month.

Neither petition is asking for a rate increase, but rather implementation of the Ex Parte No. 311 expedited procedures. The purpose of these procedures is to provide a mechanism whereby regulated carriers can attempt to reflect rapidly increasing fuel costs in the rate structure as quickly as possible. We are presently entering an economic period where increasing fuel costs may occur rapidly, both in the short and long run. The Commission believes the Ex Parte No. 311 procedures should be implemented and available for immediate use.

In addition, the Commission is requesting comments from all interested parties as to possible modifications of the Ex Parte No. 311 procedures. If necessary, the Commission will reopen the proceeding or take other action which might be warranted to insure expedited relief for fuel cost increases.

A third petition was filed by the Teamsters on March 14, 1979, seeking the establishment of a fuel cost-based surcharge for the benefit of owner-operators.[2] Petitioner states that diesel fuel costs have increased over 4.5 cents per gallon since the first of the year. It is estimated that for owner-operators who are responsible for fuel costs under their lease arrangements, these increases would translate into a $900 per year out-of-pocket expense which they allegedly cannot absorb. It is stated that additional increases of as much as 20 cents a gallon are projected before the end of the year.

A fuel-based surcharge was authorized in Special Permission No. 74-2525 in February, 1974, at the height of the nation's last major fuel crisis. This action had the effect of immediately ending a nationwide truck strike. In Ex Parte No. MC-92, *Investigation of Impact of Rising Fuel Costs*, 346 I.C.C. 712 (1974), the Commission concluded that during the period of the surcharge a pass-through to owner-operators was justified. In terminating the surcharge the Commission concluded that for the future "no owner-operator shall receive less compensation for fuel than he formerly received from the certificated carrier under the authority of Special Permission No. 74-2525" 346 I.C.C. at p. 726. In *Refrigerated Transport Co., Inc. v. United States*, 390 F. Supp. 845 (N. D. Ga. 1975), the Court remanded the proceeding to the Commission for failure to give adequate notice, and failure to give reasons supporting a greater pass-through than the amount collected by the certificated carrier. On April 2, 1975, the Commission entered an order vacating the pass-through requirement for the surcharge. No further pass-through provision was provided for the benefit of owner-operators in the X-311 procedures. However, the X-311 decision indicates that if a carrier's proposed increase does not accrue to the benefit of the person responsible for payment of the fuel charges, the Commission will not approve the proposal. Ex Parte No. 311, *supra*, at pp. 571-572.

In MC-92, the Commission found that the revenue from the 6-percent emergency fuel charge was being used to cover non-labor expenses other than fuel. The surcharge was ordered cancelled for this and other reasons. In the X-311 decision, the Commission concluded that for the future "the surcharge method of computing freight charges is not appropriate, and will not be sanctioned for publication of increases based on fuel costs." 350 I.C.C. at p. 572.

[1] In the last 30 days numerous other petitions have been filed requesting that Special Permission No. 76-350 be made effective.

[2] Additional petitions have also been filed for and on behalf of owner-operators, including the Office of the Special Counsel, seeking relief similar to that requested by the Teamsters.

The present economic circumstances may warrant Commission reconsideration of its policy regarding fuel-based surcharges, especially with regard to the owner-operator situation. However, the fact that additional action may be warranted is no reason to delay implementation of existing procedures and we shall order activation of special permission 76–350 forthwith. In addition, because of our concern with the owner-operator situation, we will request public comments and suggestions on this matter. Specifically, we request comments on whether a fuel-based surcharge is warranted, and whether existing procedures should be changed to require a prescribed 100 percent pass-through to those actually incurring increased fuel charges. We further request comments on whether other changes in our procedures may be necessary. For example, does the present 10 working day notice provide adequate relief and should special justification be required for proposed rate increases of less than 1%. The Teamsters petition (and similar requests or requests for a mileage surcharge filed by such parties as National Independent Truckers Unity Council, Morgan's Drive-Away, Inc., Sea-Wheels, Inc., and Universal Transport, Inc.) will be accorded expedited handling as soon as comments are received. To the extent expedited rate relief is requested these petitions are being granted as hereinafter discussed.

In addition to comments requested above, the Commission would also like responses to the possible use of a "Fuel Increase Schedule." (See Appendix A). The chart provides a means of measuring the amount of a rate increase needed to cover the rapidly rising fuel cost increases. The top line lists various percentage increases in fuel prices. The left-hand column lists the relationship on a percentage basis of fuel expense to total operating revenue. The point where the vertical and horizontal columns intersect represents the percentage increase required by an individual carrier (or group of carriers) to recover increased fuel costs. The advantage of this chart or alternative formulas are their simplicity. It eases the burden on the carriers by reducing the amount of data to be filed, and provides a mechanism for efficient handling by the Commission. Although the chart shows percentage rate increases of less than one percent, it should be stressed that the chart is a proposal only. By implementing the X–311 procedures today, the minumum one-percent provision remains in effect.[3] Possible modification of this feature and other provisions of the X–311 procedures as well as other alternatives will be considered after comments are received.

While the Commission is concerned with the effect rapidly rising fuel costs will have on the carriers, we are equally concerned with the effect increased rates will have on shippers, passengers and the ultimate consumer. Accordingly, we formally invite the Council of Wage & Price Stability to submit comments on the possible inflationary effects increased rates based on fuel escalations will have on the national economy. We also suggest that carriers and their representatives discuss their proposals for fuel cost increases with the Council prior to filing the tariff schedules with the Commission. At a minimum we request that a copy of a proposed tariff schedule filed under Special Permission No. 76–350 be filed with the Council. It is the Commission's intention to consider inflationary effects when determining the lawfulness of tariffs filed under Special Permission No. 76–350. Comments from the parties are requested.

The probable consequences of implementation of Special Permission No. 76–350 on energy conservation or energy efficiency are uncertain. However, it is reasonable to anticipate that under these procedures the rate increases of less energy intensive carriers or modes of carriage will be proportionately smaller than the rate increases of more energy intensive carriers and modes. Intramodal and intermodal rate structure disparities could reach the point at which shippers would be encouraged to use less energy intensive modes or carriers, thereby contributing to energy conservation. We ask comments on this matter.

It is ordered:

Interested parties may file comments no later than 20 days from the date of service of this decision as to possible modification of the X–311 procedures and Commission resolution of the problem caused owner-operators by the increased fuel costs, as outlined above. The petitions to have the Ex Parte No. 311 procedures implemented and to activate Special Permission No. 76–350 are granted, effective forthwith as of the date of service of this decision.

As noted previously, no pass-through provision was provided for the benefit of owner-operators in the X–311 procedures. However, the Commission noted at the time of the decision that if a carrier's proposed fuel-based increase did not accrue to the benefit of the person responsible for payment of the fuel charges, we would not approve the proposal. It is our intention when evaluating increase proposals filed under Special Permission No. 76–350 to follow this policy, and carriers are advised that the Commission will, if deemed necessary, so condition increases authorized in individual proceedings.

The Commission's decisions in Ex Parte No. 311 at 350 I.C.C. 563 (1975), and the subsequent updated order of February 24, 1976, are reopened to make the following technical revisions which update the base period, and refer to new schedule numbers:

1. Referencing the appendix to the Commission's updated order of February 24, 1976, item A, Changes in Appendix A, Numeral I should read: BASE PERIOD DATA: JANUARY 1979.

2. Line 9 of the "Explanatory" at 350 I.C.C. 579 should be revised to read as follows:

"Line 9—Total operating revenues should include those revenues found in Schedule 210, line 6, of the annual report for motor carriers, and in Schedule 210, line 13, for railroads. Other modes use comparable revenues. The annual report sources indicated above are for the year 1978; for the year 1979 use comparable sources and data."

The petition of the Teamsters requesting the imposition of a fuel-based surcharge for the benefit of owner-operators and other petitions seeking the imposition of a similar surcharge are held in abeyance pending comments as requested above.

Notice for these comments will be given by serving a copy of this decision on all parties in Ex Parte No. 311, all recent petitioners, and to the general public by delivering a copy of this decision to the Director, Office of the Federal Register, for publication.

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

H. G. Homme, Jr.,
Secretary.

[Ex Parte No. 311]

BILLING CODE 7035–01–M

[3] Absent special justification.

[FR Doc. 79-13506 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-C

APPENDIX A

FUEL INCREASE SCHEDULE (PERCENT)

Percent Fuel of Total Operating Revenue / Percent Increase in Fuel	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
1.0	.10	.11	.12	.13	.14	.15	.16	.17	.18	.19	.20	.21	.22	.23	.24	.25	.26	.27	.28	.29	.30
1.5	.15	.17	.18	.20	.21	.23	.24	.26	.27	.29	.30	.32	.33	.35	.36	.38	.39	.41	.42	.44	.45
2.0	.20	.22	.24	.26	.28	.30	.32	.34	.36	.38	.40	.42	.44	.46	.48	.50	.52	.54	.56	.58	.60
2.5	.25	.28	.30	.33	.35	.38	.40	.43	.45	.48	.50	.53	.55	.58	.60	.63	.65	.68	.70	.73	.75
3.0	.30	.33	.36	.39	.42	.45	.48	.51	.54	.57	.60	.63	.66	.69	.72	.75	.78	.81	.84	.87	.90
3.5	.35	.39	.42	.46	.49	.53	.56	.60	.63	.67	.70	.74	.77	.81	.84	.88	.91	.95	.98	1.02	1.05
4.0	.40	.44	.48	.52	.56	.60	.64	.68	.72	.76	.80	.84	.88	.92	.96	1.00	1.04	1.08	1.12	1.16	1.20
4.5	.45	.50	.54	.59	.63	.68	.72	.77	.81	.86	.90	.95	.99	1.04	1.08	1.13	1.17	1.22	1.26	1.31	1.35
5.0	.50	.55	.60	.65	.70	.75	.80	.85	.90	.95	1.00	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50
5.5	.55	.61	.66	.72	.77	.83	.88	.94	.99	1.05	1.10	1.16	1.21	1.27	1.32	1.38	1.43	1.49	1.54	1.60	1.65
6.0	.60	.66	.72	.78	.84	.90	.96	1.02	1.08	1.14	1.20	1.26	1.32	1.38	1.44	1.50	1.56	1.62	1.68	1.74	1.80
6.5	.65	.72	.78	.85	.91	.98	1.04	1.11	1.17	1.24	1.30	1.37	1.43	1.50	1.56	1.63	1.69	1.76	1.82	1.89	1.95
7.0	.70	.77	.84	.91	.98	1.05	1.12	1.19	1.26	1.33	1.40	1.47	1.54	1.61	1.68	1.75	1.82	1.89	1.96	2.03	2.10
7.5	.75	.83	.90	.98	1.05	1.13	1.20	1.28	1.35	1.43	1.50	1.58	1.65	1.73	1.80	1.88	1.95	2.03	2.10	2.18	2.25
8.0	.80	.88	.96	1.04	1.12	1.20	1.28	1.36	1.44	1.52	1.60	1.68	1.76	1.84	1.92	2.00	2.08	2.16	2.24	2.32	2.40
8.5	.85	.94	1.02	1.11	1.19	1.28	1.36	1.45	1.53	1.62	1.70	1.79	1.87	1.96	2.04	2.13	2.21	2.30	2.38	2.47	2.55
9.0	.90	.99	1.08	1.17	1.26	1.35	1.44	1.53	1.62	1.71	1.80	1.89	1.98	2.07	2.16	2.25	2.34	2.43	2.52	2.61	2.70
9.5	.95	1.05	1.14	1.24	1.33	1.43	1.52	1.62	1.71	1.81	1.90	2.00	2.09	2.19	2.28	2.38	2.47	2.57	2.66	2.76	2.85
10.0	1.00	1.10	1.20	1.30	1.40	1.50	1.60	1.70	1.80	1.90	2.00	2.10	2.20	2.30	2.40	2.50	2.60	2.70	2.80	2.90	3.00

Fourth Section Applications for Relief

April 26, 1979.

These applications for long-and-short-haul relief have been filed with the I.C.C.

Protests are due at the I.C.C. on or before May 16, 1979.

FSA No. 43689, South and East Africa/U.S.A. Conference No. 1, intermodal rates on general commodities in containers, from ports in South and East Africa to rail carriers' terminals at U.S. Pacific Coast ports via U.S. Atlantic and Gulf ports of interchange in its Tariff ICC SUS 300, to become effective May 20, 1979. Grounds for relief—water competition.

FSA No. 43690, United States/South and East Africa Conference No. 1, intermodal rates on general commodities in containers, from rail carriers terminals on the United States Pacific Coast to ports in South and East Africa via U.S. Atlantic and Gulf Ports of interchange, in its Tariff ICC USE 300, to become effective May 20, 1979. Grounds for relief—water competition.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-13502 Filed 4-30-79; 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Applications; Decision—Notice

Decided: April 24, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service porposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Liberman, Eaton and Boyle.

H. G. Homme, Jr.,
Secretary.

MC 3252 (Sub-109F), filed February 12, 1979. Applicant: MERRILL TRANSPORT CO., a corporation, 1037 Forest Avenue, Portland, ME 04104. Representative: Francis E. Barrett, Jr., Esq., 10 Industrial Park Road, Hingham, MA 02043. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products,* in bulk, in tank vehicles, from Albany, NY, to those points in MA on and west of U.S. Hwy 5. (Hearing site: Portland, ME or Boston, MA.)

MC 5623 (Sub-44F), filed January 31, 1979. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, OK 74105. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes,

transporting (1) *machinery equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, (2) *machinery materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (3) *earth drilling machinery and equipment*, and (4) *machinery, equipment, materials, and supplies*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in AZ, CA, CO, ID, MT, NE, NV, NM, ND, OR, SD, UT, WA, and WY. (Hearing site: Denver, CO and Houston, TX.)

MC 16903 (Sub-63F), filed February 12, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *pipe, pipe fittings, valves, and hydrants*, and (b) *accessories* for the commodities in (1)(a) above, from the facilities of Clow Corporation, at or near (a) Buckhannon, WV, and (b) Columbia, MO, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (2) (a) *fire brick*, and (b) *materials and supplies* used in the installation of fire brick, from the facilities of Clow Corporation, at or near Parral, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 16903 (Sub-64F), filed February 12, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *common carrier*, in interstate or foreign commerce, over irregular routes, transporting (1) *sewage treatment systems, sewage treatment plants, lift stations, aerators, and clarifiers*, and (2) *parts and accessories*, used in the installation of the commodities in (1) above, from the facilities of Clow Corporation at or near Richwood, KY, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, DC.)

MC 52793 (Sub-26F), filed February 14, 1979. Applicant: BEKINS VAN LINES CO., 333 S. Center Street, Hillside, IL 60525. Representative: Russell S. Bernhard, 1625 K Street, NW., Washington, DC 2006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, from points in MD, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN, VA and WV. (Hearing site: Washington, DC).

MC 59753 (Sub-1F), filed December 22, 1978. Applicant: JOPLIN TRANSFER & STORAGE COMPANY, a Corporation, 507 East 5th Street, Joplin, MO 64801. Representative: Karl W. Blanchard, 502 Pearl Street, Joplin, MO 64801. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *household goods*, between points in Jasper, Newton, McDonald, Barry, Lawrence, Barton, Vernon, Greene, and Dade Counties, MO, Benton County, AR, Ottawa, Craig, Delaware, and Mayes Counties, OK, and Cherokee, Crawford, Bourbon, Labette, Neosho, Allen, Montgomery, and Wilson Counties, KS, on the one hand, and, on the other, points in AR, IL, IA, KS, KY, MO, NE, OK, TN, and TX. (Hearing site: Joplin or Kansas City, MO).

MC 67403 (Sub-10F), filed February 7, 1979. Applicant: BROES TRUCKING CO., INC., Interstate Hwy. 295 and Dominick Lane, Paulsboro, NJ 08066. Representative: Ira G. Megdal, 499 Cooper Landing Road, Cherry Hill, NJ 08002. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, (1) from the facilities of Instco Limited, at (a) Philadelphia, PA and (b) Camden and Gloucester City, NJ, to Pottsville, Middletown, Bala-Cynwyd, Reading, Williamsport, and Devault, PA, New York and Albany, NY, Baltimore, MD, and points in Suffolk County, NY, and (2) from New York, NY, to the facilities of Instco Limited, at (a) Philadelphia, PA, and (b) Camden and Gloucester City, NJ. (Hearing site: Philadelphia, PA, or Camden, NJ).

MC 87103 (Sub-32F), filed February 12, 1979. Applicant: MILLER TRANSFER AND RIGGING CO., a Corporation, P.O. Box 6077, Akron, OH 44312. Representative: Edward P. Bocko (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *commodities* which, because of size or weight, require the use of special handling or special equipment, (2) *self-propelled articles*, each weighing 15,000 pounds or more, (3) *commodities* which, because of size or weight do not require special handling or special equipment, when moving in mixed loads with the commodities in (1) and (2) above, (4) *machinery*, and (5) *machine parts*, between points in IN and IL, on the one hand, and, on the other, those points in and east of MN, IA, MO, OK, and TX. (Hearing site: Chicago, IL, or Washington, DC).

MC 103993 (Sub-950F), filed February 7, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *self-propelled motor vehicles* (except motor homes, campers, and camp coaches, in truckaway service), between points in the United States (including AK, but excluding HI). (Hearing site: Elkhart, IN, or Los Angeles, CA).

MC 104523 (Sub-73F), filed February 13, 1979. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bentonite clay*, in bulk, from the facilities of American Colloid Company in (1) Butte County, SD, (2) Weston, Crook, and Big Horn Counties, WY, and (3) Phillips County, MT, to points in IA. (Hearing site: Chicago, IL).

MC 107403 (Sub-1172F), filed February 14, 1979. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products, vehicle body sealers, sound deadening compounds, and acoustical control items*, in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC).

MC 110683 (Sub-136F), filed January 30, 1979. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, Esquire, 1000 16th St., N.W., Suite 502, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities*, (except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and those requiring special equipment), (A) Between the facilities of Smith's Transfer Corporation, at or near Jefferson, GA, and Athens, GA: From the facilities of Smith's Transfer Corporation at or near Jefferson, over Interstate Hwy 85 to junction U.S. Hwy 129, then over U.S. Hwy 129 to Athens, and return over the same route, serving no intermediate points; (B) Between the facilities of Smith's Transfer Corporation at or near Jefferson, GA, and Gainesville, GA: From the facilities of Smith's Transfer Corporation at or near Jefferson, over Interstate Hwy 85 to junction U.S. Hwy 129, then over U.S. Hwy 129 to Gainesville, and return over the same route, serving no intermediate points; and (C) Between the facilities of Smith's Transfer Corporation (Hearing site: at or near Jefferson, GA, and Winder, GA: from the facilities of Smith's Transfer Corporation at or near Jefferson, over Interstate Hwy 85 to junction U.S. Hwy 129, then over U.S. Hwy 129 to Jefferson, then over GA Hwy 11 to Winder, and return over the same route, serving no intermediate points. (Hearing site: Washington, DC).

MC 110683 (Sub-138F), filed December 6, 1978. Applicant: SMITH'S TRANSFER CORPORATION, Box 1000, Stauton, VA 24401. Representative: Francis W. McInerny, 1000 16th Street, NW, Suite 502, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: (1) Between Cincinnati, OH, and the OH–MI State line, over U.S. Hwy 127, serving all intermediate points and points in Hamilton, Butler, Preble, Darke, Mercer, Van Wert, Paulding, Defiance, Wiliams, Fulton, Henry, Putnam, Allen, Auglaize, Shelby, Miami, Montgomery, Warren, and Clermont Counties, OH, as off-route points; (2) Between Cincinnati and Toledo, OH, over Interstate Hwy 75, serving all intermédiate points and points in Hamilton, Clermont, Butler, Warren, Clinton, Preble, Montgomery, Greene, Darke, Miami, Clark, Champaign, Shelby, Logan, Auglaize, Mercer, Hardin, Allen, Van Wert, Hancock, Putnam, Wyandot, Henry, Wood, Seneca, Fulton, Ottawa, Lucas, and Sandusky Counties, OH, as off-route points; (3) Between Maysville, KY, and Findlay, OH, over U.S. Hwy 68, serving all intermediate points and points in Brown, Adams, Clermont, Highland, Clinton, Fayette, Warren, Greene, Montgomery, Madison, Clark, Miami, Champaign, Union, Logan, Shelby, Auglaize, Hardin, Marion, Allen, Wyandot, Putnam, and Hancock Counties, OH, as off-route points; (4) Between Columbus and Sandusky, OH; from Columbus over U.S. Hwy 23 to junction OH Hwy 4, near Marion, OH, then over OH Hwy 4 to Sandusky, and return over the same route, serving all intermediate points and points in Franklin, Licking, Union, Delaware, Knox, Morrow, Marion, Richland, Crawford, Wyandot, Huron, Seneca, Sandusky, Ottawa, Erie, and Lorain Counties, OH, as off-route points; (5) Between Parkersburg, WV, and Cleveland, OH: from Parkersburg over WV Hwy 2 to junction Interstate Hwy 77, then over Interstate Hwy 77 to junction OH Hwy 21, then over OH Hwy 21 to Cleveland, and return over the same route, serving all intermediate points and points in Washington, Morgan, Noble, Monroe, Muskingum, Guernsey, Belmont, Coshocton, Tuscarawas, Harrison, Jefferson, Holmes, Carroll, Wayne, Stark, Columbiana, Medina, Summit, Portage, Lorain, Cuyahoga, and Geauga Counties, OH, as off-route points; (6) Between Parkersburg, WV, and New Paris, OH: from Parkersburg over U.S. Hwy 50 to Chillicothe, OH, then over U.S. Hwy 35 to junction OH Hwy 121, then over OH Hwy 121 to New Paris, and return over the same route, serving all intermediate points and points in Washington, Athens, Meigs, Hocking, Vinton, Jackson, Pickaway, Ross, Pike, Highland, Fayette, Madison, Clinton, Greene, Clark, Warren, Montgomery, Miami, Preble, and Darke Counties, OH, as off-route points; (7) Between Columbus, OH, and Wheeling, WV, over Interstate Hwy 70, serving all intermediate points and points in Belmont, Jefferson, Harrison, Monroe, Noble, Guernsey, Tuscarawas, Morgan, Muskingum, Coshocton, Perry, Licking, Knox, Farifield, Pickaway, Franklin, and Delaware Counties, OH, as off-route points; (8) Between Mason,WV, and Willshire, OH, over U.S. Hwy 33, serving all intermediate points and points in Meigs, Gallia, Athens, Washington, Vinton, Morgan, Perry, Hocking, Fairfield, Pickaway, Licking, Franklin, Madison, Delaware, Union, Champaign, Marion, Logan, Hardin, Shelby, Allen, Auglaize, Mercer, and Van Wert Counties, OH, as off-route points; (9) Between Cheser, WV, and the OH–IN State line: from Chester over U.S. Hwy 30 to junction OH Hwy 49, then over OH Hwy 49 to junction OH Hwy 18, then over OH Hwy 18 to the OH–IN State line, and return over the same route, serving all intermediate points and points in Columbiana, Mahoning, Jefferson, Carroll, Stark, Tuscarawas, Summit, Holmes, Wayne, Medina, Knox, Richland, Ashland, Huron, Morrow, Crawford, Seneca, Marion, Wyandot, Hardin, Hancock, Auglaize, Allen, Putnam, Van Wert, Paulding, and Defiance Counties, OH, as off-route points; (10) Between Weirton, WV, and Union City, OH: from Weirton over U.S. Hwy 22 to junction U.S. Hwy 250, then over U.S. Hwy 250 to junction U.S. Hwy 36, then over U.S. Hwy 36 to junction OH Hwy 571, then over OH Hwy 571 to Union City, and return over the same route, serving all intermediate points and points in Jefferson, Belmont, Columbiana, Carroll, Harrison, Guernsey, Tuscarawas, Holmes, Coshocton, Muskingum, Lickin, Knox, Richland, Morrow, Delaware, Franklin, Marion, Madison, Union, Logan, Champaign, Clark, Shelby, Miami, Mercer, Darke, and Preble Counties, OH, as off-route points; (11) Between Williamstown, WV, and Vermilion, OH: from Williamstown over U.S. Hwy 21 to junction OH Hwy 60, then over OH Hwy 60 to Vermilion, and return over the same route, serving all intermediate points and points in Washington, Morgan, Noble, Perry, Muskingum, Guernsey, Licking, Coshocton, Knox, Tuscarawas, Holmes, Richland, Ashland, Wayne, Huron, Erie, Lorain, and Medina Counties, OH, as off-route points; (12) Between Cleveland, OH, and Butler, IN: from Cleveland, over U.S. Hwy 20 to junction U.S. Hwy 6, then over U.S. Hwy 6 to Butler, and return over the same route, serving Butler for purposes of joinder only, and serving all intermediate points and points in Cuyohoga, Medina, Lorain, Huron, Erie, Seneca, Sandusky, Ottawa, Hancock, Wood, Lucas, Henry, Fulton, Defiance, and Williams Counties, OH, as off-route points; (13) Between Point Pleasant, WV, and Cincinnati, OH: from Point Pleasant over WV Hwy 2 to junction WV Hwy 62 then over WV Hwy 62 to junction U.S. Hwy 35, then over U.S. Hwy 35 to junction OH Hwy 124, then

over OH Hwy 124 to junction OH Hwy 32, then over OH Hwy 32 to Cincinnati, and return over the same route, serving all intermediate points and points in Gallia, Lawrence, Meigs, Vinton, Jackson, Scioto, Pike, Ross, Adams, Highland, Clinton, Brown, Clermont, Warren, Hamilton, and Butler Counties, OH, as off-route points, and (14) Between Portsmouth and Columbus, OH, over U.S. Hwy 23, serving all intermediate points and points in Scioto, Lawrence, Adams, Jackson, Pike, Highland, Vinton, Ross, Clinton, Fayette, Hocking, Pickaway, Farifield, Madison, Clark, Franklin, Licking, Union, and Delaware Counties, OH, as off-route points, Conditions: (1) Issuance of a certificate is subject to the prior submission by applicant of a verified statement stating further specific details of applicant's existing authority for each route (including specific sub-numbers) and how applicant can presently perform the above operations. (2) The regular-route authority granted here shall not be severable, by sale or othewise, from applicant's retained pertinent irregular-route authority. (3) Applicant must request, in writing, the imposition of restrictions on its underlying irregular-route authority precluding service between any two points authorized to be served here pursuant to regular-route authority. (Hearing site: Washington, DC).

Note.—Applicant states that the above authority may presently be performed over a combination of existing regular and irregular routes. Applicant further states that the purpose of this application is to structure applicant's existing authorities in OH, KY, WV, and IN, through conversion of certain irregular-route authority and to eliminate the gateways of WV, and Cincinnati, OH.

MC 111812 (Sub-612F), filed February 13, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., 1600 East Benson Road, P.O. Box 1233, Sioux Falls, SD 57101. Representative: R. H. Jinks (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Pet, Inc., at Chambersburg and Allentown, PA, to points in NC, SC, GA, and FL, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Chicago, IL, or St. Louis, MO.)

MC 112893 (Sub-53F), filed February 12, 1979. Applicant: BULK TRANSPORT COMPANY, a corporation, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425—13th Street, NW Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asphalt and asphalt products*, in bulk, in tank vehicles, from Davenport and Linwood, IA, to points in IL and WI. (Hearing site: Chicago, IL.)

MC 112893 (Sub-54F), filed February 12, 1979. Applicant: BULK TRANSPORT COMPANY, a corporation, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Building, 425—13th Street, NW Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *asphalt and asphalt products, lubricating oils, industrial oils, and residual fuel oils*, from Whiting, IN, to points in IL. (Hearing site: Chicago, IL.)

MC 112893 (Sub-55F), filed February 14, 1979. Applicant: BULK TRANSPORT COMPANY, a corporation, P.O. Box 186, Pleasant Prairie, WI 53158. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., N.W., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer*, in bulk, in tank vehicles, (a) from points in IL, to points in IA and WI, and (b) from points in IA, to points in IL and WI. (Hearing site: Chicago, IL)

MC 112963 (Sub-82F), filed February 7, 1979. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Representative: William P. Sullivan, Suite 500, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *commodities* in bulk in tank vehicles, (1) between points in CT, MA, ME, NH, RI, and VT, and (2) between points in the States named in (1) above, on the one hand and on the other, points in NY, NJ, and PA. (Hearing site: Boston or Springfield, MA.)

MC 114273 (Sub-422F), filed July 24, 1978, and previously published in the **Federal Register** on September 14, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehichle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *iron and steel articles*, and (b) *wheels, rims, spindles, hub caps, and grease caps* (except iron and steel articles), between Romulus, MI, and Davenport, IA, and (2) *iron and steel articles*, from Cleveland, OH, to points in IL, IN, IA, and NE. NOTE: The purpose of this republication is to add the State of IA to the destination territory in part (2). (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-539F), filed January 31, 1979. Applicant: CRST, INC., 3930 16 Avenue, S.W., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *fibreboard boxes*, from Philadelphia, PA, to Orrville, OH, and (2) *fibreboard cans*, from St. Paris, and Orrville, OH, to Des Moines, IA, Chicago, IL, Kansas City, KS, Minneapolis, MN, Dallas, Ennis, and Houston, TX, and Gretna, LA. (Hearing site: Chicago, IL or Washington, DC.)

MC 114273 (Sub-543F), filed February 7, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron, steel, zinc, and lead articles and alloys*, and *construction materials*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (A) between the facilities of Penn Dixie Steel, at (i) Denver, CO, (ii) Centerville, IA, (iii) Blue Island and Joliet, IL, (iv) Cicero, Elkhart, and Kokomo, IN, (v) Grand Rapids and Lansing, MI, and (vi) Columbus and Toledo, OH, and (B) between the facilities named in (A) above, on the one hand, and, on the other, points in AR, CO, DE, GA, IL, IA, IN, KS, KY, MD, MI, MN, MO, NC, ND, NE, NJ, NY, OH, OK, PA, SD, TN, TX, VA, WV, WI, and DC. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-544F), filed February 7, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *furnace pipe and ductwork*, from Indianapolis, IN, to points in IA, KS, MN, and NE. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-546F), filed February 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)

telephone equipment, and (2) *materials and supplies* used in the manufacture and installation of telephone equipment, between Chicago, IL, and the facilities of Western Electric Material Management Center, at or near Tablers, WV. (Hearing site: Chicago, IL, or Washington, DC.)

MC 116763 (Sub-457F), filed November 20, 1978, and previously published in the **Federal Register** on January 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same address as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by discount and variety stores (except foodstuffs funiture, and commodities in bulk), and (2) *foodstuffs*, (except commodities in bulk), and *furniture*, in mixed loads with the commodities in (1) above, from the facilities of K-Mart Corporation, at or near Charlotte, NC, to points in IA, IL, IN, MI, MN, MO, OH, and WI, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations.

NOTE: The purpose of this republication is to delete the commodity "furniture" from part (1). (Hearing site: Detroit, MI.)

MC 116763 (Sub-473F), filed February 5, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *floor coverings* and (2) *materials, equipment, and supplies* used in the manufacture, installation, and sale of the commodities named in (1) above (except commodities in bulk, in tank vehicles), between the facilities of GAF Corporation, (a) at Vails Gate, NY, and (b) in Lehigh County, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: New York, NY.)

MC 116763 (Sub-475F), filed February 9, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by wholesalers, retailers, manufacturers, and distributors of textile products and wearing apparel, (except commodities in bulk, in tank vehicles), from those points in the United States in and east of MN, IA, MO, OK, and TX (except WI), to points in WI, restricted to the transportation of traffic destined to the indicated destinations. (Hearing site: Milwaukee, WI.)

MC 116763 (Sub-485F), filed February 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: H. M. Richters (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except frozen, and commodities in bulk, in tank vehicles), from the facilities of B. F. Trappey's Sons, Inc., at Lafayette and New Iberia, LA, to points in MD, VA, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: New Orleans, LA.)

MC 117672 (Sub-4F), filed February 15, 1979. Applicant: FRANK L. CRENSHAW, INC., 1933 Meadow Creek Drive, Louisville, KY 40218. Representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, KY 40601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *bananas*, and (2) *agricultural commodities*, the transportation of which are otherwise exempt from economic regulation under 49 U.S.C. § 10526(a)(6) (formerly Section 203(b)(6) of the Interstate Commerce Act), in mixed shipments with the commodities in (1) above, from Gulfport, MS, to Louisville, KY. (Hearing site: Louisville, KY.)

MC 117993 (Sub-11F), filed February 7, 1979. Applicant: FRUITBELT TRUCKING INC., 12 Smith Street, St. Catharines, ON, Canada. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting (1) *foodstuffs*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, from points in IL, IN, IA, ME, MA, MI, NE, OH, TN, and WI, to ports of entry on the international boundary line between the United States and Canada. (Hearing site: Buffalo, NY.)

MC 117993 (Sub-13F), filed February 7, 1979. Applicant: FRUITBELT TRUCKING INC., 12 Smith Street, St. Catharines, ON, Canada. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *meats, meat products and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the facilities of Sioux-Preme Packing Company, in IA, to ports of entry on the international boundary line between the United States and Canada, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Buffalo, NY.)

MC 117993 (Sub-14F), filed February 7, 1979. Applicant: FRUITBELT TRUCKING INC., 12 Smith Street, St. Catharines, ON, Canada. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *meats, meat products and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from the facilities of Patrick Cudahy, Incorporated, at or near Cudahy, WI, to ports of entry on the international boundary line between the United States and Canada, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Buffalo, NY.)

MC 117993 (Sub-15F), filed February 7, 1979. Applicant: FRUITBELT TRUCKING INC., 12 Smith Street, St. Catharines, ON, Canada. Representative: Robert D. Gunderman, Suite 710 Statler Bldg., Buffalo, NY 14202. To operate as a *common carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *meats, meat products and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except commodities in bulk, in tank vehicles), from points in IL, IN, IA, MN, NE, ND, OH, SD, VA, and WI, to ports of entry on the international boundary line between the United States and Canada. (Hearing site: Buffalo, NY.)

MC 118263 (Sub-80F), filed February 9, 1979. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. To operate as a *common carrier*, by motor vehilce, in interstate or foreign commerce, over

irregular routes, transporting (1) *prepared foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Lloyd J. Harriss Pie Company, at Saugatuck and Holland, MI, to those points in the United States in and east of MN, IA, MO, AR, and LA; and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, from points in FL, IL, IN, KY, ME, MN, NJ, NY, OH, PA, and WI, to the facilities of Lloyd J. Harriss Pie Company, at Saugatuck and Holland, MI, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Louisville or Lexington, KY.)

MC 119302 (Sub-24F), filed February 8, 1979. Applicant: MILLER TRANSFER & RIGGING COMPANY, A Corporation, P.O. Box 6077, Akron, OH 44312. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of power tools, (except commodities in bulk), between Hampstead and Easton, MD, Tarboro and Fayetteville, NC, Lancaster, PA, and ports of entry on the international boundary line between the United States and Canada located in MI and NY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Washington, DC.)

Note.—Dual operations may be involved.

MC 125433 (Sub-211F), filed February 12, 1979. Applicant: F-B TRUCK LINE COMPANY, A corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, tranporting *foundry materials and supplies*, (except commodities in bulk), from points in IL, IN, IA, KS, MI, MO, OH, PA, SD, WV, WI, and WY, to points in AZ, CO, KS, NM, OK, TX, and UT. (Hearing site: Denver, CO or Salt Lake City, UT.)

MC 125433 (Sub-213F), filed February 15, 1979. Applicant: F-B TRUCK LINE COMPANY, A corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, tranporting (1) *lead and lead alloys*, from the facilities of ASARCO Incorporated, at or near (a) Glover, MO, and (b) Omaha, NE, to points in the United States (except AK and HI); and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), in the reverse direction, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

MC 125813 (Sub-21F), filed February 14, 1979. Applicant: CRESSLER TRUCKING, INC., 153 West Orange Street, Shippensburg, PA 17257. Representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. and 13th Street, NW., Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rock crushers and rock crusher parts*, (2) *accessories, tools, and wooden patterns* for the commodities named in (1) above, from Carlisle, PA, to points in MI, WI, and MN, and (3) *scrap steel, wooden patterns, rock crusher parts*, and *used, damaged, or defective rock crushers*, in the reverse direction. (Hearing site: Carlisle, PA, or Washington, DC).

MC 128273 (Sub-338F), filed February 13, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities as are dealt in buy manufacturers and converters of paper and paper products*, from Memphis, TN to points in AZ, CA, ID, MO, MT, NV, ND, OR, SD, UT, WA, and WY, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, and those which because of size or weight require the use of special equipment), in the reverse direction, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Kimberly-Clark Corporation, at Memphis, TN. (Hearing site: Memphis, TN, or Washington, DC)

MC 128473 (Sub-21F), filed February 13, 1979. Applicant: MONTANA EXPRESS, INC., P.O. Box 3346, Butte, MT 59701. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by grocery and food business houses (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Los Angeles, CA, to points in AZ, ID, MT, NV, OR, WA, and WY, restricted to the transportation of traffic originating at or destined to the facilities of Kraft, Inc., under continuing contract(s) with Kraft, Inc., of Chicago, IL. (Hearing site: Los Angeles, CA, or Phoenix, AZ)

MC 136343 (Sub-157F), filed February 13, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *green fibre mulch*, in bags, from Hampton, VA, to those points in the United States in and east of MN, WI, IL, KY, TN, and MS. (Hearing site: New York, NY or Washington, DC)

MC 136773 (Sub-4F), filed February 8, 1979. Applicant: S.T.S. MOTOR FREIGHT, INC., 107 Evergreen Road, Stratford, NJ 08084. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *industrial oils and greases, cleaning compounds, heat transfer salts, hydraulic system fluids, metal cutting compounds, and petroleum products* (except commodities in bulk), from the facilities of E. F. Houghton & Co., in Lehigh County, PA, to Philadelphia, PA, and points in NJ. (Hearing site: Washington, DC, or Philadelphia, PA)

MC 139083 (Sub-6F), filed February 12, 1979. Applicant: BUILDING SYSTEMS TRANSPORTATION, INC., P.O. Box 142, Washington Court House, OH 43160. Representative: Paul F. Beery, 275 E. State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *buildings, conduit, ducts, and raceways*, (2) *parts and accessories* for the commodities in (1) above, and (3) *equipment, materials, and supplies*, used in the manufacture of the commodities in (1) and (2) above, (except commodities in bulk), between Parkersburg, WV, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Columbus, OH or Washington, DC)

MC 139973 (Sub-61F), filed February 14, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or

foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts and articles distributed by meat-packing houses*, as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Geneseo and Joslin, IL, to points in CT, DE, ME, MD, MA, NJ, NY, PA, RI, and DC. (Hearing site: St. Louis, MO)

MC 139973 (Sub-62F), filed February 13, 1979. Applicant: J. H. WARE TRUCKING, INC., P.O. Box 398, Fulton, MO 65251. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at Marshall, MO, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, and DC, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Dallas, TX, or Kansas City, MO)

MC 140033 (Sub-81F), filed January 14, 1979. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Lawrence A. Winkle, P.O. Box 45538, Dallas, TX 75245. To transport as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers and container ends*, from Oil City, PA, to Weatherford, TX, and (2) *liquid anti-freezing compounds*, from the facilities of Power Service Products, Inc., at Weatherford, TX, to points in the United States (except AK and HI). (Hearing site: Dallas, TX)

MC 141353 (Sub-1F), filed February 15, 1979. Applicant: S & S TRANSPORT, INC., P.O. Box 2552, Eugene, OR 97402. Representative: David C. White, 2400 SW Fourth Avenue, Portland, OR 97201. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wooden shakes and shingles*, from those points in OR and WA on and West of U.S. Hwy 97, to points in AZ, CA, and NV; and (2) *roofing paper*, from Portland, OR, to points in AZ, CA, and NV, under continuing contract(s) in (1) and (2) above with Wesco Cedar, Inc., of Eugene, OR. CONDITION: Issuance of a certificate is subject to the coincidental cancellation of the outstanding permit in MC–141353, issued February 24, 1976, already requested by applicant. (Hearing site: Portland, OR)

MC 141773 (Sub-9F), filed November 13, 1978. Applicant: THERMO TRANSPORT, INC., 150 East Market Street, Indianapolis, IN 46204. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials* used in the manufacture and distribution of (a) chain saws, (b) chain saw parts, and (c) accessories for chain saws, from points in the United States (except AK and HI), to the facilities of Omark Industries, Inc., at Portland, OR, under continuing contract(s) with Omark Industries, Inc., or Portland, OR. (Hearing site: Indianapolis, IN.)

Note.—Dual operations may be involved.

MC 141952 (Sub-2F), filed December 8, 1978. Applicant: WALTER A. JUNGE, INC., 3818 S.W. 84th Street, Tacoma, WA 98491. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by grocery and food business houses (except commodities in bulk), from Los Angeles, Sacramento, Oxnard, and Modesto, CA, to points in OR and WA. (Hearing site: San Francisco, CA.)

Note.—Dual operations may be involved.

MC 141963 (Sub-2F), filed February 9, 1979. Applicant: AIR CARGO TRANSIT, INC., 1311 South 27th Street, Phoenix, AZ 85034. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except classes A and B explosives, commodities in bulk, and those requiring special equipment), between Phoenix, AZ, on the one hand, and, on the other, Los Angeles, CA, and Tucson, Bisbee, and Nogales, AZ, restricted to the transportation of traffic having a prior or subsequent movement by air. (Hearing site: Phoenix, AZ, or Los Angeles, CA.)

MC 143512 (Sub-3F), filed February 14, 1979. Applicant: ALL CORPS, a corporation 838 Hutchinson Street, Vista, CA 92083. Representative: Milton W. Flack, 4311 Wilshire Bl. No. 300, Los Angeles, CA 90010. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery goods*, from the facilities of Pogens Family Bakery, Inc., at Compton, CA, to points in the United States (except AK, CA, and HI), under continuing contract(s) with Pogens Family Bakery, Inc., of Compton, CA. (Hearing site: Los Angeles, CA.)

MC 143963 (Sub-4F), filed December 14, 1978. Applicant: P. J. LOMBARDI TRUCKING, INC., 1308 71st Street, Brooklyn, NY 11228. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *batteries, foil, valves, fittings, hoses, couplings, automotive parts, electric motors, and electrical products and equipment*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (a) between those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (b) between the points named in (1) above, on the one hand, and, on the other, Los Angeles, CA, and Portland, OR, under continuing contract(s) with Gould, Inc., of Rolling Meadows, IL. (Hearing site: New York, NY.)

MC 144023 (Sub-5F), filed December 15, 1978. Applicant: TAYLOR TRANSPORT, INC., Route 1, Fort Mill, SC 29715. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by a manufacturer of (a) copper and brass and (b) copper and brass products, and (2) *scrap materials*, between the facilities of Mueller Brass Company, at or near Covington, TN, on the one hand, and, on the other, points in United States (except AK, HI, and OH, and Memphis, TN, Louisville, KY, Melrose Park, IL, and points in their respective commercial zones), under continuing contract(s) with Mueller Brass Co., of Covington, TN. (Hearing site: Washington, DC.)

MC 144303 (Sub-2F), filed January 10, 1979, and previously published in the **Federal Register** on March 27, 1979. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle,

in interstate or foreign commerce, over irregular routes, transporting *aluminum and zinc ingots*, from Maple Heights, OH, to points in AL, GA, KY, NC, SC, and TN, under continuing contract(s) with Aluminum Smelting and Refining Co., and Certified Alloys, Inc., both of Maple Heights, OH. (Hearing site: Washington, DC.)

Notes.—(1) Dual operations may be involved. (2) The purpose of this republication to add TN as a destination State.

MC 144913 (Sub-2F), filed February 13, 1979. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Road, Forest Park, GA 30050. Representative: Bruce E. Mitchell, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by retail discount department stores (except garments on hangers and commodities in bulk), between the facilities of Zayre Corp., in FL, GA, NC, SC, and TN, on the one hand, and, on the other, points in FL, GA, NC, SC, and TN, under continuing contract(s) with Zayre Corp. (Hearing site: Atlanta, GA.)

MC 145152 (Sub-44F), filed February 15, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen inedible meats and meat byproducts*, from Ft. Dodge and Sioux City, IA, Wichita, KS, and Amarillo, TX, to Gloucester, MA. (Hearing site: Los Angeles, CA, or Tulsa, OK.)

MC 145252 (Sub-10F), filed February 12, 1979. Applicant: CASE HEAVY HAULING, INC., P.O. Box 267, Warren, OH 44482. Representative: Paul F. Berry, 275 E. State Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel bars and steel rods*, from Kankakee, IL, to Nitro, WV. (Hearing site: Columbus, OH.)

MC 145513 (Sub-3F), filed February 8, 1979. Applicant: SERVICE TRANSPORTATION, INC., 125 North 6th Street, Payette, ID 83661. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dairy products*, and *equipment, materials, and supplies* used in the manufacture and distribution of dairy products, (a) between the facilities of Gossner Cheese Co., at or near Logan, UT, on the one hand, and, on the other, points in ID, OR, WA, and CA, under continuing contract(s) in (1)(a) with Gossner Cheese Company, of Logan, UT, and (b) between the facilities of Swiss Village Cheese, at or near Nampa, ID, on the one hand, and, on the other points in CA, OR, UT, and WA, under continuing contracts(s) in (1)(b) with Swiss Village Cheese, of Nampa, ID; and (2) *apple juice, apple cider, and vinegar*, (a) from Fruitland, ID, to points in CA, and (b) from Payson, UT, to Fruitland, ID, under continuing contract(s) in (2) with Payette Cider and Vinegar, of Fruitland, ID. (Hearing site: Boise, ID).

MC 145583 (Sub-1F), filed February 7, 1979. Applicant: XPRESS TRUCK LINES, INC., 4325 Bath Street, Philadelphia, PA 19137. Representative: Anthony A. Cerone, 4325 Bath Street, Philadelphia, PA 19137. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between points in PA, DE, CT, NY, NJ, MD, VA, and DC, restricted to the transportation of traffic having a prior movement by water. (Hearing site: Philadelphia, PA, or Washington, DC).

MC 145673 (Sub-4F), filed February 7, 1979. Applicant: ROAD RAIL SERVICES, INC., 860 Skokie Highway, Lake Bluff, IL 60044. Representative: James R. Madler, 120 W. Madison Street, Chicago, IL 60602. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *hospital supplies and drugs*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, between North Chicago, IL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL).

Passenger Authority

MC 144523 (Sub-2F), filed Janaury 26, 1979. Applicant: INTERNATIONAL LIMOUSINE SERVICE, INC., 2660 Woodley Road NW., Washington, DC 20008. Representative: Charles L. Aulette, 1725 K Street NW., Suite 802, Washington, DC 20008. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, limited to the transportation of not more than 12 passengers in any one vehicle, not including the driver thereof, between Washington, DC, and Baltimore, MD, under continuing contract(s) with the health Care Financing Administration of the U.S. Department of Health, Education and Welfare. (Hearing Site; Washington, DC)

Passenger Authority

MC 144862 (Sub-1F), filed February 5, 1979. Applicant: CELEBRITY AND VIP LIMOUSINE SERVICE, (A Division of Bernich Enterprises, Inc.), 520 Popps Ferry Road, Biloxi, MS 39532. Representative: Kirby A. Bernich (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting, *passengers and their baggage*, in the same vehicle as passengers, in special and charter operations, limited to the transportation of not more than 7 passengers in any one vehicle, not including the driver thereof, between Jackson, Biloxi, Gulfport, Bay St. Louis, Pass Christian, Long Beach, Ocean Springs, and Pascagoula, MS, New Orleans and Baton Rouge, LA, and Mobile, AL.

[Permanent Authority decisions vol. No. 44]
[FR Doc. 79-13501 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-M

Petition for Declaratory Order-Cooked and Breaded Shellfish Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of filing of petition for declaratory order.

SUMMARY: By petition filed April 4, 1979, National Fisheries Institute and National Shrimp Breaders and Processors Association seek a ruling that the transportation of cooked shellfish and of breaded shrimp remain exempt under 49 U.S.C. § 10526(a)(6)(D) to the same extent as formerly provided under section 203(b)(6) of the Interstate Commerce Act.

DATES: COMMENTS MUST BE RECEIVED ON OR BEFORE MAY 31, 1979.

ADDRESS: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

Petitioners' Representatives: Charles H. White, Jr., Steven A. Lauer, Suite 800, 1019 19th Street NW., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Donald J. Shaw, Jr., 202-275-7292.

SUPPLEMENTARY INFORMATION: Petitioners are seafood industry trade associations. Many of their members deal in cooked shellfish and breaded

shrimp. petitioners seek a declaratory order that the transportation these products by for-hire motor carriers remains exempt under the provisions of Act of October 17, 1978, Pub. L. No. 95–473, 49 U.S.C. Subtitle IV, to the same extent as formerly provided by the Interstate Commerce Act.

Section 203(b)(6) of the Interstate Commerce Act formerly exempted from economic regulation "* * * motor vehicles used in carrying property consisting of * * * fish (including shellfish) * * *: *Provided further,* * * * That * * * the words 'property consisting of * * * fish (including shellfish)' * * * shall be deemed to include cooked or uncooked (including breaded) fish or shellfish when frozen or fresh * * *". The exemption for the transportation of fish and shellfish is now embraced in 49 U.S.C. § 10526(a)(6)(d), which exempts from the Commission's regulatory jurisdiction "* * * a motor vehicle carrying, for compensation, only property and that property consists of * * * cooked or uncooked fish, whether breaded or not, or frozen or fresh shellfish * * *".

Petitioners contend that a literal reading of the new statute creates the impression that the prior law regarding the transportation of cooked shellfish and breaded shrimp has been affected. Petitioners assert that Congress intended no substantive change in the law regarding the transportation of these commodities and request that Commission issue a declaratory order to that effect. Petitioners assert that a grant of the relief sought will not constitute a major Federal action significantly affecting the quality of the human environment.

No oral hearing is contemplated. Any person (including petitioners) desiring to participate in this proceeding shall file an original and fifteen (15) copies (wherever possible) of written representations, views, or arguments. A copy of each representation shall be filed on petitioners' representatives.

Written material or suggestions submitted will be available for public inspection at the Office of the Interstate Commerce Commission, 12th St. and Constitution Ave., Washington, D.C., during regular business hours.

Notice to the general public of these matters will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Office of the Federal Register.

H. G. Homme, Jr.,
Secretary.

[No. MC–C–10325]
[FR Doc. 79–13507 Filed 4–30–79; 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 Rigister 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 2052 (Sub-18TA), filed March 27, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Agricultural implements, machinery, equipment, attachments and parts, and bags,* from Blair, NE to points in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): David Rasmussen, Ag-Bag Corporation, 1555 Washingon St., Blair, NE 68008. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 2052 (Sub-19TA), filed March 27, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. *Plastic articles and accessories used in the floral industry,* from Kent, OH to points in AR, CO, IL, IA, KS, LA, MN, MO, NE, OK, TX, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Robert D. Hickey, Smithers Company, P.O. Box 118, Kent, OH 44240. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 13253 (Sub-2TA), filed March 2, 1979. Applicant: STEUBENVILLE TRANSFER CO., Box 2248, Wintersville, OH 43952. Representative: Andrew Jay Burkholder, 275 E. State St., Columbus, OH 43215. *Rock dust, in bags,* from Benwood, WV to Harrison County, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Y and O Coal Company, 1st and Locust Sts., Martins Ferry, OH 43935. Send protests to: J. A. Niggemyer, DS, 416 Old P.O. Bldg., Wheeling, WV 26003.

MC 16903 (Sub-67TA), filed March 6, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, 120 W. Grimes Lane, Bloomington, IN 47401. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Fabricated metal products,* from the plant site of United States Gypsum Co., at Franklin Park, IL to MI, OH, IN, and KY, for 180 days., Supporting Shipper: United States Gypsum Company, 101 S. Wacker Dr., Chicago, IL 60606. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 429 Federal Bldg., 46 East Ohio Street, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 27063 (Sub-23TA), filed March 16, 1979. Applicant: LIBERTY TRANSFER COMPANY, 1601 Cuba St., Baltimore, MD 21230. Representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, DC 20005. *Contract carrier:* irregular routes: *Hangers,* from Baltimore, MD to points and places in New Jersey on and north of NJ Highway 33 and in New York, NY, and its commercial zone as defined by the Commission, under contract with Cleaners Hanger Company, Baltimore, MD, for 90 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cleaners Hanger Company,

8801 Wise Ave., Baltimore, MD 21222. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 40852 (Sub-6TA), filed March 26, 1979. Applicant: SEDALIA-MARSHALL-BOONVILLE STAGE LINE, INCORPORATED 5805 Fleur Dr., Des Moines, IA 50321. Representative: Steven C. Schoenebaum, 1200 Register and Tribune Bldg., Des Moines, IA 50309. *General commodities* (except commodities in bulk, Classes A and B explosives, and motor vehicles requiring the use of special equipment) between Miami International Airport, located at or near Miami, FL, and Houston Intercontinental Airport, located at or near Houston, TX. Restricted to the transportation of traffic in aircraft containers and pallets and trailers equipped with roller bed floors, and further restricted to traffic having a prior or subsequent movement by air for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Continental Airlines, Inc., P.O. Box 60153, Houston, TX 77205, Shipco, P.O. Box 60454, AMF, Houston, TX 77205 and Carib West Airways, LTD, P.O. Box 60270, AMF, Houston, TX 77205. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 89723 (Sub-71TA), filed March 23, 1979. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 N. 13th St., St. Louis, MO 63103. Representative: Robert S. Davis, (same as above). Common carrier: *regular route: General Commodities* (except those of unusual value, Classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those which require the use of special equipment), from the facilities of Remington Arms Co. at or near Lonoke, AR, over AR Hwy. 15 to its junction with Interstate Hwy. 40, then over Interstate Hwy. 40 to N. Little Rock, AR, and return over the same route, for 180 days. Supporting shipper(s): Remington Arms Company, Inc., 939 Barnum Ave., Bridgeport, CN 06602. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 99653 (Sub-14TA), filed March 28, 1979. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 2254, 700 39th St., North, Birmingham, AL 35201. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. (1) *Air and water pollution control equipment and manufactured iron and steel articles,* from the facilities of Technical Fabricators, Inc., Mobile, AL to all points in the United States; and (2) *Equipment, materials and supplies used in the manufacture of the commodities named in (1) above,* in the reverse direction. RESTRICTED against transportation of commodities in bulk, in tank vehicles. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Technical Fabricators, Inc., P.O. Box 892, Mobile, AL 36601. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 106373 (Sub-41TA), filed February 26, 1979. Applicant: THE SERVICE TRANSPORT COMPANY, 114½ East Main Street, Ravenna, OH 44266. Representative: William P. Jackson, Jr., Post Office Box 1240, Arlington, VA 22210. *Iron and steel articles,* from facilities of Babcock and Wilcox Company at Alliance, OH, to points in IN and IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Babcock and Wilcox Company, P.O. Box 401, Beaver Falls, PA 15010. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 107002 (Sub-545TA), filed March 5, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, MS 39205. Representative: John J. Borth (same as applicant). *Vegetable oil,* in bulk, in tank vehicles, from Kennett and Sikeston, MO to Memphis, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hunt Wesson Foods, Inc., P.O. Box 1759, 1351 Williams, Memphis, TN 38101. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 East Amite Bldg., Jackson, MS 39201.

MC 108393 (Sub-141TA), filed February 26, 1979. Applicant: SIGNAL DELIVERY SERVICE, INC., 201 East Ogden Avenue, Hinsdale, IL 60521. Representative: Thomas B. Hill, (address same as applicant). Contract-irregular, *electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies used in the manufacture, distribution and repair of electrical and gas appliances,* (1) between Evansville, IN on the one hand, and on the other CT, MA, MS, and NY; (2) between Ft. Smith, AR on the one hand, and on the other Elizabethtown, KY; and (3) between St. Paul, MN on the one hand, and on the other Louisville, KY, Mt. Gilead, OH, Milwaukee and Sparta, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Whirlpool Corporation, Administrative Center, Benton Harbor, MI 49011. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 109533 (Sub-109TA), filed March 22, 1979. Applicant: OVERNITE TRANSPORTATION COMPANY, 1000 Semmes Avenue, Richmond, VA 23224. Representative: E. T. Liipfert, 1660 L Street, N.W., Washington, D.C. 20036. Common—Regular *General Commodities (except those of unusual value, classes A & B explosives, household goods as described by the Commission, commodities in bulk and those requiring special equipment).* For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 343 supporting shippers to this application. Their statements may be examined at the office listed below and at Headquarters. Send protests to : Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.
SEE ATTACHED SCHEDULE FOR SCOPE.

MC 109692 (Sub-78TA), filed March 23, 1979. Applicant: GRAIN BELT TRANSPORTATION COMPANY, Route 13, Kansas City, Missouri 64161. Representative: Warren H. Sapp, P.O. Box 16047, Kansas City, MO 64112. (1) *PLASTIC, PLASTIC ARTICLES, PLASTIC PIPE, TUBING, FITTINGS AND CONNECTIONS:* and (2) *materials, equipment and supplies used in the manufacture, installation and distribution of the commodities named in (1) above.* (a) Between the facilities of Robintech, Inc., located at or near Danville, IL, on the one hand, and on the other, points in AR, CO, IA, KS, KY, MI, MN, NE, OH, OK, TX, WI and that part of TN located on and west of U.S. Highway 231; and (b) between the facilities of Robintech, Inc., located at or near Rolla, MO, on the one hand, and, on the other, points in IL, IN, IA, KS, MI, NE, OH, OK and WI. Restricted against the transportation of commodities in bulk for 180 days. An underlying ETA seeks authority for 90 days. Supporting shipper(s): Robintech, Inc., P.O. Box 2342, Fort Worth, TX 76101. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri.

MC 117972 (Sub-5TA), filed March 19, 1979. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, NY 14571. Representative: William J. Hirsch, 45 Court Street, Suite 1125, Buffalo, NY 14202. *Frozen foods,* from Mt. Morris, NY to points in western PA and Eastern OH. Returned, refused

and rejected shipments in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Lamb-Weston, 6600 S.W. Hampton Street, Box 23517, Portland, OR 97223. Send protests to: R. H. Cattadoris, DS, ICC, 910 Federal Bldg., 111 W. Huron Street, Buffalo, NY 14202.

MC 118202 (Sub-106TA), filed March 14, 1979. Applicant: SCHULTZ TRANSIT, INC., 323 Bridge Street, P.O. Box 406, Winona, MN 55987. Representative: Thomas J. Beener, 1 World Trade Center, Suite 4959, New York City, NY 10048. *Frozen foods (except in bulk),* from the facilities of Stouffer Foods at or near Cleveland and Solon, OH to points in IL, IN, MN, WI, CT, MA, NJ, NY and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Stouffer Foods, Traffic Manager, 5750 Harper Road, Solon, OH 44139. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U. S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118202 (Sub-107TA), filed March 22, 1979. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. *Foodstuffs (except commodities in bulk)* from Owatonna, MN to Teterboro, NJ and Foxboro, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Company, Supervisor, Motor Carrier Services, P.O. Box 800, Austin, MN 55912. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U. S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 118202 (Sub-108TA), filed March 2, 1979. Applicant: Schultz Transit, Inc., P.O. Box 406, 323 Bridge St., Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank, Minneapolis, MN 55402. *Capacitors and parts, components, equipment and supplies used in the manufacture of capacitors,* (1) between Ogallala and McCook, NE on the one hand, and, on the other, Laredo, TX; and (2) from Denver, CO to McCook, NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): TRW, Inc., 301 West "O" Street, Ogallala, NE 69153. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 Street, Minneapolis, MN 55401.

MC 118263 (Sub-81 TA), filed February 27, 1979. Applicant: COLDWAY CARRIERS, INC., Post Office Box 2038, Clarksville, IN 47130. Representative: William P. Whitney, Jr., 708 McClure Bldg., Frankfort, KY 40601. *Frozen pies and cakes* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, from the facilities of Lloyd J. Harriss Pie Company at Saugatuck and Holland, MI, to all points in the U.S. in and east of LA, AR, MO, IA and MN, for 180 days. Supporting Shipper: Omni Way Service Companies, 2000 S. 9th St., Louisville, KY 40208. Send protests to: Beverly J. Williams, Transportation Assistant, I.C.C. 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 118883 (Sub-7TA), filed March 21, 1979. Applicant: VAN E. HAMLETT, P.O. Box 8009, Osage Street, Nashville, TN 37208. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. (1) *Fertilizer and fertilizer materials, in bulk, in dump and hopper equipment and pesticides in containers when moving in mixed loads with the above:* (a) from facilities utilized by W. R. Grace & Co. at or near Nashville and Woodstock, TN, on the one hand, and, on the other, points in KY on and west of Interstate Hwy 75, and (b) from facilities utilized by W. R. Grace & Co. at or near New Albany, IN to points in TN, and points in KY and west of Interstate Hwy 75; and (2) *Fertilizer and fertilizer materials, in bags, and pesticides in containers when moving in mixed loads with the above* from the facilities of W. R. Grace & Company at or near Woodstock, TN to points in KY on and west of Interstate Hwy 75, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): W. R. Grace & Co., P.O. Box 472, New Albany, IN 47150. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 119632 (Sub-87TA), filed March 2, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence, same address as applicant. *(1) Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses, and (2) materials, ingredients and supplies used in the manufacture, distribution and sale of the products in (1) above,* between the facilities of Ralston Purina Company at or near Minneapolis, MN; Clinton and Davenport, IA; Battle Creek, MI; Lancaster and Sharonville, OH; Dunkirk, NY; Mechanicsburg, PA; Jersey City, NJ and Union City, GA, on the one hand, and, points in and east of MN, IA, MO, AR, and LA on the other, for 180 days. An underlying ETA seeks 90 days authority. Common carrier—irregular routes. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Interstate Commerce Commission, Bureau of Operations, 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 119632 (Sub-88TA), filed February 28, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence, same address as applicant. *Glass Containers,* from Streator, IL to points in the State of NY, for 180 days. Common carrier—irregular routes. An underlying ETA seeks 30 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O Box 1035, Toledo, OH 43666. Send protests to: P. J. Crawford, Transportation Consumer Specialist, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit St., Toledo, OH 43604.

MC 119642 (Sub-7TA), filed February 26, 1979. Applicant: JANESVILLE AUTO TRANSPORT CO., 1800 S. Jackson, P.O. Box 959, Janesville, WI 53545. Representative: Eugene C. Ewald, 100 W. Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013. Contract carrier; irregular routes; *Motor vehicles, in initial movements, in truckaway service,* from the facilities of General Motors Corp. at Tarrytown, NY and Linden, NJ to IL, IN, IA, KY, MI, MN, MO, OH & WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): General Motors Corp., 30007 Van Dyke Ave., Warren, MI 48090. 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, WI 53202.

MC 123872 (Sub-100TA), filed February 28, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman, P.O. Box 3467, Hickory, NC 28601. *Meat, meat products and 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 MCC 209 & 766 (except hides and commodities in bulk in tank vehicles)* from Rockville and Springfield, MO and Miami, OK to points in GA, NC, SC, TN and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Company, P.O. Box 800, Austin, MN 55912. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 123872 (Sub-101TA), filed March 14, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman, P.O. Box 3467, Hickory, NC 28601. *Carpets and rugs and materials and supplies as used in the installation thereof* (except commodities in bulk) from the points in Bartow, Catoosa, Chattoga, Floyd, Gilmer, Gordon, Murray, Rabun, Troup, Walker, and Whitfield Counties, GA to points in Alexander, Burke, Cladwell, Catawba, Iredell, Lincoln, McDowell and Wilkes Counties, NC, for 180 days. Supporting shipper(s): Bost Carpet, Inc., 2806 N. Center St., Hickory, NC 28601. Send protests to: District Supervisor Terrell Price, 800 Briar Creek Rd-Rm CC516, Mart Office Building, Charlotte, NC 28205.

MC 125023 (Sub-69TA), filed March 21, 1979. Applicant: SIGMA-4 EXPRESS, INC., 3825 Beech Avenue, P.O. Box 9117, Erie, PA 16504. Representative: Richard G. McCurdy (same as applicant). *Malt beverages, in containers,* from South Volney, NY and Milwaukee, WS to Weirton, WV for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Steel City Distributors, Inc., 202 Greenlawn Blvd., Weirton, WV. Send protests to: John J. England, District Supervisor, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 125533 (Sub-38TA), filed February 26, 1979. Applicant: GEORGE W. KUGLER, INC., 2800 East Waterloo Road, P.O. Box 6064, Ellet Station, Akron, OH 44312. Representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. *Plastic articles and polystyrene products,* from facilities of U. C. Industries, Tallmadge, OH, to points in and east of the states of ND, SD, NE, KS, OK and TX, for 180 days. Supporting shipper(s): U. C. Industries, 170 South Avenue, Tallmadge, OH 44278. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 127303 (Sub-26TA), filed February 7, 1979. Applicant: ZELLMER TRUCK LINES, INC., P.O. Box 343, Granville, IL 61326. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW, Washington, D.C. 20001. *Feed and feed ingredients* (except commodities in bulk), from Cedar Rapids, IA to Litchfield, MN, Kaukauna, WI and Mexico, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vigortone Products Co., 5264 Council Street, N.E., Cedar Rapids, IA 52406. Send protests to: Annie Booker, T/A, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 127602 (Sub-No. 21TA) filed March 19, 1979. Applicant: DENVER-MIDWEST MOTOR FREIGHT, INC., P.O. Box 996, Denver, CO 80201. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Kansas City, KS and its commercial zone and Denver, CO and its commercial zone: from Kansas City, KS over Interstate Highway 70 to Denver, CO serving no intermediate points and return over the same route; (2) between Chicago, IL and its commercial zone and Kansas City, KS and its commercial zone: from Chicago, IL over Interstate Highway 55 to junction U.S. Highway 36 at Springfield, MO, then east over U.S. Highway 36 to junction Interstate Highway 35 at Cameron, MO, then south on Interstate Highway 35 to Kansas City, KS, serving no intermediate points and return over the same route; (3) between St. Paul, MN and its commercial zone and Kansas City, KS and its commercial zone: from St. Paul, MN over Interstate Highway 35 to Kansas City, KS, serving no intermediate points and return over the same route; and (4) between Chicago, IL and its commercial zone and St. Paul, MN and its commercial zone: from Chicago, IL over Interstate Highway 90 to junction Interstate Highway 94 at Rockford, IL, then over Interstate Highway 94 to St. Paul, MN, serving no intermediate points and return over the same route, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Denver-Midwest Motor Freight, Inc., P.O. Box 996, Denver, CO 80201. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 129282 (Sub-42TA), filed March 5, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry, address same as above. *Malt beverages, non-alcoholic beverages, materials and supplies used in the manufacture and distribution thereof (except commodities in bulk),* between Houston, TX on the one hand, and points in LA (except Covington, LA) on the other for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwest Beverage Company, Inc., 1225 Hodges Street, Lake Charles, LA; Shreveport Budweiser Dist., Inc., 900 W. 62nd Street, Shreveport, LA. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 133993 (Sub-2TA), filed March 27, 1979. Applicant: SAND MOUNTAIN AUTO AUCTION, INC., P.O. Box 638, Boaz, AL 35957. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. *Motor vehicles,* between points in the U.S. (except AK and HI) restricted to shipments moving on freight forwarder bills of lading. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tn'T, Inc., 2818 Southeastern Avenue, Los Angeles, CA 90040. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 134182 (Sub-37TA), filed March 6, 1979. Applicant: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO. *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Section A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except hides & commodities in bulk),* from the facilities of Dubuque Packing Co. located at or near Mankato, KS to points in OH, IN, LA, MI, and IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dubuque Packing Company, Mankato, KS. Send protests to DS John V. Barry, 600 Fed Bldg, 911 Walnut, Kansas City, MO 64106.

MC 134262 (Sub-18TA), filed March 27, 1979. Applicant: FARMERS FEED AND SUPPLY TRANSPORTATION, INC., Boyden, IA 51234. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier:* irregular routes: *Oxides, coloring compounds, pre-colored products, and foundry compounds (except commodities in bulk),* from the facilities of DCS Color & Supply Co., Inc. at or near Milwaukee, WI to points in KS, OK, TX, MN, IA, MO, AR, LA, IL, IN, MI, OH, KY, TN, MS, AL, and GA, under a continuing contract(s) with DCS Color & Supply Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DCS Color & Supply Co., Inc., 1050 E. Bay Street,

Milwaukee, WI 53207. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 135003 (Sub-2TA), filed March 23, 1979. Applicant: C.R.X. CORPORATION, 5016 7th Place, Winona, MN 55987. Representative: Gary Huntbatch, same address as applicant. *Frozen potatoes and potato products* from the plantsites and storage facilities of Northern Star Co., Minneapolis, MN to points in CT, DE, IL, IN, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Star Co., Traffic Manager, 3171 Southeast 5th Street, Minneapolis, MN. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 135982 (Sub-25TA), filed March 21, 1979. Applicant: S. L. HARRIS, d./b./ a. PBI, P.O. Box 7130, Longview, TX 75602. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Cans, Metals, NOI* from the facilities of the Continental Can Company USA in Longview, TX to Tulsa, OK and Little Rock, AR for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Continental Can Company U.S.A., 4615 Post Oak Place Drive, Suite 140, Houston, TX 77001. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 136553 (Sub-70TA), filed March, 21, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 E. 12th Street, Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Tires, tire tubes and parts and accessories for tires and tire tubes,* between Dubuque, IA on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND, and OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): B. F. Goodrich Company 500 South Main, Akron, OH 44318. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136782 (Sub-11TA), filed March, 27, 1979. Applicant: R.A.N. TRUCKING COMPANY, P.O. Box 128, Eau Claire, PA 16030. Representative: Warren W. Wallin, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. *Plastic Containers and plastic container lids,* from the plantsite of Polysar Packaging Division of Polysar Plastics, Inc. located at Wellsburg, WV to points in CT, DE, IL, IN, MA, MD, MI, NJ, NY, OH, PA, RI, DC, VA and WI for 180 days. An underlying ETA seeks 90 operating authority. Supporting shipper(s): Polysar Packaging, Division of Polysar Plastics, Inc, 5 Main Street, So. Glens Falls, NY 12801. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

MC 138782 (Sub-21TA), filed March, 29, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, CA 92667. Representative: Michael R. Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, CA 94583. *Common:* Irregular: *Expanded Polystyrene.* From the facilities of Western Insulfoam Corporation at Dixon, California, to points in Carson City, Churchill, Douglas, Lyon, Mineral, Storey, and Washoe Counties, Nevada, for 180 days. An underlying ETA seeks up to 90 days operating Authority. Supporting shipper(s): Western Insulfoam Corporation, 1155 Industrial Place, Dixon, CA 95620. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angles Street, Los Angeles, CA 90012.

MC 138732 (Sub-22TA), filed February 26, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 North Cypress Street, P.O. Box 5546, Orange, California 92667. Representative: Michael Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, California 94583. *Bentonite clay and lignite coal,* from the facilities of American Colloid Company, at or near Belle Fourche, SD; Upton, WY; and Gascoyne, ND, to points in CA, and King County, WA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): American Colloid Company, 5100 Suffield Court, Skokie, Illinois 60077. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 140033 (Sub-83TA), filed March 21, 1979. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Bagged sugar,* from New Orleans, LA to Marietta, OK for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Little Brownie Bakers, P.O. Box 249, Marietta, OK 73448. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, TX 75242.

MC 140243 (Sub-5TA), filed March 23, 1979. Applicant: Apple House, Inc., 3726 Birney Ave., Scranton, PA 18505. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. (1) *Floor tile,* and *materials and supplies* used in the installation thereof, from Vailsgate, NY, to FL, LA, GA, MS, NC, SC and TN; (2) *Floor covering,* and *materials and supplies* used in the installation thereof, from Fullerton, PA, to FL, LA, GA, MS, NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: GAF Corporation, 1631 Alps Road, Wayne, NJ 07470. Send protests to: ICC, Wm. J. Green, Jr., Federal Bldg., 600 Arch St., Phildelphia, PA 19106.

MC 140243 (Sub-6TA), filed March 23, 1979. Applicant: APPLE HOUSE, INC., 3726 Birney Ave., Scranton, PA 18505. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. (1) *Photographic and reproductive equipment,* and *parts and accessories* for the foregoing commodity, in vehicles equipped with mechancial refrigeration, from Binghamtom, Vestal and Johnson City, NY, to GA, TN, NC, SC and FL; (2) Rejected and returned shipments, and *equipment, materials and supplies* used in the manufacture and sale of the above commodity (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from GA, TN, NC, SC and FL to Binghamton, Vestal and Johnson City, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: GAF Corporation, 1631 Alps Road, Wayne, NJ 07470. Send protests to: ICC, Wm. J. Green, Jr. Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 140273 (Sub-14TA), filed March 23, 1979. Applicant: BUESING BROS. TRUCKING, INC., 2285 Daniels Street, Long Lake, MN 55356. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Haydite aggregate* from the plantsite of the Carter-Waters Corp. at or near New Market, MO, to the plantsite of Wells Concrete, Inc. at or near Wells, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Carter-Waters Corp., Manager of Haydite Sales, P.O. Box 19676, Kansas City MO 64141. Send protests to: Delores A. Poe, TA, ICC 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 140643 (Sub-2TA), filed March 8, 1979. Applicant: Howard N. Child, d.b.a. EIGHT BALL LINE TRUCKING, 2717 Goodrick Avenue, Richmond, CA 94804. Representative: H. Ronald Child (same address as above). *Contract carrier:*

irregular routes: *Mineral wool,* from Chowchilla, CA to points in AZ, ID, MT, NM, OR, UT, WA, WY, NV and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Certain Teed Corporation, P.O. 860, Valley Forge, PA 19482. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 141382 (Sub-3TA), filed March 28, 1979. Applicant: DON'S MOVING & DELIVERY SYSTEM, INC., 2117 Beloit Ave., Janesville, WI 53545. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Polyethylene pellets,* in bulk, from Chicago, IL to the facilities of Triangle Pipe & Conduit at or near Footville, WI, restricted to traffic having prior movement by rail, for 180 days. Supporting shipper(s): H. Heller & Co., 925 Westchester Ave., White Plains, NY 10604. 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, WI 53202.

MC 141652 (Sub-33TA), filed February 22, 1979. Applicant: ZIP TRUCKING, INC., P.O. Box 6126, Jackson, MS 39208. Representative: Paul M. Daniell, Suite 1200, 235 Peachtree St., Atlanta, GA 30303. *Fabrics and piece goods* from points in CT, MD, MA, NJ, NY, PA and RI to Tupelo, MS, for 180 days. Supporting shipper(s): Hancock Fabrics, Inc., P.O. Drawer 1627, Tupelo, MS 38801. Send protests to: Alan Tarrant, D/S, ICC, RM. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 141932 (Sub-11TA), filed March 6, 1979. Applicant: POLAR TRANSPORT INC., 176 King Street, P.O. Box 44, Hanover, MA 02339. Representative: A. C. Gardner (same address as applicant). *Plastic film, sheeting and articles, and corrugated boxes (except in bulk); and materials, equipment and supplies used in the manufacture and distribution of the above commodities (except commodities in bulk),* between the facilities of Borden Chemical Co., Division of Borden, Inc., at or near Charlotte, NC; Cleveland, OH; Cockeysville, MD; Dallas, TX; Elizabeth, NJ; Elk Grove Village, IL; Gloucester City, NJ; Griffin, GA; Illiopolis, IL; Memphis, TN; Minneapolis, MN; North Andover, MA; Tampa, FL and Yonkers, NY on the one hand, and on the other, points in the United States in or east of ND, SD, NE, KS, OK and TX for 180 days. Restricted to the transportation of traffic originating at or destined to the named origin facilities. Supporting shipper(s): Borden Chemical Co., Division of Borden, Inc., Resinite Dept., North Andover, MA 01845. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 142603 (Sub-8TA), filed March 22, 1979. Applicant: CONTRACT CARRIERS OF AMERICA, INC., P.O. Box 1968, Springfield, MA 01101. Representative: S. Michael Richards/ Raymond A. Richards, P.O. Box 225, Webster, New York 14580. Contract carrier, irregular routes: *Such commodities as are dealt in by retail department stores and materials and supplies used in the operation of such stores,* from all points in the U.S. (except AK and HI, and MI) to the facilities of Meijer, Inc. in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Meijer, Inc., 2727 Walker Road, NW, Grand Rapids, MI 49504. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 143163 (Sub-12TA), filed March 5, 1979. Applicant: RICHARDSON TRUCKING, INC., d.b.a. TRIARC TRANSPORT, 903 37th Avenue Court, Greeley, CO 80631. Representative: Wm. Fred Cantonwine, as above. *Contract* carrier: *irregular* routes: *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 MCC 209 and 766 (except hides and commodities in bulk) from Scottsbluff, NE to Chicago, IL and all points in CA for 180 days. Restricted to: Traffic for George A. Hormel. Underlying ETA filed seeking 90 days authority. Supporting Shipper: George A. Hormel & Company, P.O. Box 800, Austin, MN 55912. Send protests to: D/S Roger L. Buchanan, ICC, 492 U.S. Customs House, 721 19th St., Denver, CO 80202.

MC 144173 (Sub-4TA), filed March 5, 1979. Applicant: PETERSEN TRANSPORTATION, INC., Box 96, Ruskin, NE 68974. Representative: Lavern R. Holdeman, Peterson, Bowman, Swanson & Johanns, P.O. Box 81849, Lincoln, NE 68501. *Contract carrier:* Irregular routes: *Liquid fertilizer and anhydrous ammonia,* from the facilities of Boettcher Enterprises, Inc., at or near Concordia, KS; the facilities of Farmland Industries, Inc., at or near Lawrence, KS; the facilities of Maczuk Industries, Inc., at or near Atchison, KS; and the facilities of Mapco, Inc., at or near Conway, KS; to points in NE, under contract with W. W. Agri Sales, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arlan D. Woltemath, W. W. Agri Sales, Inc., 4800 Main Street, Kansas City, MO 64112. Send protests to: Max Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 144452 (Sub-9TA), filed March 21, 1979. Applicant: ARLEN LINDQUIST, d/ b/a Arlen E. Lindquist Trucking, 3242 Old Highway 8, Minneapolis, MN 55413. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. *Tires and tubes* from Memphis, TN to points in NE, and from Little Rock, AR to points in CO, KS, NE and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fleetwood Tire West, Inc., Coordinator, Box 6556, Colorado Springs, CO 80934. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144603 (Sub-TA), filed March 22, 1979. Applicant: F.M.S. TRANSPORTATION, INC., 2564 Harley Dr., P.O. Box 1597, Maryland Heights, MO 64043. Representative: R. C. Mitchell, 2564 Harley Dr., Maryland Heights, MO 64043. *Paper and paper products,* from points in AL, LA, ME, MN, MI, NY, NC, TX and WI, to points in AR, IL, IN, IA, KY and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shaughnessy-Kniep-Hawe Paper Co., 4316 Duncan Ave., St. Louis, MO 63110. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 144682 (Sub-8TA), filed March 21, 1979. Applicant: R. R. STANLEY, P.O. Box 95, Mesquite, TX 75149. Representative: E. Larry Wells, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. *Bakery goods, NOI; prepared dough, not frozen; cakes, cookies, rolls, frozen; icing paste, in vehicles equipped with mechanical refrigeration,* between the plantsite of The Pillsbury Company at Denison, TX and the plantsite of The Pillsbury Company at Los Angeles, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Pillsbury Company, 608 Second Avenue South, Minneapolis, MN 55402. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 144913 (Sub-3TA), filed February 26, 1979. Applicant: COMPTON TRUCKING, INC., 5300 Kennedy Road, Forest Park, GA 30050. Representative:

Bruce E. Mitchell, 3390 Peachtree Road, Atlanta, GA 30326. *Contract carrier:* Irregular routes: Such commodities as are dealt in or used by retail discount department stores (except commodities in bulk, and except hanging garments) from the facilities of Zayre Corp. at or near Forest Park, GA to points in TN, NC, FL, under a contract or contracts with the Zayre Corp. of Framingham, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Zayre Corp., 5300 Kennedy Rd., Forest Park, GA. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 145042 (Sub-3TA), filed March 9, 1978. Applicant: ZEELAND FARM SERVICES, INC., 2468 84th Street, Zeeland, MI 49464. Representative: James R. Neal, 1200 Bank of Lansing Bldg., Lansing, MI 48933. *Soybean meal, in bulk,* from the facilities of Ralston Purina Company at or near Bloomington, IL to the facilities of Ralston Purina Company at or near Lansing, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Company, P.O. Box 517, Bloomington, IL 61701. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 145213 (Sub-2TA), filed March 2, 1979. Applicant: DEEP SOUTH TRUCKING, INC., Hwy. 11 N, P.O. Box 304, Purvis, MS 39475. Representative: Kent F. Hudson, 202 Main St., Purvis, MS 39475. *Contract carrier:* irregular routes: *Lumber, sawdust and wood chips* from the plant sites of Purvis Hardwood Lumber Co., Inc., and Purvis Plywood & Lumber Co., Inc., Purvis, MS, to Purvis Hardwood Lumber Co., Inc., and Purvis Plywood & Lumber Co., Inc., Slidell, LA; and to points in MS, AR, CA, and NM, for account of Purvis Hardwood Lumber Co., Inc. and Purvis Plywood & Lumber Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Support shipper(s): Purvis Hardwood Lumber Co., Inc., Purvis Plywood & Lumber Co., Inc., P.O. Box 266, Purvis, MS 39475. Send protests to: Alan C. Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 145612 (Sub-1TA), filed March 21, 1979. Applicant: CLAYTON NUNN, P.O. Box 234, Tazewell, TN 37879. Representative: Richard L. Hollow, P.O Box 550, 2021 United American Plaza, Knoxville, TN 37901. *Animal feed and feed ingredients* from Blissfield, MI to points in GA and FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Mills, Inc., 6761 Silberhorn Road, Box 6, Blissfield, MI. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 145673 (Sub-5TA), filed February 22, 1979. Applicant: ROAD RAIL SERVICES, INC., 860 Skokie Highway, Lake Bluff, IL 60044. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. *General commodities,* (except liquid commodities in bulk, and Classes A and B explosives), between the Chicago, IL commercial zone on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO, OH, and WI. Restricted to shipments in containers or trailers having a prior or subsequent movement by rail or water, or moving in steamship containers, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): 5—Supporting shippers. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 145743 (Sub-6TA), filed March 5, 1979. Applicant: T.F.S., INC., Box 126, R.R. 2, Grand Island, NE 68801. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. *Animal feed and animal feed ingredients* (except in bulk), (1) from the facilities of Kal Kan Foods, Inc., at or near Los Angeles, CA, and points in its commercial zone to points in the states of FL, GA, MD, MA, NJ, and TN; and (2) from the facilities of Kal Kan Foods, Inc. at or near Terre Haute and Indianapolis, IN; and Columbus, OH, and points in their commercial zones respectively, to points in the states of FL, GA, LA, MD, MA, NJ, OH, TN, and TX (except OH from Columbus, OH), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kemper B. Campbell, Traffic Manager, Kal Kan Foods, Inc., 3386 East 44th Street, Vernon, CA 90058. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 145942 (Sub-2TA), filed March 5, 1979. Applicant: WILLIAM E. HILL, d.b.a., BILL HILL TRUCKING, Route No 18, East, Hamler, OH 43524. Representative: Michael Spurlock, Beery & Spurlock Co., L.P.A., 275 East State Street, Columbus, OH 43215. *Blood meal, bone meal, meat meal,* (1) between Columbus, Wauseon and Massillon, OH, on the one hand, and, on the other, points in Lansing, Battle Creek, and Chelsea, MI, and Fort Wayne, IN; (2) between Mishawaka, IN, on the one hand, and, on the other, points in Lansing, Battle Creek, and Chelsea, MI, Delta and Gilboa, OH; (3) between Coldwater and Detroit, MI, on the one hand, and, on the other, points in Delta and Gilboa, OH, and Fort Wayne, IN, for 180 days. Common carrier-irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Pillsbury Company, 608 Second Avenue, South Minneapolis, MN 55402. Send protests to: Interstate Commerce Commission, Bureau of Operations, 600 Arch St., Room 3238, Phila., PA 19106.

MC 146023 (Sub-1TA), filed March 20, 1979. Applicant: BRIAN MISHOU, P.O. Box 1, Unity, ME 04988. Representative: Same. Contract carrier: irregular routes: *Wooden fence and lumber* from Houlton and Unity, ME to Blue Anchor, NJ; Canton, CT; Latham, NY; Burlington and Brattleboro, VT; New London, CT; South Yarmouth, Foxboro and Weymouth, MA; Derry and Hooksett, NH and Cranston, RI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Milmac, Inc., Unity, ME 04988. Send protests to: ICC, 76 Pearl St., Rm. 303, Portland, ME 04111.

MC 146313 (Sub-2TA), filed February 20, 1979. Applicant: WILLIAM E. MULLENAX, d.b.a., MULLENAX REFRIGERATED TRANSPORT, Route 220 South, Petersburg, WV 26847. Representative: Paul F. Beery, Beery & Spurlock Co., 275 E. State St., Columbus, OH 43215. Contract carrier-irregular routes, (1) *Merchandise,* as is dealt in by wholesale, retail and chain grocery and food business houses, from Cincinnati, OH to Roanoke, VA and Charleston, WV; (2) *bakery products,* from Columbus, OH to Roanoke, VA and Charleston, WV; and (3) *glass bottles,* from Huntington, WV to Cincinnati, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Co., 1014 Vine St., Cincinnati, OH 45201. Send protests to: J. A. Niggemyer, DS, 416 Old P.O. Bldg., Wheeling, WV 26003.

MC 146363 (Sub-1TA), filed February 16, 1979. Applicant: DONALD W. SUMMER, d.b.a., DON'S MOBILE HOME MOVER, 8107 Lindley Avenue, Reseda, California 91335. Representative: Same as above. *Mobile and modular homes,* between points in CA, AZ, NV and NM, for 180 days. Supporting shipper(s): Golden West Homes, 5740 Schaffer, Chino, CA 91710. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321

Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 146413 (Sub-1TA), filed, March 6, 1979. Applicant: BUDDY BOARDMAN TRUCKING, 17001 Arch St. Pike, Little Rock, AR 72206. Representative: Clifton Peter Rose, 1101 Connecticut Ave., N.W., Washington, D.C. 20036. *Potash fertilizer* in bulk in hoppers, from potash mines in and around Carlsbad, NM to points in Jefferson, Lincoln, Woodruff, White and Pulaski Counties, AR, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mitchell Bonds Trust, P.O. Box 500, Moscow, AR 71659. Fairfield Chemicals, Inc., Rt. 5. P.O. Box 480, Pine Bluff, AR 71601. Bruce Oakley, Inc., 3700 Lincoln Avenue, North Little Rock, AR 72012. Yorktown Gin Company, P.O. Box 308, Yorktown, AR 71676. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 146412 (Sub-1TA), filed February 28, 1979. Applicant: KENTS TRANSPORT LTD., Box 369, Clearwater, B. C. VOE 1NO. Representative: Kent Messenger, Box 369, Clearwater, B. C. VOE 1NO. *Contract carrier:* irregular routes: *Lumber,* from Ports of Entry on the U.S.–Canada International Boundary line located at or near Blaine or Sumas, WA to Arlington, WA, and points in the Seattle, WA Commerical Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Laycar Lumber Ltd., 201–3540 W. 41st Ave., Vancouver, B.C. V6N 3E6. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 146462 (Sub-1TA), filed March 12, 1979. Applicant: JIM PECORILLA TRUCKING, INC., 3600 Shawnee Drive, Carson City, NV 89701. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. (1) *Paving materials, sand, rock, gravel, cinders, base material, hot mix, and cold mix,* between points in Washoe, Storey, Lyon, Carson City and Douglas Counties, NV on the one hand, and Modoc, Lassen, Plumas, Nevada, Sierra, Placer, El Dorado, Alpine, Tuolome, Stanislaus, Sacramento, San Francisco, Marin, Alameda, Contra Costa, San Mateo, Santa Clara and San Joaquin Counties, CA, on the other hand. (2) *Decorative rock,* from Sonoma, El Dorado, Amador, Santa Cruz, Placer, Santa Clara, Lake and Solano Counties, CA to Washoe County, NV. *Restrictions:* Service restricted to transportation in bulk, in dump trucks; service restricted against the transportation of petroleum products, in bulk, in tank vehicles, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are eleven shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: W. J. Huetig, DS, ICC, 203 Federal Bldg., Carson City, NV 89701.

MC 146482 (Sub-1TA), filed March 12, 1979. Applicant: Robert Morgan & Sons, 309 North West Street, LeRoy, IL 61752. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, Illinois 62701. Prefabricated buildings, for the account of Omni-Tech Systems, Inc. d.b.a., Permabilt of Illinois from LeRoy, IL to points in IN, IA, KY, MI, MO, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Omni-Tech Systems, Inc. d.b.a., Permabilt of Illinois, 410 North Hemlock, LeRoy, IL 61752. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, Illinois 62701.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 52]
[FR Doc. 79-13320 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier Temoporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210(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 Federal Rigister publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Figister.** 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 speciffically 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 77972 (Sub-32TA), filed March 12, 1979. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628. (1) *Screw conveyor and elevator parts, idlers and pulleys and miscellaneous parts,* from the facilities of FMC Corporation at or near Tupelo, MS to points in IL, IN, IA and WI, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk) in the reverse direction, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): FMC Corporation, U.S. Highway 45 North, Tupelo, MS 38801. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 82492 (Sub-229TA), filed March 21, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle, 2109 Olmstead Rd., P.O. Box 2853, Kalamazoo, MI 49003. *Foodstuffs* (except commodities in bulk) from Franksville, WI, to Kansas City, MO; Kansas City and Wichita, KS; Omaha and Lincoln, NE. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Frank Pure Food Co., P.O. Box 125, Franksville, WI 53126. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 99653 (Sub-13TA), filed March 20, 1979. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 2254, 700 39th St., North, Birmingham, AL 35201. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. *Cast iron pipe, valves, couplings, gaskets and fittings;* from the facilities

of United States Pipe & Foundry Co. in Jefferson County, AL, to points in GA and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Pipe & Foundry Company, 3300 First Avenue North, Birmingham, AL 35202. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 103993 (Sub-951TA), filed February 9, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda and/or Paul D. Borghesani, (same address as applicant). *Trucks, in secondary movements, in truckaway service,* from the facilities of Sheller Globe Corporation at or near Kosciusko, MS to all points in the United States (except AK and HI), for 180 days. Supporting shipper: Ford Motor Company, 5401 Baumhart Road, Lorain, OH 44053. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 East Ohio Street, Room 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-952TA), filed February 16, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46514. Representative: James B. Buda and/or Paul D. Borghesani, (same address as applicant). *Plastic pipe, tubing, fittings and connections, and materials, supplies and accessories,* used in the manufacture and installation thereof, (except commodities in bulk, in tank vehicles), from the facilities of R & G Sloan Manufacturing Co., at or near Cleveland, OH, to points in the U.S. (except AK and HI), for 180 days. Supporting shipper: R & G Sloan Mfg. Co., 7606 N. Clayburn, Sun Valley, CA 91352. Send protests to: Beverly J. Williams, Transportation Assistant, I.C.C. 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 106373 (Sub-40TA), filed March 13, 1979. Applicant: THE SERVICE TRANSPORT COMPANY, 114½ East Main Street, P.O. Box 956, Ravenna, OH 44266. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., Arlington, Virginia 22210. *Iron and steel articles,* from the facilities of Babcock and Wilcox Company at or near Beaver Falls and Ambridge, PA, to points in IL and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Babcock and Wilcox Company, P.O. Box 401, Beaver Falls, PA 15010. Send protests to: Mary Wehner, D/S, ICC, 731 Federal Office Building, Cleveland, OH 44199.

MC 107103 (Sub-11TA), filed March 15, 1979. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive, S.W., Grand Rapids, MI 49509. Also: Roosevelt Square, Box 12. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. *Iron and Steel, Iron and steel articles and materials, equipment and supplies* used or useful in the manufacture and distribution of the aforenamed commodities, between the international boundary line between the United States and Canada at or near Sault Ste. Marie, MI and points in the United States (except AK, HI and MI), for 180 days. Supporting shipper(s): The Algoma Steel Corporation, Limited, Sault Ste. Marie, Ontario P6A 5P2. Send protests to: C. R. Flemming, D/S, I.C.C., Lansingm, MI 48933.

MC 107103 (Sub-12TA), filed March 19, 1979. Applicant: ROBINSON CARTAGE CO., 2712 Chicago Drive, S.W., Grand Rapids, MI 49509. Also: Roosevelt Square, Box 12. Representative: Ronald J. Mastej, 900 Guardian Building, Detroit, MI 48226. *Pipe casing, pipe and tubing* between the facilities of or utilized by Algoma Tube Cororation at or near Dafter, MI on the one hand, and, on the other, points in the United States. For 180 days. Supporting shipper(s): Algoma Tube Corporation Saulte Ste. Marie, Ontario, CA P6A 5P2. Send protest to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 107323 (Sub-54TA), filed March 26, 1979. Applicant: GILLILAND TRANSFER COMPANY, P.O. Box 146, 7180 West 48th Street, Fremont, MI 49412. Representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, IL 60603. *Glass containers and closures thereof,* from Mundelein, IL, to points in MI. For 180 days. Supporting shipper(s): Ball Corporation, 315 South High Street, Muncie, IN 47302. Send protests to: C. R. Fleming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 107403 (Sub-1179TA), filed February 21, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Chemicals,* in bulk, in tank vehicles, between Ludington, MI, on the one hand, and, on the other, points in the US (except AK & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical U.S.A., South Madison St., Ludington, MI 49431. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 107403 (Sub-1178TA), filed February 23, 1979. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Petroleum and petroleum products,* in bulk, in tank vehicles, from Princeton, LA to all points in the US (except AK & HI), for 180 days. Supporting shipper(s): Calumet Refining Co., Star Rt. Box 128, Princeton, LA 71067. Send protests to: T. M. Esposito, Trans. Asst., 600 Arch St., Room 3238, Phila., PA 19106.

MC 108382 (Sub-35TA), filed March 13, 1979. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, MI 48706, P.O. Box 357. Representative: Rex Eames, 900 Guardian Building, Detroit, MI 48226. *Iron and steel, iron and steel articles and materials, equipment and supplies* used or useful in the manufacture and distribution of the aforenamed commodities between the international boundary line between the United States and Canada at or near Sault Ste. Marie, MI and points in MI, OH, PA, IN, IL and WI. Supporting shipper(s): The Algoma Steel Corporation, Limited, Sault Ste. Marie, Ontario, Canada, P6A 5P2. Send protests to: C. R. Flemming, D/S, I. C. C., 225 Federal Building, MI 48933.

MC 111302 (Sub-149TA), filed March 28, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 90408, 934 44th Ave. North, Knoxville, TN 37009. Representative: David A. Petersen (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles,* from the facilities of Velsicol Chemical Company, in Chattanooga, TN to Beaumont, TX, Chicago, IL, Dallas, TX, St. Louis, MO, Terre Haute, IN and Cincinnati, OH, for 180 days. Supporting shipper(s): Velsicol Chemical Co., 341 East Ohio St., Chicago, IL 60611. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 112223 (Sub-119TA), filed March 20, 1979. Applicant: QUICKIE TRANSPORT COMPANY, 1700 New Brighton Boulevard N.E., Minneapolis, MN 55413. Representative: Earl Hacking (same address as applicant). *Bentonite clay, in bulk,* from Butte County, SD and Natrona, Big Horn, Crook, Weston, Washakie, Hot Springs Counties, WY to points in MN and the Upper Peninsula of MI, for 180 days. Suppporting shipper(s): American Colloid Co., Transportation Specialist, P.O. Box 228, Skokie, IL 60077. Oglebay Norton Company, Traffic

Manager, 1200 Hanna Building, Cleveland, OH 44115. Cleveland-Cliffs Iron Company, Manager, Traffic Department, 1460 Union Commerce Building, Cleveland, OH 44115. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 112713 (Sub-254TA), filed March 30, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as applicant). *Frozen Foods*, serving Las Vegas, NV as an off-route points in connection with carrier's otherwise authorized operations, for 180 days. Supporting shipper(s): Fred's Frozen Foods Inc., 803 E. Broadway, Anaheim, CA 92803. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 112713 (Sub-255TA), filed March 26, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same as applicant). *General Commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and those requiring special equipment, serving the facilities of Ashland Chemical Co. (Norrick Plant) at or near Shamrock, TX as an off-route point in connection with carrier's otherwise authorized operations, for 100 days. Supporting shipper(s): Carbon Black Division, Ashland Chemical Company, P.O. Box 2219, Columbus, OH 43216. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, Missouri 64106.

MC 112713 (Sub-256TA), filed March 5, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, KS 66207. Representative: Robert E. DeLand (same as above). Common regular, *General commodities*, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities of unusual value and those requiring special equipment; serving the facilities of J. M. Huber Corporation near Borger, TX as an off-route point in connection with carrier's otherwise authorized operations, for 180 days. Supporting shipper(s): J. M. Huber Corp., Edison, NJ. Send protests to: DS John V. Barry, 600 Fed. Bldg., 911 Walnut, Kansas City, MO 64106.

MC 113362 (Sub-347TA), filed March 27, 1979. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 E. Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O Box 429, Austin, MN 55912. *Household and commercial laundry and kitchen appliances and related repair parts*, from the facilities of Maytag Corp. located at or near Newton, IA to points in TX, AR, LA, MS, AL, OK, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Maytag Company, 403 West Fourth Street, N., Newton, IA 50208. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 116073 (Sub-374TA), filed March, 1, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, MN 56560. Representative: John C. Barrett (same address as applicant). Self-propelled motor vehicles, in secondary movements, in truckaway service, from the plantsites of Alpha Vehicles, Inc., located in Elkhart and LaPorte Counties, IN, to points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alpha Vehicles, Inc., 59140 C.R. 3 South, Elkhart, IN 46514. Send protests to: DS, ICC, Room 268 Fed. Bldg. and U. S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 115703 (Sub-14TA), filed March, 5, 1979. Applicant: KREITZ MOTOR EXPRESS, INC., P.O. Box 375, 220 Park Road North, Wyomissing, PA 19610. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, NY 14202. *General commodities, in International Standard Organization Containers requiring container chassis type equipment*, (1) between the piers and wharves in Baltimore, MD; Phila., PA; New York, NY; Norfolk, VA; and Savannah, GA, on the one hand, and, on the other, Cincinnati and Dayton, OH; Indianapolis, IN; and Louisville and Wilder, KY; and (2) between Cincinnati and Dayton, OH; Indianapolis, IN; and Louisville and Wilder, KY, on the one hand, and, on the other, pts in IN, KY and OH; restricted in paragraphs (1) and (2) above, to the transportation of traffic (1) having a prior or subsequent movement by water, and (2) originating at or destined to the facilities of The H.J. Hosea & Sons Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The H.J. Hosea and Sons Company, I–275 and Licking Pike, Rt. 9, Wilder, KY. Send protests to: Carol Rosen, TA, ICC, 600 Arch St., Rm. 3238, Philadelphia, PA 19106.

MC 116132 (Sub-5TA), filed March, 22, 1979. Applicant: NATIONAL TANK DELIVERY, INC., 85 East Gay Street, Columbus, Ohio 43215. Representative: Earl N. Merwin, 85 East Gay Street, Columbus, Ohio 43215. Contract-irregular. *Such commodities as are dealt in, or used by, agricultural equipment, industrial equipment and motor vehicle manufacturers of dealers* (except commodities in bulk) between the facilities of, or used by, International Harvester Company in the States of IN and OH, on the one hand, and on the other, points in IN, KY, MI, and OH, for 180 days. Supporting shipper(s): International Harvester Company, 401 N. Michigan Avenue, Chicago, IL 60611. Send protests to: ICC, WM J. Green Jr. Federal Bldg., 600 Arch Street, Rm 3238, Philadelphia, PA 19106.

MC 119632 (Sub-86TA), filed March 13, 1979. Applicant: REED LINES, INC., 634 Ralston Ave., Defiance, OH 43512. Representative: Wayne C. Pence, same address as Applicant. *Glass containers, closures, and fibreboard boxes*, from Gas City, IN to points in IL, KY, MI, OH, St. Louis County and St. Louis, MO, for 180 days. Common carrier-irregular routes. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Interstate Commerce Commission, Bureau of Operations, 600 Arch St., Room 3238, Phila., PA 19106

MC 127042 (Sub-254TA), filed March 26, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98-Leeds Station, 3232 Highway 75 No., Sioux City, IA 51108. Representative: Robert G. Tessar, same address as applicant. *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses (except frozen commodities and commodities in bulk)*, from the facilities of The Clorox Company located at Kansas City, MO, to points in Adams and Arapahoe Counties, CO and Denver, CO and its commercial zone, 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 125433 (Sub-223TA), filed February 16, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, 1945 South Redwood Road, Salt Lake City, UT 84104. *Charcoal, charcoal briquets, hickory chips charcoal lighter*

fluid, fireplace logs, compressed sawdust, and related barbeque supplies from the facilities of Husky Industries, at or near Dickinson, ND to points in CA, WA, CO, ID, OR, MT, NE, NM and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Husky Industries, Inc., 62 Perimeter Center East, Atlanta, GA 30346. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 125433 (Sub-224TA), filed February 16, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, 1945 South Redwood Road, Salt Lake City, UT 84104. *Foundry materials and supplies* (except commodities in bulk or dump vehicles) from points in OH, PA, WV, IN, MI, IL, WI, IA, MO, KS, WY and SD to points in KS, OK, TX, NM, AZ, UT and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Waterton Sand & Clay, Inc., 2810 South Raritan, Englewood, CO 80110. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 127283 (Sub-18TA), filed March 1, 1979. Applicant: SILICA SAND TRANSPORT, INC., BOX 208, Routes 47 & 71, Yorkville, IL 60560. Representative: Albert A. Andrin, 180 North LaSalle Street, Chicago, IL 60601. Contract-irregular, *Sand* in bulk from LaSalle County, IL and Berrien County, MI to AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI, for 180 days. Supporting shipper(s): Manley Brothers, P.O. Box 538, Chesterton, IN 46304. Send protests to: Annie Booker, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129032 (Sub-80TA), filed March 30, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Avenue, P.O. Box 9667, Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). *Cheese and cheese foods* (except commodities in bulk, in tank vehicles), from the facilities of Borden's Inc., at or near Van Wert, OH, to CA, restricted to traffic originating at the above named origin, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Borden Foods, Division of Borden, Inc., 180 E. Broad Street, Columbus, OH 43215. 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 134472 (Sub-12TA), filed March 13, 1979. Applicant: KICHARD KUSTERMANN d.b.a. KUSTERMANN TRUCK SERVICE, RR #2, Highland, IL 62249. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Fruit drink concentrates, ice cream flavors and fruits, sherbert fruit concentrates, yogurt fruits, chocolate products and other drink and flavor concentrates* for the account of Consolidated Flavor Corporation from Bridgeton, MO, to points in IA, KS, NB, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Flavor Corporation, 264 Boulder Industrial Drive, Bridgeton, MO 63044. Send protests to: Charles D. Little, DS, ICC, 414 Leland Office Bldg., 527 East Capitol Ave., Springfield, IL 62701.

MC 135283 (Sub-47TA), filed March 14, 1979. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 S. Stuhr Rd., Grand Island, NE 68801. Representative: Lavern R. Holdeman, P.O. Box 81849, Lincoln, NE 68501. Meats, meat products, meat by-products and articles distributed by meat packinghouses as described 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 Estherville, IA, to points in IL and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dwight L. Helm, Manager of Company Trucking, John Morrell & Co., 208 South La Salle Street, Chicago, IL 60604. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building & Court House, 100 Centennial Mall North, Lincoln, NE 68508.

MC 138882 (Sub-233TA), filed March 7, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Drawer 707, Troy, AL 36801. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *(1) Bleach assistance compound in aluminum tote bins; (2) Empty aluminum tote bins.* (1) From South Charleston, WV and Luling, LA to Garland, TX (2) From Garland, TX to South Charleston, WV and Luling, LA, for 180 days. Supporting shipper(s): Economics Laboratory, Inc., Osborn Building, St. Paul, MN 55102. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operation, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 139482 (Sub-113TA), filed March 6, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Paper and paper products* from Neenah, WI to points in IL, IN, IA, MI, MN, MO and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kimberly-Clark Corporation, 1414 West Larsen Road, Neenah, WI 54956. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 139482 (Sub-114TA), filed March 27, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Paper and paper products* from the facilities of Union Camp Corporation at or near Tifton and Savannah, GA to points in IA, MO, MN, WI, IL, IN, MI, OH, KS, NE, ND and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, Manager, Distribution Systems, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 140553 (Sub-8TA), filed March 12, 1979. Applicant: ROGERS TRUCK LINE, INC., 801 Erie Street, Logansport, IN 46957. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Meat, and packinghouse products,* except hides and commodities in bulk, from the facilities of Wilson Foods Corp. at Logansport, IN, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT and VA, for 180 days. Supporting shipper(s): Wilson Foods Corp., 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Beverly J. Williams, Transportation Assistant, I.C.C. 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 141443 (Sub-10TA), filed March 27, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton Street, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Glass containers and closures therefor,* from Okmulgee, OK, to points in AZ, CA, CO, KS, OR and WA, for 180 days. Supporting shipper(s): Ball Corporation, 345 South High Street, Muncie, IN 47302. 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 142672 (Sub-56TA), filed March 7, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Paint, varnish and paint removers,* and, (2) *Materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except in bulk), from the facilities of Red Devil Paints and Chemicals Company, at or near Mt. Vernon, NY, to points in AR, CA, CO, IA, ID, IL, IN, KS, KY, LA, MI, MN, MT, ND, NE, NM, OH, OK, OR, SD, TX, UT, WA, WI and WY, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Red Devil Paints & Chemicals, 30 Northwest Street, Mt. Veronon, NY 10550. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142672 (Sub-57TA), filed March 7, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *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) and, (2) *foodstuffs* when moving in mixed loads with the commodities in (1) above, from the facilities used by Oscar Mayer & Company in the state of IA and Beardstown, IL, to points in OH, KY, TN and all points on and south of U.S. Highway 2 in the state of Michigan, for 180 days, as a common carrier over irregular routes. Supporting shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142672 (Sub-58TA), filed March 6, 1979. Applicant: DAVID BENEUX PRODUCE & TRUCKING, INC., P.O. DRAWER F, Mulberry, Ar 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. Malt beverages and beer, from Fort Worth, TX to Fort Smith, AR, restricted to the transportation of traffic destined to the facilities of Burford Distributing Company, Inc. at or near Fort Smith, AR, for 180 days, as a common carrier over irregular routes. Supporting shipper(s): Burford Distributing, Inc., 711 South 10th Street, Fort Smith, AR 72902. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142672 (Sub-59TA), filed March 8, 1979. Applicant: DAVID DENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, Ar 72756. (1) *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) and, (2) *foodstuffs* when moving in mixed loads with commodities named in (1) above, from the facilities used by Oscar Mayer & Company, in the state of IA and Beardstown, IL, to the facilities used by Oscar Mayer & Company in the state of TX, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Oscar Mayer & Co., Inc., P.O. Box 7188, Madison, WI 53707. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 142672 (Sub-60TA), filed March 27, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. (1) *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses, and (2) *materials, ingredients* and *supplies* used in the manufacture and distribution and sale of the commodities named in (1) above, (1) between the facilities of Ralston Purina Company at or near San Diego, CA and Flagstaff, AZ on the one hand, and on the other, points in and west of PA, OH, KY, TN, GA and FL, (2) between the facilities of Ralston Purina Company at or near Sparks, NV on the one hand, and on the other, points in CA, OR and WA, (3) between the facilities of Ralston Purina Company at or near Oklahoma City, OK on the one hand, and on the other, points in IA, MI, NY, OH, and PA, (4) between the facilities of Ralston Purina Company at or near Clinton and Davenport, IA on the one hand, and on the other, points in IL, IN, MI and OH, for 180 days as a common carrier over irregular routes. 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 143032 (Sub-12TA), filed March 26, 1979. Applicant: THOMAS J. WALCZYNSKI, d.b.a. WALCO TRANSPORT, 3112 Truck Center Drive, Duluth, MN 55806. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. *Crushed stone (roofing granules), in bulk,* from the facilities of GAF Corporation at or near Pembine, WI to Chicago, IL and its Commercial Zone, Joliet, IL Franklin, OH and Minneapolis, MN and its Commerical Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): GAF Corporation, Supervisor of Traffic Services, 1361 Alps Road, Wayne, NJ 07470. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401

MC 143343 (Sub-1TA), filed March 20, 1979. Applicant: BALLENTINE TRANSPORT, INC., P.O. Box 463, Scottsbluff, NE 69361. Representative: Erma Ballentine, 2740 No. 10th St., Scottsbluff, NE 69341. *Contract carrier:* irregular routes: *Meat, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the Report in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk),* from Brush, CO, to Oakland, San Francisco, Stockton, Lodi, Fresno, Bakersfield and Los Angeles, CA; and Seattle and Tacoma, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Don King, Sigman Meat Company, P.O. Box 364, Brush, CO 80723. Send protests to: Max Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508

MC 143903 (Sub-2TA), filed March 13, 1979. Applicant: O'NEILL BROS. TRANSFER & STORAGE CO., 706 S.W. Commercial St., Peoria, IL 61602. Representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. *Rough iron castings* from Peoria, IL to Burlington, Davenport, and Bettendorf, IA; Rock Island and Milan, IL (restricted to traffic having a prior movement by rail), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hitachi Metal America Ltd, 1 Red Oak Lane, White Plains, NY 10604. Send protests to: Charles D. Little, DS, ICC, 414 Leland Office Bldg., 527 East Capitol Ave., Springfield, IL 62701.

MC 144122 (Sub-41TA), filed March 8, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams,

1815 Front Street, Scotch-Plains, NJ 07076. *Petroleum products,* (except in bulk) from the facilities of Texaco, Inc. in Jefferson County, TX to points in IL, IN, WI, OH, MI, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco, Inc., 1111 Rusk, Houston, TX 77052. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton St., Room 618, Newark, NJ 07102.

MC 144122 (Sub-42TA), filed March 28, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front St., Scotch Plains, NJ 07076. Common, irregular. Printed materials, books, magazines, periodicals, records, advertising media, and educational film strips, (1) between Pleasanton, CA, Jefferson City and St. Louis, MO and New York, NY and points in their respective commercial zones, and (2) from Chicago, IL, Versailles, KY, Cambridge, MD, Boston, Lowell and Plympton, MA, St. Cloud, MN, Jefferson City and St. Louis, MO, Concord, NH, Buffalo, NY, Canton and Dayton, OH, Dresden, TN, Brattleboro, VT, North Haven, New Haven, Hartford and Trumble, CT and points in their respective commercial zones, points in NJ, and those in Nassau and Suffolk Counties, NY to Pleasanton, CA, Jefferson City and St. Louis, MO and New York, NY and points in their respective commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scholastic Magazines, Inc., 50 West 44th St., New York, NY. Send protests to: Joel Morrows, D/S, ICC, 9 Clinton, St., Newark, NJ 07102.

MC 144122 (Sub-43TA), filed March 27, 1979. Applicant: CARRETTA TRUCKING, INC., South 160, Route 17 North, Paramus, NJ 07652. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Common carrier, irregular routes for 180 days. Such commodities as are dealt in or used by automotive supply and household appliance stores (1) from St. Louis, MO, Belleville, Herrin, and Olney, IL, and the facilities of Western Auto Supply Company, Inc., at Kansas City, KS, to the facilities of Western Auto Supply Company, Inc., at Owings Mills, MD, and (2) from the facilities of Western Auto Supply Company, Inc., at Kansas City, KS, to the facilities of Western Auto Supply Company, Inc., at O'Fallon, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Auto Supply Company, Inc., 2107 Grand Avenue, Kansas City, MO 64108. Send protests to Joel Morrows, DS, ICC, 9 Clinton Street, Room 618, Newark, NJ 07102.

MC 144622 (Sub-50TA), filed March 27, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same as applicant); Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101. *Floor tile and related articles* between Chicago, IL, on the one hand, and on the other, South Plainfield and Brooklyn, NY, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kentile Floors, Inc., 58 Second Ave., Brooklyn, NY 11215. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-51TA), filed March 27, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same as applicant); Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, Va 22101. *Candy and confectioneries* in vehicles equipped with mechanical refrigeration (except in bulk), from the warehouses and plantsite of E. J. Brach and Sons in the Chicago Commercial zone to Reno, NV, and from E. J. Brach and Sons facilities in Reno, NV to points in the states of CA, AZ, OR and WA, restricted to traffic orginating at the above named origins, for 180 days as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. J. Brach & Sons, 4656 W. Kinzie St., Chicago, IL 60644. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-52TA), filed March 27, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101; Phillip G. Glenn (same as applicant). Such commodities as are dealt in or used by wholesale or retail discount stores (except commodities in bulk), from Ohio to points in AR, for 180 days as a common carrier over irregular routes. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-53TA), filed March 28, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same as applicant), Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. *Frozen boxed meat* from points in Iowa to New Orleans, LA for 180 days as a common carrier over irregular routes. An under lying ETA seeks 90 days authority. Supporting shipper(s): Boston Sausage & Provision, Inc., 6 Foodmart Road, Boston, MA 02118. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 144622 (Sub-54TA), filed March 28, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Phillip G. Glenn (same as applicant), Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. *Frozen and fresh boxed meat* from NE, IA, MO, MN, WI, IL and KS to FL, GA, LA and SC, for 180 days as a common carrier over irregular routes. An underlying ETA seeks authority. Supporting shipper(s): AJC International, Inc., 6065 Roswell Rd., Atlanta, GA 30328. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-59TA), filed February 26, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Inedible meats, meat products and meat by-products,* from the facilities of Consolidated Pet Foods, Inc. at or near Amarillo, TX, to the facilities of Kal-Kan Foods, Inc., at or near Vernon, CA, for 180 days, as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. 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 145332 (Sub-2TA), filed March 26, 1979. Applicant: STEPHEN HROBUCHAK, d.b.a., Trans-Continental Refrigerated Lines, P.O. Box 1456, Scranton, PA 18501. Representative: Joseph F. Hoary, 121 S. Main St., Taylor, PA 18517. *Chemicals, acids and solvents,* in containers, and *materials, supplies and equipment* used in the manufacture and distribution thereof, between Phillipsburg, Pennsauken and Delair, NJ, and Belfast, PA, on the one hand, and, on the other, CA and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. T. Baker Chemical Co., Phillipsburg, NJ 08865. Send protests to: ICC, Wm J.

Green, Jr. Federal Bldg., 600 Arch St., Philadelphia, PA 19106.

MC 145513 (Sub-4TA), filed March 26, 1979 Applicant: SERVICE TRANSPORTATION, INC., 125 North 6th Street, Payette, ID 83701. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Cider and vinegar, in bulk,* from Fruitland, ID to Denver, CO and points in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keller-Lorenz, d.b.a. Payette Vinegar and Cider Co., P.O. Box 528, Fruitland, ID 83619. Send protests to: Barney L. Hardin, D/S, ICC, Suite 10, 1471 Shoreline Dr. Boise, ID 84706

MC 145593 (Sub-2TA), filed February 28, 1979. Applicant: HAROLD SHULL TRUCKING, INC., P.O. Box 1533, Hickory, NC 28601. Representative Charles Ephraim, Suite 600, 1250 Connecticut Ave., NW., Washington, DC 20036. *Furniture and furniture parts* form points in McDowell, Guilford and Davie Counties, NC to points in MI and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Drexel Heritage Furnishings, Inc., Drexel, NC 28619. Send protests to: Terrel Price, District Supervisor, 800 Briar Creek Rd., Rm. CC516, Mart Office Building, Charlotte, NC 28205.

MC 145863 (Sub-1TA), filed February 8, 1979. Applicant: Louis D. Weiland and Ronald K. Towns, d.b.a. T & W Trucking, 1815 Twelfth Avenue North, Escanaba, MI 49829. Representative: James Robert Evans, 145 West Wisconsin Avenue, Neenah, WI 54956. Contract carrier: irregular routes: *Frozen foods and foodstuffs,* from Cornell, MI to Chicago, IL and its commerical zone for the account of Superior Frozen Carrots and Vegetables, Cornell, MI and (2) *Frozen foods and foodstuffs and equipment and supplies* used in the manufacture and distribution of frozen foods and foodstuffs, from points in WI to Marquette, MI for the account of Jilbert Dairy, Inc., Marquette, MI. Supporting shipper(s): Superior Frozen Carrots and Vegetables, Box 162 A, Cornell, MI. Jilbert Dairy, Inc., 1920 Enterprise Street, Marquette, MI. Send protests to: Clarence Flemming, District Supervisor, Interstate Commerce Commission, 225 Federal Building, 325 West Allegan Street, Lansing, MI 48933.

MC 146332 (Sub-1TA), filed February 21, 1979. Applicant: R. YAMADA ENTERPRISES, LTD., 6838 135th St., Surrey, B. C. V3W 4W6. Representative: Ms. M. E. Gillespie, 6838 135th St., Surrey, B. C. Canada V3W 4W6. *Contract carrier:* irregular routes: Insulation, ceiling and roofing materials, door casings, and wallboard, from Ports of Entry on the U.S.-Canada International Boundary line located at or near Blaine or Sumas, WA to points in WA, OR and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): F. Drexel Co. Ltd., 4084 McConnell Court, Burnaby, B. C. V5A 3L8. B. C. Laminates Ltd., 19580 Telegraph Trail, Route No. 4, Surrey, B. C., Canada V3T 4W2. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 146352 (Sub-1TA), filed February 26, 1979. Applicant: AVERY TRUCKING CO., INC. P.O. Box 426, 206 Moores Drive, Dahlonega, GA 30533. Representative: Thomas D. Rainey (same as applicant). (1) Molded pulp finished products and materials and supplies (except in bulk) used in the manufacture, packaging and distribution of molded pulp products between the plantsites of Packaging Corporation of America located at or near Macon, GA and Griffith, IN and points in the US, except AK and HI and (2) Molded pulp paper products, plastic bags, styrofoam egg cartons, meat trays, corrugated boxes, gummed tape, poultry equipment, supplies and chemicals and peat moss pots between all points in the US, except AK and HI, restricted to traffic transported for the account of Dahlonega Equipment and Supply Co., Inc., Murrayville, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Dahlonega Equipment and Supply Co., Inc., Highway 115, Murrayville, GA 30564. Packaging Corporation of America, 7670 Airport Dr., Macon, GA 31201. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Rm. 300, Atlanta, GA 30309.

MC 146422 (Sub-1TA), filed March 15, 1979. Applicant: DELBERT F. JOHNSTON, An individual, 2601 Gore Road, Pueblo, CO 81006. Representative: Jack B. Wolfe, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Contract—irregular route, *Building material,* from points in MT, ID, WA, OR, Acme, TX, and Wichita, KS, to facilities of Contractor Building Supply, Inc., Pueblo, CO. RESTRICTED to transportation to be performed under continuing contract or contracts with Contractor Building Supply, Inc., for 180 days. an underlying ETA seeks 90 days authority. Supporting shipper(s): Contractor Building Supply, Inc., 451 Santa Fe Drive, Pueblo, CO 81006. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 146503 (Sub-1TA), filed March 7, 1979. Applicant: FOUR POINT RECOVERY CORPORATION, 10100 S. W. Walnut, Tigard, OR 97223. Representative: Philip G. Skofstad, 1300 N.E. Linden, Gresham, OR 97030. (1) *Green veneer* from Brookings and Roseburg, OR to Arcata, CA; (2) *Dry veneer* from Arcata, CA to Roseburg, Grants Pass, Brookings, and Gold Beach, OR; (3) *Plywood* from Arcata, CA to Reno, NV; Denver, CO; and Albuquerque, NM; and from Brookings and Gold Beach, OR to Arcata, CA for 180 days. an underlying ETA seeks 90 days authority. Supporting shipper(s): Four Point Recovery Corporation, 10100 S.W. Walnut, Tigard, OR 97223. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 146522 (Sub-1TA), filed March 14, 1979. Applicant: Adrian Carriers, Inc., P.O. Box 3532, Davenport, IA 52808. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50319. Contract authority, *Such commodities as are dealt in or used by agricultural equipment, industrial equipment, and lawn and leisure product manufacturers and dealers (except commodities in bulk),* between the facilities of the Parts Distribution Warehouse of Deere & Company at Milan, IL on the one hand, and on the other, Memphis, TN; Stockton, CA; Syracuse, NY; points in AR, MD, MN, NJ, ND, PA, SD, VA, WV and points in MO on and south of I–44 under continuing contract with Deere & Company for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Deere Parts Distribution Warehouse, A Division of Deere & Company, Milan, IL 61264. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 146523 (Sub-1 TA), filed March 27, 1979. Applicant: R. A. HOWARD BUS SERVICE LIMITED, Box 268, Athens, Ontario, Canada KOE 1B0. Representative: Robert D. Gunderman, 710 Statler Bldg., Buffalo, N.Y. 14202. *Passengers and their baggage, in special and charter operations, in sightseeing and pleasure tours,* from Gananoque, Ontario, Canada, at ports of entry on the international boundary line between the United States and Canada at Thousand Islands, NY (Ivy Lea Bridge), to Daytona FL and Washington, D.C. and return, for 180 days. Underlying ETA for 30+2 granted under R with effective date of March 16, 1979. Supporting Shipper(s): Leeds Travel, Evelyn Rousseau, Owner, 43 King Street E, Gananoque, Ontario, Canada. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 South

Clinton St., Rm. 1259, Syracuse, NY 13260.

MC 146593 (Sub-1 TA), filed March 5, 1979. Applicant: SOUTHWEST SALES, INC., P.O. Box 1686, Lawton, OK 73501. Representative: Rufus H. Lawson, 106 Bixler Building, 2400 N.W. 23rd Street, Oklahoma City, OK 73107. *Contract carrier*—irregular routes: *Coors beer and malt beverages*, from facilities of Golden Distributing Co., Wichita Falls, TX to Fort Sill Beverage Store, located on Fort Sill Military Reservation in Comanche County, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Golden Distributing Co., 5353 Kell, Wichita Falls, TX. Send protests to: Martha A. Powell, TA, ICC, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 146632 (Sub-1 TA), filed March 15, 1979. Applicant: BETS TRUCK LEASING, INC., P.O. Box 1050, Bennington, VT 05201. Representative: Robert George Erb (same address as applicant). *Contract carrier—irregular routes: Wrapping paper, bows, ribbons, tags, cards and decorative boxes, and materials used in the production thereof*, between Bennington, VT and Rotterdam, NY, on the one hand, and on the other, points in the United States east of LA, AR, MO, IA and MN, under a continuing contract, or contracts, with Ben-Mont Corporation, for 180 days. Supporting Shipper(s): Ben-Mont Corporation, Ben Mont Avenue, Bennington, VT 05201. Send protests to: ICC, PO Box 548, 87 State Street, Montpelier, VT 05602.

By the Commission.

H. G. Homme, Jr.,
Secretary.

[Notice No. 53]
[FR Doc. 79-13320 Filed 4-30-79; 8:45 am]
BILLING CODE 7035-01-M

Permanent Authority Applications

Correction

In FR Doc. 79-3884 appearing on page 7286 in the issue of Tuesday, February 6, 1979, in the first column of page 7287, change "MC 1687 (Sub-19F)" to read "MC 16872 (Sub-19F)".

[Permanent authority Decisions Volume No. 6]
BILLING CODE 1505-01-M

Permanent Authority Applications; Decision—Notice

Correction

In FR Doc. 79-2972 appearing on page 5973 in the issue of Tuesday, January 30, 1979, on page 5977, under MC 107012 (Sub-289F), change "Edison, NH" to read "Edison, NJ".

[Permanent Authority Decisions Volume No. 2]
BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 85
Tuesday, May 1, 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

1

[M-215, Apr. 26, 1979]

CIVIL AERONAUTICS BOARD.

Closure and short notice of board meeting.

TIME AND DATE: 3:30 p.m., April 25, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT:

1. International Pricing Strategy.
2. Exchange of open Blind Sector Rights with France (memo 8723, BIA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: Matters that arose on March 25, 1979 in negotiations must be dealt with before Friday so a Board Meeting is required. Accordingly, the following Members have voted that agency business requires that the Board meet on these items on less than seven days' notice and that no earlier announcement of this meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Public disclosure, particularly to foreign governments of opinions evaluations, and strategies in the recommended action plan could seriously compromise the ability to achieve the regulatory and negotiating objectives sought. Accordingly, the staff believes that public observation of this meeting woud involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9) and 14 CFR section 310.5(9)(B) and that the meeting should be closed:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND:

Board Members: Chairman, Marvin S. Cohen, Member, Richard J. O'Melia, Member, Elizabeth E. Bailey, and Member, Gloria Schaffer.

Assistant to Board Members: Mr. David M. Kirstein, Mr. Richard Klem, and Mr. Stephen H. Lachter.

Acting Managing Director: Mr. Sanford Rederer.

Bureau of International Affairs: Mr. Donald A. Farmer, Mr. Donald L. Litton, Mr. Anthony M. Largay, and Mr. David A. Levitt.

Bureau of Pricing and Domestic Aviation: Mr. Michael E. Levine, Mr. John Kiser, Mr. Douglas Leister, and Ms. Barbara A. Clark.

Bureau of Consumer Protection: Mr. Reuben Robertson.

Office of Economic Analysis: Mr. Robert H. Frank.

Office of the Secretary: Mrs. Phyllis T. Kaylor, Ms. Linda Senese, and Ms. Louise Patrick.

Office of the General Counsel: Mr. Philip J. Bakes, Jr. and Mr. Peter B. Schwarzkopf.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation.

Philip Bakes,
General Counsel.

[5-847-79 Filed 4-27-79; 3:40 pm]

BILLING CODE 6320-01-M

2

[M-214, Amdt. 2; Apr. 25, 1979]

CIVIL AERONAUTICS BOARD.

Addition of items to the April 26, 1979, meeting agenda.

TIME AND DATE: 9 a.m., April 26, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1b. Dockets 33112 and 33283, Motions of Air Florida and Pan American World Airways (Memo 8114–N, OGC)

8a. Docket 31570–Southeast Alaska Service Investigation, Opinion and Order (OGC)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202)673–5068.

SUPPLEMENTARY INFORMAION: Item 1b concerns the applications of Texas International Airlines and Pan American Airways for control of National Air Lines. They require answers as far in advance of the briefing date of that proceeding as is possible. Briefs to the Board are due on May 4. Both the motion of Pan American Airways and the petition of Air Florida were not received until April 16, and no sooner action was possible. In order to meet the target date, Item 8a is being added to the April 26, 1979 agenda. Accordingly, the following Members have voted that agency business requires that Items 1b and 8a be added to the April 26, 1979 agenda and that no earlier announcement of these additions was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

[S-848-79 Filed 4-27-79; 3:40 pm]

BILLING CODE 6320-01-M

3

9

[M-214, Amdt. 3; Apr. 26, 1979]

CIVIL AERONAUTICS BOARD.

Addition, short notice and closure of meeting to the April 26, agenda

TIME AND DATE: 12:45 p.m., April 26, 1979.

PLACE: Room 1011, 1825 Connecticut Avenue, NW., Washington, D.C. 20428.

SUBJECT: Transatlantic Fuel Surcharge proposed by Pam Am, TWA, and IATA (BPDA).

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the secretary, (202) 673–5068.

SUPPLEMENTARY INFORMATION: There have been numerous questions raised on the Board's policy and the position that will be taken on this matter so therefore a Board Meeting is required. Accordingly, the following Members have voted that agency business requires that the Board meet on less than seven days notice and that no earlier announcement of this meeting was possible:

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia

Member, Elizabeth E. Bailey
Member, Gloria Schaffer

Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies discussed could seriously compromise the ability of the U.S. Government to achieve understandings in future rate negotiations which would be in the best interests of the United States. Accordingly, the following Members have voted that the meeting on this subject would be likely to significantly frustrate implementation of proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5(9)(B):

Chairman, Marvin S. Cohen
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
Member, Gloria Schaffer

PERSONS EXPECTED TO ATTEND:

Board Members: Chairman, Marvin S. Cohen Member, Richard J. O'Melia Member, Elizabeth E. Bailey, and Member, Gloria Schaffer

Assistant to Board Members: Mr. David M. Kirstein, Mr. James Deegan, Mr. Stephen H. Lachter, and Mr. Richard Klem.

Acting Managing Director: Mr. Sanford Rederer.

Bureau of International Affairs: Mr. Donald A. Farmer, Mr. David A. Levitt, and Mr. Anthony M. Largay.

Bureau of Pricing and Domestic Aviation: Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. Douglas Leister, Mr. Willard L. Demory, Mr. John H. Kiser, and Mr. Herbert Aswall.

Bureau of Consumer Protection: Mr. Reuben Robertson.

Office of the General Counsel: Mr. Philip J. Bakes, Jr., Mr. Peter B. Schwarzkopf, Mr. Michael Schopf, and Mr. Mark Kahan.

Office of Economic Analysis: Mr. Robert H. Frank and Mr. Larry Manheim.

Office of the Secretary: Mrs. Phyllis T. Kaylor, Ms. Linda Senese, and Ms. Louise Patrick.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9)(B) and 14 CFR Section 310b.5 (9)(B) and that the meeting may be closed to public observation.

Philip Bakes,
General Counsel.
[S-849-79 4-27-79; 3:40 pm]
BILLING CODE 6320-01-M

4

[M-216; Apr. 26, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., May 3, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Dockets 34875 and 35010; Applications of TIA and World for exemptions to perform U.S.-Ireland scheduled service. (BIA, OGC, BPDA, BLJ)

3. Docket 35093, Application of Deutsche Lufthansa Aktiengesellschaft for 402 exemption. (BIA, OGC, BPDA, BLJ)

4. H.R. 2465—Omnibus Right to Privacy Act of 1979. (Memo 8576-A, OGC)

5. S. 333—Omnibus Antiterrorism Act of 1979. (Memo 8747, OGC)

6. H.R. 2364—Regulatory Reform Act of 1979. (OGC)

7. Docket 34679, Amendment of Part 302 to allow for additional notice to be sent to the Alaskan field office. (Memo 8745, OGC)

8. Docket 34492, Amendment of Part 385 *Delegation and Review of Action Under Delegation; Nonhearing Matter.* (OGC, OEA)

9. Amendment of Part 252 of the Board's Economic Regulations concerning filing of no-smoking manuals. (Memo 8589-C, OGC, BCP)

10. Amendment of Part 385 of the Board's Organization Regulations, *Delegation and Review of Action Under Delegation; Nonhearing Matters,* to expand the authority delegated to the administrative law judges. (Memo 8746, OGC, BLJ)

11. Docket 33886, Part 223 of the Board's Economic Regulation—Proposed rule amending Part 223 to allow unrestricted free or reduced-rate transportation for travel agents. (Memo 8737, OGC, BPDA, OEA)

12. Docket 30170, *West Coast-Alaska Investigation*—Draft order which: (1) advances the effective date of the amended certificates issued by the Board's final decision in Order 79-4-36, (2) disposes of minor technical issues, and (3) denies alternative motions for exemptions to institute early service. (Memo 6567-E, OGC)

13. Docket 29789, *Houston/New Orleans-Yucatan Route Proceeding.* (Memo 6382-F, OGC)

14. Docket 30699, *Oakland Service Case* (Fitness Phase). (OGC)

15. Docket 32162, *Dallas/Fort Worth-Tucson Investigation*—Opinion and Order. (OGC)

16. Docket 34650, Proposed rules establishing guidelines and procedures for essential air service determinations under the Small Community Air Service Program. (OGC)

17. Docket 34833, Airwest's notice of intent to suspend service at North Bend-Coos Bay, Oregon. (BPDA, OCCR)

18. Docket 35194, Frontier's notice of intent to suspend all services at Glasgow, Glendive, Havre, Lewistown, Miles City, Sidney and Wolf Point, Montana, and Williston, North Dakota. (BPDA, OCCR)

19. Docket 34438, Application of Air Borealis, an uncertificated nonoperating carrier, for an exemption from section 401 of the Act to provide nonstop scheduled service in the Anchorage-Chicago-New York and Anchorage-Hilo markets. (Memo 8738, BPDA)

20. Dockets 33513, 33619, and 33663; Applications for nonstop New York-Miami/West Palm Beach authority; Air Florida; American; Allegheny. (BPDA, OGC, BLJ)

21. Dockets 33705, 33743, 34915, 33954, 33983, 34114, 34895, 34898, 34899, 34901, 34906, 34917, and 35067; American's application to amend its certificate to add Las Vegas-Chicago O'Hare, Las Vegas-Chicago Midway, Las Vegas-New York Kennedy, Las Vegas-New York La Guardia, and Las Vegas-Newark authority; Allegheny's, Braniff's, Ozark's, Continental's, Western's, Northwest's, TIA's, Delta's, Southern's Trans Carib's and North Central's applications, respectively, requesting authority similar to American's in whole or in part. (BPDA)

22. Dockets 32871, 34227, 32885, 32727, and 33208; Applications of TWA and TXi to provide nonstop service in the Albuquerque-San Diego market. American's application to add Albuquerque as an intermediate point on its Route 4 providing Albuquerque single-carrier service on the rest of American's east-west system; American's application for show-cause order and exemption authority in the Albuquerque-LA, CH, St. Louis market. (8741, BPDA)

23. Docket 34942, Texas International's application for Dallas/Ft. Worth-St. Louis authority. (Memo 8736, BPDA)

24. Dockets 33094, 32484, and 33867; Texas International Airlines' petitions to have its subsidy reinstated. (Memo 7916-F, BPDA)

25. Docket 25476, Disapproval of a provision in the organizational documents of the Airline Tariff Publishing Company, Inc. (ATPCO) which allows carriers to notify their competitors of proposed tariff revisions in advance of filing. (Memo 8506-A, BPDA, BCP, OGC)

26. Dockets 24817 and 30998; Agreements among the members of the Air Traffic Conference of America (ATC) relating to travel agency bonding requirements, CAB 16874-A67 and CAB 16874-A34. (Memo 8744, BPDA, OGC, BCP)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673-5068.

[S-850-79 Filed 4-27-79; 3:40 pm]
BILLING CODE 6320-01-M

5

April 27, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: April 27, 1979, 9:30 a.m.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Commissioners' Library.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Continued meeting on subpoenas issued in a pending proceeding from April 26, 1979. Conduct of an investigation.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Acting Secretary, Telephone (202) 275-4165.

[S-842-79 Filed 4-27-79; 1:30 p.m.]
BILLING CODE 6740-02-M

6

April 27, 1979.

FEDERAL ENERGY REGULATION COMMISSION.

TIME AND DATE: May 4, 1979, 10 a.m.

PLACE: 825 North Capitol Street, NE., Washington, D.C. 20426, Commissioners' Library.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Continued meeting from March 28, 1979, on matters relating to an investigation.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary, Telephone (202) 275–4166.

Kenneth F. Plumb,

Secretary.

[S–851–79 Filed 4–27–79; 3:42 pm]

BILLING CODE 6740–02–M

7

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published April 30, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:30 p.m., April 26, 1979.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin D. Bolling (202–377–6677).

CHANGES IN THE MEETING: The following item has been withdrawn from the agenda for the open meeting: EFTS-RSU Application—Standard Federal Savings and Loan Association of Cincinnati, Cincinnati, Ohio, No. 234, April 26, 1979.

[S–837–79 Filed 4–27–79; 9:26 am]

BILLING CODE 6720–01–M

8

April 27, 1979.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., May 4, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

The Commission will consider and act upon the following agenda items.

Secretary of Labor, MSHA v. Sunshine Mining Co., DENV 78–568–PM(A). (Petition for Discretionary Review)

Secretary of Labor, MSHA v. Shamrock Coal Co., BARB 78–82–P, etc.

CONTACT PERSON FOR MORE INFORMATION: Joanne Kelley, 202–653–5632.

[S–846–79 Filed 4–27–79; 2:48 pm]

BILLING CODE 6735–01–M

9

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 23652, April 20, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, April 25, 1979.

CHANGES IN THE MEETING: Addition of the following open item to the meeting:

Proposed response to a Congressional request regarding an amendment to H.R. 3404 which would place a $15 billion limitation on the aggregate amount authorized to be borrowed from the Federal Reserve by the Treasury.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board. (202) 452–3204.

Dated: April 25, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board

[S–838–79 Filed 4–27–79; 9:26 am]

BILLING CODE 6210–01–M

10

FEDERAL RESERVE SYSTEM

TIME AND DATE: 9:30 a.m., Friday, May 4, 1979.

PLACE: 20th Street and Consititution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees

2. any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452–3024.

Dated: April 26, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S–839–79 Filed 4–27–79; 9:26 am]

BILLING CODE 6210–01–M

11

[USITC SE–79–15]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, May 8, 1979.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

Matters to be considered: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Steel plate from Poland (Docket No. 571).
5. Sugar from Belgium, France, and West Germany (Inv. AA1921–198, –199, and –200)—briefing and vote.
6. Carbon steel plate from Taiwan (Inv. AA1921–197)—briefing and vote.
7. Any items left over from previous agenda.

Portions closed to the public:

8. Status report on Investigation 332–101 (MTN Study), if necessary [in closed session].

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–845–79 Filed 4–27–79; 2:44 pm]

BILLING CODE 7020–02–M

12

NATIONAL SCIENCE BOARD.

DATE AND TIME: May 17, 1979, 1 p.m., Open Session; May 18, 1979, 9 a.m., Closed Session.

PLACE: Room 540, 1800 G Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

Matters to be considered at the open session:

1. Program Review—Physiology, Cellular, and Molecular Biology
2. Minutes—Open Session—205th Meeting
3. Chairman's Report
4. Director's Report—
a. Report on Grant—Contact Activity—3/15–5/16/79
b. Organizational and Staff Changes
c. Congressional and Legislative Matters
d. NSP Budget for Fiscal Year 1980
e. Other Items
5. Board Committees—Reports on Meetings—
a. Executive Committee
b. Planning and Policy Committee
c. Programs Committee
d. Committee on Audit and Oversight
e. Committee on Minorities and Women in Science
f. Committee on Role of NSF in Basic Research
g. Committee on Twelfth NSB Report
h. Ad Hoc Committee on Big and Little Science
i. Ad Hoc Committee on Deep Sea and Ocean Margin Drilling Programs
6. NSF Advisory Groups
7. Annual Reviews of NSF Centers at NSF
8. Annual Business
9. Grants, Contracts, and Programs

10. Recommendations of House Committee on Science and Technology
11. Other Business
12. Next Meetings—
a. National Science Board—June 21–22, 1979 (Association of Universities for Research in Astronomy and Kitt Peak National Observatory)
b. NSE Committee

Matters to be considered at the closed session:

A. Minutes—Closed Session—205th Meeting
B. Annual Business—Annual Election
C. NSB and NSF Assistant Director Nominees
D. Grants, Contracts, and Programs
E. NSB Annual Reports
F. NSF Budgets for Fiscal Year 1981 and Subsequent Years

CONTACT PERSON FOR MORE INFORMATION: Miss Vernice Anderson, Executive Secretary, (202) 632–5840.

[S–841–79 Filed 4–27–79; 12:15 pm]

BILLING CODE 7555–01–M

13

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of April 30, 1979 (Revised).

PLACE: Commissioners' Conference Room, 1717 H St., N.W., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE CONSIDRED:

Monday, April 30; 2 p.m.

1. Affirmation Session (approximately 30 minutes, public meeting, postponed from April 26).
a. OGC Memo on S–3, dated 3/29
b. Appt of Part-Time Member of ASLBP
c. Kewaunee Show Cause Order
d. Appt of H. Grossman to ASLBP
e. Motion in Shearon Harris Proceeding
f. Kranish FOIA Appeal 78–A–20

Tuesday, May 1; 3 p.m.

1. Briefing on Resident Inspector Program (approximately 1 hour, postponed from April 26, public meeting).

Wednesday, May 2; 9:30 a.m.

1. Briefing on Steam Generator Denting and Replacement (approximately 1 hour, public meeting).

Wednesday, May 2; 1:30 p.m.

1. Discussion of Upgrade Rule and Supporting Guidance (Continued from April 18, approximately 2 hours, closed-exemption 1).

Thursday, May 3; 9:30 a.m.

1. Discussion of Format for Executive Branch Export Analysis (approximately 1 hour, public meeting-portion closed–exemption 1).
2. Briefing on Offsite Radiation Levels at Three Mile Island and Interagency Radiological Assistance Program (approximately 1 hour, public meeting).

Thursday, May 3; 1:30 p.m.

1. Briefing by Executive Branch on International Safeguards Matters (approximately 1 hour, closed-exemption 1).
2. Discussion of Personnel Matter—if required—approximately 2 hours, closed-ememption 6).

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Walter Magee,
Office of the Secretary.
April 26, 1979.

[S–843–79 Filed 4–27–79; 2:33 am]

BILLING CODE 7590–01–M

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Friday April 27, 1979.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Friday, April 27; 11:30 a.m.

1. Continuation of Discussion of Principal Factors Related to Current Status of Operating Plants approximately 1½ hours, public meeting.

Postponed from April 26, 1979.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634–1410.

Dated: April 26, 1979.

Walter Magee,
Office of the Secretary.

[S–844–79 Filed 4–27–79; 2:33 pm]

BILLING CODE 7590–01–M

15

UNITED STATES PAROLE COMMISSION—NATIONAL COMMISSIONERS. (The Commissioners presently maintaining offices at Washington, D.C. Headquarters.)

TIME AND DATE: Thursday, April 12, 1979 at 9:30 a.m.

PLACE: Room 828, 320 First Street NW., Washington, D.C. 20537.

STATUS: Closed pursuant to a vote to be taken at beginning of the meeting.

CHANGES IN THE MEETING: On April 26, 1979, due to illness, the Commission determined that the date and time for the above meeting previously changed to April 25, 1979, be changed to Friday, April 27, 1979, at 9:30 a.m.; and that the above change be announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: A. Ronald Peterson, Analyst, (202) 724–3094.

[S–840–79 Filed 4–27–79; 10:57 am]

BILLING CODE 4410–01–M

federal register

Tuesday
May 1, 1979

Part II

Department of the Interior

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Review of the Status of Seven Mollusc Species

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Review of the Status of Seven Mollusc Species

AGENCY: Fish and Wildlife Service, Interior

ACTION: Notice of status review.

SUMMARY: The Service will review the status of (1) *Epioblasma (=Dysnomia) florentina florentina*, yellow-blossom pearly mussel; (2) *Plethobasis cooperianus*, orange-footed pearly mussel; (3) *Toxolasma (=Carunculina) cylindrella* pale illiput pearly mussel; (4) *Epioblasma (=Dysnomia) turgidula*, turgid blossom pearly mussel; (5) *Conradilla caelata* birdwing pearly mussel; (6) *Epioblasma walkeri*, tan riffle shell, and (7) *Quadrula intermedia*, Cumberland monkeyface pearly mussel, to determine if they should remain classified as Endangered, be reclassified to Threatened, or be removed from the List of U.S. Endangered and Threatened Wildlife and Plants.

DATE: Information concerning the status of these species should be submitted on or before June 29, 1979.

ADDRESSES: Comments on this notice of review should be submitted to the Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director —Federal Assistance, Fish and Wildlife Service, Washington, D.C. 20240, phone: 202/343–4646.

SUPPLEMENTARY INFORMATION:

Background

On May 22, 1975, the Fund for Animals petitioned the U.S. Fish and Wildlife Service to list as Endangered species 216 taxa of plants and animals which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which were not already on the U.S. List of Endangered and Threatened Wildlife and Plants. The Convention was drafted at an international conference held in Washington, D.C., from February 12 to March 3, 1973. The United States had ratified the Convention and deposited its instruments of ratification with the Depositary Government by the fall of 1973. By July 1975, the Convention had been ratified by enough nations to enter into force.

The Convention established a system of regulation to prevent the overexploitation of the world's natural biota. Species of concern are listed on three appendices; differing levels of protection are provided for species on each appendix. Appendix I, which contains the most critical listings, includes all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species is subject to particularly strict regulation to guard against further jeopardizing their survival.

In response to the Fund for Animals' petition, the Service published a proposed rulemaking in the September 26, 1975 **Federal Register** (40 FR 44329–33). This rulemaking proposed adding 216 Appendix I species to the U.S. List of Endangered and Threatened Wildlife and Plants.

In the June 14, 1976, **Federal Register** (41 FR 24062–67) the Service published a final rulemaking which determined 159 Appendix I species to be Endangered species. These species included *Epioblasma (=Dysnomia) florentina florentina, Plethobasis cooperianus, Epioblasma* (=Dysnomia) turgidula, Conradilla caelata, Toxolasma (=Carcunculina) cylindrella, and *Quadrula intermedia. Epioblasma walkeri* was included in the proposed rulemaking but was not included in the final rulemaking, since the Governor of the affected state was inadvertently not notified of the proposed action as required. This species was added to the U.S. List of Endangered and Threatened Wildlife and Fauna by a separate final rulemaking published in the August 23, 1977, **Federal Register** (42 FR 42351–53).

Section 4(a) of the Endangered Species Act of 1973 states that the Secretary may determine a species to be an Endangered species or a Threatened species because of any of the following factors:

(1) The present or threatened destruction, modification, or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or manmade factors affecting its continued existence.

With regard to these species, the Service determined that there had been a decline in numbers due to factors 1, 2, or 4, or to a combination of all three. The fact that the U.S. Government has recognized the endangered status of these species when it ratified the Convention also provided persuasive evidence supporting their listing under the Act. The decision to add these species to the U.S. List was based on the "best scientific and commercial data available".

These species are identified as occurring in various rivers in Alabama, Kentucky, Tennessee, and Virginia: Clinch, Duck, Elk, Middle Fork Holston, Paint Rock, Powell, Red, and Tennessee Rivers. Question has been raised as to the continued existence of some of the species in these river systems. As a result of information brought to light in the suit of *Pacific Legal Foundation, et al. v. Cecil D. Andrus, et al.*, Civil No. 77–1054–C–CV, U.S.D.C. M.D. Tenn. (1978), Representative Robin Beard has petitioned the Service pursuant to Section 4(c)(2) of the Endangered Species Act to review the status of these six species. The Service has determined that this petition presents substantial evidence and is therefore undertaking this status review. *Quadrula intermedia* was included in a separate request from Representative Beard.

The Service is seeking the views of the Governors of Alabama, Kentucky, Tennessee, Virginia, and is soliciting from them information on the status of these species within their jurisidications. Other interested parties are invited to submit any factual information, especially publications and written reports, which is germaine to this status review. The information received in response to this notice of review will be used to determine if these species should retain their Endangered status, or if the Service should propose that any of these species be reclassified to Threatened status or be removed from the list of Endangered and Threatened Wildlife and Plants.

This notice of review was prepared by Mrs. Lorraine K. Williams, Office of Endangered Species (703/235–1975).

Dated: April 25, 1979.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.

[FR Doc. 79-13408 Filed 4-30-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Tuesday
May 1, 1979

Part III

Department of Energy

Office of Energy Research

University Coal Research Laboratory Program; Final Rule

DEPARTMENT OF ENERGY

Office of Energy Research

10 CFR Part 320

University Coal Research Laboratory Program

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) has established policies and procedures to be followed in the selection and designation of thirteen university coal research laboratories as authorized by Title VIII of Pub. L. 95–87, the Surface Mining Control and Reclamation Act of 1977, as amended by Section 604 of Pub. L. 95–617, the Public Utilities Regulatory Policies Act of 1978. The university coal research laboratories are established for the purpose of carrying out advanced research and training related to one or more problems of coal energy resources and conversion. At least one of the coal laboratories so designated must be located within each of the major coal provinces of the United States, including Alaska, but no more than one per State. Ten of the thirteen laboratories authorized must be located in States with abundant coal reserves and all the laboratories must be administered by institutions of higher education with experience and expertise in coal research and currently or potentially outstanding coal research programs with the capacity to establish and operate the coal laboratory.

The final rule includes definitions and interpretations of terms included in the authorizing legislation, a summary of eligibility, selection, and evaluation criteria, and funding and administrative information necessary for the preparation and submission of applications to DOE for grants for the establishment of university coal research laboratories.

EFFECTIVE DATE: May 11, 1979.

FOR FURTHER INFORMATION CONTACT: Richard E. Stephens, Director, Division of Institutional Programs, Office of Field Operations Management, Office of Energy Research, Department of Energy, 400 First Street, N.W., Washington, D.C. 20585, Rm. 501, Telephone Number (202) 376–9188. Leonard Rawicz, Assistant General Counsel for Energy Research, Technology and Application, Office of General Counsel, Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Rm. 6P–055, Telephone Number (202) 252–6967.

SUPPLEMENTARY INFORMATION:

I. Background

This regulation adds a new Part 320 to Subchapter B, Chapter II of Title 10 of the Code of Federal Regulations.

Title VIII of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, as amended by Section 604 of the Public Utilities Regulatory Policies Act of 1978, Pub. L. 95–617, (hereinafter referred to as the Act) authorizes the Administrator of the Energy Research and Development Administration (ERDA) to designate thirteen institutions of higher education at which university coal research laboratories will be established and operated. Section 301 of the Department of Energy Organization Act, Pub. L. 95–91 transferred to the Secretary of Energy all functions of the Administrator of ERDA with respect to the University Coal Research Laboratories Program.

The Administration and the Congress recognize that the increased utilization of coal as an alternative energy source to petroleum and natural gas is of critical importance in assuring adequate future energy supplies. Increased coal utilization is dependent in part on increased scientific and technical understanding of various problems associated with the mining, processing and conversion of coal for energy purposes. There is also a related need to assure that an adequate supply of highly trained professional manpower exists for future energy-related programs in the public and private sectors. These objectives can be met in part through the increased participation and involvement of institutions of higher education in coal-related research and manpower development.

The University Coal Research Laboratories Program (UCL), as authorized in the Act, is designed to expand opportunities for coal research at institutions of higher education and through participation in such research, to develop new professional manpower for future energy-related programs.

In order to carry out these purposes, thirteen institutions of higher education are to be designated by the Department of Energy (DOE) as locations for the establishment and operation of university coal research laboratories. These laboratories are to conduct advanced research on selected problems in the extraction and utilization of coal resources. This research may involve the combined efforts of specialists from different academic disciplines and be directed at one or more specific coal problems. Each designated laboratory is responsible for developing close and productive relationships with the private sector, other academic institutions, State and local government, and public groups to insure the exchange of information on the results of their research. Research facilities for the characterization of coal are also to be established at each laboratory to work in close cooperation with private industry. In addition, each laboratory is to develop programs for the training of students engaged in advanced study in disciplines related to coal as a source of energy.

DOE published a Proposed Rule on the University Coal Research Laboratories Program in the **Federal Register** on January 22, 1979, (44 FR 4632–4639). The Proposed Rule described the purpose and scope of the program, eligibility requirements, evaluation and selection criteria, the contents of and review procedures for grant applications, and plans for continuing operation and administration of the program.

Nineteen written comments were received in response to the Proposed Rule and an additional thirteen presentations were made at a public hearing held on February 23, 1979, in Washington, D.C. Many of the comments sought clarification of various parts of the Proposed Rule; some suggested specific changes or revisions. All of the written comments and presentations, as well as other information available to DOE, were considered in arriving at the final rules adopted herein.

II. Comments on the Proposed Rule

Written comments and presentations were received from scientists and administrators at institutions of higher

education and from representatives of state agencies and independent testing laboratories. The remainder of this section consists of summaries of substantive comments received and responses to these comments, further clarifications of DOE's rationale in developing the Proposed Rule, and changes made in the Proposed Rule as the result of public comment.

A. Definitions—Sec. 320.2

1. Abundant Coal Reserves, Sec. 320.2(a)

Comments: There were two comments relating to the determination of states with abundant coal resources.

Responses: The Energy Information Administration, DOE, U.S. Bureau of Mines and U.S. Geological Survey were consulted to determine the most recent and authoritative source of data on U.S. coal reserves by state; all concurred on the August 1977 USBM publication, "Demonstrated Coal Reserve Base of the United States on January 1, 1976." This publication is used by DOE in determining the coal reserves of the various states for purposes of this Act. The Proposed Rule used a 1.5 billion ton minimum limit as the definition of "abundant coal reserves." While some states may claim more abundant coal reserves or coal resources, in order to provide for uniform determination of coal reserves on a national basis, DOE will continue to use the above-referenced USBM report in determining those states with abundant coal reserves. It should be noted that in implementing the Act as amended, no eligible institution of higher education is excluded from submitting an application to the UCL Program due to the amount of coal reserves of the state in which it is situated.

2. Coal Research, Sec. 320.2(c)

Comments: There were eight comments relative to the definition of coal research. Two comments related to the acceptability of research on coal as an industrial raw material and byproducts of coal production, such as underclays. Two comments related to the omission of specific reference to "mine safety" and "reclamation." Several comments requested that DOE identify types of coal research or ranks and grades of coal which were considered of higher priority.

Response: The definition of § 320.2(c) refers to research that will advance efforts to expand the use of coal as an energy source and is considered to be consistent with the purposes of the Act. While research on coal as an industrial raw material or on coal production and utilization byproducts is not specifically excluded from the definition, such research carries a lower priority in the UCL program because of the emphasis in the Act on coal as a direct energy source.

Both "mine safety" and "reclamation" are acceptable areas of research under the broad definition. In recognition of its critical role in the expanded use of coal, "mine safety" is now cited in the definition. Reclamation is considered adequately covered by the broader term "environmental effects." Research in these areas, however, should complement or focus on different aspects of, and not duplicate, research currently supported by other agencies and organizations. A broad definition of coal research permissible under the UCL Program has been developed to allow applicants the opportunity to propose responsive research programs that focus on national and/or regional problems, including research on coals of different rank and grade.

3. Institutions of Higher Education, Sec. 320.2(f)

Comments: Twelve comments were received relative to the definition of institution of higher education. Two comments related to "accredited masters and/or doctoral degree programs in disciplines related to coal research." Ten comments focused on membership, organization, management and the role of the lead institution in consortia or partnerships. One of the ten comments proposed the substitution of "agent" for lead institution on the premise that this would make the partner institutions more equal. One of the comments asked whether a state organization can act as the administrative body for a consortium rather than using a "lead institution."

Response: To clarify the definition of "accredited," the following addition has been inserted into the definition . . . "must be accredited by the appropriate general regional accrediting agency or, where appropriate, by a recognized professional accrediting body . . ." The Act is clear that only institutions of higher education may qualify as an applicant for designation as a UCL. In the Proposed Rule, DOE broadened the definition of institution of higher education to permit applications from consortia or partnerships of such institutions. Public or private organizations or agencies which are not institutions of higher education would not qualify for membership in a UCL consortium or partnership. However, this restriction does not preclude limited participation of public or private organizations or agencies (which do not by themselves qualify for membership in a UCL consortium or partnership) from collaborating in research and training efforts conducted by a UCL.

DOE does not specify the organizational form or structure of a consortium or partnership. However, it is required that a party designated by the consortium or partnership be capable of receiving the award and have both significant capabilities and experience in the management of interdisciplinary or interinstitutional programs and administrative experience in Federal grant and contract management. This "party" is expected to be legally responsible on behalf of the consortium or partnership for proposal submissions, award negotiations, technical reports, financial reports and fiscal accountability. The party selected to provide these services on behalf of a consortium or partnership will, therefore, be presumed to have a leadership role. The party may be one of the institutions of the consortium or a nonprofit organization authorized to represent the consortium. In the case of multistate consortia or partnerships, a "lead" institution must be designated and the location of the "lead" institution shall be considered the "home state" for the purpose of meeting the limitation of the Act in stipulating that no more than one UCL shall be located in any single state. In these situations, a significant portion of the UCL program must be conducted in the lead institution's "home state." Changes have been made in the final regulations to incorporate these clarifications.

4. Major Coal Provinces, Sec. 320.2(g)

Comment: Three comments were received relative to the definition and interpretation of major coal provinces. All comments related to those states which fall in more than one coal province and the method of designating a UCL within each province.

Response: The Act stipulates that at least one UCL shall be established within each major coal province, but that no more than one laboratory shall be located in a single state. Coal provinces have been defined by the U.S.

Geological Survey (note the U.S. Bureau of Mines as cited in the Act). The definitive reference is USGS Prof. Paper 978, *PACER, Data Entry, Retrieval and Update for the National Coal Resource Data System, 1978.* Some states fall in two or more coal provinces, although their major coal reserves may lie primarily in one coal province. DOE will evaluate UCL proposals on the basis of quality and merit of UCL programs proposed and will select thirteen of the best qualified applicants for designation as UCL's while meeting the Act's requirements that ten UCL's be in states with abundant coal reserves and at least one be located in each of the seven coal provinces. The UCL's selected through this process are expected to provide a balance of research between problems of a general (National) nature and problems relevant to the various regions and coal provinces. This definition will, therefore, remain as proposed except for the following changes in the designation of provinces: Eastern Province, add "Delaware"; and Gulf Province, add *"Alabama."* These were inadvertently omitted in the proposed rule.

5. Operating Expenses, 320.2(h)

Comment: Three comments were directed at the limitation of $500 on research equipment purchases contained in the definition of "operating expenses." Comments were also made at the public hearing on whether operating expenses included "start up" costs.

Response: DOE concurs with these comments and is substituting a $1000 limitation in the Final Rule.

This section has been further revised to exclude "new program startup expenses" as a cost category under the definition of "operating expenses." The program Solicitation (see § 320.8, Content of Proposals, et seq.) will provide further information on the definition and allowability of new program startup expense.

B. Establishment of Program, Sec. 320.3

Comment: Four comments were received relating to this Section. One comment requested clarification of "education" and "training" as used in the Act and the proposed rule. One comment questioned whether the use of the National Academy of Engineering in its advisory capacity to DOE inferred an engineering emphasis in the UCL Program. Two comments requested clarification of the relationship of research to be conducted under the UCL Program to other coal research currently supported at universities by DOE.

Response: DOE has interpreted education as referred to in the Act to be focused principally on the training of advanced students through participation in coal research with related, but limited, course development and improvement and information dissemination activities. A specific definition of education and training has been added in § 320.2(g).

The Act directed DOE to consult with the National Academy of Engineering in the process of designating the UCL Institutions. The Academy organized a committee of scientists and engineers to provide assistance to DOE in the initial development of the UCL Program. The NAE committee favors multidisciplinary research on a broad range of coal problems which extend beyond the field of engineering.

The UCL Program is intended to complement and extend, but not to duplicate or supplant, research on coal currently being conducted in universities. It is anticipated that UCL research will be directed at broader and more fundamental questions and/or may relate to specific problems and issues of a regional or coal province nature. Underlying all UCL research will be the emphasis on training through research participation. The final regulations have been revised to reflect this position.

The last sentence in the second paragraph of § 320.3 has been modified for consistency with the Act and subsequent Sections of the Rule by indicating that the UCL program will build upon and strengthen existing "or potential" coal-related research capabilities at the selected universities.

C. Program Objectives, Sec. 320.4

Comment: Sixteen comments were directed to §320.4, dealing with the establishment of test laboratories for coal characterization. Six comments were concerned with the role and functions of these laboratories. Ten comments dealt with possible unfair competition with commercial testing laboratories which might result from the Federal funding of these laboratories.

Response: Comments on the role and functions of coal characterization in the UCL Program were particularly helpful. The proposed rule adopted the language of the Act in referring to the establishment of "test laboratories for coal characterization." The words "test laboratory" infer a routine coal testing function, which if permitted might result in direct competition with established independent, commercial laboratories. On the other hand, research to advance the knowledge and understanding of the fundamental characteristics of coals is considered essential to many areas of coal research. Based on comments received, a new § 320.2(c) has been inserted defining "Coal Characterization Research." Also, references to coal characterization in §§ 320.4, 320.5, 320.8, and 320.11 have been modified to delete the words "test laboratory" and to stress the research nature of coal characterization. These changes clarify the role of coal characterization in the UCL Program to significantly reduce the potential for unfair competition with independent testing laboratories. An applicant for participation in the UCL program is required to set forth a program for coal characterization research which complements and assists other coal research proposed in the application. This coal characterization program must clearly show that it will not duplicate or supplant the services normally provided by commercial testing laboratories. (Sec. 320.5, Functions of University Coal Research Laboratories, has been revised to incorporate this determination.) A proposed coal characterization research program may utilized new or existing facilities or be conducted wholly by or jointly with other private or public organizations.

D. Functions of a University Coal Research Laboratory, Sec. 320.5

Comment: Eight comments were directed to various aspects of the role and functions of a UCL. These dealt with the scope of UCL research, collaborative research with industry, the involvement of external advisors and the transfer of research results.

Response: DOE has defined coal research broadly and outlined the functions of a UCL with the intent of providing each applicant with the maximum flexibility in proposing a program which identifies and responds to coal research needs and opportunities as perceived by the applicant. The research may focus on general, fundamental problems of coal research, or problems of particular significance to a state, region or coal province, or a balance between the two. Applicants are encouraged to focus the major part of their research efforts in one or more programmatic areas comprised of individual (or groups of) coherent research projects. Each UCL is encouraged and expected to establish collaborative efforts over time with other organizations which might include other academic institutions, industry, private laboratories, state or Federal agencies and laboratories. Each UCL should seek external inputs in the

planning and evaluation of its research and training efforts and is also expected to communicate information on its research accomplishments through various means. DOE does not seek to dictate the scope and nature of such arrangements since needs and opportunities for obtaining inputs and dissemination of results will vary. Exchange of scientific and technical ideas and information among the members of the UCL network will be particularly encouraged by DOE. Sec. 320.19, Reporting Dissemination of Information, provides additional guidance on the question of UCL information exchange and reporting responsibilities.

Section 320.5 has been revised (as noted in the comments on § 320.4) to reflect the change in the definition of the test laboratory for coal characterization and in the relationship of such coal characterization research to the services provided by commercial testing laboratories.

E. Eligibility Requirements, Sec. 320.7

Comment: There were two comments relative to this Section. One comment proposed a revision of the rule to restrict eligibility to those institutions with doctoral degree programs in disciplines related to ongoing and proposed areas of coal research. One comment proposed the addition of an eligibility requirement which would prohibit any institution which engaged in the selling of routine sampling and testing services from being considered as an applicant to the UCL Program.

Response: A change in the eligibility requirement to restrict applicants to those institutions which have doctoral programs in disciplines relating to coal research is considered by DOE to be unduly restrictive. In some institutions, doctoral programs may not be offered in certain disciplines which otherwise have the potential for making significant contributions to UCL research. Therefore, this suggested change is not accepted. While DOE intends to prohibit the use of UCL Program funds for the development and offering of testing services in competition with commercial laboratories, an eligibility requirement which would disqualify any institution from applying because that institution currently provides such test services to the public is considered inappropriate. Some state institutions are required by state statute to provide certain types of testing services. No modification of the proposed rule is being made in response to the comment suggesting this change.

Section 320.7(c) relative to cost-sharing is deleted from this Section and a modification of cost-sharing is discussed under § 320.8(b)(7).

F. Content of Proposals (Application), Sec. 320.8

Comments: Four comments were received relative to this Section, all of which dealt specifically with § 320.8(b)(7) on the certification of cost-sharing. One comment raised the question as to whether it was reasonable to require that an applicant certify a long-term commitment as to the source and availability of cost-sharing funds. Three comments addressed the problems of timing and long-term commitments which applicants might experience in seeking cost-sharing assistance through state legislative action.

Response: Section 320.8(a) has been modified to indicate that the Program Solicitation shall specify the number of copies of the proposal required and the DOE installation to which they should be sent.

The comments on certification of cost-sharing have been accepted and have resulted in the modification of § 320.8(b)(7) to read as follows:

"A cost-sharing plan which describes in general terms how the applicant plans to meet the cost-sharing requirements of the UCL Program (see § 320.16, Cost Sharing) proposed for the authorized duration of the UCL Program (see § 320.21, UCL Program Termination) and a certification of the source, availability, and commitment of non-Federal funds to meet cost sharing requirements on UCL Program activities proposed for the first year."

Section 320.9, Application Procedures, has been combined with § 320.8.

G. Evaluation and Selection Procedures, Sec. 320.10

Comments: There were five comments that dealt with evaluation and selection procedures. One referred to the desirability of site visits in the review and evaluation of UCL proposals. Four dealt with the designation of UCL's with respect to states with abundant coal reserves and to coal provinces. The following questions were raised. Could all thirteen UCL's be designated in states with abundant coal reserves? Will the three UCL's provided for in the Amendment to the Act be designated in states not having abundant coal resources? What criteria will be used to determine in which coal province a given state may be placed? One comment stated that DOE should assure that each regional coal laboratory truly represents the coal province for which it is designated.

Response: DOE is giving consideration to the use of site visits and other forms of interpersonal communication in the proposal review and evaluation process, but does not propose to formalize a specific procedure in the Final Rule. In the UCL selection process, where one state may include and have reserves in two or more coal provinces, DOE does not intend to assign this state to a single coal province for selection purposes. The UCL proposals will be principally evaluated on scientific and technical merit and institutional capability and potential. A DOE Selection Panel, applying the selection criteria set forth in § 320.12, then will make a final ranking of proposals, taking into consideration the distribution of UCL's as stipulated in the Act as amended. Ten UCL's will be designated in states with abundant coal reserves. Of these ten at least one will be located in each of the seven major coal provinces.

Since abundance of coal reserves is not a limiting factor in the selection of the three UCL's authorized under the Amendment to the Act, these UCL's may be located in any state. There is no express prohibition against these three UCL's being located in states with abundant coal reserves. DOE, however, will take into consideration the congressional intent implicit in the Amendment to the Act authorizing the additional three laboratories.

Sec. 320.10(a)(3) has been revised to indicate that technical reviewers will be appointed by the DOE Selection Official.

Sec. 320.10(a)(6) of the Proposed Rule has been deleted as DOE now plans to designate all the thirteen authorized UCL's at the same time.

H. Evaluation Criteria, Sec. 320.11

Comments: There were four comments directed to evaluation criteria. Two raised questions concerning relationships between the UCL's and the Mining and Mineral Resources Research Institutes referred to in § 320.11(4)(v). One comment proposed a selection criterion that would require a review of an applicant institution's history with respect to sale of routine testing services in competition with commercial laboratories and the rejection of proposals from applicants which have provided such services. One comment proposed specific reference to the desirability of interaction of UCL's with commercial laboratories so as to complement their programs with the capabilities of these laboratories rather than to establish duplicate capabilities.

Response: Recognizing that some applicants may be participating in the Mining and Mineral Resources Research

Institute Program authorized under Title III of the same Act (Pub. L. 95–87) as the UCL Program (Title VIII), DOE will require that these applicants describe provisions for coordination of MMRRI and UCL program activities, particularly with respect to the avoidance of duplication. Participation in the MMRRI Program does not preclude designation of an applicant for participation in the UCL Program. DOE does not propose to dictate the manner in which the two programs at any UCL institution must complement each other.

DOE recognizes that some applicant institutions may be required by state statute to provide certain coal-testing services. For this reason, it is not reasonable to specifically exclude applicant institutions from consideration in the UCL Program. On the other hand, the use of UCL funds to develop capabilities and services to be offered in competition with commercial laboratories is prohibited (§ 320.5). The desirability of collaborative efforts with other organizations (which could include commercial laboratories) is cited in § 320.5, dealing with UCL functions. DOE intends to give the applicant maximum flexibility in determining the level, scope and nature of collaborative research efforts proposed for a UCL.

Sec. 320.11(a)(4), Program Management Plans, has been revised to add a new subpart (i) to indicate the importance accorded demonstrated capability and experience in the administration of complex interdisciplinary and/or interinstitutional research programs comparable to a UCL.

Sec. 320.11(a)(5)(iii) on cost sharing as an element of fiscal management evaluation has been revised to reflect the changes made by DOE in § 320.8(b)(7), Content of Proposals. The proposal must certify that the required cost sharing will be available for the first program year.

I. Selection Criteria, Sec. 320.12

Comment: There were two comments on this section. One requested clarification of the basis for determining the relative need for research on coals of different types and qualities distributed within the various coal provinces, § 320.12(b). One asked clarification as to the source of data and indices of measurement of coal utilization as a programmatic factor, § 320.12(c).

Response: The title of § 320.12 is changed from "Programmatic Factors" to "Selection Criteria." There are no precise indices for determining the relative need for research on various coals in different coal provinces. It is anticipated that such determinations will be derived from justifications contained in the UCL proposals, reviewer comments and the collective judgment of the DOE Selection Panel. Importance of coal utilization as a programmatic selection factor will vary substantially from one state to another and from one coal province to another. Published data on coal utilization, by state and by coal province, along with forecasts of potential coal utilization over the current duration of the UCL program will be referred to by the Selection Panel as additional background information of relevance to the UCL selections.

J. UCL Program Implementation, Sec. 320.13

Comments: There were five comments relating to this selection. Four raised questions about DOE plans for awards in FY 1980 and beyond, assuming a $5M appropriation in FY 1980. One comment urged emphasis on support of "currently outstanding" research capabilities in universities.

Response: DOE has not completed specific plans for UCL program funding in FY 1980. It is probable that all thirteen designated UCL's will receive some level of award. A substantial range in capabilities for research and merit of proposed research may be expected in the proposals of the thirteen designated UCL's. It is probable that several of the more advanced proposals (presently contemplated to be up to five of the 13 designated laboratories) will be selected for funding at a substantial level (at an average of $500,000 in the initial year). The remaining designated UCL's would receive lesser amounts in the initial year (ranging from $150,000 to $300,000) for promising programmatic research efforts and for planning purposes. The contemplated level of funds will, of course, be contingent on the quality of the proposals received. In future years, each UCL may receive greater support commensurate with program development and performance and the availability of UCL program appropriations.

Additional guidance on UCL funding may be included in the UCL Program Solicitation.

K. Limitations on the Use of Funds, Sec. 320.14

Comment: Four comments were received relative to this section. One was directed at the apparent reordering of Congressional priorities in the allocation of funds. One urged flexibility in requirements to permit adaptation to state requirements. One proposed a prohibition on the UCL funds for research and training projects conducted by non-educational institutions. One asked for information on the projected time table for UCL's in requesting funds under the limits established by the Act and set forth in § 320.14(a).

Response: DOE decided to request a modest initial budget for the UCL Program with the expectation of expanding support based on demonstrated performance. This decision required deferment of substantial support for facilities and equipment. This decision does not represent a reordering of Congressional intent regarding facilities and equipment, nor should it be interpreted as a lack of sensitivity by DOE to the importance of facilities and equipment to the success of the UCL Program. Proposers will be required to submit a plan for FY 1980, and subsequent years, which will include estimates of resources required for research operations, facilities and equipment. The Program Solicitation will include additional details on the requirements for plans regarding facilities and equipment.

While the intent of the UCL Program is to support research in institutions of higher education, limited collaborative research with other public and private sector organizations is encouraged and a prohibition against the use of UCL funds in such efforts is not appropriate.

No changes have been made to this section.

L. Program Continuation, Sec. 320.15

Comments: Two comments were received that relate to this section. One asked for clarification of the intent of DOE with respect to continuing support for facilites and equipment. One comment raised the issue of the ownership of facilities and equipment in the event support for a UCL is terminated.

Response: Assuming availability of adequate UCL Program funds, DOE would expect to provide limited support for facilities and equipment on a selected basis to the designated laboratories during the initial years of the program. Disposition of facilities and equipment purchased with DOE support will be handled in accordance with provisions in the DOE Assistance Regulations 10 CFR 616 (44 FR 12920, March 8, 1979, § 600.116).

M. Cost-Sharing, Sec. 320.16

Comment: Nine comments were received relating to this Section. One

comment questioned whether an applicant proposing cost-sharing on operating expenses in excess of 50 percent would receive preferential consideration in the selection process. Two comments asked for clarification of cost-sharing requirements on facilities, equipment and start-up costs. Four comments raised questions as to the kinds of costs that could be credited to cost participation on annual UCL operating costs.

Response: While the plan for meeting cost-sharing requirements is an element of the management plan which must be submitted by each applicant, DOE does not intend to make the level of cost-sharing in excess of the requirements of the Act a criterion in the selection process. The intent of the Act is further interpreted by DOE to require in addition to the 50 percent cost share for operating expenses some cost-sharing on facilities, equipment and startup costs. As stated in the Proposed Rule, cost-sharing will be permitted at the aggregate level of the UCL program rather than on a project-by-project basis. With reference to questions regarding the allowability of education-related expenses as a cost-share, in accordance with the definition by DOE of education and training, as related to the UCL Program, (§ 320.2(g)), only those costs associated with education activities proposed as one of the direct functions of the UCL Program would be considered allowable as a proposed cost-share applicable to UCL program operating expenses. This might include costs associated with the conduct of seminars on UCL research or research conducted through the UCL by advanced students. Specific items proposed as cost-shares by UCL's shall be discussed during negotiations prior to award.

N. Reporting and Dissemination of Information, Sec. 320.19

Comment: Three comments were received relating to this section. One comment questioned the need for semiannual performance reports. One comment suggested the need for a mechanism for interaction among coal researchers in the network of UCL's to exchange information and reduce overlapping research. One comment requested clarification as to the scope and level of information dissemination efforts stipulated under § 320.19(b).

Response: DOE expects to require a brief technical progress report midway in each annual grant period and an annual (or final) report at the end of the grant period which reports in more detail on program activities, technical progress and accomplishments. Section 320.19(a) has been modified to clarify this requirement. This level of reporting is considered essential to monitor performance of the UCL Program and to provide for its continuity. Although not specifically described in the proposed rule, DOE envisions regular meeting of the directors of the thirteen UCL's and periodic technical meetings of UCL and other researchers for purposes of information exchange. The manner in which research results are disseminated may vary with the nature of the research and its potential users. For example, research on regional problems may require different methods of information dissemination than would a program in fundamental coal science. Therefore, beyond encouraging prompt dissemination of research results, DOE does not specify requirements for information dissemination. Based on these comments and the requirements of the Assistance Regulations, a new Subsection (b) has been added to cover financial and budget reporting requirements.

III. Additional Information

In addition to the changes made in the Proposed Rule as cited above, other changes and improvements have been made for administrative clarification and editorial improvement. Subsequent to the publication of the proposed rule on the University Coal Research Laboratories Program, DOE issued the Final Rule on the Department's Assistance Regulations 10 CFR Part 600 (44 FR 12920–12934, March 8, 1979). These regulations contain regulatory and nonregulatory material concerning administrative and other Federal requirements applicable to recipients of grants and cooperative agreements. The effect of these regulations will be to simplify the application for and the award and administration of DOE assistance funds. It is contemplated that grants will be used as the award instruments to support the designated laboratories. The award and subsequent administration of UCL grants will be conducted in accordance with the provisions of the DOE Assistance Regulations.

In accordance with DOE's obligations under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., it has been determined that this action does not constitute on a programmatic level a major Federal action significantly affecting the quality of the human environment within the meaning of Sec. 102(2)(c) of NEPA. Consequently, no environmental impact statement is required. However, DOE has an obligation to review specific programs proposed for funding under this regulation and determine whether a site-specific environmental review is required.

In accordance with its plans for implementing Executive Order 12044, Improving Government Regulations (43 FR 18634, May 1, 1978) DOE has determined that this final regulation is significant because Congress and the DOE regard expanded utilization of coal to be of widespread concern and that the proposed University Coal Research Laboratories can make important contributions to this national objective. DOE has also determined that this regulation will have no major economic impacts, as defined in DOE Order 2030.1, December 12, 1978, and that a regulatory analysis of this program is not required.

This regulation is effective on May 11, 1979. As noted, extensive public comments were received on the Proposed Rule. In addition, five public meetings were held at locations across the country in FY 1978 and suggestions and recommendations made at these and other occasions have been of significant assistance to DOE in preparing and publishing this regulation.

IV. Text of the Authorizing Legislation

For convenience, the texts of the provisions of Title VIII of the Surface Mining Control and Reclamation Act and the amending legislation authorizing the University Coal Research Laboratories Program are reprinted below.

SURFACE MINING ACT—TITLE VIII—UNIVERSITY COAL RESEARCH LABORATORIES—

Establishment of University Coal Research Laboratories

Section 801(a). The Administrator, Energy Research and Development Administration (hereafter referred to as "Administrator" in this title), after consultation with the National Academy of Engineering, is authorized and directed to designate ten institutions of higher education at which university coal research laboratories will be established and operated.

(b) In making designations under this section, the Administrator shall consider the following criteria:

(1) The institution of higher education shall be located in a State with abundant coal reserves.

(2) The institution of higher education shall have experience in coal research, expertise in several areas of coal research, and potential or currently

active, outstanding programs in coal research.

(3) The institution of higher education has the capacity to establish and operate the coal laboratories to be assisted under this title.

(c) Not more than one coal laboratory established pursuant to this title shall be located in a single State and at least one coal laboratory shall be established within each of the major coal provinces recognized by the Bureau of Mines, including Alaska.

(d) The Administrator shall establish a period, not in excess of ninety days after the date of enactment of this Act, for the submission of applications for designation under this section. Any institution of higher education desiring to be designated under this title shall submit an application to the Administrator in such form, at such time, and containing or accompanied by such information as the Administrator may reasonably require. Each application shall—

(1) describe the facilities to be established for coal energy resources and conversion research and research on related environmental problems including facilities for interdisciplinary academic research projects by the combined efforts of specialists such as mining engineers, mineral engineers, geochemists, mineralologists, mineral economists, fuel scientists, combustion engineers, mineral preparation engineers, coal petrographers, geologists, chemical engineers, civil engineers, mechanical engineers, and ecologists;

(2) set forth a program for the establishment of a test laboratory for coal characterization which, in addition, may be used as a site for the exchange of coal research activities by representatives of private industry engaged in coal research and characterization;

(3) set forth a program for providing research and development activities for students engaged in advanced study in any discipline which is related to the development of adequate energy supplies in the United States. The research laboratory shall be associated with an ongoing educational and research program on extraction and utilization of coal.

(e) The administrator shall designate the ten institutions of higher education under this section not later than ninety days after the date on which such applications are to be submitted.

Financial Assistance

Sec. 802(a) The Administrator is authorized to make grants to any institution of higher education designated under section 801 to pay the Federal share of the cost of establishing (including the construction of such facilities as may be necessary) and maintaining a coal laboratory.

(b) Each institution of higher education designated pursuant to section 801 shall submit an application to the Administrator. Each such applicant shall—

(1) Set forth the program to be conducted at the coal laboratory which includes the purposes set forth in section 801(d);

(2) Provide assurances that the university will pay from non-Federal sources the remaining costs of carrying out the program set forth;

(3) Provide such fiscal control and funds accounting procedures as may be necessary to assure the proper disbursement of an accounting for Federal funds received under this title;

(4) Provide for making an annual report which shall include a description of the activities conducted at the coal laboratory and an evaluation of the success of such activities, and such other necessary reports in such form and containing such information as the Administrator may require, and for keeping such records and affording such access thereto as may be necessary to assure the correctness and verification of such reports; and

(5) Set forth such policies and procedures as will insure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities described in subsections 801(d) (1), (2), and (3), and in no case supplant such funds.

Limitation of Payments

Sec. 803(a) No institutions of higher education may receive more than $4,000,000 for the construction of its coal research laboratory, including initially installed fixed equipment, nor may it receive more than $1,500,000 for initially installed movable equipment, nor may it receive more than $500,000 for new program startup expenses.

(b) No institution of higher education may receive more than $1,500,000 per year from the Federal Government for operating expenses.

Payments

Sec. 804(a) From the amounts appropriated pursuant to section 806, the Administrators shall pay to each institution of higher education having an application approved under this title an amount equal to the Federal share of the cost of carrying out that application. Such payments may be installments, by way of reimbursement, or by way of advance with necessary adjustments on account of underpayments or overpayments.

(b) The Federal share of operating expenses for any fiscal year shall not exceed 50 per centum of the cost of the operation of a coal research laboratory.

Advisory Council on Coal Research

Sec. 805(a) There is established an Advisory Council on Coal Research which shall be composed of

(1) The Administrator, ERDA who shall be Chairman;

(2) The Director of the Bureau of Mines of the Department of the Interior;

(3) The President of the National Academy of Sciences

(4) The President of the National Academy of Engineering;

(5) The Director of the United States Geological Survey; and

(6) Six members appointed by the Administrator from among individuals who, by virtue of experience or training, are knowledgeable in the field of coal research and mining, and who are representatives of institutions of higher education, industrial users of coal and coal-derived fuels, the coal industry, mine workers, non-industrial consumer groups, and institutions concerned with the preservation of the environment.

(b) The Advisory Council shall advise the Administrator with respect to the general administration of this title, and furnish such additional advice as he may request.

(c) The Advisory Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President not later than December 31 of each calendar year. The President shall transmit each such report to the Congress.

(d)(1) Members of the Council who are not regular officers or employees of the United States Government shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Administrator but not exceeding the daily rate prescribed for GS–18 of the General Schedule under section 5332 of title 5, United States Code, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for

persons in the Government service employed intermittently.

(2) Members of the Council who are officers or employees of the Government shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out their duties on the Council.

(e) Whenever a member of the Council appointed under clauses (1) through (5) is unable to attend a meeting, that member shall appoint an appropriate alternate to represent him for that meeting.

Authorization of Appropriations

Sec. 806. There are authorized to be appropriated not to exceed $30,000,000 for the fiscal year ending September 30, 1979 (including the cost of construction, equipment, and startup expenses), and $7,500,000 beginning with the fiscal year 1980 each fiscal year thereafter through the fiscal year ending June 30, 1983, to carry out the provisions of this title.

Public Utility Regulatory Policies Act

Sec. 604. Coal Research Laboratories.

(a) Designation—So much of section 801 of the Surface Mining Control and Reclamation Act of 1977 as precedes subsection (b) of paragraph (2) thereof is amended to read as follows: "Establishment of University Coal Research Laboratories."

"Sec. 801(a) The Secretary of Energy, after consultation with the National Academy of Engineering, shall designate thirteen institutions of higher education at which university coal research laboratories will be established and operated. Ten such designations shall be made as provided in subsection (e) and the remaining three shall be made in fiscal year 1980.

"(b) In making designations under this section, the Administrator shall consider the following criteria:

"(1) Those ten institutions of higher education designated as provided in subsection (e) shall be located in a State with abundant coal reserves."

(b) Authorization of Appropriations—Section 806 of such Act is amended to read as follows:

Authorization of Appropriations

Sec. 806(a) For the ten institutions referred to in the last sentence of section 801(a), there are authorized to be appropriated not to exceed $30,000,000 for the fiscal year ending September 30, 1979 (including the cost of construction, equipment, and startup expenses), and not to exceed $7,500,000 for the fiscal year 1980 and for each fiscal year thereafter through the fiscal year ending before October 1, 1984, to carry out the provisions of this title.

(b) For the three remaining institutions referred to in the last sentence of section 801(a), there are authorized to be appropriated not to exceed $6,500,000 for the fiscal year 1980 (including the cost of construction, equipment, and startup expenses), and not to exceed $2,000,000 for each fiscal year after fiscal year 1980 ending before October 1, 1984, to carry out the provisions of this title.

(c) Conforming Amendment—Title VIII of such Act is amended by striking out the terms "Administrator" and "Administrator, ERDA" in each place they appear and substituting "Secretary of Energy" in each such place.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended by establishing Part 320 as set forth below.

Issued in Washington, D.C., April 23, 1979.

John M. Deutch,

Director of Energy Research.

Subchapter B, Chapter II of Title 10 is amended by establishing Part 320 as follows:

Part 320—University Coal Research Laboratories Program

Sec.

Authority: Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, Title VIII, as amended by the Public Utilities Regulatory Policies Act of 1978, Pub. L. 95–617, Title VI, sec. 604; Department of Energy Organization Act, Pub. L. 95–91. Sec. 644, et seq.

§ 320.1 Purpose and scope.

This part contains the requirements for the conduct of a University Coal Research Laboratories Program, the selection of thirteen institutions of higher education at which the laboratories are to be located and grant awards to establish the laboratories as authorized by Title VIII, Section 801 of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95–87), as amended.

§ 320.2 Definitions.

As used in this chapter, the term—

(a) "Abundant Coal Reserves" means a state with a *demonstrated coal reserve base* in excess of 1.5 billion tons.

(b) "Act" means Title VIII of the Surface Mining Control and Reclamation Act of 1977, Pub. L. 95–87, as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95–617, Title VI, Sec. 604.

(c) "Coal Characterization Research" means a program of research to advance knowledge and understanding of the physical and chemical characteristics of different types of coal and the correlation of these characteristics to the behavior of coal in various production, handling and utilization processes. The research program also may be concerned with the development of new techniques and procedures for the characterization of coals.

(d) "Coal Research" means research that will advance efforts to expand the use of coal as a source of energy. The research may include, but not necessarily be restricted to, investigations relating to resource development, mining, beneficiation, direct utilization, conversion, mine safety, environmental and health effects, transportation, and institutional impacts. The research may relate to coal of any rank and grade.

(e) "DOE" means the Department of Energy.

(f) "DOE Selection Official" means the Secretary of Energy, or his designee, vested with the final authority and responsibility to select and designate the University Coal Research Laboratories.

(g) "Education and Training," for purposes of the UCL Program, includes the training of advanced students through participation in coal research and coal research seminars. Education and Training also includes limited activities relating to the dissemination of UCL research information through continuing education or related programs and the improvement or upgrading of academic courses on coal-related subjects as a direct result of UCL research activities.

(h) "Institution of Higher Education" means a four-year university or college with established programs in several areas of coal research and related educational activities and masters and/

or doctoral degree programs which must be accredited by the appropriate general regional accrediting agency or where appropriate, by recognized professional accrediting bodies in disciplines related to coal research. An institution of higher education for purposes of eligibility includes single institutions meeting the above qualifications, or a consortium or partnership of institutions which are collectively qualified. A consortium or partnership of institutions must clearly designate a "party" to serve as its agent for proposal submissions, award negotiations, technical reporting, fiscal reporting and audit requirements. In addition, multi-state consortia or partnerships, must name a "lead" institution and the location of the "lead" institution shall be considered the "home state" for purposes of meeting limitations of the Act with the further provision that a significant part of the UCL program shall be conducted within the "home state."

(i) "Major Coal Provinces" means the division of the coal fields of the United States into coal provinces as determined by the U.S. Geological Survey (USGS). The USGS has determined the following coal provinces: Alaska, Eastern, Gulf, Interior, Northern Great Plains, Pacific, and Rocky Mountains. The following table further defines the "Major Coal Provinces" by listing all of the states which fall within each province regardless of the abundance of coal reserves. States meeting the abundant coal reserve criteria (in excess of 1.5 billion tons) are italicized:

(1) Alaska Province: *Alaska.*

(2) Eastern Province: *Alabama,* Connecticut, Delaware, Florida, Georgia, *Kentucky,* Maine, Maryland, Massachusetts, Mississippi, New Jersey, New Hampshire, New York, North Carolina, *Ohio, Pennsylvania,* Rhode Island, South Carolina, Tennessee, Vermont, *Virginia, West Virginia.*

(3) Gulf Province: *Alabama,* Arkansas, Georgia, Florida, *Kentucky,* Louisiana, Mississippi, *Missouri,* Tennessee, *Texas.*

(4) Interior Province: Arkansas, *Illinois, Indiana, Iowa,* Kansas, *Kentucky,* Michigan, Minnesota, *Missouri,* Nebraska, *New Mexico, North Dakota, Ohio, Oklahoma,* South Dakota, *Texas,* Wisconsin.

(5) Northern Great Plains Province: *Colorado,* Kansas, *Montana,* Nebraska, *North Dakota,* South Dakota, *Wyoming.*

(6) Pacific Province: Arizona, California, Idaho, Nevada, Oregon, *Washington.*

(7) Rocky Mountains Province: Arizona, *Colorado,* Idaho, *Montana,* Nevada, *New Mexico,* Oregon, *Texas, Utah, Washington, Wyoming.*

(j) "Operating expenses" includes such costs associated with the development and operation of an ongoing research and related education program as salaries and wages, fringe benefits, travel, publication, computer supplies, research equipment up to $1,000 in value and other direct and indirect costs associated with the operation of a coal research laboratory.

This item does not include costs associated with the construction of laboratory facilities and buildings, the acquisition and installation of major equipment or for new program startup expenses.

(k) "State" means the States of the United States.

§ 320.3 Establishment of program.

There is established a University Coal Research Laboratories Program under the direction of the Office of Energy Research of DOE for the purposes of expanding research on coal and the training of advanced students and others through participation in such research. This program shall consist of thirteen coal research laboratories located at institutions of higher education which have the potential for and are capable of establishing and operating such a facility. At least ten of the network of thirteen authorized coal research laboratories will be located in States with abundant coal reserves. There will be at least one University Coal Research Laboratory designated in each of the seven coal provinces but not more than one in any State. The University Coal Research Laboratories Program will build upon and strengthen existing or potential coal-related research capabilities at the selected universities and will complement, but not duplicate or supplant, research on coal currently being conducted at universities.

§ 320.4 Program objectives.

The broad objectives of the University Coal Research Laboratories Program (hereafter referred to as the UCL Program) are as follows:

(a) The establishment of a network of coal research laboratories at institutions of higher education which are committed to conducting coal research;

(b) The stimulation of coal research in institutions of higher education;

(c) The training of advanced students and others through participation in coal-related research;

(d) The establishment of research programs for the characterization of coal in support of UCL research efforts; and

(e) The promotion of exchange of coal research information.

§ 320.5 Functions of university coal research laboratories.

Within the scope of the UCL Program objectives, each UCL shall conduct a research program which addresses significant coal-related research problems and which provides coal research experience to advanced students and others. The coal research program shall build on existing or potential institutional capabilities and resources and focus a majority of the research effort in one or more programmatic research areas reflecting these institutional strengths. Each UCL coal research program shall represent a balance between research and training and, within institutional capabilities, shall address coal research problems of general and/or regional nature. To bring the broadest range of capabilities to bear on its research problems, each UCL is encouraged to establish collaborative research, where appropriate, through cooperative arrangements with other academic institutions, laboratories, industry or other organizations. Each UCL shall propose a program for coal characterization research to be conducted in support of its research activities. This research program may serve as a focal point for the exchange of information on coal characterization research needs and results with representatives of private industry engaged in coal research and characterization but shall not provide services in competition with commercial laboratories capable of offering these services, nor supplant or duplicate such services as are normally provided by commercial laboratories. Each UCL shall establish and maintain regular communication, as appropriate, with the public and private sectors, including State and local governments, the coal producing industry, coal users, the general public and other institutions and organizations concerned with the problems and issues of research on coal as a source of energy. Through such interactions, each UCL shall disseminate information on its research accomplishments and seek inputs concerning research needs and problems.

§ 320.6 Management.

(a) The UCL Program shall be managed by a Program Director, University Coal Research Laboratories Program, located within the Office of Energy Research, DOE.

(b) Each UCL shall be managed by a director selected by the institution.

§ 320.7 Eligibility requirements.

(a) To be eligible to submit an application and be designated for participation in the UCL Program, the applicant must be an institution of higher education and have accredited masters and/or doctoral degree programs in disciplines related to ongoing and proposed areas of coal research and education. The institution must have experience in coal research, and expertise in several areas of coal research and the potential for, or currently active, outstanding programs in coal research. The institution must have the demonstrated capacity to establish and operate a coal research laboratory.

(b) To be eligible, an institution shall have or propose to establish such policies and procedures as will insure that the Federal share of funds made available under the UCL Program will be used to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for the purposes of the activities proposed for the UCL and in no case supplant such funds.

(c) Only one proposal will be accepted from a single institution. An institution which is part of a consortium or partnership shall be subject to this restriction if that institution has been designated lead institution in a consortium or partnership proposal.

§ 320.8 Content of proposals.

(a) Institutions of higher education meeting the eligibility requirements as set forth in § 320.7, may submit a proposal in accordance with this regulation and the UCL Program Solicitation to compete for designation as a UCL and Federal financial assistance for approved UCL Programs. The Program Solicitation will specify the number of copies of each proposal and the address of the DOE office where they should be sent.

(b) The proposal shall contain, but not necessarily be limited to the following information:

(1) A summary statement of institutional eligibility for the UCL Program.

(2) A summary of scope, quality and history of established coal research and education activities including ongoing coal research and education programs, faculty involvement, student participation, publications, facilities and equipment.

(3) A statement of goals and objectives of the proposed UCL.

(4) A description of the organizational structure and management proposed for the UCL.

(5) A summary of the general plan for research and education activities proposed for the UCL through FY 1984, including a summary of technical projects to be undertaken, investigators and facilities to be committed, involvement of advanced students, a program for coal characterization research, facility and equipment needs, levels and man-years of effort and projected budget requirements.

(6) Concise project proposals for each individual program activity proposed in the summary plan to permit separate scientific and technical peer review and evaluation of these projects.

(7) A cost-sharing plan which describes in general terms how the proposal plans to meet the cost-sharing requirements of the UCL program (See § 320.16, Cost Sharing) for the authorized duration of the UCL Program (See § 320.21, UCL Program Termination) and a certification of the source, availability and commitment of non-Federal funds to meet cost-sharing requirements for UCL program activities proposed for the first year.

(c) The contents of the proposal described under paragraph (b) of this section, shall be sixty pages or less in length, exclusive of appendices which shall include specific project proposals (paragraph (b)(6) of this section), supportive information concerning ongoing coal-related research and education activities and other relevant information.

(d) Additional information on the format and content for proposals will be specified in a University Coal Research Laboratories Program Solicitation, notice of which shall be published in the **Federal Register**, and the *Commerce Business Daily*. The Program Solicitation will further specify the closing date for the submission of proposals. No more than 90 days will be provided for the preparation and submission of proposals.

(e) UCL proposals will be prepared in accordance with the requirements of the DOE Assistance Regulations, 10 CFR Part 600, (44 FR 12920, Mar 8, 1978).

§ 320.9 Evaluation and selection procedures.

(a) UCL Program proposals shall be subject to the following review and evaluation procedures:

(1) An initial review shall be conducted by the DOE Selection Panel, appointed by the DOE Source Selection Official, to determine if the proposing institution meets the eligibility requirements contained in §320.7 and to determine if the proposal is complete as required by this regulation and the Program Solicitation.

(2) Proposals from institutions that do not meet the eligibility requirements or the requirements of the Program Solicitation shall be rejected.

(3) Proposals from institutions meeting the conditions of eligibility and the other application requirements shall be reviewed, evaluated, and ranked in accordance with the evaluation criteria (§ 320.11) by Technical Reviewers appointed by the DOE Selection Official from among qualified technical experts in areas related to coal research.

(4) Subsequent to the review and ranking of proposals, an analysis employing the selection criteria (§ 320.12) will be performed by the DOE Selection Panel.

(5) The DOE Selection Official, assisted by the DOE Selection Panel and based on the selection criteria, will designate thirteen institutions which individually and collectively are considered to have the greatest potentiality for meeting the objectives of a balanced national UCL Program of coal research and research-related training.

(6) After designation of the UCL's, DOE will enter into negotiations with each UCL to select and establish the support levels for those project activities to be included in the UCL grant award.

(b) The DOE Selection Official shall announce the designated institutions at which University Coal Research Laboratories will be established and operated within 90 days of the closing date for the submission of proposals.

§ 320.10 Evaluation criteria.

(a) Proposals from institutions which meet the requirements of eligibility (§ 320.7) will be evaluated and ranked by DOE using criteria which may include, but not necessarily be limited to the following:

(1) Understanding of Objectives of UCL Program and Functions of the UCL.

(i) Perceptions of coal related needs, problems and issues to be met through research and training.

(ii) Awareness of the state-of-the-art in the principal areas of coal research proposed for the UCL.

(iii) The relationship of the proposed research to and the differences from current work in the same field(s).

(iv) Institutional rationale for participation in the UCL Program including relevance to the various programs and missions of the institution.

(v) Relationship of proposed plan to the functions of a UCL as set forth in § 320.5.

(2) Qualifications of Eligible Institution

(i) Scope, quality, and history of established coal research and education programs such as ongoing research and education programs, faculty involvement, student participation, publications, facilities and equipment.

(ii) Potential for attracting qualified advanced students.

(iii) Qualifications of the investigators committed to the UCL Program.

(iv) Role and qualifications of UCL Director.

(v) Existing facilities and equipment to be committed to UCL programs.

(3) Scientific and Technical Merit of the Proposed Program

(i) The qualify of the proposed research.

(ii) The role of proposed research in the training of advanced students.

(iii) The degree to which the proposed research will advance scientific and technical understanding of the coal-related problem(s) under study.

(iv) The role of the coal characterization research program in support of proposed UCL research and education activities.

(v) Provisions for communicating research results and for interaction with various segments of the public and private sectors concerning UCL activities.

(4) Program Management Plans

(i) Demonstrated capability and experience in the administration of complex interdisciplinary and/or interinstitutional research programs comparable to a UCL.

(ii) Program management plan proposed for UCL.

(iii) Plans for managing research and training activities carried on in collaboration with other organizations and institutions.

(iii) Reasonableness and appropriateness of the proposed cost plan specifically for UCL program administration.

(iv) Nature of institutional commitment to the UCL Program including provisions for institutional support, cost-sharing, program continuity and the relationship of the UCL to the overall academic mission of the institution.

(v) Provisions for coordination between the UCL and, if present, a Mining and Mineral Resources Research Institute established and funded under provisions of Title III, Pub. L. 95–87, including program planning, organization, management, and avoidance of program duplication.

(5) Fiscal Management

(i) The reasonableness and appropriateness of the total costs proposed for the UCL program including research, program operations, facilities, and equipment.

(ii) The justification presented for the major cost categories proposed (operating expenses, facilities, major equipment, etc.) with reference to § 320.14, Limitations on the Use of Funds.

(iii) Certification of cost-sharing to meet the specific requirements on laboratory operating expenses and cost-sharing proposed on facilities and equipment requests in the first program year.

(b) All eligible UCL proposals will be reviewed and evaluated with respect to the above-listed evaluation criteria.

§ 320.11 Selection criteria.

(a) In making the final selection of the institutions to be designated as the site of a UCL, the following criteria will be considered by the DOE Selection Panel:

(1) The actual ranking of the proposals with respect to the evaluation criteria.

(2) The relative need for research on coals of different types and qualities distributed within the various coal provinces.

(3) Geographic distribution of the applicants with respect to coal provinces, coal reserves, and the utilization of coal on a state and regional basis.

(4) The best overall mix of research specialities, educational potential, and geographic distribution as determined by DOE of coal research programs among those proposed by the designated UCL institutions.

(b) Criteria 320.12(a)(2) through (4), above, are DOE programmatic criteria which DOE will use in the selection of proposals for award and do not reflect on any individual proposal. These criteria will be used by DOE to insure the appropriate mix of awards which meet the overall UCL Program objectives.

§ 320.12 Program implementation.

Subsequent to the designation of the UCL institutions and subject to the availability of UCL Program funds, the UCL Program Office shall initiate the grant award process. Funding of designated UCL's will depend on the funding requested and the nature of the proposed program by each UCL, the best mix of research and educational activities among the UCL's and the availability of appropriated funds to the UCL Program with the amount of the grant being determined through negotiation as cited above in § 320.10. In developing specific funding levels for the initial program year, consideration will also be given to the current capabilities and future potential of each individual UCL. All awards will be subject to the availability of appropriated funds.

§ 320.13 Limitations on the use of funds.

(a) No UCL may receive more than the following total amount of Federal funds:

	Limit
Construction and fixed equipment	$4.0 million.
Movable equipment	$1.5 million.
Start-up expenses	$0.5 million.
Program operations (annual)	$1.5 million [1]

[1] Federal share shall not exceed 50 percent of the total operating costs for any fiscal year.

(b) The Director of the UCL Program will determine the amount of funds to be advanced to each designated UCL for the initial grant year based on estimates of amounts required to conduct all or parts of the proposed program as agreed to through negotiation with the UCL. Depending on levels of appropriation, the following priorities may apply in the allocation of UCL funds: (1) Research program operating expenses; (2) acquisition of movable equipment; and (3) construction of facilities, acquisition of related fixed equipment and start-up costs.

§ 320.14 Program continuation.

(a) The budget levels for subsequent year funding of a UCL beyond the initial year will be agreed to for planning purposes during the negotiation of the initial UCL grant. Specific funding levels for subsequent years will be contingent upon (1) technical performance, (2) proposed continuation program plans and (3) availability of appropriations to the UCL Program. A renewal proposal will be required of each UCL at a time and in a format mutually agreed to between DOE and the UCL.

(b) Technical performance and technical program plans of each UCL will be reviewed by qualified review panels at intervals to be specified by the UCL Program Office.

(c) The UCL Program Office will determine the scope and level of continued support to each UCL based on program reviews and the allocation of available UCL Program funds.

(d) Subsequent year support to a UCL may be refused at the discretion of the DOE UCL Program Office based, for example, on past performance; failure to agree on a mutually acceptable

continuation program plan; or the level of available UCL Program funds. In such instances, terminal funding at a reduced level for one (1) year may be authorized by the UCL Program Office.

§ 320.15 Cost sharing.

(a) DOE is authorized to make grants to pay a Federal share of the costs of establishing and maintaining a UCL, including construction of such facilities as may be necessary, to those institutions of higher education designated in the UCL Program.

(b) The Federal share of UCL operating expenses for any fiscal year shall not exceed 50 per centum of the cost of operation of a UCL.

(c) Cost-sharing stipulated by the Act will be governed in accordance with prevailing OMB regulation, FMC 73–3, "Cost-Sharing on Federal Research" and Circular A–110 "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." Cost participation may be accomplished by a contribution to any of the cost elements of research projects supported under specific UCL awards, either direct or indirect costs, provided that such costs would otherwise be allowable in accordance with the cost principles authorized in OMB Circular A–21 (dated February 26, 1979), and that the costs are not charged to the Federal government under any other grant or contract. Cost-sharing may vary in amount from project to project within a UCL but the aggregate of cost-sharing for the operating expenses portion of the UCL program must be of equivalent value and match or exceed expenditures of DOE funds in any given grant period. The grantee contributions to the costs of operating the UCL may be in any form, including cash or in-kind contributions (the value of which is determined by DOE), from the institution or third parties, and for any category costs, direct or indirect: *Provided,* They are non-Federal and are not otherwise counted as cost-sharing on other Federal projects. Education and training activities must be directly included as one of the operating expense functions of the UCL in order that such activities may be considered as part of the proposer's cost-share. Institutions or organizations participating in collaborative projects of the UCL under a subgrant may make cost-sharing contributions which meet the cost-sharing requirement. Grantees must maintain adequate cost-sharing records as well as records of all expenditures.

§ 320.16 General requirements.

(a) Policies for and administrative requirements of the UCL research awards will be in accordance with FMC 73–7 (dated December 19, 1973); OMB Circular A–110 (dated July 30, 1976), and the DOE Assistance Regulations Subpart A and B (dated March 8, 1979).

(b) Each grant under this part shall require that a recipient of support under the UCL program submit a final written report of activities supported in whole or in part by Federal funds made available under the program.

§ 320.17 Patents, data, and copyrights.

Each grant under the program shall be governed by the provisions of Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974, 42 U.S.C. 5908, with regard to patent and any agreements by DOE to waive title to inventions that may be made under the program shall be pursuant to 41 CFR Part 9–9. The rights-in-data provisions included in the grant shall be as required by 10 U.S.C. 600.82(c).

§ 320.18 Reporting and dissemination of information.

(a) Each designated UCL shall submit semiannually brief technical progress reports and annual program performance reports to the DOE UCL Program Office. The annual report shall be submitted concurrent with the renewal proposal and shall include a description of the activities conducted at the UCL and an evaluation of the success of such activities and such other information as may be required by DOE.

(b) UCL financial and budget reports will be prepared in accordance with OMB Circular A–110, Attachment G, Financial Reporting Requirements.

(c) The UCL institutions and DOE shall disseminate to the public in an appropriate manner information on coal research findings resulting from program activities of the UCL program. Prompt dissemination of UCL research results to the scientific and technical community shall be encouraged.

§ 320.19 Proposal information.

Information contained in proposals submitted in response to the subsequent UCL Program Solicitation shall be treated in accordance with ERDA–PR 9–3.150.

§ 320.20 UCL program termination.

The UCL Program is authorized to continue until the end of fiscal year 1984. Continuation of the program will depend on the extension of the authorizing legislation and the availability of appropriated funds.

[FR Doc. 79–13427 Filed 4–30–79; 8:45 am]

BILLING CODE 6450–01–M

federal register

Tuesday
May 1, 1979

Part IV

Department of Agriculture

National Environmental Policy Act; Proposed Policies and Procedures

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 3100]

National Environmental Policy Act; Proposed Policies and Procedues

AGENCY: United States Department of Agriculture (USDA).

ACTION: Proposed Rule.

SUMMARY: This action proposes Departmental policies and procedures for compliance with the National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 *et seq.*; and the Council on Environmental Quality's (CEQ) National Environmental Policy Act Regulations (40 C.F.R. Parts 1500–1508). This rule creates Chapter XXXI, Part 3100 of Subtitle B, 7 C.F.R. Subpart B—National Environmental Policy Act, is set forth in this proposed rule. Subpart A—Office of Environmental Quality Activities is reserved for later action. USDA adopts the CEQ regulations and sets forth in this rule general directives for USDA agencies in fulfilling their requirements under this rule and those of CEQ.

DATE: Comments due: June 15, 1979.

ADDRESS: Comments to: Barry R. Flamm, Coordinator, Office of Environmental Quality Activities, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Dr. Rado J. Kinzhuber, Chairman, Ad Hoc Working Group, Office of the Secretary, USDA, Washington, D.C. 20250, Phone (202) 447–5685.

SUPPLEMENTARY INFORMATION: On October 25, 1974, Secretary of Agriculture Memorandum No. 1695, Supplement 4, Revised, was issued to establish guidelines for the preparation of environmental impact statements and compliance with other procedural requirements of Section 102(2) of the National Environmental Policy Act (NEPA). Executive Order 11991 and the recently promulgated regulations of the Council on Environmental Quality (CEQ) necessitate rules to replace this memorandum. These rules address policy as well as procedure in order to assure compliance with the spirit and substantive intent of NEPA. Accordingly, in this proposed rule USDA reaffirms and codifies its continuing policy for achieving the goals encompassed by Section 101 of NEPA through implementation of adequate procedures for the planning, development and implementation of agency programs and activities.

It is the intent of this rule to set forth general policy and procedural directives to assist the individual agencies of USDA in complying with the mandates of NEPA and the CEQ regulations. Each USDA Agency is responsible for preparing more specific procedures, in light of these broad directives, the provisions of NEPA and CEQ's regulations, which are tailored to the specific programs and activities of that agency. Those agencies whose programs and activities are of such a nature as to not come within the types of actions covered by Section 102(2) of NEPA should consult with OEQA regarding the need for developing specific implementation procedures.

In addition to the above, this rule sets forth the role of the Office of Environmental Quality Activities (OEQA) with regard to the NEPA process and procedures. Further, it explains the coordination between the NEPA and the Regulatory Impact Analysis review processes.

This action has been determined to be significant for purposes of Secretary's Memorandum No. 1955.

An approved Environmental Assessment and Draft Impact Analysis Statement is available from Dr. Rado J. Kinzhuber, at the address provided above.

This rule supersedes Secretary of Agriculture Memorandum No. 1695, Supplement No. 4, Revised (October 25, 1974).

Comments on this proposed rule are invited. To be considered in the preparation of a final rule, comments must be received by June 15, 1979.

Dated: April 26, 1979.

Jim Williams,

Acting Secretary.

Authority: National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321 et seq.; Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977); 5 U.S.C. 301; 40 C.F.R. 1507.3.

Title 7 of the Code of Federal Regulations is amended by adding new Chapter XXXI, consisting of Part 3100 to read as set forth below:

CHAPTER XXXI—CULTURAL AND ENVIRONMENTAL QUALITY

PART 3100—ENVIRONMENTAL MATTERS

Subpart A—Reserved

Subpart B—National Environmental Policy Act

Sec.

Authority: National Environmental Policy Act (NEPA), as amended, 42 U.S.C. 4321, et seq.

Subpart A—Reserved

Subpart B—National Environmental Policy Act

§ 3100.20. Purpose.

(a) This subpart supplements the regulations for implementing the procedural provisions of NEPA, which regulations were published by the Council of Environmental Quality (CEQ) in 40 CFR Parts 1500–1508. This subpart incorporates and adopts these regulations.

(b) Words used in the provisions of this subpart shall have the same meaning as they have in the regulations of CEQ at 40 CFR Part 1508.

(c) References are made in these regulations to appropriate sections of 40 CFR 1500–1508. This has been done to direct the attention of USDA agencies to specific provisions for guidance in the development of agency procedures or to provisions of the CEQ regulations which are the basis for the pertinent section. The Office of Environmental Quality Activities (OEQA), in cooperation with Environmental Quality Committee, will develop a NEPA process to be used by the Office of the Secretary in reviewing, implementing and planning its activities, determinations and policies.

§ 3100.21. Policy.

(a) All policies and programs of the various USDA agencies shall be planned, developed and implemented so as to achieve the policies declared by NEPA in order to assure responsible stewardship of the environment for present and future generations.

(b) Each USDA agency is responsible for compliance with the provisions of this subpart, the regulations of CEQ and the provisions of NEPA. Compliance will include the preparation and implementation of specific procedures

and processes relating to the programs and activities of the individual agency, as necessary. (§§ 1501.2, 1501.3, 1507).

(c) The Coordinator, OEQA, shall review agencies implementing procedures to show consistency with CEQ's NEPA regulations and will coordinate environmental assessment activities for the Office of the Secretary which come under the purview of NEPA.

(d) Each agency shall develop appropriate procedures and processes in a style which will promote understanding at the field staff level.

§ 3100.22. Categorical Exclusions.

(a) In general, every agency recommendation or report on a proposal for legislation or other major agency action which significantly affects the quality of the human environment entails certain NEPA review procedures. However, the following are categories of agency activities which have been determined not to have a significant individual or cumulative adverse effect on the human environment and are excluded from the NEPA review process, unless individual agency procedures prescribe otherwise (§ 1508.4):

(1) Policy development, planning and implementation which relates to routine activities such as personnel, organizational changes or similar administrative functions;

(2) Activities which deal solely with the funding of programs, such as program budget proposals disbursement, transfer, or reprogramming of funds;

(3) Inventories, research activities and studies, such as resource inventories and routine data collection when such actions are clearly limited in context and intensity (§ 1508.27);

(4) Educational and informational programs and activities;

(5) Civil and criminal law enforcement activities;

(6) Activities which are advisory and consultative to other agencies, public and private entities such as legal counselling and representation;

(7) Activities related to trade representation, and market development activities overseas.

(b) Agencies will identify in their own procedures the activities which normally would not require an environmental assessment or environmental impact statement. (§ 1508.4)

(c) Any activity which would normally fall within one of the categories listed in paragraph (a) of this section, or in a category identified in agency procedures, but which is determined to have a potential for significant impact on the human environment shall not be eligible for exclusion from the NEPA process. Agencies shall adopt procedures to assure continuous scrutiny of activities to determine continued eligibility for categorical exclusion.

§ 3100.23. Lead Agency Disputes.

The OEQA will coordinate, upon request, the resolution of lead agency disputes. (§ 1501.5(e))

§ 3100.24. Public Involvement.

All NEPA processes developed and followed by USDA agencies shall provide for public involvement. The OEQA will consult with the Office of Policy Analysis and Public Participation to coordinate between agencies in carrying out this section. (§§ 1501.4(e)(2), 1506.06, 1508.10)

§ 3100.25. Interagency and Interdepartmental Cooperation.

(a) The USDA and its agencies shall, to the fullest extent possible, cooperate with other agencies, departments, bureaus, as well as state and local units of government to fulfill their responsibility under NEPA, utilizing memorandum of understanding or other instruments of agreement where possible.

(b) If a USDA agency is unable to cooperate to the extent formally requested by a lead agency, that agency shall reply to the lead agency that other program commitments preclude full involvemnet. Any such reply shall be referred to the Coordinator, OEQA, within 10 working days of receipt of the request for submission to the lead agency and CEQ. §§ 1501.6(c))

§ 3100.26. Time and Page Limits.

The individual USDA agencies will establish, through their scoping processes, appropriate page limits and time limits with due regard to the guidance provided by the CEQ regulations. (§§ 1500.5(e), 1501.1(e), 1501.7(7)(b), 1501.8)

§ 3100.27. Extra-Agency Expertise

The OEQA will work with USDA agencies to identify sources of technical and editorial expertise necessary to supply interdisciplinary needs which have been identified in the scoping process and for which expertise is not available within that particular agency.

§ 3100.28. Supplements.

A decision to prepare a supplement to an environmental document will be made by the affected agency. New findings and information relating to the decision-making process, including advice from the OEQA shall be considered in such a decision. (§ 1502.9(c))

§ 3100.29. Distribution.

All USDA agencies shall develop and maintain a distribution list for dissemination of decision documents and notices. Agencies may make distributions in addition to those prescribed in the CEQ regulations. To guide agencies in this regard, Appendix II of 40 CFR Part 1500, published in **Federal Register**, Vol. 38, No. 147, pages 20557–20562, on August 1, 1973, or other such list as promulgated by CEQ, will serve as reference.

§ 3100.30. Distribution to OEQA.

A monthly summary of agency activity in the NEPA process shall be forwarded to the OEQA. A negative report is not required.

§ 3100.31. When to Prepare an EIS

(a) In addition to those agency activities identified in § 3100.22(b), USDA agencies shall identify those classes of their activities which normally require an EIS. (§ 1507.3(b))

(b) Agency activities not covered by paragraph (a) of this section shall require an environmental assessment, to support an agency determination of the need for an EIS. (§§ 1501.3, 1501.4)

§ 3100.32. Impact Analysis.

(a) All environmental assessments and impact statements prepared by an agency regarding legislative proposals or program regulations shall incorporate applicable components of Impact Analysis (see Secretary's Memorandum No. 1955; Executive Order No. 12044; 40 CFR § 1506.8).

(b) Incorporation of Impact Analysis procedures into agency NEPA processes is to be coordinated between the OEQA, the Department's Policy Analysis and Public Participation staff and the implementing agency (see Secretary's policy guidance to USDA agencies: Guidelines for Impact Analysis and Environmental Impact Statements, September 25, 1978).

§ 3100.33 Tiering.

Tiering, as set forth in 40 C.F.R. 1502.20, shall be incorporated by agencies in their NEPA procedures. The OEQA will assist agencies regarding specific questions concerning tiering.

§ 3100.34 Problems in Responses to Comments.

Problems concerning the appropriate response to comments on environmental impact statements shall be resolved, if possible, at the agency staff level. Problems between USDA agencies not

resolved by the final EIS shall be submitted to the heads of respective agencies for resolution with mediation, if necessary, by OEQA. OEQA will also be informed of agency problems with agencies outside USDA and will be available to help resolve disputes as necessary. (§§ 1503.2, 1503.3, 1503.4)

§ 3100.35 Implementation of Agency Determination.

Each agency shall develop NEPA implementing procedures and other appropriate internal procedures to provide for mitigation, monitoring or any other actions or conditions necessary to properly carry out the determinations established during their NEPA process. (§ 1505.3)

§ 3100.36 Emergencies.

The procedures developed by each agency shall include those NEPA review actions necessary in relation to agency responses to emergency situations. (§ 1506.11)

[FR Doc. 79-13529 Filed 5-01-79; 8:45 am]

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federal register

Tuesday
May 1, 1979

Part V

Office of Management and Budget

Budget Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Budget Deferrals

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report three new deferrals of budget authority totalling $164.1 million and a revision to a previously transmitted deferral increasing the amount deferred by $1.0 million. The items involve the fossil energy construction and Strategic Petroleum Reserve programs in the Department of Energy and the payment of Vietnam prisoner of war claims in the Foreign Claims Settlement Commission.

The details of the deferrals are contained in the attached reports.

Jimmy Carter

The White House,
April 26, 1979.

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Deferral No.	Item	Budget Authority
	Department of Energy:	
	Energy Programs	
D79-55	Fossil energy construction	50,000
D79-56	Fossil energy construction	570
D79-57	Strategic Petroleum Reserve	113,528
	Other Independent Agencies:	
	Foreign Claims Settlement Commission	
D79-29A	Payment of Vietnam prisoner of war claims	1,894
	Total, deferrals	165,992

* *

SUMMARY OF SPECIAL MESSAGES
FOR FY 1979

(in thousands of dollars)

	Rescissions	Deferrals
Ninth special message:		
New items	---	164,098
Change to amount previously submitted	---	1,000
Effect of ninth special message	---	165,098
Previous special messages	908,692	4,208,712
Total amount proposed in special messages	908,692	4,373,810 1/
	(in 11 rescission proposals)	(in 57 deferrals)

1/ This amount represents budget authority except for $15,809,478 in two Treasury Department deferrals of outlays only (D79-40A and D79-25B).

Deferral No: D79-55

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 95-465) $ 99,709,000 1/
Bureau: Energy Programs	Other budgetary resources 143,682,898
Appropriation title & symbol: Fossil Energy Construction 89X0214	Total budgetary resources 243,391,898
	Amount to be deferred: Part of year $ ——— 2/
	Entire year 50,000,000
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ———
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ——— (expiration date)	☐ Contract authority
☒ No-year	☐ Other ———

Justification: These funds were appropriated in FY 1979 and prior years for the construction of a low/medium BTU coal gasification demonstration plant. Present scheduling calls for reaching a decision to proceed with construction of the plant in December 1979, pending completion of two conceptual designs which will provide necessary environmental and economic assessments. These funds are deferred pending the results of this decision.

This deferral action is consistent with the recommendations contained in both House and Senate report language accompanying H.R. 2439, the Budget Rescission Bill, 1979, which was signed into law on April 9, 1979 (P.L. 96-7).

Estimated Effects: Deferral of these funds will have no impact on the construction schedule since the conceptual design phase of the project is not expected to be completed until December 1979, and a selection of one of the two designs could not be made until the second quarter of FY 1980.

Outlay Effects: There is no effect on outlays of this deferral since the funds would not be used if made available.

1/ This amount represents unobligated balances carried forward from FY 1978 for the fossil energy portion of the Energy appropriation account (89X0203).
2 These funds were proposed for rescission on January 31, 1979 (R79-2). This proposal was not approved by the Congress.

Deferral No: D79-56

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 95-465 _ _): $ 99,709,000
Bureau: Energy Programs	Other budgetary resources: 143,682,898 1/
Appropriation title & symbol: Fossil Energy Construction 89X0214	Total budgetary resources: 243,391,898
	Amount to be deferred: Part of year: $ ____
	Entire year: 570,000
OMB identification code: 89-0214-0-1-271	Legal authority (in addition to sec. 1013): ☐ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☐ Multiple-year ____ (expiration date)	☐ Contract authority
☒ No-year	☐ Other ____

Justification: The Department of the Interior and Related Agencies Appropriation Act, 1979, provided $570,000 for a "mining and energy related technologies education center/coal utilization facility". These funds were intended for costs relating to the preconstruction phase of the educational facility, such as curricula development and architectural and engineering studies.

Currently, there are at least three separate efforts underway within the Federal government to establish coal miner training needs involving the Department of Energy, the Interior Department's Bureau of Mines, and the President's Commission on Coal. These funds are deferred pending the completion of these studies so that the Department of Energy will have a sufficient basis to determine the type of coal miner training that will be needed and the breadth of training that should be undertaken at the new facility.

Estimated Effect: The effect of this deferral is to preserve these funds for use after the studies mentioned above are completed. It is expected that the study results will be available in time to permit initiation of this project in FY 1980.

Outlay Effect: The net effect on outlays will be to shift $570,000 in outlays from 1979 into 1980.

1/ This amount represents unobligated balances carried forward from FY 1978 for the Fossil energy portion of the Energy appropriation account (89X0203).

Deferral No: D79-57

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Energy	New budget authority (P.L. 95-465 _): $3,006,854,000
Bureau: Energy Programs	Other budgetary resources: 64,658,180
Appropriation title & symbol: Strategic Petroleum Reserve 899/10218	Total budgetary resources: 3,071,512,180
	Amount to be deferred: Part of year: $ 30,000,000
	Entire year: 83,528,000
OMB identification code: 89-0218-0-1-274	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act
Grant program: ☐ Yes ☒ No	☐ Other ____
Type of account or fund: ☐ Annual	Type of budget authority: ☒ Appropriation
☒ Multiple-year December 31, 1980 (expiration date)	☐ Contract authority
☐ No-year	☐ Other ____

Justification: These funds are appropriated for the development of Strategic Petroleum Reserves including oil acquisition and transportation, facilities development, planning and administration.

In March, 1979, the House and Senate subcommittees on Interior appropriations approved reprogramming $529,214,000 originally intended for oil acquisition and transportation for use in facilities development. Within this amount funds totalling $83,528,000 are programmed for use in FY 1980, and are deferred for the remainder of FY 1979. From the remaining $445,686,000 reprogrammed for use in FY 1979, $30,000,000 represents contingency amounts which have not yet been committed to specific facility development requirements. This $30,000,000 is deferred pending requirements for its use. The Department of Energy and the Office of Management and Budget will periodically review the status of facility funding requirements to determine when the reserved funds should be made available. This action is taken under the provisions of the Antideficiency Act (31 U.S.C. 665) which authorizes the establishment of reserves for contingencies.

Estimated Effects: This deferral action will have no programmatic effects. Sufficient funds are available to permit execution of the present program plan for FY 1979.

Outlay Effects: There is no outlay effect from this deferral.

D79-29A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D79-29 transmitted to the Congress on October 2, 1978 and printed as House Document No. 95-392.

This revision of a deferral for the payment of Vietnam prisoner of war claims increases the amount currently reported as deferred from $894,000 to $1,894,000. This increase of $1,000,000 is consistent with congressional intent to transfer these funds to the salaries and expenses account of the Foreign Claims Settlement Commission as stated in Senate Report 96-33, which accompanied H.R. 2439, the Budget Rescission Bill, 1979 (P.L. 96-7).

Deferral No: D79-29A

DEFERRAL OF BUDGET AUTHORITY

Report Pursuant to Section 1013 of P.L. 93-344

Agency: Foreign Claims Settlement Commission Bureau:	New budget authority (P.L. ___ ___ ___) $ ___ Other budgetary resources 2,044,000* Total budgetary resources 2/ 2,044,000*
Appropriation title & symbol Payment of Vietnam Prisoner of War Claims 1/ 79X0104	Amount to be deferred: Part of year $1,894,000* Entire year ___
Budget account identification code: 79-0104-0-1-153 Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1013): ☒ Antideficiency Act ☐ Other ___
Type of account or fund: ☐ Annual ☐ Multiple-year ___ (expiration date) ☒ No-year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other ___

Justification*: Public Law 91-289, approved June 24, 1970, authorizes the Foreign Claims Settlement Commission to adjudicate and certify for payment the claims of American military and civilian prisoners of war held during the Vietnam conflict, or their survivors. Before claims can be certified for payment by the Commission, the appropriate military service must determine the individual's POW status and, in the case of claims by the survivors of missing persons where evidence of captivity exists, it must also determine the date of death. Such determinations have been delayed pending the results of intense efforts to account for missing United States servicemen.

Appropriations were enacted in 1971, 1972, and 1973 totalling $16,565,000 for the payment of Vietnam POW claims to remain available until expended. Of the $2,044,000 remaining available, $150,000 has been apportioned for 1979 to pay prisoner of war claims resulting from new determinations in 1979 and $894,000 is deferred to pay any additional claims and cover any awards that may be made during the three years a claimant has to contest an adjudicated claim. The remaining $1,000,000 was originally included in a rescission proposal (R-79-1) transmitted to the Congress on January 31, 1979. Senate Report 96-33, which accompanied H.R. 2439, the Budget Rescission Bill, 1979 (P.L. 96-7) recommended transfer of this $1,000,000 to provide for FY 1980 administrative expenses of the Commission. Accordingly, these funds are deferred pending congressional action on this transfer.

[illegible] claims cannot be adjudicated or certified for payment by the Commission until final status determinations are made by the military services.

Outlay Effect: No effect on outlays results from this deferral action.

* Revised from previous report.

1/ This account was the subject of a similar deferral during FY 1978.

2/ P.L. 96-7 was signed into law on April 9, 1979, rescinding $8,000,000 from this account.

[FR Doc. 79-13588 Filed 4-30-79; 8:45 am]

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federal register

Tuesday
May 1, 1979

Part VI

Department of Agriculture

Agricultural Marketing Service

Livestock; Grades and Standards for Feeder Cattle

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

[7 CFR Part 53]

Livestock (Grades and Standards for Feeder Cattle)

AGENCY: Agricultural Marketing Service.

ACTION: Proposed Rule.

SUMMARY: This document proposes revisions in the Department's feeder cattle grade standards. Changes in the kinds of cattle being produced in the United States since the present standards were adopted in 1964, linked with changes made in the slaughter cattle and beef carcass standards in 1976, make the concept of the present standards no longer valid. A system of grades is proposed for thrifty feeder cattle which involves separate identifications for variations in frame size and muscle thickness. The frame size portion of the grade—the most important consideration—will effectively identify feeders for the weight at which they are expected to produce carcasses of a given grade—U.S. Choice, for example. The portion of the grade related to thickness will identify feeders for the effect that differences in muscle thickness will have on the ultimate USDA yield grade of their carcass.

DATE: Comments must be received on or before July 1, 1979.

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

FOR FURTHER INFORMATION CONTACT: For further information or a copy of the draft impact analysis contact W. Edmund Tyler, Chief, Livestock Standardization Branch, Livestock, Poultry, Grain, and Seed Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (202) 447-5679.

SUPPLEMENTARY INFORMATION: The present U.S. Standards for Grades of Feeder Cattle were promulgated September 25, 1964. Since 1964, these official standards have been used by the Department as the basis for market reporting of feeder cattle prices and the basis for certifying the grade of feeder cattle delivered on futures contracts. They also are used by States which conduct official feeder cattle grading programs.

The present standards were useful when first adopted because the feeder cattle population then consisted primarily of the three British breeds, which had similar growth curves and were of similar body type. However, more than forty breeds are now being used to produce beef in the United States and they are much more variable in both size and body type.

Recognizing the changes in the cattle population, the Department appointed a special task force in 1973 to review the adequacy of the 1964 standards and to recommend any changes that might be needed. That task force was composed of USDA Livestock Division specialists and State department of agriculture specialists directly responsible for conducting livestock grading programs in their respective States.

The task force report concluded (1) that the present standards were not widely accepted as a tool for use in trading on feeder cattle, (2) that the feeder cattle type had changed dramatically since 1964, and (3) that new standards which better reflect the needs of the feeder cattle industry should be developed.

That task force also concluded that frame size and muscle thickness were two of the most important factors affecting merit (value) in feeder cattle. The task force recommended that these two factors be used as the basis for revised standards and that a grading system be developed in which the grade of a feeder animal would include separate identifications for each of these factors. Separate identification for these two important variables was considered essential since frame size and muscle thickness are not necessarily related, and a single system combining these factors would result in individual grades containing cattle of varying frame sizes and muscle thicknesses.

The Department has concluded that the frame size and muscle thickness concept is valid because: (1) frame size is an inherent characteristic in cattle that is not affected by normal management practices. Frame size at a given age is highly correlated with an animal's mature size. Consequently, frame size is also highly correlated with the weight at which, under normal feeding and management practices, an animal will produce a carcass of a given grade. An evaluation of frame size is a useful tool for segregating animals into groups that are relatively homogeneous with respect to the weight at which they would have the same USDA quality grade. Therefore, to reflect differences in frame size, this proposal includes three frame size categories—Large Frame, Medium Frame, and Small Frame. In each of the frame size specifications, guidelines are given relative to the live weights at which steers and heifers would each be expected to produce U.S. Choice carcasses.

(2) Variations in muscling are also inherent characteristics which affect carcass yields of lean and differences in USDA carcass yield grades. Such differences can result in a thinly muscled animal having a Choice, Yield Grade 3 carcass, whereas the carcass of a thickly muscled animal may be a Choice, Yield Grade 2. Such a difference in yield grade is of considerable economic significance and thus is a valid reason for including a measure of muscle thickness as a factor in the standards for grades of feeder cattle. And, since variations in this factor are associated with differences in yield grade—not quality grade—the terms "No. 1," "No. 2," and "No. 3" have been selected to identify the three categories of thickness due to variations in muscling referenced in this proposal A constant degree of fatness (slightly thin) is used in appraising the development of muscle thickness.

Thriftiness is an important value determining characteristic of feeder cattle because it relates to the animal's ability to grow and fatten normally.

The Department considered the possible inclusion of fatness as a third grade factor for feeder cattle. However, this would greatly increase the number of grade combinations—from 9 to 27—which would likely render the application of the grades impractical. Using fatness in lieu of degree of muscle thickness was also considered, but this would result in cattle in a particular grade being so dissimilar in appearance that their marketability would be seriously impaired. For example, a pen of cattle of a given frame size and degree of fatness could range all the way from thick beef animals to animals of non-beef breeding which are narrow throughout. Adopting fatness as a grade factor would, at times, necessitate placing a different feeder grade on the same animal in different stages of its development. Also, cattle from the same herd may be graded differently from year to year depending on their plane of nutrition and management.

Variations in fatness have different effects on feeder cattle value, dependent on the relative price of slaughter cattle and cost of feedlot gain. Depending on the feeding regime to be followed, the age of the cattle, and the "feeding economics," cattle may bring either a premium or be discounted because they are fat or because they are thin. Therefore, the Department believes that when degree of fatness is a significant factor affecting value, it should be used in market reports in addition to grade in

order to be more descriptive of market conditions.

Comments.—All persons who desire to submit written data, views, or arguments in connection with this proposal are invited to file such material, in duplicate with the Hearing Clerk, Room 1077 South, U.S. Department of Agriculture, Washington, D.C. 20250 on or before July 1, 1979. Comments must be signed and include the address of the sender and should bear a reference to the date and page number of this issue of the Federal Register. Also, since the comments will be considered in the adoption or denial of this proposal, they should include definitive information which explain and support the sender's views. All written submissions will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Background.—The Department has always recognized the need for a more factual basis for all of its livestock grade standards and has continually encouraged and supported research designed to identify and evaluate the factors that would accurately predict feeder cattle merit. Late in 1976, a draft proposal of feeder cattle standards was developed and submitted to interested persons for discussion purposes. The draft proposal was based on an evaluation of the research data available at the time from various research institutions. Informal comments on the draft were solicited from university animal scientists, State departments of agriculture, livestock, breed, and farm organizations, and other industry interests. A vast majority commented favorably on the draft proposal. Almost concurrently, preliminary results from a feeder cattle study which raised questions concerning the use of muscling as a grade factor were presented at several meetings of cattle producers and feeders. Consequently, a proposal for new feeder grades was delayed until more research could be conducted, particularly with respect to muscling. In this effort, the Department cooperated with Texas A&M University, Colorado State University, and Monfort of Colorado in conducting a feeder cattle study (Monfort study) which began in September 1977 and was completed in March 1978. Nine hundred forty-four feeder steers were selected to represent broad variations in frame size and degree of muscling and they were fed to weights that correspond to their frame size as defined in the 1976 proposed revision. Numerous subjective and objective evaluations were made on these cattle and their resultant carcasses. These data were then analyzed with respect to the effect of muscling and frame size and the results indicated: (a) the larger the frame size the higher the rate of gain, the longer the period required to fatten, and the greater the live weight necessary to attain a given slaughter quality grade, (b) the greater the muscle thickness the higher the yield grade of the resulting carcasses, the greater the ribeye size, and the higher the muscle-bone ratio. In addition to the Monfort study, feeder and carcass data were collected on two hundred twenty-two steers in a cooperative study with the American Farm Bureau Federation. Results from these studies were comparable.

It was intended for the levels of muscling referenced in the 1976 draft proposal—No. 1, No. 2, and No. 3—to correspond with the muscling descriptions for Prime, Choice, and less than Choice grades, described in the current (1964) grade standards. However, concern by some members of the industry that very thick muscling may cause production problems caused the Department to modify and deemphasize muscling requirements from that originally described in the draft proposal. This new proposal combines the levels of muscling described in the current Prime and Choice grades into "No. 1", the levels of muscling described in the current Good and Standard grades into "No. 2", and Utility and Inferior into "No. 3".

It is proposed that the standards for grades of feeder cattle appearing in 7 CFR Part 53 be amended as shown below.

1. Section 53.208 is revised as follows:

§ 53.208 Feeder cattle grades.

Grade Factors. (1) These standards apply only to cattle that have not reached the age of 36 months, except these grades may be used to describe stock cows for market reporting purposes.

(2) The grade of feeder cattle is determined by evaluating three general value-determining characteristics—frame size, thickness, and thriftiness.

(3) Frame size refers to the animal's skeletal size—its height and body length—in relation to its age. Thus, frame size evaluations are directly related to differences in mature size. At the same age, large frame cattle will be taller at the withers and the hips and longer bodied than small frame cattle.

(4) Thickness in feeder cattle refers to the development of the muscle system in relation to skeletal size. In feeder cattle of the same age and frame size variations in thickness are due to differences in bone structure, muscling, and fat thickness. For purposes of these standards, thickness is evaluated, assuming a constant fat thickness—slightly thin. Thicker feeder cattle will have a higher ratio of muscle to bone when fed to the same degree of fatness and will have a higher yield grade.

(5) Thriftiness refers to the apparent health of an animal and to its ability to grow and fatten normally. In these standards unthrifty animals are those which are not expected to perform normally in their present state. This may be due to such factors as disease, parasitism, severe emaciation, or any condition that must be corrected before they could be expected to perform normally. Unthrifty feeder cattle may have any combination of muscle thickness and frame size.

(b) *Grades.* (1) The grades of feeder cattle that have been determined to be thrifty include three separate groupings for different frame sizes—Large Frame, Medium Frame, and Small Frame and three separate groups for muscle thickness—No. 1, No. 2, and No. 3. The nine resultant grades are as follows: Large Frame, No. 1; Large Frame, No. 2; Large Frame, No. 3; Medium Frame, No. 1; Medium Frame, No. 2; Medium Frame, No. 3; Small Frame, No. 1; Small Frame, No. 2; Small Frame, No. 3.

(2) The U.S. Inferior grade shall apply to all feeder cattle that have been determined to be unthrifty. Additionally, "double-muscled" (muscular hypertrophy) cattle are graded Inferior because they cannot be expected to deposit intramuscular fat (marbling) normally.

2. Section 53.209 is revised as follows:

§ 53.209 Application of standards for grades of feeder cattle.

(a) *General Principles.* (1) For the grades of feeder cattle, separate evaluations are made for thriftiness, frame size, and thickness. Each of these factors are very important to feeder cattle buyers and individually affect how cattle will perform in the feedlot. Additionally, variations in frame size and thickness have separate effects on the ultimate carcasses that are produced.

(2) Variations in frame size among feeder cattle primarily affect the composition of their gain in weight. The gain in weight of a large framed feeder animal of a given degree of thickness normally will consist of more muscle and bone—but less fat—than a smaller framed animal. Indirectly, therefore, at a given weight and thickness, large framed animals will have a lesser

degree of fatness than smaller framed animals and will also have carcasses with higher yield grades—but lower. This means that if animals are fed to produce the same quality grades—Choice, for example—large framed cattle of a given thickness must be fed to heavier weights than cattle of the same thickness but which are smaller framed. In each of the frame size specifications, guidelines are given relative to the live weights at which steers and heifers may each be expected to produce carcasses with the degree of finish normally associated with the Choice grade (approximately 0.50 inch).

(3) Variations in thickness are reflected in differences in ribeye area and, therefore, relate primarily to the ultimate yield grade of the carcass that a feeder animal will produce. When marketed at a given weight, a thick animal of a given frame size will normally produce a higher yield grading carcass than an animal of the same frame size that is narrow throughout. This results from the fact that the thick animal, at a given weight, will have both a larger ribeye and a lesser degree of fatness. If cattle are fed to produce carcasses of the same quality grade—Choice, for example—thick feeders of a given frame size must normally be fed to slightly heavier weights than cattle of the same frame size which are not as thick.

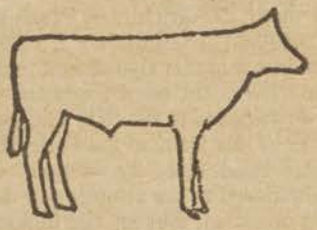
(4) The frame size portion of the grade is determined by an evaluation of an animal's skeletal size in relation to its age. Since age is such an important factor in determining frame size, careful consideration must be given to its evaluation. For example, two feeder cattle from the same environment with the same height and body length but which differed substantially in age would obviously not be the same frame size. By the same token, a a given age, a taller, longer bodied feeder animal will be larger framed than a short bodied animal that is not as tall. As feeder cattle mature, their heads appear to increase in relation to the size of their body; their ears decrease in size in relation to the size of their heads; the muzzle becomes proportionately wider; the head becomes longer in relation to its width; the feet become larger in relation to the size of the bone; and the tail increases in length and exhibits a more prominent switch. In evaluating feeder cattle for frame size, it must be remembered that breeds differ in the general range of their frame size and that since these standards apply to all breeds, this variation in frame among breeds must be taken into account. For example, in these standards, the largest framed cattle in a breed of small mature size—and the smallest framed cattle in a breed of large mature size—might both be considered as Medium in frame size.

(5) The thickness portion of the grade is determined by appraising the development of the muscular system in relation to the development of the skeletal system. Two of the three thickness grades include detailed descriptions of the thickness and fullness of the feeder cattle in the various parts due to differences in bone structure and muscling. However, since the appearance of these parts may be influenced to a considerable extent by variations in fatness, the descriptions are based on animals that have a slightly thin covering of fat. When evaluating the thickness of animals which have either a greater or lesser degree of fatness than that on which the standards are based, proper allowances must be made for the effect of these differences on the appearance of the various parts. In making such allowances, it must be remembered that cattle deposit fat at a relatively faster rate over the loin and back and in the flank, cod or udder, twist, and brisket than they do through the rear quarter, forearm, and gaskin. Therefore, as cattle increase in fatness, these former parts appear progressively fuller, thicker, and more distended in relation to the thickness through the rear quarter and to the fullness of the forearm and gaskin. Since relatively little fat is deposited over these latter parts, their appearance is affected relatively little by variations in fatness. In evaluating the thickness of feeder cattle, it is important to properly evaluate the thickness in all parts of the animal. However, since variations in fatness make it especially difficult to precisely evaluate the thickness and fullness of muscling in the loin and back, major emphasis should be placed on the development of muscling in the rear quarter, forearm, and gaskin as a indicator of overall thickness. Unless proper allowance is made for variations in fatness, animals carrying considerable finish may appear to have greater thickness throughout than actually is the case, whereas those which are in very thin condition may be inherently thicker than their appearance might indicate.

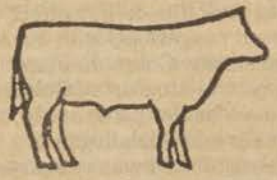
3. Sections 53.210, 53.211, and 53.212 are being added as follows:

§ 53.210 Specifications for official United States standards for grades of thrifty feeder cattle (frame size).

(a) *Large Frame (L).* Feeder cattle which possess typical minimum qualifications for this grade are thrifty, have large frames, and are tall and long bodied for their age. Steers and heifers would not be expected to produce U.S. Choice carcasses (about 0.50 inch fat at twelfth rib) until their live weighs exceed 1200 pounds and 1000 pounds, respectively.

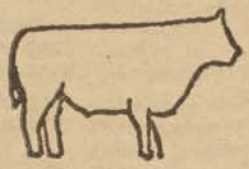


(b) *Medium Frame (M).* Feeder cattle which possess typical minimum qualifications for this grade are thrifty, have slightly large frames, and are slightly tall and slightly long bodied for their age. Steers and heifers would be expected to produce U.S. Choice carcasses (about 0.50 inch fat at twelfth rib) at live weights of 1000 to 1200 pounds and 850 to 1000 pounds, respectively.



(c) *Small Frame (S).* Feeder cattle included in this grade are thrifty, have small frames, and are shorter bodied and not as tall as specified as the minimum for the Medium Frame grade. Steers and heifers would be expected to produce U.S. Choice carcasses (about 0.50 inch fat at twelfth rib) at live

weights of less than 1000 pounds and 850 pounds, respectively.



§ 53.211 Specifications for Official United States standards for grades of thrifty feeder cattle (thickness)

(a) *No. 1.* Feeder cattle which possess minimum qualifications for this grade usually show a high proportion of beef breeding. They must be thrifty and slightly thick throughout. They are slightly thick and full in the forearm and gaskin, showing a rounded appearance through the back and loin with moderate width between the legs, both front and rear. Cattle show this thickness with a slightly thin covering of fat; however, cattle eligible for this grade may carry varying degrees of fat.

(b) *No. 2.* Feeder cattle which possess minimum qualifications for this grade are thrifty and are narrow through the forequarter and the middle part of the rounds. The forearm and gaskin are thin and the back and loin have a sunken appearance. The legs are set close together, both front and rear. Cattle show this narrowness with a slightly thin covering of fat; however, cattle eligible for this grade may carry varying degrees of fat.

(c) *No. 3.* Feeder cattle included in this grade are thrifty animals which have less thickness than the minimum requirements specified for the No. 2 grade.

§ 53.212 Specifications for official United States standards for the grade of unthrifty feeder cattle.

(a) *Inferior.* This grade includes those feeder cattle which are not expected to perform normally in their present state and those that are "double-muscled." Cattle in this grade may have any combination of thickness and frame size.

Dated: April 26, 1979.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 79-13532 Filed 4-30-79; 8:45 am]

BILLING CODE 3410-02-M

Reader Aids

Federal Register

Vol. 44, No. 85

Tuesday, May 1, 1979

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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	"Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
202-523-5022	Washington, D.C.
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213-688-6694	Los Angeles, Calif.
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523-5240	Photo copies of documents appearing in the Federal Register
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523-5235	Public Papers of the Presidents, and Weekly Compilation of Presidential Documents

Public Laws:

523-5266	Public Law Numbers and Dates, Slip Laws, U.S.
-5282	Statutes at Large, and Index
275-3030	Slip Law Orders (GPO)

Other Publications and Services:

523-5239	TTY for the Deaf
523-5230	U.S. Government Manual
523-3408	Automation
523-4534	Special Projects

FEDERAL REGISTER PAGES AND DATES, MAY

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

21003 4–9–79 / Milk in the New York–New Jersey Marketing Area; tentative amendments to classification and accounting rules and regulations

CIVIL AERONAUTICS BOARD

21767 4–12–79 / Foreign civil aircraft; navigation within U.S.; editorial amendments

ENERGY DEPARTMENT

14534 3–13–79 / Forms FEO–96, P–110, and EIA–14; resubmission and refiling

Federal Energy Regulatory Commission—

21008 4–9–79 / New, onshore production wells; amendment to filing requirements

FEDERAL COMMUNICATIONS COMMISSION

4485 1–22–79 / Organization; change in name of "Office of Chief Engineer" to "Office of Science and Technology"

FEDERAL HOME LOAN BANK BOARD

18880 3–29–79 / Conversion from mutual to stock form

NUCLEAR REGULATORY COMMISSION

20632 4–6–79 / Production and utilization facilities; financial protection requirements and indemnity agreements

SECURITIES AND EXCHANGE COMMISSION

7864 2–7–79 / Disclosure of brokerage placement practices by certain registered investment companies and certain other issuers

TRANSPORTATION DEPARTMENT

Coast Guard—

22457 4–16–79 / COLREGS demarcation lines, Massachusetts and Alaska

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing Apr. 24, 1979

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 Archieves 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.)**

TABLE OF EFFECTIVE DATES AND TIME PERIODS— MAY 1979

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for Federal Register scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
May 1	May 16	May 31	June 15	July 2	July 30
May 2	May 17	June 1	June 18	July 2	July 31
May 3	May 18	June 4	June 18	July 2	August 1
May 4	May 21	June 4	June 18	July 3	August 2
May 7	May 22	June 6	June 21	July 6	August 6
May 8	May 23	June 7	June 22	July 9	August 6
May 9	May 24	June 8	June 25	July 9	August 7
May 10	May 25	June 11	June 25	July 9	August 8
May 11	May 29	June 11	June 25	July 10	August 9
May 14	May 29	June 13	June 28	July 13	August 13
May 15	May 30	June 14	June 29	July 16	August 13
May 16	May 31	June 15	July 2	July 16	August 14
May 17	June 1	June 18	July 2	July 16	August 15
May 18	June 4	June 18	July 2	July 17	August 16
May 21	June 5	June 20	July 5	July 20	August 20
May 22	June 6	June 21	July 6	July 23	August 20
May 23	June 7	June 22	July 9	July 23	August 21
May 24	June 8	June 25	July 9	July 23	August 22
May 25	June 11	June 25	July 9	July 24	August 23
May 29	June 13	June 28	July 13	July 30	August 27
May 30	June 14	June 29	July 16	July 30	August 28
May 31	June 15	July 2	July 16	July 30	August 29

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
ASCS Agricultural Stabilization and Conservation Service
APHIS Animal and Plant Health Inspection Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
ESCS Economics, Statistics, and Cooperatives Service
EOA Energy Office, Department of Agriculture
FmHA Farmers Home Administration
FCIC Federal Crop Insurance Corporation
FAS Foreign Agricultural Service
FNS Food and Nutrition Service
FSQS Food Safety and Quality Service
FS Forest Service
RDS Rural Development Service
REA Rural Electrification Administration
RTB Rural Telephone Bank
SEA Science and Education Administration
SCS Soil Conservation Service
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

Census Census Bureau
BEA Bureau of Economic Analysis
EDA Economic Development Administration
FTZB Foreign-Trade Zones Board
ITA Industry and Trade Administration
MA Maritime Administration
MBEO Minority Business Enterprise Office
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USFA United States Fire Administration
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCPA Defense Civil Preparedness Agency
DCAA Defense Contract Audit Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

DOE Energy Department

BPA Bonneville Power Administration
ERA Economic Regulatory Administration
EIA Energy Information Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHADOE Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HEW Health, Education, and Welfare Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Center for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
MSI Museum Services Institute
NIH National Institutes of Health
OE Office of Education
PHS Public Health Service
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
FDAA Federal Disaster Assistance Administration
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FIA Federal Insurance Administration
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
MINES Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMRE Surface Mining Reclamation and Enforcement Office

JUSTICE Justice Department

DEA Drug Enforcement Administration
INS Immigration and Naturalization Service
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections

LABOR Labor Department

BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs
W&H Wage and Hour Division

STATE State Department

AID Agency for International Development
FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration
FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
OHMR Office of Hazardous Materials Regulations
OPSR Office of Pipeline Safety Regulations
RSPA Research and Special Programs Administration
SLS Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

AC Aging Federal Council
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EXIMBANK Export-Import Bank of the U.S.
EPA Environmental Protection Agency
ESSA Endangered Species Scientific Authority
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPA Federal Preparedness Agency
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Services
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
ITC International Trade Commission
LSC Legal Services Corporation
MB Metric Board
MSPB Merit System Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PRC Postal Rate Commission
PS Postal Service
RB Renegotiation Board
RRB Railroad Retirement Board
ROAP Reorganization Office of Assistant to President
SBA Small Business Administration
SEC Securities and Exchange Commission
TVA Tennessee Valley Authority
USIA United States Information Agency
VA Veterans Administration
WRC Water Resources Council

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